

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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49th Day: June 1, 2007
180th Day: October 10, 2007
Staff: Ellen Lirley-SD
Staff Report: May 31, 2007
Hearing Date: July 9-13, 2007

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-07-048

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

Description: Renovations of the existing Shamu's Happy Harbor portion of the theme park, including installation of three kiddie rides and new educational play elements.

Lot Area	189.3 acres (entire leasehold)
Parking Spaces	8,400
Plan Designation	Lease Area
Ht abv fin grade	25 feet (proposed project only)

Site: 500 Seaworld 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 renovate/upgrade it's Shamu's Happy Harbor portion of the park. This is a children's' play area, and includes arcade games, playground equipment, sandy play areas, and the like. The current proposal is to add three kiddie rides (a carousel-type ride, a tea-cup spinning ride, and a rocking tugboat ride) and some educational play elements to the area, along with modifications and relocations of some existing structures, play elements and show features. The modifications to existing facilities are minor and do not require a coastal development permit.

The addition of the three kiddie rides requires a coastal development permit because they are new structures 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.

No adverse impacts to any coastal resources are anticipated to result from the proposed additions and improvements. All proposed development will occur within the existing perimeters of the Happy Harbor area. This area is internal to SeaWorld, and the proposed rides will not be visible from outside the facility to any greater degree than other existing structures in the same general area. 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. 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. 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.

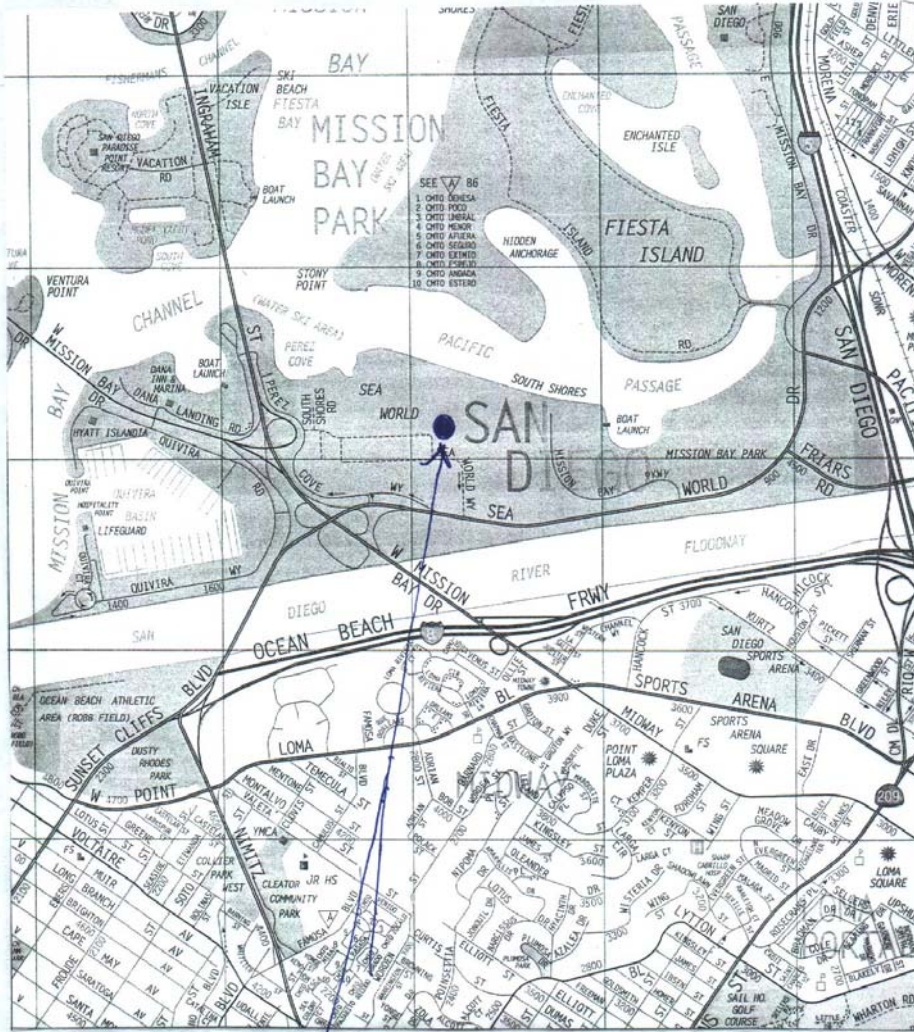
D. Local Coastal Program. The LUP for the Mission Bay Park segment of the City of San Diego LCP was certified on May 11, 1995, but no implementation plan has been developed as yet, and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent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

