

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# Th7a

Filed: 10/15/2012  
180th Day: 3/13/2013  
Staff: A. Llerandi-SD  
Staff Report: 10/18/2012  
Hearing Date: 11/14-16/2012

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-11-085

**Applicant:** SeaWorld San Diego

**Agent:** Darlene K. Walter

**Location:** 500 SeaWorld Drive, Mission Bay Park, San Diego, San Diego County (APN#: 760-037-01-01)

**Project Description:** Demolition of an existing approximately 5,000 sq. ft. freshwater aquarium building and its related site work, remodel and conversion of an existing 4,700 sq. ft. gift shop into a structure with 2,300 sq. ft. of retail facilities and 1,952 sq. ft. of culinary services, not to exceed 30 feet in height.

**Staff Recommendation:** Approval with conditions.

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### SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with conditions. The proposed project is to demolish an existing approximately 5,000 square foot freshwater aquarium building and its related site work and to remodel and convert an existing 4,700 square foot gift shop into a structure with 2,300 feet of retail facilities and 1,952 square feet of culinary services at 500 SeaWorld Drive.

The primary issues raised by the proposed development relate to public access, protection of public views, and water quality. Public access could be affected by the proposed development's proximity to Mission Bay, a popular recreation area. Visual resources

could be impacted by blockage of designated view corridors to the ocean by the mixed-use building and incompatibility with surrounding development. Water quality could be impacted from runoff from the project site entering Mission Bay.

Recommended conditions to minimize these impacts include requiring submission of final plans by the applicant to verify that all development will conform to the approved plans.

Commission staff recommends **approval** of coastal development permit application 6-11-085 as conditioned.

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### **EXHIBITS**

Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial View

Exhibit 3 – Site Plan

## I. MOTION AND RESOLUTION

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 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.

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.

## III. SPECIAL CONDITIONS

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project plans. Said plans shall first be approved by the City of San Diego and be in substantial conformance with the plans drawn up by Jeff Katz Architecture and submitted by Darlene K. Walter on 10/2/2012.

The applicant 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 legally required.

#### **IV. FINDINGS AND DECLARATIONS**

##### **A. PROJECT DESCRIPTION.**

The proposed project involves demolition of an existing approximately 5,000 square foot freshwater aquarium and its related site work and remodeling and converting the existing Discoveries Gift Shop into an approximately 4,251 square foot, 30 foot tall gift shop and culinary mixed-use area with outside seating. The project site is located on the north shore portion of the 88.6 acre SeaWorld theme park leasehold at 500 SeaWorld Drive in Mission Bay Park in the City of San Diego. The project requires a permit because it involves the construction of a significant non-attached structure located between the sea and the first coastal roadway.

##### **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, and, as conditioned, will not result in erosion or adverse impacts to water quality, as runoff will be directed away from Mission Bay and 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, as conditioned. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

##### **D. PUBLIC ACCESS/PARKING.**

Coastal Act sections 30210 and 30211 provide for maximum public access to coastal resources and prohibit development from interfering with the public's right of access to said coastal resources.

The SeaWorld Master Plan Update requires a minimum 75-foot shoreline setback for all future development except for water or shoreline-dependent uses such as marina facilities, water intake and discharge facilities, or park attractions oriented toward open water use (the waterfront stadium being an example). As constructed, the mixed used gift shop and culinary building does not encroach into the 75 foot setback that runs along the north of the development, nor does it exceed the 30-foot height limit on buildings within the park. Furthermore, the development will not increase attendance in and of itself, but is instead an improvement to existing amenities.

