

CALIFORNIA COASTAL COMMISSION

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



Wed 5b

Addendum

August 30, 2007

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Wed 5b** Coastal Commission Permit Application
#6-07-70 (City of San Diego), for the Commission Meeting of 9/5/07

Staff recommends the following changes be made to the above-referenced staff report:

1. On Page 2 of the staff report, Special Condition #3 shall be revised as follows:

3. Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a landscape plan for the review and written approval of the Executive Director. Said plan shall include the following:

- a. A plan showing the type, size, extent and location of all trees/shrubs and proposed hydroseeding on the site including the proposed irrigation system and other landscape features;
- b. All landscaping shall be drought-tolerant and native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of the residential construction
- d. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- e. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be

used.

f. ~~Five~~ two years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, which certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

2. On Page 3 of the staff report, the fourth paragraph shall be revised as follows:

In addition, because the proposal involves excavation on the face of the bluff where the soil in this location is usually made of very sandy and erodible materials, Special Condition #2 is proposed such that construction materials be well contained so that they are not released into the ocean. Thus, it can be assured that no impacts to water quality will result from construction activities or sedimentation. These required measures were recommended by the Commission's water quality technical staff and have been found to be acceptable to prevent any adverse impacts to water quality from polluted runoff. The usual construction-phase BMPs will be incorporated, as well. This includes the construction-phase BMPs included in the Water Pollution Control Plan that will be part of the contract documents for the project. Special Condition #3 also requires that a landscape plan be submitted to assure that the proposed hydroseed mix at the project site is drought-tolerant and native or non-invasive. The condition also requires that five years from the date of issuance of the coastal development permit, that the applicant submit a landscaping monitoring report prepared by a landscape architect or qualified resource specialist certifying that the on-site landscaping is in conformance with the landscape plan approved. The proposed hydroseeding is for both erosion-control and visual enhancement of the slope. The City has questioned whether monitoring for a five year period of time is necessary given that the proposed landscaping consists of hydroseeding only. They

have indicated that, typically, monitoring for hydroseeding is done for a period of one or two years only. While typically monitoring for landscaping that is intended for visual screening purposes only is required for five years, in this particular case, because the proposed landscaping consists of hydroseeding only, the Commission agrees with the City and feels that monitoring of the proposed hydroseeding to a period of two years is sufficient.

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Filed: April 13, 2007
 49th Day: June 1, 2007
 180th Day: October 10, 2007
 Staff: Ellen Lirley-SD
 Staff Report: August 13, 2007
 Hearing Date: September 5-7, 2007

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-07-047

Applicant: SeaWorld of California **Agent:** Patrick Owen

Description: Installation of a free-standing, 4-foot-high, black chain-link fence and an attendant booth to replace traffic cones demarking a preferred parking area within the main SeaWorld parking lot.

Lot Area	189.3 acres (entire leasehold)
Parking Spaces	8,400
Plan Designation	Lease Area

Site: 500 Sea World Drive, Mission Bay Park, San Diego, San Diego County. APN 760-037-01

Substantive File Documents: Certified SeaWorld and Mission Bay Park Master Plans

I. **STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. **Standard Conditions.**

See attached page.

III. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. The SeaWorld theme park in Mission Bay Park is proposing to replace the traffic cones currently delineating a preferred parking area in the main parking lot nearest the entrance to the theme park with a permanent fence and attendant booth. The free-standing fence will consist of black chain-link fencing, and will be four feet in height. A prefabricated attendant booth will be installed mid-way along the fence, so the preferred parking area can be monitored. The new fence will not remove any existing parking spaces.

The proposed fence and booth require a coastal development permit because they are new structures located between the sea and first coastal roadway (Sea World Drive). Although there is a certified master plan for SeaWorld, which is itself a part of the certified Mission Bay Park Master Plan, these documents are land use plans only; no implementation component has been proposed for Mission Bay Park. Thus, the area remains an area of deferred certification, with the Coastal Commission retaining coastal development permit authority. Chapter 3 of the Coastal Act is the legal standard of review and the land use plans are used as guidance.

No adverse impacts to any coastal resources are anticipated to result from the proposed improvements. Although the proposed development will be located outside the existing perimeter of the theme park itself, it will be very close to the entrance. The fence and booth will not be visually prominent from Sea World Drive or nearby public areas of Mission Bay Park, since they will blend in with the existing SeaWorld structures behind them. Also, they will be surrounded by parked vehicles whenever the theme park is open. Because of the nature of the proposed development, it will not attract additional patrons to SeaWorld, nor adversely affect traffic on surrounding streets. On-site drainage patterns will not change, and there will be no increase in impervious surfaces, as the entire parking lot is already paved. As proposed, the Commission finds the development consistent with all applicable Chapter 3 policies of the Coastal Act.

