

ORDINANCE NUMBER O- 18733 (NEW SERIES)

ADOPTED ON DEC 07 1999

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER VI, ARTICLE 3, DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING AND REENACTING SECTION 63.1001 RELATING TO SEAL ROCK MARINE MAMMAL RESERVE.

WHEREAS, the Seal Rock Marine Mammal Reserve was established and codified as San Diego Municipal Code section 63.1001 in 1994 to enable the City to study whether significant seal harassment was occurring in the Reserve area, and whether the Reserve area was being used by the seals as a regular haul-out, moulting, and/or pupping site; and

WHEREAS, a two-year scientific study was conducted to answer these questions, and the study concluded that seal harassment did occur within the Reserve boundaries, and that the Reserve was used as a regular haul-out and moulting site; and

WHEREAS, on August 4, 1999, the Natural Resources and Culture Committee voted 4-0 in favor of continuing the Reserve for an additional five years; and

WHEREAS, the Reserve expired on its own terms in September of 1999; and

WHEREAS, on November 1, 1999, this Council voted 6-3 to permanently establish the Reserve, and to review the Reserve in five years; and

WHEREAS, in order for the Reserve to be effective, the California Coastal Commission must issue a Coastal Development Permit to the City; NOW, THEREFORE,

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

Section 1. That Chapter VI, Article 3, Division 10 of the San Diego Municipal Code is amended by repealing and reenacting Section 63.1001, to read as follows:

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 degrees 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 degrees 18'23" East 80.82 feet, thence South 47 degrees 14' 48" East 80.97 feet, thence South 15 degrees 48' 51" West 110.56 feet to a 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) This Section 63.1001 is effective on Non-Applicable.

Section 2. Appendix A is attached to this ordinance and is incorporated into it. Appendix A shall be published in the San Diego Municipal Code adjacent to Section 63.1001.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance will take effect and be in force on the date a Coastal Development Permit approving the Seal Rock Marine Mammal Reserve is effective, but no earlier than the thirtieth day from and after the ordinance's passage.

Section 5. That the City Manager is hereby instructed to notify the City Clerk in writing when the California Coastal Commission has issued a permit for the Reserve, including the date

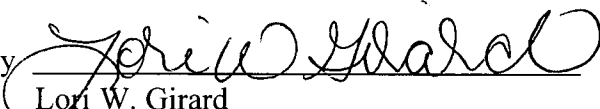
that the Coastal Development Permit is effective.

Section 6. That the City Clerk is hereby instructed to insert the effective date of this ordinance in Section 63.1001(e) when the Clerk has received written notice from the City Manager in accordance with Section 5 of this ordinance.

Section 7. If the California Coastal Commission unconditionally declines to issue a Coastal Development Permit for the Reserve, the City Manager is instructed to so notify the City Clerk in writing, who shall upon receipt of the notice, remove the title "Ecological Reserves" and Section 63.1001, including Appendix A, from Chapter VI, Article 3, Division 10, of the San Diego Municipal Code.

Section 8. That it is directed that a review of the Reserve by the Coastal Commission and the State Lands Commission take place now, and a review by the Council of the Reserve take place within the next five years.

APPROVED: CASEY GWINN, City Attorney

By 
Lori W. Girard
Deputy City Attorney

LWG:cdk
11/08/99
11/30/99 REV. 1
Or.Dept:Pk.&Rec.
Aud.Cert:N/A
O-2000-71

(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.

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STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Redline

(O-2000-71)

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ADOPTED ON _____

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~~(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 September 17, 1994 to and including September 17, 1999.~~

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(e) This Section 63.1001 is effective on _____.

Appendix A [Attached hereto and incorporated herein.]

LWG:cdk
11/05/99
Or.Dept:Pk.&Rec.
O-2000-71