

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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 SAN DIEGO, CA 92108-4421
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Filed: August 29, 2007
 49th Day: October 17, 2007
 180th Day: February 25, 2008
 Staff: Ellen Lirley-SD
 Staff Report: October 19, 2007
 Hearing Date: November 14-16, 2007

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-07-102

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

Description: Construction of a 5,000 sq.ft. partially-enclosed, partially-roofed, self-service snack food area within an existing theme park.

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

Substantive File Documents: Certified Mission Bay Park Master Plan, including SeaWorld Master Plan

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. Proposed is redevelopment of an interior 5,000 sq.ft. portion of the existing SeaWorld theme park in Mission Bay Park. The specific project area is already disturbed/paved and is located between two of the theme park's show stadiums. The applicant proposes to construct a self-serve snack food cart area that will include a variety of food carts (popcorn, soda, churros, etc.) and three cashier booths. It will be partially walled and partially roofed, with an enclosed storage/support area behind the proposed cart locations. That area will include a few employee lockers and restrooms, plus the storage facilities, and the entire development will be placed on a new concrete pad.

The addition of this facility requires a coastal development permit because it consists of new structural improvements located between the sea and first coastal roadway (SeaWorld 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.

Because of the nature of the proposed development, it is not anticipated to attract additional patrons to SeaWorld, but only serve visitors already in the park. Thus, the proposal will not adversely affect traffic on surrounding streets or require additional parking. The area is already paved and mostly disturbed, containing only a few small shrubs that will be removed. Thus, on-site drainage patterns will not significantly change, if at all, and any slight increase in impervious surfaces is addressed through the existing stormwater system, that was designed to accommodate this type of development. In addition, the site, including the walled and roofed portions, will not be visible from anywhere outside the enclosed theme park, as it will not exceed ten feet, and is surrounded by existing taller structures. 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 proposed, the proposed development is consistent with Chapter 3 of the

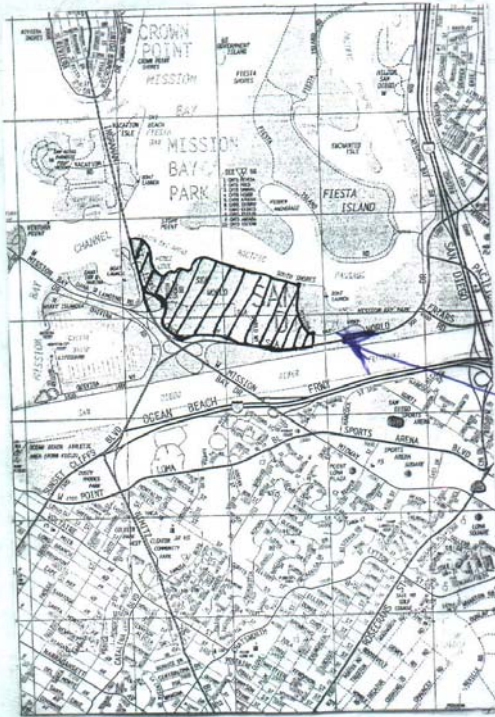
Coastal Act and with the certified Land Use Plan for the area. Approval of the project will not prejudice the ability of the City of San Diego to complete a Local Coastal Program that is in conformity with the provisions of Chapter 3.

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.