B. Community Character /Visual Quality. The development is located within an existing developed area and will be compatible with the character and scale of the surrounding area, and will not impact public views. Therefore, the Commission finds that the development conforms to Section 30251 of the Coastal Act.

C. Public Access/Parking. The proposed development will not have an adverse impact on public access to the coast or to other nearby recreational facilities. The proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

D. Local Coastal Program. The LUP for the Mission Bay Park segment of the City of San Diego LCP was certified on May 11, 1995, but no implementation plan has been developed as yet, and Chapter 3 of the Coastal Act remains the legal standard of

review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project will not prejudice the ability of the City of San Diego to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. California Environmental Quality Act. The City determined that the proposed development was categorically exempt from CEQA. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

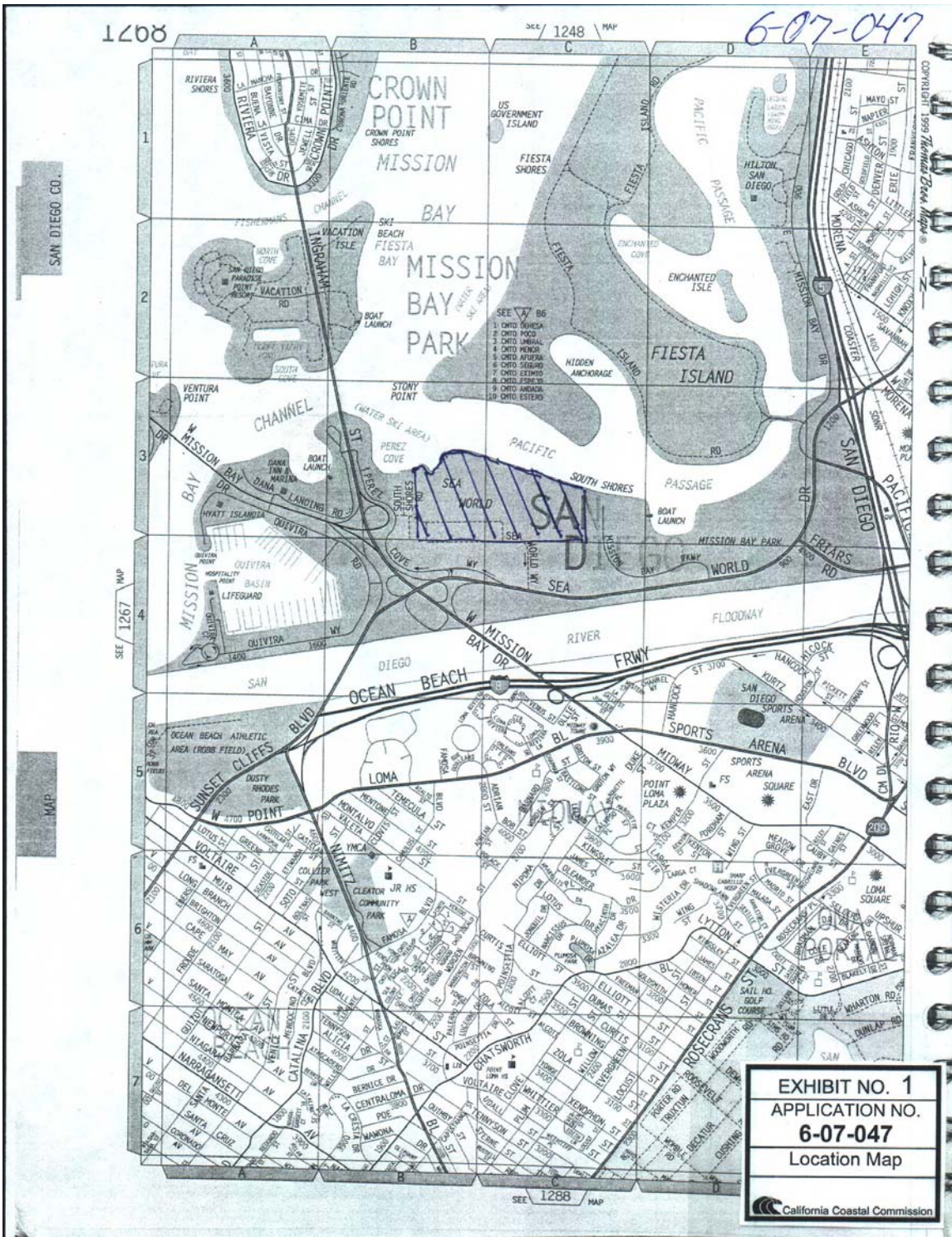
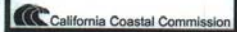