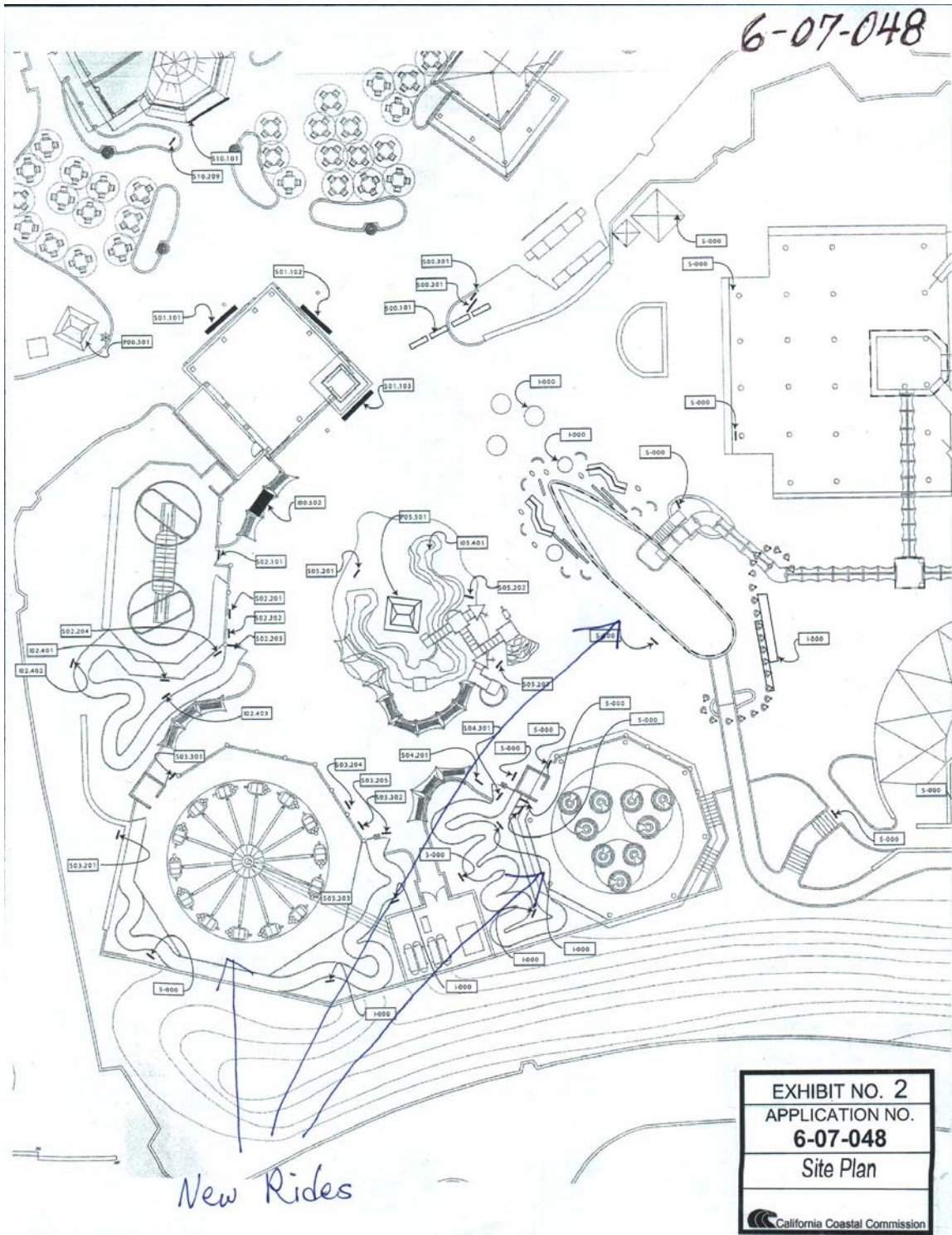
6-07-048



Approximate
Location within
SeaWorld

EXHIBIT NO. 1
APPLICATION NO.
6-07-048
Location Map

California Coastal Commission



New Rides

EXHIBIT NO. 2
APPLICATION NO.
6-07-048
Site Plan
California Coastal Commission