

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST AREA  
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 SAN DIEGO, CA 92108-1725  
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 49th Day: May 6, 1996  
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 Staff: EL-SD  
 Staff Report: April 9, 1996  
 Hearing Date: May 7-10, 1996

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-95-156

Applicant: Sea World of California Agent: Patrick Owen

Description: Construction of four minor improvements at an existing approximately 166-acre theme park within Mission Bay Park, including an approximately 1,400 sq.ft. waiter service station at Shamu Stadium, 900 sq.ft. of new storage area behind the Exit Plaza Gift Shop, an approximately 180 sq.ft. sales kiosk (Pearl Factory), and an approximately 200 sq.ft. covered area at Shamu's Happy Harbor to accommodate seventy coin-operated lockers for guest use.

Lot Area	165.8 acres
Parking Spaces	8350
Zoning	Unzoned
Plan Designation	Lease Areas
Ht abv fin grade	30 feet

Site: 1720 South Shores Road, Mission Bay Park, San Diego, San Diego County. APN 760-037-01-01

Substantive File Documents: Certified Mission Bay Park Master Plan  
 Sea World Master Plan  
 CCC Files #6-93-80; 6-93-86; 6-95-13; 6-95-50

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## II. Standard Conditions.

See attached page.

## III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The applicant is proposing four relatively minor improvements within an existing theme park located in Mission Bay Park. The first proposed improvement is the construction of an approximately 1,400 sq.ft. waiter service station as an addition to an existing food service area at Shamu Stadium. Second, approximately 900 sq.ft. of new merchandise storage area is proposed behind the Exit Plaza Gift Shop. Third, an approximately 180 sq.ft. sales kiosk, the Pearl Factory, is proposed near the pinniped exhibition area. Finally, an approximately 200 sq.ft. covered area is proposed at Shamu's Happy Harbor to accommodate installation of seventy coin-operated lockers for guest use. These projects all represent new structures, or a greater than 10% addition to existing structures, located between the sea (Mission Bay) and first coastal roadway; thus, these four improvements require a coastal development permit. The original permit application included many other minor improvements as well; these are all exempt from coastal permit requirements, and have been so described in previous correspondence with Sea World.

2. Public Access/Traffic Improvements. Sections 30211, 30212(a), 30604(c) and 30252 of the Coastal Act call for the protection of coastal access opportunities and the maintenance and provision of adequate parking facilities in conjunction with new development. Sea World is a private commercial leasehold within Mission Bay Park, a public park owned by the City of San Diego. The site is located between the first coastal roadway and the bay. Although public lateral access is available along most of the Mission Bay shoreline, there is no access through the Sea World leasehold, which includes both land and water areas. This issue is anticipated to be addressed when the lease next comes up for renewal, but for now, the Commission finds that adequate lateral and vertical access is available nearby to serve the demonstrated needs of the public in this area of Mission Bay Park, as specifically required in Section 30604(c) of the Coastal Act.

An issue of greater concern to the Commission is a traffic circulation problem which currently exists in the area and may be anticipated to worsen in the future with regional population increases. Sea World Drive and Ingraham Street serve as major coastal access routes for all areas of Mission Bay Park, and the public beaches at Pacific Beach, Mission Beach and Ocean Beach; these roads serve as popular commuter routes as well. These are the only roadways serving Sea World. The lease between Sea World and the City of San Diego calls for phased traffic improvements based on the expected increase in attendance at the park. Improvements to Sea World Drive and Sea World Way intersections, which were required to occur when attendance levels reached 3.6 million, were implemented several years ago. The next improvements are not required until attendance reaches 4 million, which is designated as the

maximum anticipated attendance at full buildout. However, Sea World recently completed entryway modifications which have helped alleviate some of the traffic problems, by accommodating the storage of incoming vehicles within the leasehold rather than on Sea World Drive.

Sea World typically submits its yearly attendance figures for each past year with its first permit application in each new year so the Commission will be aware when the next critical level of attendance occurs triggering traffic mitigation measures. This application was submitted in 1995, but was delayed for some time while analyzing which of the proposed projects actually required a coastal development permit, and then obtaining detailed plans for the three subject projects. Thus, the most recent attendance figures received are for 1994, and the total attendance was 3,631,905, which was down from the next most recent figure for 1992 attendance. As such, no mitigation measures are required at this time for the subject permit. In addition, with respect to the adequacy of on-site parking, Sea World currently provides a total of 8,350 parking spaces for visitors, staff and employees. Although it is difficult, if not impossible, to accurately analyze exactly how much parking a theme park such as Sea World normally requires, there is no indication that on-site parking facilities have ever been inadequate.

In summary, the Commission finds that adequate vertical and lateral access exists around the Sea World leasehold for the currently demonstrated needs of visitors to this portion of Mission Bay Park. In addition, the on-site parking reservoir has recently been augmented through parking lot reconfiguration, and continues to be adequate for the facilities needs to date. When yearly attendance exceeds 4,000,000, this issue will be reconsidered, both by the City and the Commission. Therefore, the Commission finds the proposal consistent with all of the public access policies of the Coastal Act.