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.**

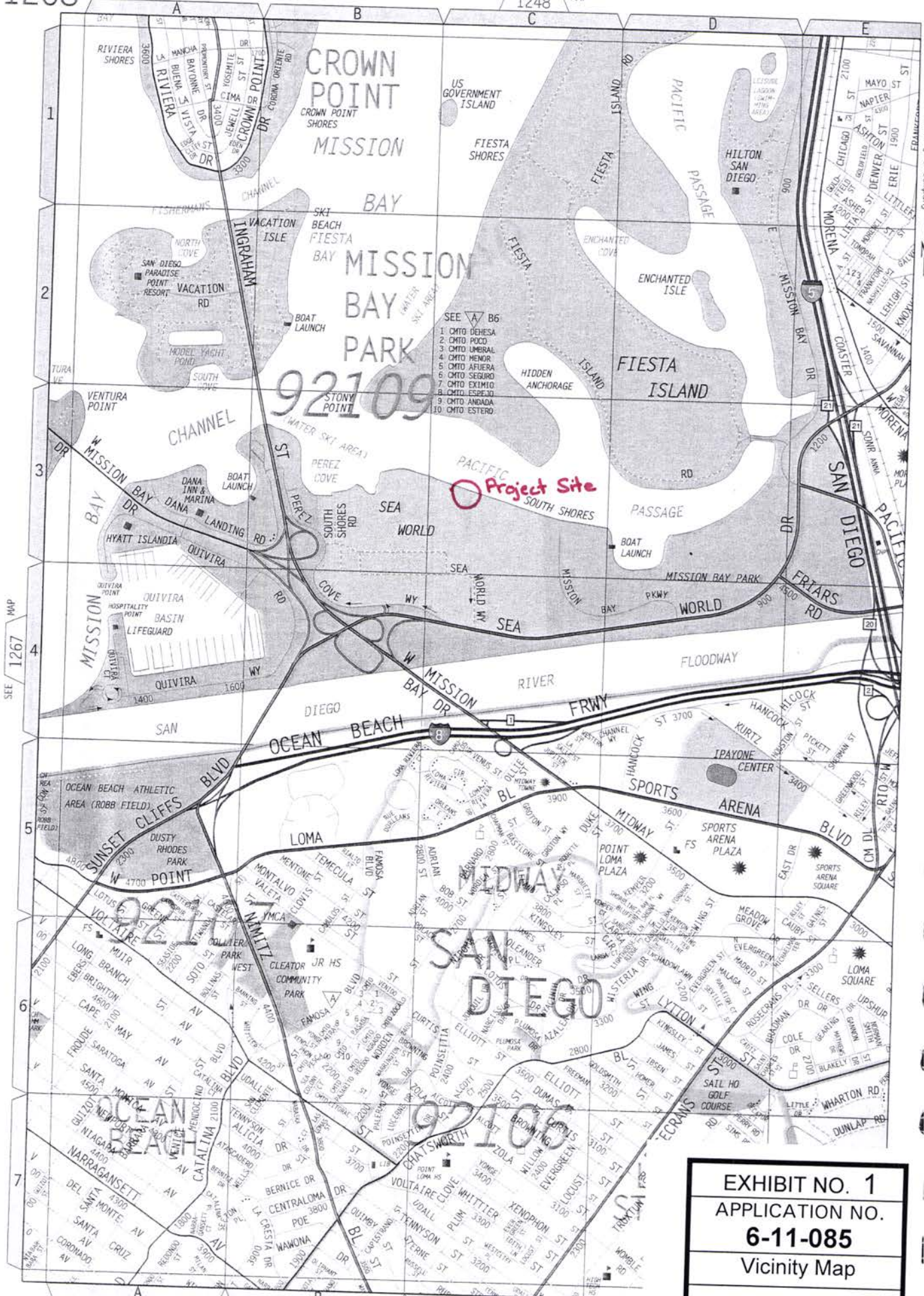
The LUP for the Mission Bay Park LUP segment of the City of San Diego LCP was certified on May 11, 1995, whereas the SeaWorld Master Plan Update was certified by the Commission on February 7, 2002, and addressed future development within the SeaWorld Leasehold over the subsequent 15-20 years. These documents are land use plans only; no implementation component has been proposed for Mission Bay Park and thus 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 local government 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.



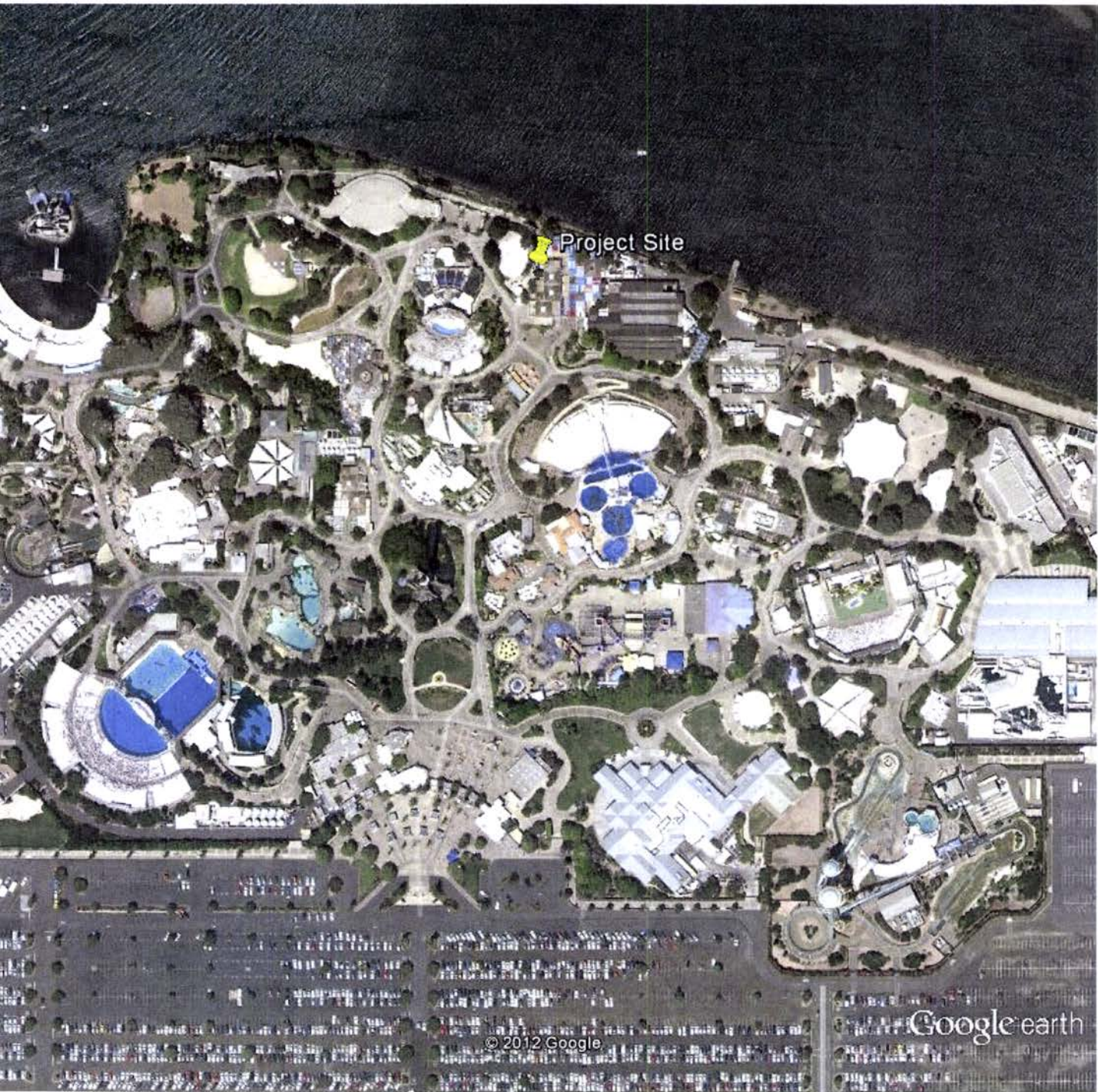
SAN DIEGO CO.