EXHIBIT NO. 1
APPLICATION NO.
6-07-047
Location Map



6-07-047

SeaWorld Map

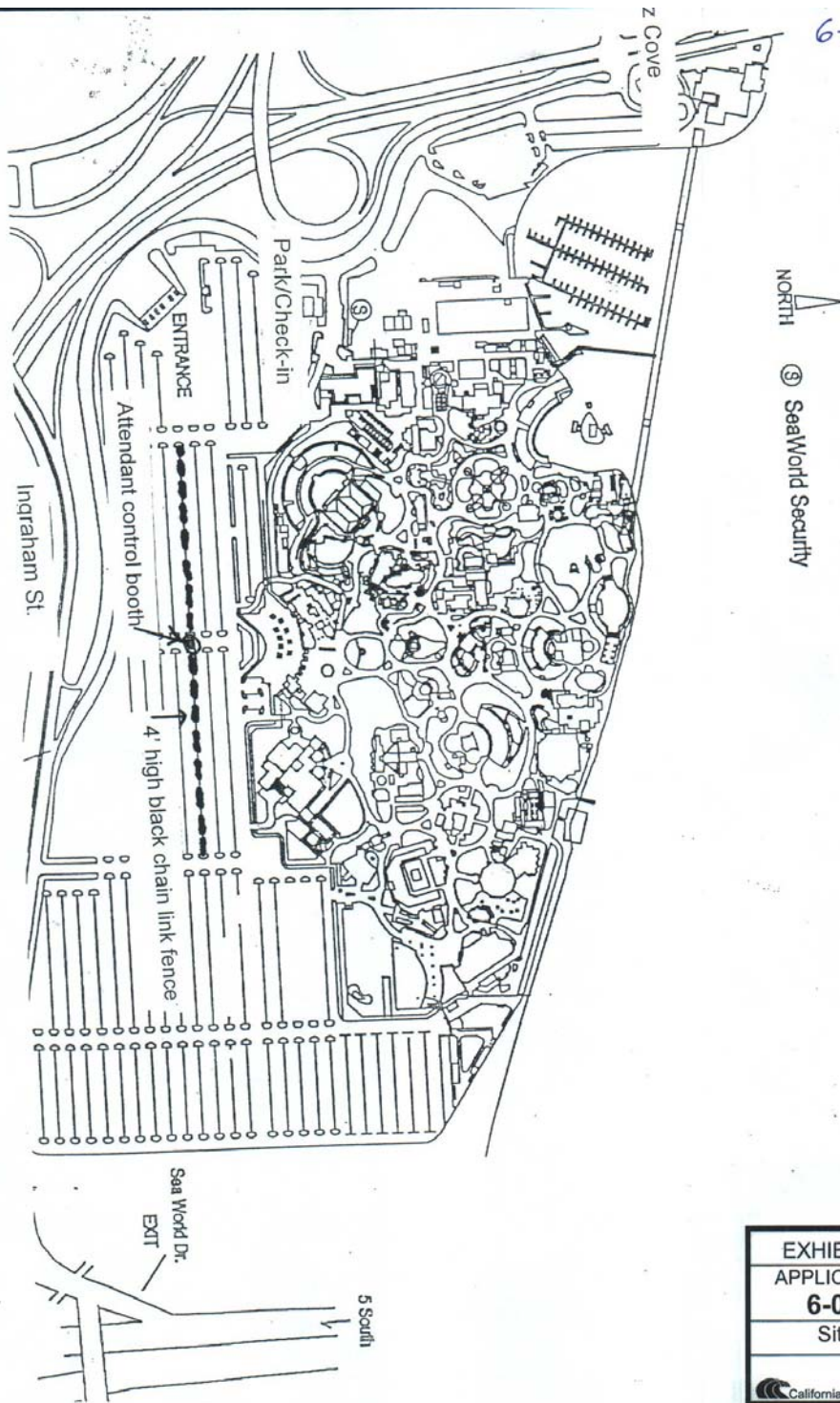


EXHIBIT NO. 2
APPLICATION NO.
6-07-047
Site Plan
California Coastal Commission