3. Visual Impacts. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The new facilities are located at various locations within the park leasehold and are designed to match or complement adjacent existing structures. None of the proposed improvements will exceed thirty feet in height, or be visually prominent from outside the park. As such, the Commission finds the proposed development visually compatible with the surrounding existing development, with no adverse effect on the existing scenic coastal area, and consistent with Section 30251 of the Act.

4. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. As conditioned, such a finding can be made for the subject proposal.

Mission Bay Park is primarily unzoned, and this site is designated as a Lease Area in the presently-certified Mission Bay Park Master Plan (land use plan). Since this is a land use document only, permit jurisdiction remains with the

Coastal Commission, pending certification of an implementation program for Mission Bay. However, it appears that much of Mission Bay Park, which is primarily constructed on filled tidelands, will remain in the Coastal Commission's area of original permit jurisdiction permanently, where Chapter 3 of the Coastal Act is the standard of review. The proposed minor improvements at Sea World are consistent with the designation in the master plan. Moreover, as stated in the previous findings, the project is consistent with all applicable Coastal Act policies. No modifications to Sea World's lease with the City of San Diego or additional local approvals are required as a result of the improvements proposed herein. Therefore, the Commission finds that approval of the project should not prejudice the ability of the City of San Diego to prepare a fully-certifiable LCP for its Mission Bay segment.

5. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the public access and visual resource policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

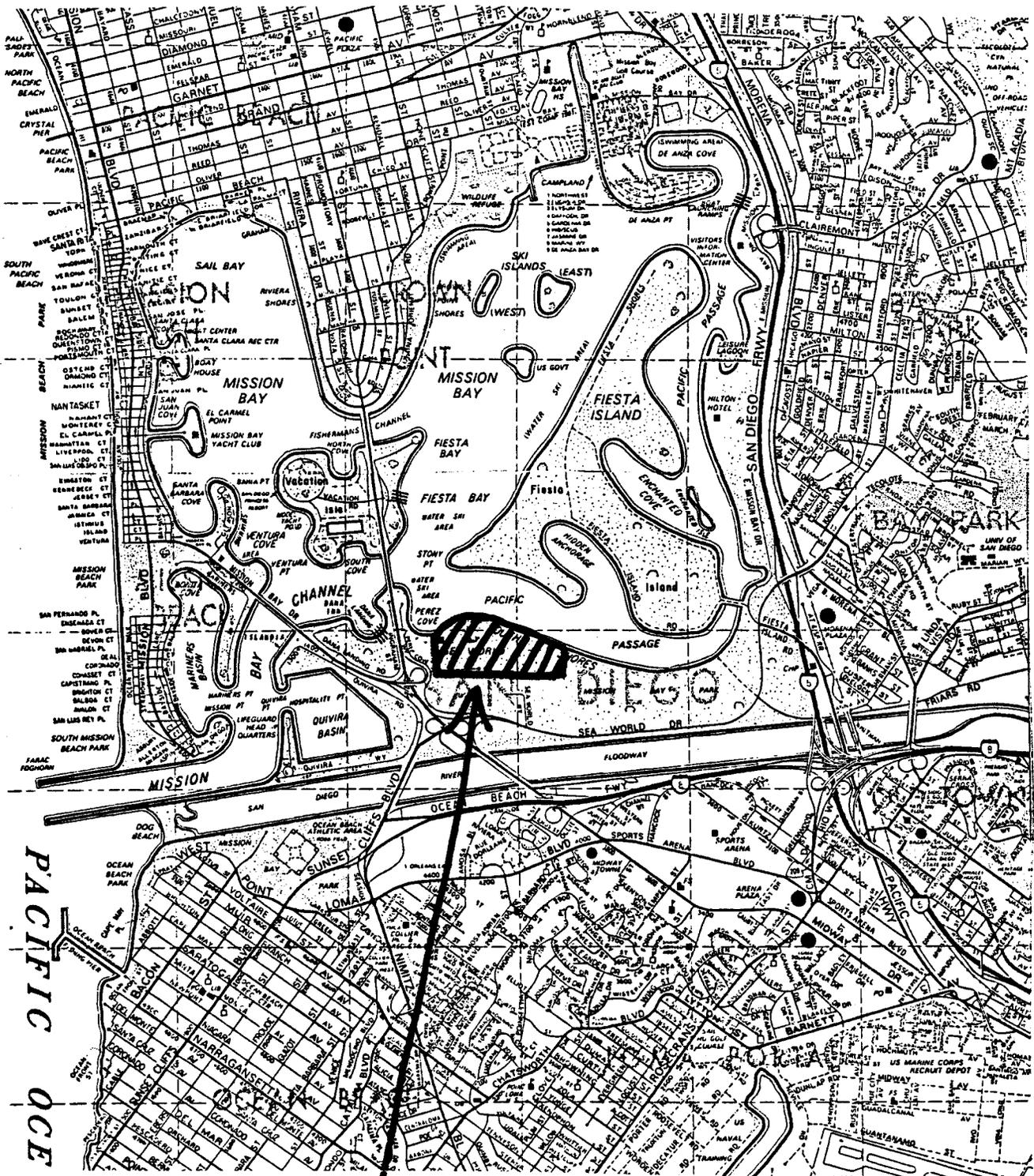
STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

