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RESOLUTION NUMBER R- 305862

DATE OF FINAL PASSAGE JUN 03 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DIRECTING THE CITY ATTORNEY TO DRAFT AN ORDINANCE AMENDING SAN DIEGO MUNICIPAL CODE SECTION 63.0102 PROHIBITING DOGS ON THE BEACH AT ANY TIME; DIRECTING THE MAYOR TO SEEK GRANT OR PRIVATE FUNDING FOR A FULL-TIME PARK RANGER OR LIFEGUARD WITH THE PRIMARY DUTY OF PATROLLING CHILDREN'S POOL, TO CREATE A VOLUNTEER DOCENT PROGRAM LEAD BY THIS EMPLOYEE AND TO RETURN TO COUNCIL WITH RECOMMENDATIONS REGARDING HARBOR SEAL PUPPING SEASON DATES AND POSSIBLE ALTERATIONS TO THOSE DATES.

WHEREAS, in 1931, the State of California granted Children's Pool area tidelands to the City of San Diego upon the condition that said lands were to be developed exclusively to public park, bathing pool for children, parkway, highway, playground and recreational purposes and other uses as may be convenient for the full enjoyment [Trust]; and

WHEREAS, on September 14, 2004, the Council approved Resolution No. R-299646 authorizing the joint use of Children's Pool; and

WHEREAS, in April 2006 and December 2006, the City Council resolved that a rope barrier be placed at the Children's Pool during pupping season (December 15 to May 15); an emergency Coastal Development Permit [CDP] was obtained and rope barrier was installed at those times and subsequently each year; and

WHEREAS, on September 22, 2009, City staff presented for Council's consideration a Site Development Permit [SDP], CDP and Environmental Impact Report [EIR] that proposed the

removal of approximately 3,000 cubic yards of sand from the Children's Pool to allow water to circulate reaching decontamination levels for human use of the beach, at which time Council voted not to certify the EIR; and

WHEREAS, on December 2, 2009, the City Hearing Office approved a CDP for annual placement of the rope barrier during pupping season; the permit was appealed to the Planning Commission and California Coastal Commission and was denied by both bodies; and

WHEREAS, effective January 1, 2010, the Trust was amended by the State legislature to list an additional use of the Trust; a "marine mammal park for the enjoyment and educational benefit of children"; and

WHEREAS, on March 17, 2010, the Natural Resources and Culture Committee considered several management options of the Children's Pool as presented by various community organizations; and

WHEREAS, on April, 5, 2010, the Natural Resources and Culture Committee held a special hearing to consider various management options or combination of management options regarding the Children's pool during harbor seal pupping season, December 15 to May 15, and non-pupping season, May 16 to December 14; and

WHEREAS, the Natural Resources and Culture Committee voted to direct the Mayor to seek an emergency amendment to the existing Coastal Development Permit at the Children's Pool to allow the rope barrier to remain year around, to seek a local coastal program amendment to prohibit the public from entering the beach from December 15 to May 15, to prohibit dogs on the beach year around, and to seek private funding for a Park Ranger or Lifeguard with the primary duty of patrolling Children's Pool and authorizing the Park and Recreation Department

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to create a volunteer docent program lead by the Park Ranger or Lifeguard; NOW,  
THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is directed to draft an ordinance amending Municipal Code section §63.0102, Use of Public Parks and Beaches Regulated, to make it illegal to allow a dog on the beach at Children's Pool at any time, for docketing at the City Council no later than June 30, 2010.

BE IT FURTHER RESOLVED, that the Mayor or his designee is directed to seek grant or private funding for a Park Ranger or Lifeguard full-time position with expert qualifications whose primary duty is to patrol the Children's Pool, to create a Volunteer Docent Program lead by this Park Ranger or Lifeguard, and to prepare a written report to present to the Natural Resources and Culture Committee within 45 days.

BE IT FURTHER RESOLVED, that staff is directed to return to Council with recommendations on whether the harbor seal pupping season dates need to be altered, and what process would need to be followed in order to alter these dates, along with associated costs, if any.

APPROVED: JAN I. GOLDSMITH, City Attorney

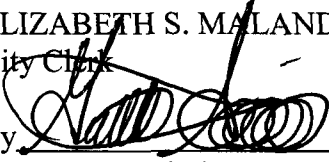
By   
Shannon M. Thomas  
Deputy City Attorney

SMT:mm  
05/18/2010  
Or.Dept:City Council Comm.  
R-2010-837  
MMS #12099

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I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 17 2010.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6-3-10  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor