

## CALIFORNIA COASTAL COMMISSION

## SAN DIEGO COAST AREA

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 180th Day: October 8, 1997  
 Staff: EL-SD  
 Staff Report: May 22, 1997  
 Hearing Date: June 10-13, 1997

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-97-43

Applicant: Sea World of California Agent: Patrick Owen

Description: Construction of several non-related improvements to various areas of an existing theme park, including excavation and construction of improvements to accommodate an interactive dolphin exhibit, upgrading of the City Park picnic area, creation of a lost child center at Shamu's Happy Harbor, rehabilitation of the sea turtle and flamingo exhibit and creation of a temporary (one year) 4,600 sq.ft. Hispanic pavilion.

Lot Area	165.80 acres	(entire leasehold)
Building Coverage	10.80 acres	( 7%)
Pavement Coverage	94.37 acres	(57%)
Landscape Coverage	43.63 acres	(26%)
Water Area	17.00 acres	(10%)
Parking Spaces	8,350	
Zoning	R1-5000	
Plan Designation	Regional Park - Lease Area	
Ht abv fin grade	30 feet maximum (new construction)	

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

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; 6-96-156

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, 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. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans - Dolphin Program. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a final grading plan, including cross-sections, in substantial conformance with the preliminary plan submitted with the application, and the Grading/Land Development Permit approved by the City of San Diego for the proposed Dolphin Interactive Program (expansion of existing pool). Any substantial modifications to the plans will require an amendment to this permit.

2. Attendance Figures. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written acceptance, attendance figures for calendar year 1996.

## IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The applicant is proposing five relatively minor improvements within an existing theme park located in Mission Bay Park. The first proposed development is the construction of improvements for an interactive dolphin exhibit, which will enlarge an existing pool in the Dolphin Stadium back area to create a shallow flat bottom wading area for guest/dolphin interaction. This project also includes replacing an existing restroom with new restrooms, guest dressing/locker area, classroom and gift shop kiosk to be associated specifically with the dolphin program. Because the excavation required for expansion of the existing pool requires a Grading/Land Development Permit from the City of San Diego, a special condition is attached requiring submittal of that permit, and final grading plans, prior to issuance of the permit.

The second project involves construction of a fabric shade structure, approximately thirty feet in height, over an existing picnic area. The third project is construction of a partially enclosed shade structure with quiet play equipment to entertain lost children until claimed by their parents. The fourth project is rehabilitation of the existing sea turtle and flamingo exhibit. This project will involve replacing existing deteriorated ponds and

constructing a free-flight aviary over the ponds; the aviary will allow display of free-flight birds and provide protection from sea gull attacks. The aviary will be thirty feet tall.

The last project is erection of a 26-foot-high, 4,600 sq. ft. temporary fabric structure to serve as a venue for an Hispanic pavilion. The development will celebrate the Hispanic culture and is proposed to remain in the park for approximately one year. 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 five improvements require a coastal development permit.

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 has generally submitted 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 information was not included with the subject application, and the most recent figures the Commission has available are for 1994. At that time, the total attendance was 3,631,905, which was less than the next most recent figure for 1992 attendance. As such, no mitigation measures were required in 1996 when the last permit was issued. Since the

1996 figures were not included with this application, Special Condition #2 requires their submittal prior to issuance of the permit. However, it should be noted that none of the projects proposed herein is anticipated to result in increased attendance at Sea World. Thus, no traffic mitigations would be generated by the specific projects proposed herein, but rather potentially by overall attendance, if it has reached the 4,000,000 mark.

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 facility's 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, as conditioned, consistent with all of the public access and recreation 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, but this particular part of the park carries an underlying base zone of R1-5000, a single-family residential designation. However, Mission Bay Park as a whole is a dedicated public park, and Sea World 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 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, and no adverse environmental impacts have been identified. Therefore, the Commission finds that the proposed project, as conditioned, 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.