**EXHIBIT NO. 1**  
**APPLICATION NO.**  
**6-11-085**  
**Vicinity Map**

California Coastal Commission





Google earth

feet 1000  
meters 300



EXHIBIT NO. 2
APPLICATION NO.
<b>6-11-085</b>
Aerial View
 California Coastal Commission





**J. G. K. ARCHITECTURE**  
 1525 Oak Grove Parkway, San Diego, CA 92108  
 (619) 444-4477  
 www.jgkarchitecture.com

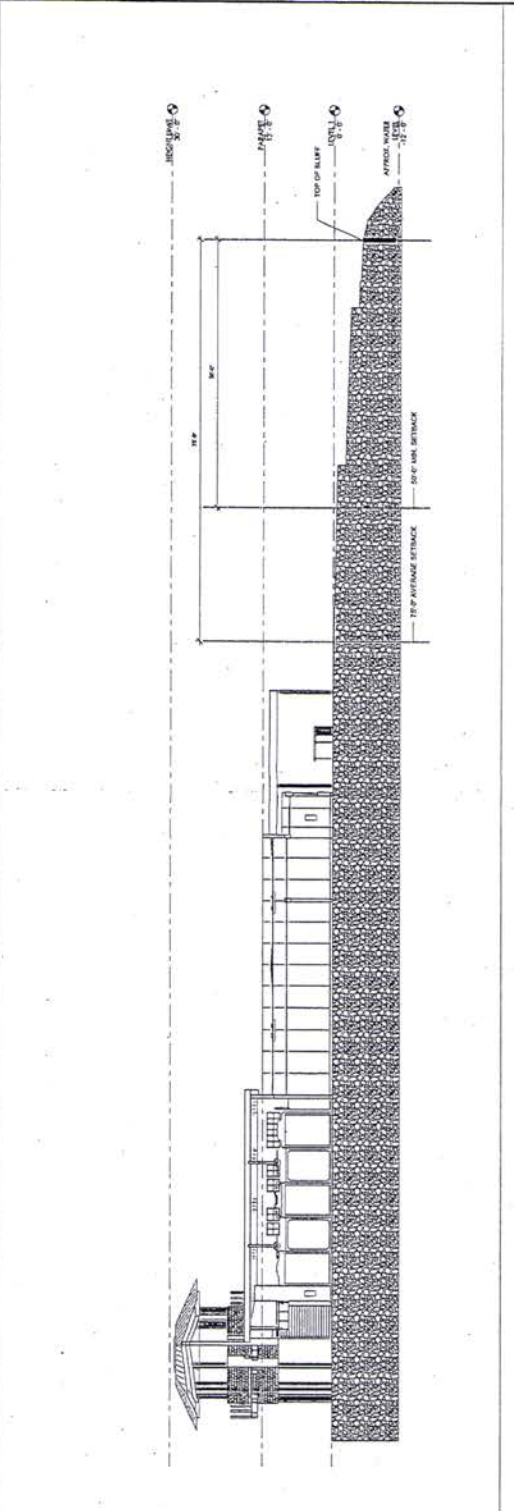
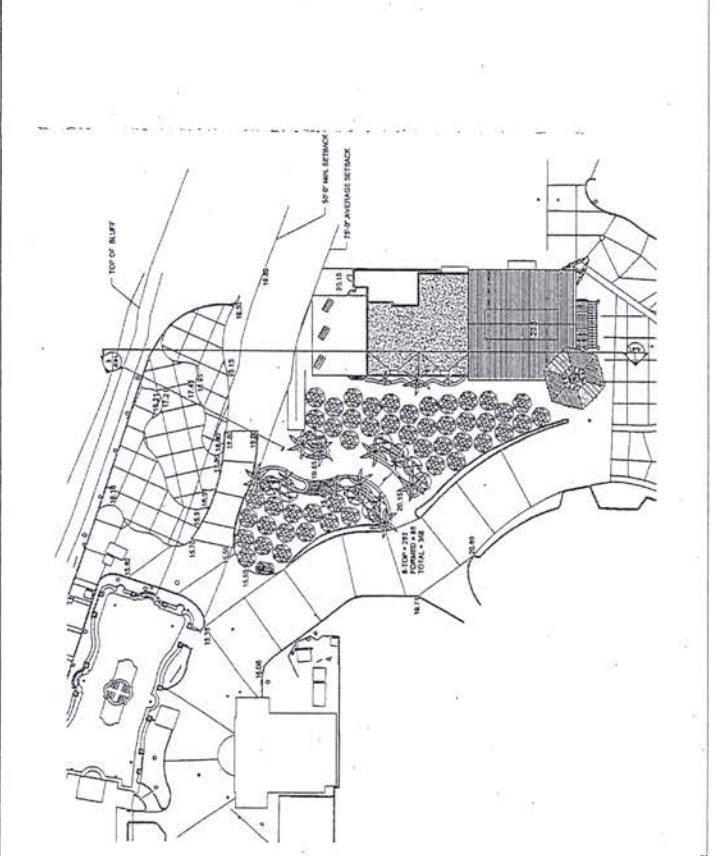
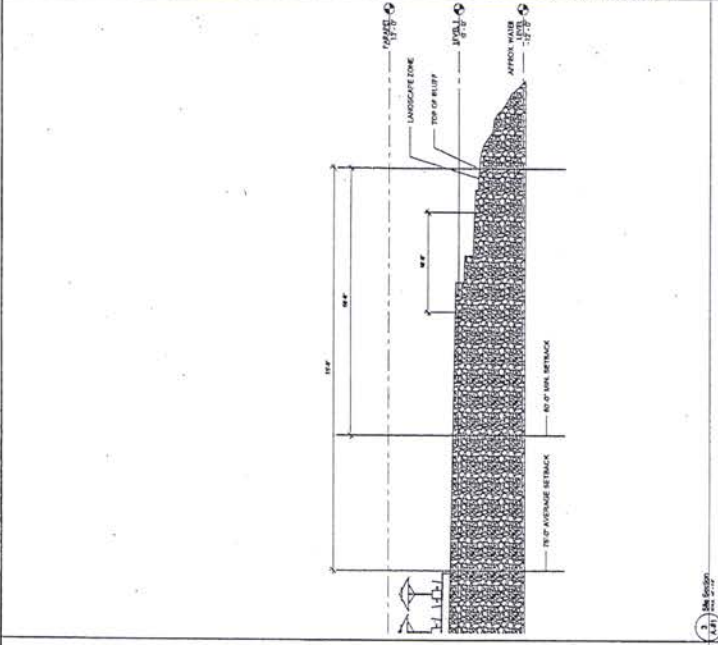
**SeaWorld**  
 San Diego  
 500 Sea World Drive  
 San Diego, CA 92109

**DATE:**  
**DESIGNED BY:** 10/21/11  
**SCHEMATIC DESIGN:** 11/14/11  
**PERMIT PREPARATION:** 12/28/11  
**CONSTRUCTION DOCUMENTS:** 04/12/12

**SMSD 2013**  
 Sea World, San Diego  
 500 Sea World Drive, San Diego, CA 92109

**NOT FOR CONSTRUCTION**  
 Project Name: SMSD 2013  
 Architect: J. G. K. Architecture  
 Designer: J. G. K. Architecture  
 Date: 04/12/12  
 Status: Unissued

**A-#1**  
 Sheet Number



**EXHIBIT NO. 3**  
**APPLICATION NO.**  
**6-11-085**  
**Site Plan**

California Coastal Commission