

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Staff: Ellen Lirley-SD
Staff Report: March 11, 2008
Hearing Date: April 9-11, 2008

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-08-016

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

Description: Extend the existing eastbound Sea World Drive to southbound Interstate 5 (I-5) right-hand turn lane by 400 linear feet. Work will include grading, paving, striping, signage and landscaping.

Site: Eastbound Sea World Drive from east of Pacific Highway to southbound I-5 on-ramp, Mission Bay Park, San Diego, San Diego County. APN 435-480-15

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. Special Conditions.

The permit is subject to the following conditions:

1. Revised Landscaping Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final revised landscaping plans approved by the City of San Diego. The plans submitted with this application by KTUA Landscape Architecture and Planning shall be revised as follows:

a. All landscaping shall be drought-tolerant and (1) native or (2) non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest 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.

b. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. SeaWorld is proposing to construct off-site street improvements along eastbound Sea World Drive, along an approximately 400-linear-foot stretch of the road, ending at the I-5 southbound on-ramp. This will allow vehicles to get into the turn lane faster, relieving the congestion for through vehicles. The improvements will widen and lengthen an existing right-turn lane, and will include grading, paving, striping, signage and landscaping. A number of existing improvements, such as street lights, traffic light boxes, etc., along the southern edge of the existing road will be relocated southward to accommodate the road widening. The plans also provide that all work occur between the hours of 10:00 p.m. and 5:00 a.m. Because all work is proposed during nighttime hours, no impacts to public access are anticipated.

The road widening is proposed as a mitigation measure, identified in the Mission Bay Park Master Plan, for traffic increases and congestion caused by SeaWorld patrons. Improving the eastbound to southbound connection between Sea World Drive and I-5 will help traffic along Sea World Drive flow more smoothly, for patrons leaving Sea

World, beach-goers heading home, and the general commuting public. The proposal involves only minimal increases to impervious surfaces, and is contained within the existing street right-of-way. Submitted plans include construction BMP's in the form of gravel bags, silt fences, and/or fiber rolls, and a permanent BMP in the form of an 8" slotted drain along the southern edge of the extended lane.

The applicant has proposed to re-landscape the strip of roadside disturbed by construction to match the existing roadside landscaping. However, the existing landscaping consists of ice plant. Therefore, Special Condition #1 has been attached to require use of only native and/or non-invasive species. Only three trees exist along that stretch of the road now. They will be protected during construction and retained permanently.

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.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, as conditioned to require non-invasive landscaping, and will not result in erosion or adverse impacts to water quality, as adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, 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, as conditioned, conforms to Section 30251 of the Coastal Act.

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

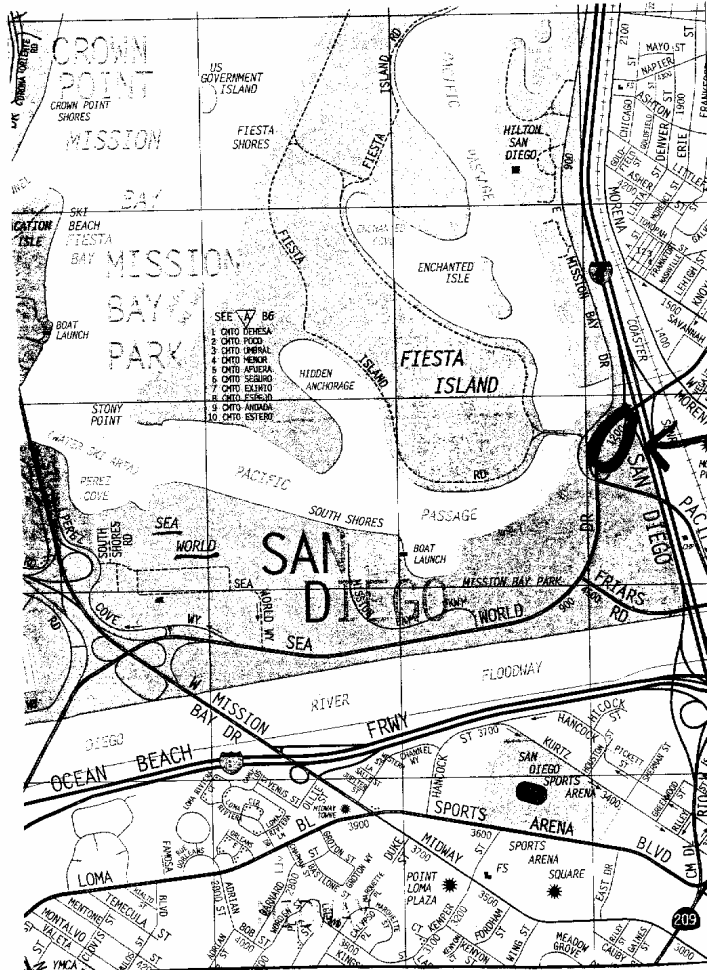
E. Local Coastal Program. The LUP for the Mission Bay Park LUP segment of the City of San Diego LCP was certified on May 11, 1995, but no implementation plan has been developed as yet, and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent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

