

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370

**Tue 12e**

*Joe Boett  
459-7010*

Filed: 1/3/01  
49th Day: 2/21/01  
180th Day: 7/2/01  
Staff: LRO-SD  
Staff Report: 3/1/01  
Hearing Date: 3/12-16/01

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-00-126

Applicant: City of San Diego, Park and  
Recreation Department

Agent: Robin Stribley

Description: Establishment of the "Seal Rock Marine Mammal Reserve" on a permanent basis over 1.35 acres of open coastal waters, prohibiting human access within reserve boundaries except for permitted commercial fishing, emergency access and fishing consistent with the Federal Marine Mammal Protection Act; and, installation of signage for identification purposes and for public education and information.

Site: West of Coast Boulevard, between Children's Pool to the south and Shell Beach to the north and northwest, La Jolla, San Diego, San Diego County.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

X

Staff is recommending approval of the proposed marine mammal reserve with a number of special conditions. The proposed project raises the issue of conflicts between public access to the ocean and protection of the harbor seals that use the area as a haul-out location. As proposed, establishment of Seal Rock as a permanent marine mammal reserve will prohibit public access (swimming, scuba diving, tidepooling, etc.) in the water for a large area surrounding the rock and it has not been documented that establishing the area around the rock as a reserve will afford any more protection to the seals than signage and a good docent program. In addition, establishing Seal Rock as a permanent marine mammal reserve would be inconsistent with the state tidelands grant (Chapter 688) which specifically calls for the absolute right of access to the water. Thus, the Commission cannot approve this area as a permanent marine mammal reserve. According to State Lands Commission staff, it is not possible to make this area a permanent reserve without first amending the tidelands grants.

*(over)*

However, if the proposal is modified as recommended by staff, it can be found consistent with both Coastal Act policies and the existing tidelands grant. Special Condition #1 limits the duration of the proposed marine mammal reserve to a period not to exceed five years. During this time, the City may study the area and use by the seals to determine if there is a basis to pursue an amendment to the tidelands grant for making this a permanent reserve. Special Condition #2 requires submittal of sign plans for installation of proposed signage identifying the boundaries of the reserve and for public information/education about the seals. Special Condition #3 requires submittal of final plans which require a reduction in the size of the proposed marine mammal reserve to extend no further than 100 ft. south and east of Seal Rock, thus reducing the potential for disturbance of seals by people in this area. With these conditions, some protection will be afforded to the seals in this area, while minimizing impacts on public access.

---

Substantive File Documents: City of San Diego Manager's Report dated 7/26/99; City of San Diego Ordinance #18733 dated 12/7/99 for establishment of Seal Rock Marine Mammal Reserve; Behavioral Ecology and Demography of Seals and Sea Lions at the Seal Rock Marine Mammal Reserve by Hubbs-Sea World Research Institute – 1/2/98; CCC CDP's #6-93-26, 6-98-22

---

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-00-126 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there

are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Permit Limitations. The permitted marine mammal reserve shall expire five years from the date of Commission action. Any future proposal to continue the area as a reserve shall require another coastal development permit.

2. Interpretive/Identification Signage. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director final plans for the proposed identification, information and education signage related to the proposed marine mammal reserve. The proposed signage shall consist monument signs or wall signs, not to exceed eight signs total. No freestanding signs shall be placed on sandy beach at Children's Pool Beach. No tall, free-standing pole or roof signs shall be allowed. Said plans shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Revised Boundaries for Marine Mammal Reserve. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a revised site plan which includes revisions to the boundaries of the proposed reserve such that the reserve shall extend 100 feet to the east and south of Seal Rock, as identified in Exhibit No. 2 (Site Plan/Revised Boundaries of Seal Rock Marine Mammal Reserve Pursuant to Special Condition No. 3).

The permittee shall undertake the development in accordance with the approved site plan. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the site plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.