(5156R)

6-95-156



Site

EXHIBIT NO. 1.
APPLICATION NO. 6-95-156
Location Map
California Coastal Commission

6-95-156

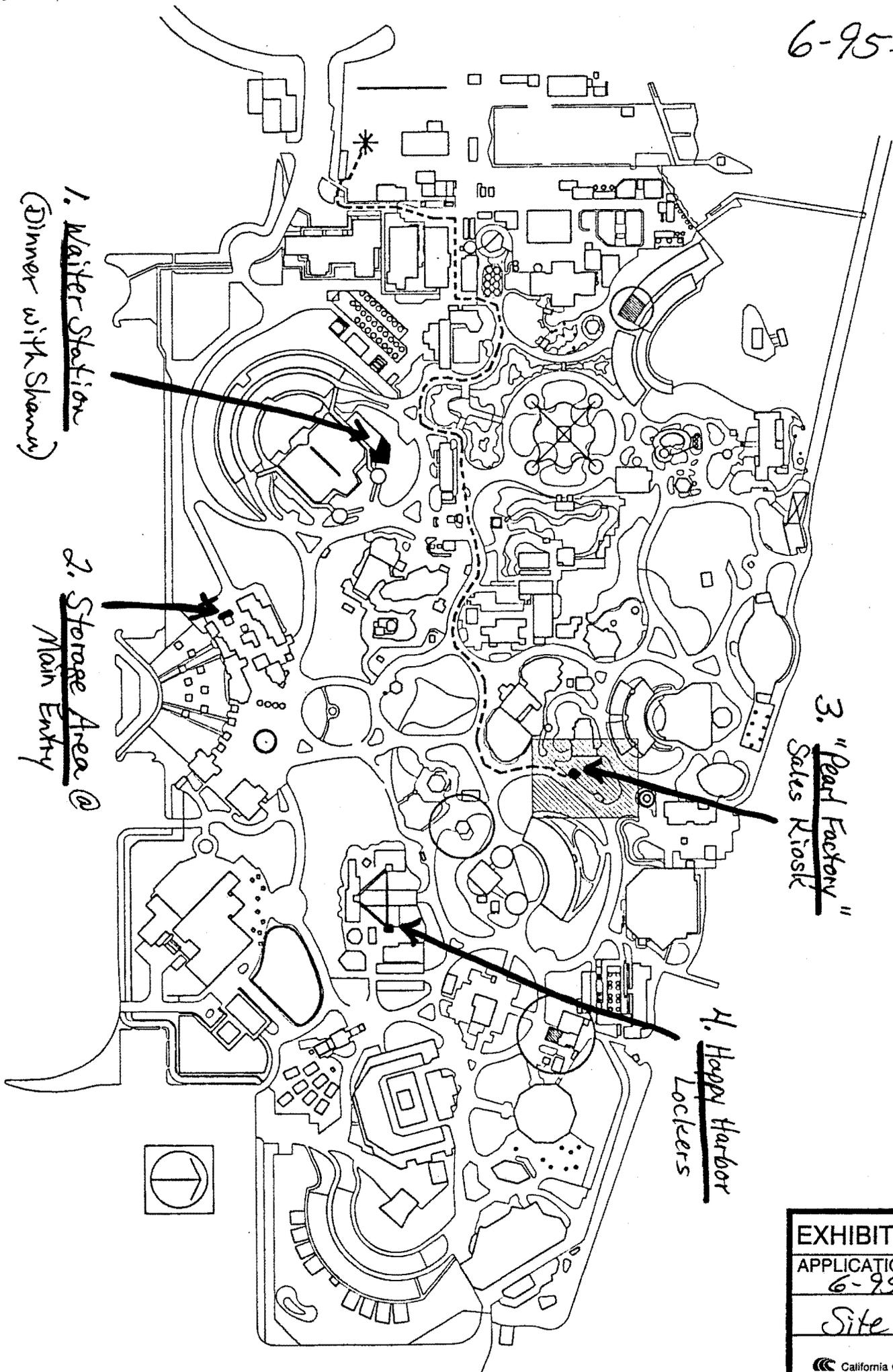


EXHIBIT NO. 2.
APPLICATION NO. 6-95-156
Site Plan
California Coastal Commission