F. California Environmental Quality Act. As conditioned, 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, as conditioned to mitigate the identified impacts, 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.

6-08-016



Location of road improvements

EXHIBIT NO. 1
APPLICATION NO.
6-08-016
Location Map
California Coastal Commission

6-08-016

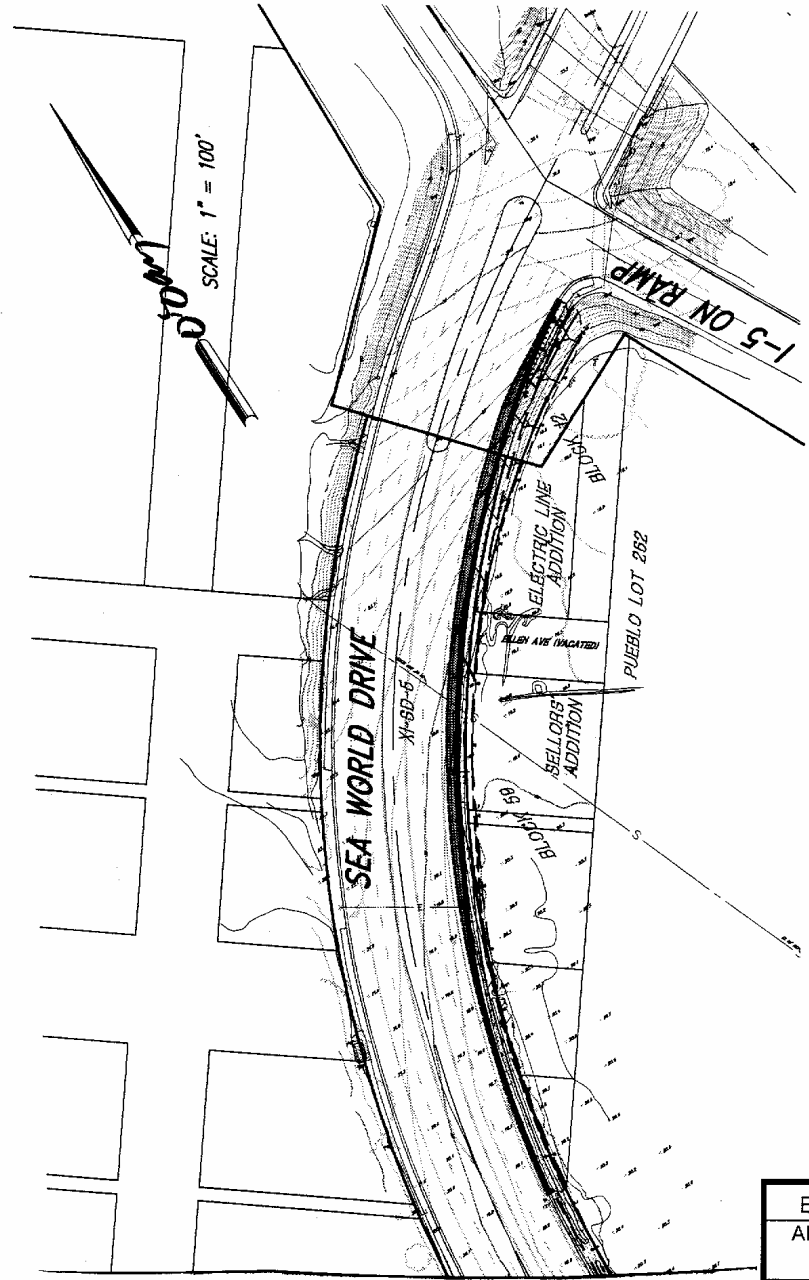



EXHIBIT NO. 2
APPLICATION NO.
6-08-016
Site Plan
 California Coastal Commission