



THE CITY OF SAN DIEGO
MANAGER'S REPORT

DATE ISSUED: March 26, 2003 REPORT NO. 03-054
ATTENTION: Honorable Mayor and City Council
Docket of April 1, 2003
SUBJECT: Seal Rock Marine Mammal Reserve
REFERENCE: Manager's Report No. 99-156, dated July 26, 1999
Ordinance No. 0-18733, dated December 7, 1999

SUMMARY

Issue - Shall City Council accept the California Coastal Commission Coastal Development Permit with Special Conditions for reinstatement of Seal Rock Marine Mammal Reserve?

Manager's Recommendation - Accept the California Coastal Commission (CCC) permit with all three special conditions and direct (1) the City Attorney to revise Ordinance Number 0-2000-71 to reflect this action and (2) the Manager to meet the conditions and obtain the Coastal Development Permit from Coastal Commission and return to City Council in five years with a recommendation as to whether to continue the Reserve or not.

Other Recommendations - None.

Fiscal Impact - None with this action.

BACKGROUND

In 1994, City Council established a temporary five-year Seal Rock Marine Mammal Reserve, Ordinance No. 0-18091, which went into effect on September 17, 1994, with a sunset of September 16, 1999.

During the five-year period of the Reserve, the use of the beach and water at Children's Pool by seals and humans became an issue. Given the proximity of these two sites used by harbor seals, the Reserve was held in abeyance pending discussion in spring 1999, of the proposal to increase the size of the pool portion of Children's Pool for tidal flushing by reducing the size of the available haul-out area at the beach. The proposal was not adopted and City Council referred the issue of the Reserve to Council Committee. Committee scheduled discussion of the Reserve for August 1999, with the understanding that if City Council should decide to continue

although, the area is close to the rocky bluff and may not be safe for human use under certain weather and surf conditions.

In conclusion, the special conditions imposed by CCC as contingencies for the issuance of a CDP for the Seal Rock Marine Mammal Reserve would not change the level of protection provided to the seals by the Reserve; therefore, the Manager recommends the permit be accepted with all three special conditions and changes made to Ordinance No. 0-2000-71 to reflect this action. The Reserve would still remain a clear, pro-active reminder to people to respect the space the seals use for hauling-out as outlined in the federal Marine Mammal Protection Act. The change in status from permanent to temporary would require either the City seek periodic CDPs for as long as the City Council desires to continue the Reserve or the City pursue an amendment to the State Lands Grant for the area making an ecological reserve an approved use under the grant.

ALTERNATIVES

1. Direct the City Manager not to pursue the CCC Coastal Development Permit and allow the Seal Rock Marine Mammal Reserve to remain lapsed; or
2. Direct City Manager to fulfill permit conditions for a five-year temporary Reserve and meanwhile pursue the establishment of a permanent Reserve via legislative action to amend the applicable State Lands Grant.

Respectfully submitted,

Ellen Oppenheim
Director, Park & Recreation

Approved: Bruce Herring
Deputy City Manager

BEHAN/RDS

Note: The attachments are not available in electronic format. A copy is available for review in the office of the City Clerk.

- Attachments:
1. California Coastal Commission Notice of Intent to Issue Permit (Application No. 6-00-126, dated March 20, 2001
 2. City Manager's Report No. 99-156, Seal Rock Marine Mammal Reserve, dated July 26, 1999
 3. City Ordinance No. 0-2000-71, dated December 7, 1999, re-establishing the Seal Rock Marine Mammal Reserve