

(O-95-01)

ORDINANCE NUMBER O- 18091 (NEW SERIES)

ADOPTED ON AUG 08 1994

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 10, ENTITLED ECOLOGICAL RESERVES, AND SECTION 63.1001 RELATING TO SEAL ROCK MARINE MAMMAL RESERVE, TO INCLUDE CALIFORNIA COASTAL COMMISSION PERMIT CONDITIONS AND CALIFORNIA DEPARTMENT OF FISH AND GAME PERMIT EXEMPTION CONDITIONS.

WHEREAS, on February 22, 1993, the City Council adopted Ordinance No. O-17894 establishing a five-year Seal Rock Marine Mammal Reserve ("Reserve") off the coast of La Jolla; and

WHEREAS, on November 18, 1993, the California Coastal Commission ("CCC") approved the Reserve contingent upon certain required changes to the original ordinance; and

WHEREAS, the required changes have been made; and

WHEREAS, the California Department of Fish and Game required revisions which allow fishing in the Reserve consistent with the Federal Marine Mammal Protection Act, regulations of the Fish and Game Commission, and State law; and

WHEREAS, the ordinance adopted on February 22, 1993 will be amended to include the CCC's conditions and the Department of Fish and Game's revised language; and

WHEREAS, the five-year Reserve will be in effect thirty calendar days after the effective date of the CCC permit; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 3, of the San Diego Municipal Code is hereby amended by adding Division 10, entitled Ecological Reserves, and Section 63.1001, entitled Seal Rock Marine Mammal Reserve, to read as follows:

DIVISION 10

ECOLOGICAL RESERVES

SEC. 63.1001 SEAL ROCK MARINE MAMMAL RESERVE

(a) The Seal Rock Marine Mammal Reserve is hereby established.

(b) It is unlawful for any person to enter within the boundaries of the area known as the Seal Rock Marine Mammal Reserve, except as listed in this section.

(c) Boundaries. The boundaries of the Seal Rock Marine Mammal Reserve are as illustrated in Appendix A and further defined as follows:

Commencing at the Angle Point No. 586 on the Mean High Tide Line per Drawing 4721-L dated March 7, 1931, thence North 38° 49' 29" East along said Mean High Tide Line 11.25 feet to the TRUE POINT OF BEGINNING of the Seal Rock Marine Mammal Reserve; thence North 47° 14' 48" West 235.13 feet, thence North 51° 04' 37" East 262.30 feet, thence South 67° 18' 23" East 80.82 feet, thence South 47° 14' 48" East 80.97 feet, thence South 15° 48' 51" West 110.56 feet to point 588 on the Mean High Tide Line, thence Southwesterly along the Mean High Tide Line to the TRUE POINT OF BEGINNING. Area contains 1.35 acres.

The Basis of Bearings for this parcel is the California Coordinate System NAD27, Zone 6, as determined locally by the line between Horizontal Control Stations "POLE-RESET" and "POINT-A", i.e., S 62 - 56 - 19 W, per City of San Diego Field Survey performed by Wentworth, 7/12/87, NAD27 Lambert Coordinate Index 250-1686, W.O. No. 20080, and Calculations and Drawing by C. Elmore, dated 3/2/87, per City of San Diego Field Survey performed by Wentworth, 2/20/87, L.C. Index 250-1686, W.O. 20080.

(d) Exceptions. The following persons may enter into the Seal Rock Marine Mammal Reserve:

(1) Employees of governmental agencies while engaged in the performance of official duties.

(2) Persons who have been given written permission by the City Manager.

(3) Persons who are fishing consistent with the Federal Marine Mammal Protection Act, the regulations of the California Fish and Game Commission, and the Laws of the State of California.

(4) Persons actively engaged in the rescue or attempted rescue of persons, including themselves, in immediate peril.

(5) Persons specifically authorized to capture and aid injured marine life.


(e) Section 63.1001 has been approved by the California Coastal Commission. Section 63.1001 is

effective for five (5) years, beginning _____
(City Clerk
September 17, 1994
to fill in effective date in accordance with uncodified
_____ to and including _____
Section 3 of this ordinance) (City Clerk
September 17, 1999
to fill in date five (5) calendar years from beginning
_____ effective date.)

Section 2. The City Manager is hereby instructed to determine and notify the City Clerk in writing when the California Coastal Commission has given any required approval of this ordinance.

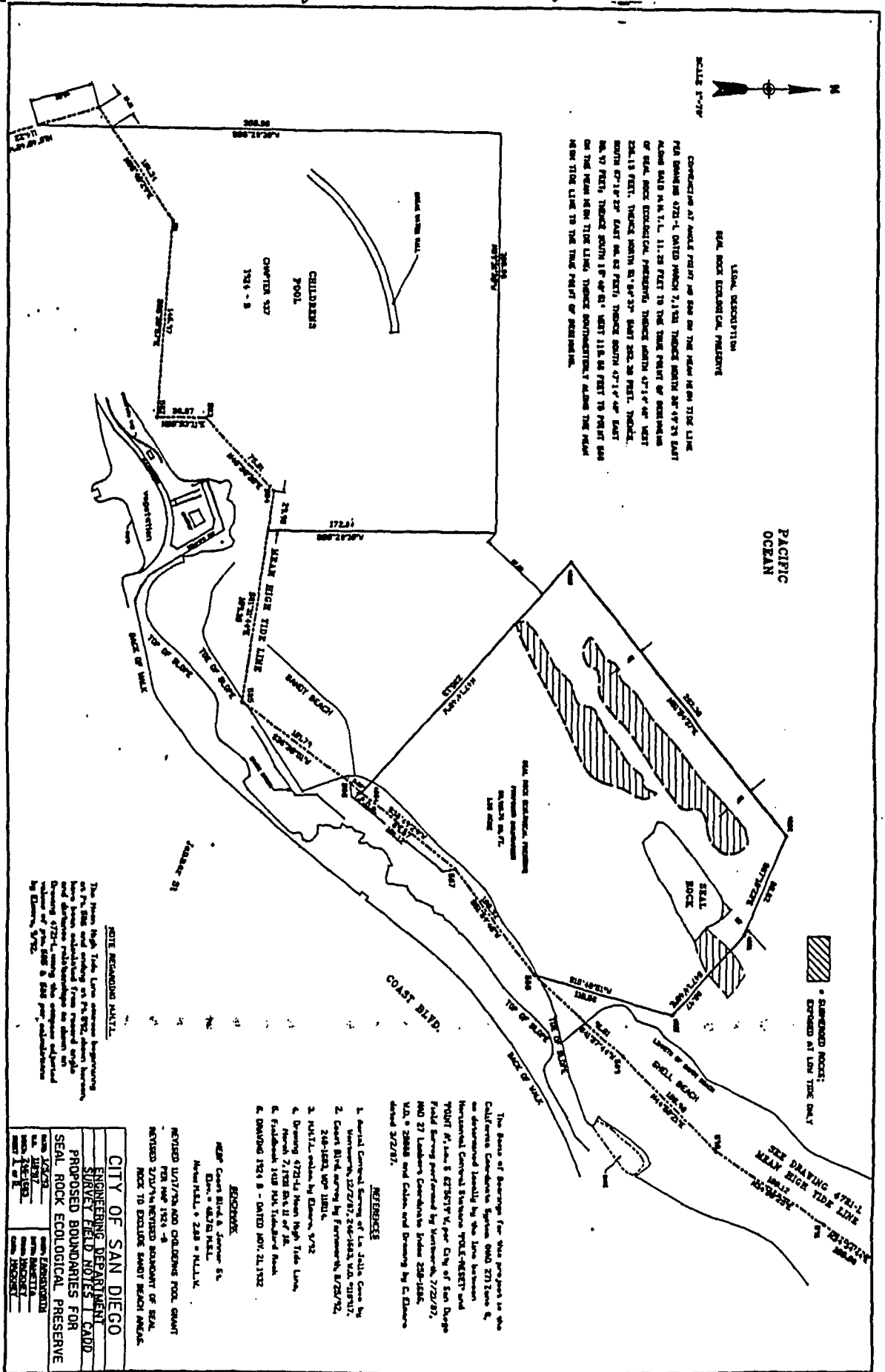
Section 3. The City Clerk is hereby instructed to publish Section 63.1001 and to insert the effective dates where indicated, only after the Clerk has received notice in writing from the City Manager that the California Coastal Commission has approved this ordinance. The City Clerk shall designate the beginning effective date as thirty (30) calendar days after the date of approval of the state agency. The City Clerk shall calculate the ending effective date as five (5) calendar years from the beginning effective date.

APPROVED: JOHN W. WITT, City Attorney

By 
Mary Kay Jackson
Deputy City Attorney

MKJ:mb
07/15/94
Or.Dept:Pk.&Rec.
O-95-01
Form=o+t

1/27/84/35/5001-5-dgn Feb. 15, 1984 11:02:15



LOCAL DESCRIPTION
 SEAL ROCK ECOLOGICAL PRESERVE

CONNECTIONS AT ANGLE POINT AS SHOWN ON THE MEAN HIGH TIDE LINE
 FROM DRAWING 4721-L, DATED MARCH 7, 1984, THICKNESS NORTH 87° 47' 23" EAST
 ALONG SAID M.H.T.L. 11.25 FEET TO THE TRAIL POINT OF BEGINNING
 OF SEAL ROCK ECOLOGICAL PRESERVE, THICKNESS SOUTH 47° 14' 48" WEST
 254.13 FEET, THICKNESS SOUTH 83° 04' 32" EAST 202.30 FEET, THICKNESS
 SOUTH 87° 18' 23" EAST 86.62 FEET, THICKNESS SOUTH 47° 14' 48" WEST
 86.10 FEET, THICKNESS SOUTH 18° 48' 04" WEST 118.86 FEET TO POINT B
 ON THE MEAN HIGH TIDE LINE, THICKNESS SOUTH 18° 48' 04" WEST 118.86 FEET
 FROM THE LINE TO THE TRAIL POINT OF BEGINNING.

