

**CALIFORNIA COASTAL COMMISSION**

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# W5a

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Staff:	A. Llerandi-SD
Staff Report:	5/15/2013
Hearing Date:	6/12-14/2013

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-13-015

**Applicant:** SeaWorld San Diego

**Agent:** Darlene K. Walter

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

**Project Description:** Demolish an existing 15-foot high, 766 square foot restroom and construct a new 15-foot high, 1,637 square foot restroom in the same location.

**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 15-foot high, 766 square foot restroom and construct a new 15-foot high, 1,637 square foot restroom at SeaWorld San Diego at 500 SeaWorld Drive in Mission Bay Park.

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.

6-13-015 (SeaWorld)

Recommended Special Condition No. 1 minimizes these impacts by 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 6-13-015 as conditioned.

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### **EXHIBITS**

Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial View

## 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 4/29/2013.

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 is to demolish an existing 15-foot high, 766 square foot restroom and construct a new 15-foot high, 1,637 square foot restroom in the same location. Currently the project site contains the existing restroom situated between the 4-D theater to the north and the Sea Lion and Otter Stadium to the south. The project site is located on the northern portion of the 88.6 acre SeaWorld theme park leasehold, near Mission Bay, 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 be treated onsite and adequate drainage controls will be provided within the existing developed envelope. 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, due to be located within the developed park leasehold and thus not vary visible from off site. 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 proposed, the new restroom structure does not encroach into the required 75-foot setback, 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 and conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

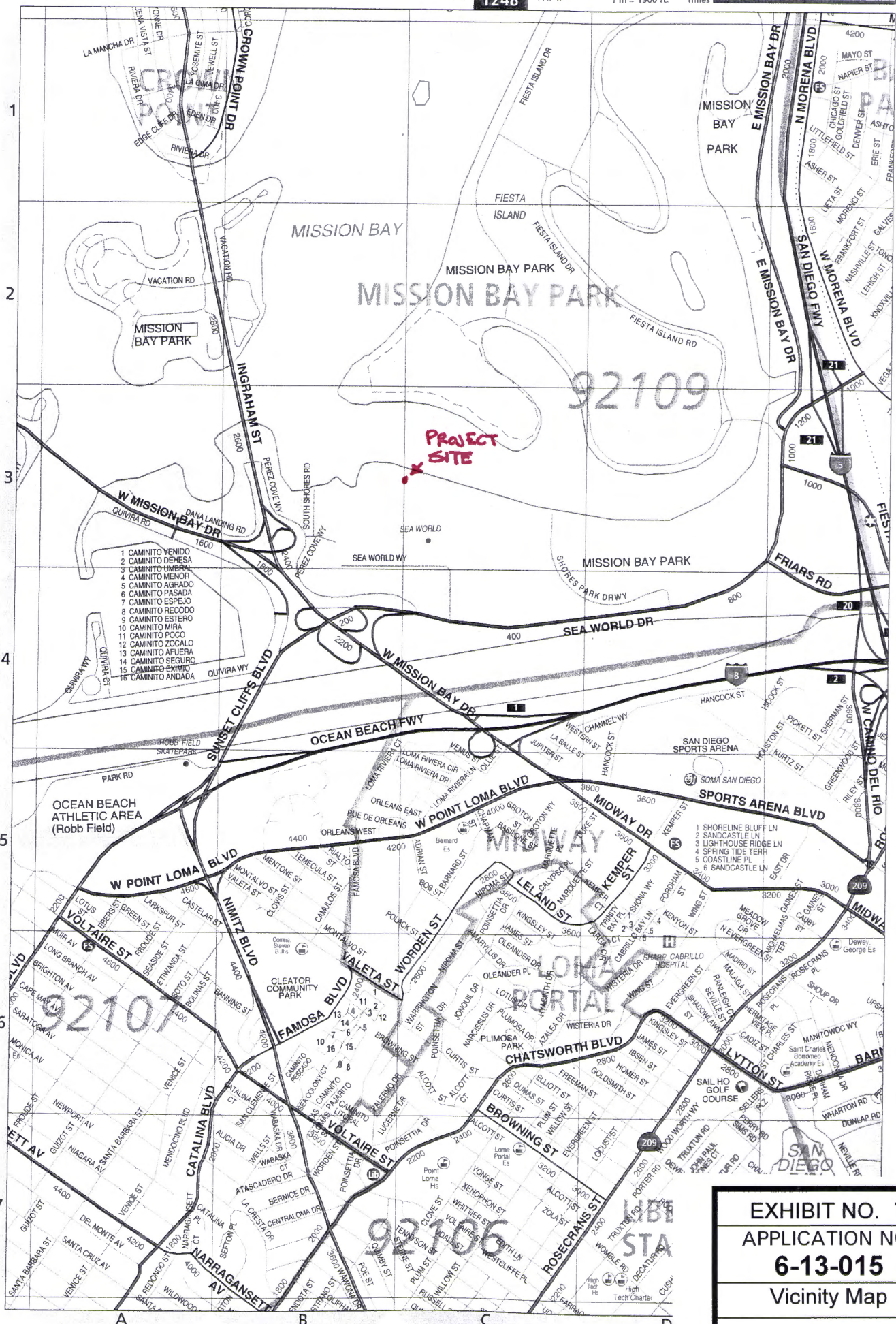
#### **E. LOCAL COASTAL PROGRAM.**

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.



- 1 CAMINITO VENIDO
- 2 CAMINITO DENESA
- 3 CAMINITO UMBRAL
- 4 CAMINITO MENOR
- 5 CAMINITO AGRADO
- 6 CAMINITO PASADA
- 7 CAMINITO ESPEJO
- 8 CAMINITO RECODO
- 9 CAMINITO ESTERO
- 10 CAMINITO MIRA
- 11 CAMINITO POCO
- 12 CAMINITO ZOCALO
- 13 CAMINITO AFUERA
- 14 CAMINITO SEGURO
- 15 CAMINITO ENRICO
- 16 CAMINITO ANDADA

SEE 1267 MAP

**EXHIBIT NO. 1**  
**APPLICATION NO.**  
**6-13-015**  
**Vicinity Map**



Google earth



EXHIBIT NO. 2
APPLICATION NO.
<b>6-13-015</b>
Aerial View