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SITE

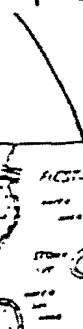



EXHIBIT NO. 1
APPLICATION NO. 6-97-43
Vicinity Map
 California Coastal Commission

6-99-43

1.4 - SEATTLE & FLAMINGO  
EXHIBIT REHAB

1.1 - DOLPHIN INTERACTIVE POND

1.3 - LOST CHILD CENTER

HERPILIC PAULIAK

1.2 - CITY PARK TRAIL AREA

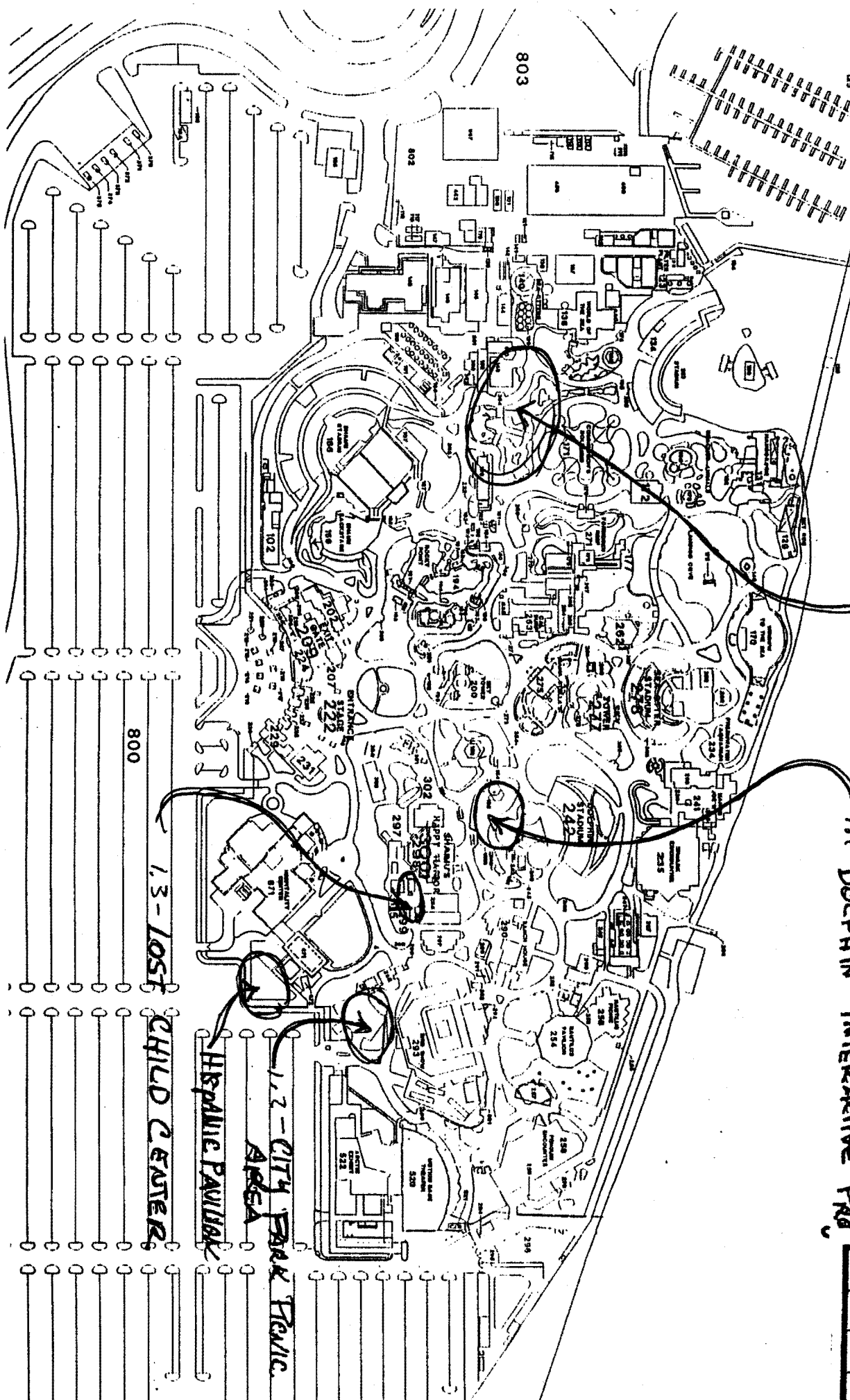


EXHIBIT NO.
APPLICATION NO. 6-99-43
Site Locations in Park
California Coastal Commission