PACIFIC OCEAN

• SHADDED AREAS:
 EXPOSED AT LOW TIDE ONLY

SEE DRAWING 4721-L
 MEAN HIGH TIDE LINE

The Mean High Tide Line shown hereon is for 50% and nothing on the 50% shown hereon has been established from ground single and double measurements as shown on Drawing 4721-L, using the computer adjusted mean of 1982 & 1983 per establishment by Drawing 5720.

SITE RECORDING DATA

1	1721	APR 12 1988
2	1721	APR 12 1988
3	1721	APR 12 1988
4	1721	APR 12 1988
5	1721	APR 12 1988
6	1721	APR 12 1988
7	1721	APR 12 1988
8	1721	APR 12 1988
9	1721	APR 12 1988
10	1721	APR 12 1988
11	1721	APR 12 1988
12	1721	APR 12 1988
13	1721	APR 12 1988
14	1721	APR 12 1988
15	1721	APR 12 1988
16	1721	APR 12 1988
17	1721	APR 12 1988
18	1721	APR 12 1988
19	1721	APR 12 1988
20	1721	APR 12 1988

- The basis of bearings for this project is the California Coordinate System SMD 2712 and is as shown on the map by the line between horizontal Central Station 704-76357 and 704-76357 N, per City of San Diego Field Survey performed by November 7/22/87, and 37 Landmark Coordinates Index 258-185, U.S. 25888 and Color and Drawing by C. Elmore dated 3/27/87.
- REFERENCES**
1. Aerial Control Survey of La Jolla Cove by November 12/27/87, 248-1853, U.S. 27817.
 2. Coast Blvd. Survey by February 8/28/92, 248-1853, U.S. 18811.
 3. MHTL, values by Elmore, 5/12.
 4. Drawing 4721-L, Mean High Tide Line, March 7, 1984, S.M. II of J.E.
 5. Fieldbook 1408 M.H. Tidal Station.
 6. DRAWING 1924 S - DATED NOV 21, 1982.

ENGINEER
 Carl Bird & Jensen, S.E.
 Dan + Debra Hill
 New Hill, 248 + Hill, L.V.

NOTED: 1/17/83 AND CHANGING POOL GRANT
 FOR THE MEAN HIGH TIDE LINE AND
 RETIRED 2/17/84 NOTED: DRAWING OF SEAL
 ROCK TO EXCLUDE SANDY BEACH AREAS.

CITY OF SAN DIEGO
ENGINEERING DEPARTMENT
SURVEY FIELD NOTES
PROPOSED BOUNDARIES FOR
SEAL ROCK ECOLOGICAL PRESERVE

DATE	1/27/84	BY	ELMORE
DATE	1/27/84	BY	ELMORE
DATE	1/27/84	BY	ELMORE
DATE	1/27/84	BY	ELMORE

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

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DIVISION 10

ECOLOGICAL RESERVES

SEC. 63.1001 SEAL ROCK MARINE MAMMAL RESERVE

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(5) Persons specifically authorized to capture and aid injured marine life.

(e) Section 63.1001 has been approved by the California Coastal Commission. Section 63.1001 is effective for five (5) years, beginning _____ (City Clerk _____ to fill in effective date in accordance with uncodified _____ to and including _____ Section 3 of this ordinance) (City Clerk _____ to fill in date five (5) calendar years from beginning _____ effective date.)

MKJ:mb
07/15/94
Or. Dept: Pk. & Rec.
0-95-01
Form=o+t

38111

RECEIVED

94 JUL 18 AM 9:55

CITY CLERKS OFFICE
SAN DIEGO, CA

Passed and adopted by the Council of The City of San Diego on **AUG 08 1994**,
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *Charles G. Abdelnour*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 25 1994

AUG 08 1994

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0-18091**

Number..... Adopted **AUG 08 1994**

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
94 AUG 24 AM 9:46
SAN DIEGO, CALIF.

CW

OFFICE OF THE CITY CLERK
2ND FLOOR, CITY ADMINISTRATION BLDG.
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3...

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AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 10, ENTITLED ECOLOGICAL RESERVES, AND SECTION 63.1001 RELATING TO SEAL ROCK MARINE MAMMAL RESERVE TO INCLUDE CALIFORNIA COASTAL COMMISSION PERMIT CONDITIONS AND CALIFORNIA DEPARTMENT OF FISH AND GAME PERMIT EXEMPTION CONDITIONS.

This ordinance incorporates into the Municipal Code the permit conditions required by the California Coastal Commission and the permit exemption conditions required by the California Department of Fish and Game in approving the City's establishment of this reserve.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON JULY 25, 1994. Passed and adopted by the Council of the City of San Diego on AUGUST 8, 1994.

AUTHENTICATED BY:

SUSAN GOLDING

Mayor of The City of San Diego, CA

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, CA

(SEAL)

By MAYDELL L. PONTECORVO, Deputy

Pub. Aug. 22

298718

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-18091

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

AUG. 22

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 22ND day of AUG., 19 94.

Corey Donahue

(Signature)

2 1/2" x 2 = \$ 66.50