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site

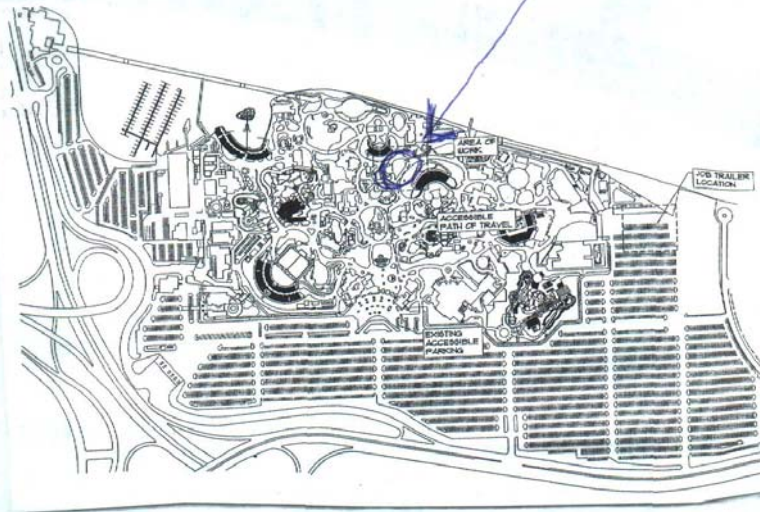


EXHIBIT NO. 1
APPLICATION NO.
6-07-102
Location Maps



6-07-102

Existing Structures

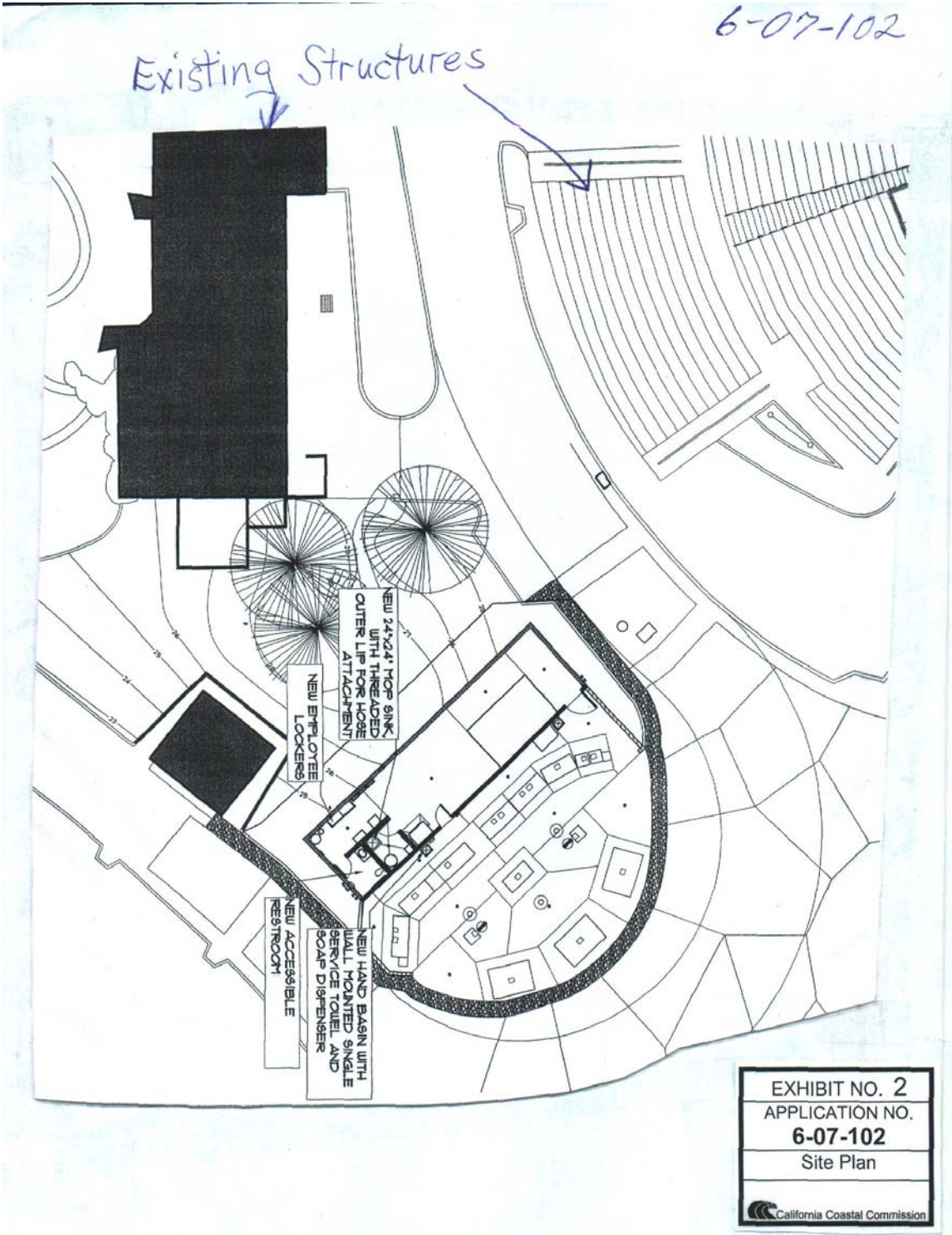


EXHIBIT NO. 2
APPLICATION NO.
6-07-102
Site Plan
 California Coastal Commission