

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Mon 27C

Application No.: 6-97-121

Applicant: Sea World of California Agent: Patrick Owen

Description: Redevelopment of approximately five acres within an existing theme park, including the construction of a 1,000-seat cafeteria-style restaurant and a water ride attraction; project includes the removal of existing structures, animal exhibits and landscaping within the redevelopment area, construction of new animal exhibits and associated accessory facilities (restrooms, gift shops, etc.) and installation of landscaping. Grading includes 39,500 cu.yds. cut and 9,875 cu.yds. fill, with 29,625 cu.yds. export.

Lot Area	165.80 acres (total leasehold)
Building Coverage	12.51 acres (8%)
Pavement Coverage	93.07 acres (56%)
Landscape Coverage	43.22 acres (26%)
Open Water Area	17.00 acres (10%)
Parking Spaces	8,350
Zoning	R1-5000
Plan Designation	Regional Park/Commercial Lease
Ht abv fin grade	30 feet

Site: 500 Sea World Drive, Mission Bay Park, San Diego, San Diego County. APN 760-037-01-01

Substantive File Documents: Certified Mission Bay Park Master Plan
 Traffic Study - 10/5/93 (Entranco Federhart)

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed development with special conditions addressing traffic impacts, water quality and the disposal of excavated materials. The conditions will address issues of increased attendance at the redeveloped facilities, surface runoff from the parking areas, designation of an appropriate export site and use of excavated materials for beach replenishment if suitable.

PRELIMINARY 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. Updated Traffic Report. Within a two month period after the development approved herein has been in operation through one complete summer season (Memorial Day through Labor Day), the applicant shall submit to the Executive Director for review and written approval, an update to the traffic report prepared in October, 1993 by Entranco Federhart, which was submitted in fulfillment of a special condition of Coastal Development Permit #6-93-80. The report shall address operation of the park after completion of the proposed improvements and shall include daily attendance figures for all days where attendance exceeds 40,000 people. The study shall further include peak hour entrance and exit counts and any identified traffic circulation problems on Sea World Drive or Ingraham Street for all attendance days over 40,000 people plus the three summertime holiday weekends, utilizing the protocol established in the 1993 report.

2. Water Quality/Best Management Practices Program. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a Water Quality/Best Management Practices (BMPs) program. The program shall include an overview of Sea World's water treatment and discharge facilities in general and a copy of Sea World's National Pollution Discharge Elimination System (NPDES) permit, and shall identify the BMPs used to address surface runoff from the parking areas. At a minimum, the required BMP's shall include the following:

1) A spill cleanup program which includes patrolling of the parking lots by security and identifies the response time of the cleanup team;

2) A daily sweeping program which includes, at a minimum, daily sweeping as soon as possible after park closure each day.

The water quality/BMP program shall be implemented in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change in the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

3. Disposal of Graded Spoils. Any excavated materials suitable for beach replenishment shall be utilized for such purpose, which shall require a separate coastal development permit or permit amendment prior to sand deposition. Prior to the issuance of the coastal development permit, the applicant shall submit the results of a soil sampling and analysis to determine whether the materials to be exported are suitable for beach sand replenishment, based on the standards established by the Army Corps of Engineers. Additionally, prior to the issuance of the coastal development permit, the applicant shall identify the location for the disposal of graded spoils not suitable for beach replenishment. If the disposal site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successor in interest.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing to redevelop an approximately five-acre area of the existing Sea World theme park. The subject site is located in the west-central portion of the leasehold, and includes the old Starkist aquarium, more recently used to exhibit Commerson's Dolphins, as well as other animal exhibits, accessory structures and landscaping within the surrounding area. All existing structural features within the site will be demolished/removed, including the Commerson's Underwater Theater, Catalina Grill Cafe, Shamu gift Shop and the entrance structure at Forbidden Reef. The flamingo, ibis and sea turtle ponds will be demolished, along with public and service pathways; much existing landscaping will be saved for future transplantation, and existing pine trees will be protected in place during construction and incorporated into the new development.

The major new development proposed is a water ride attraction in and around a new 1,000-seat cafeteria-style, indoor/outdoor restaurant. The ride structure consists of a concrete, rockwork and planking trough through which water runs, with barriers and obstacles built in to create waves. The project also includes new animal exhibit areas for the species identified above, as well as exhibits for crabs, river otters and several types of birds. Accessory facilities such as restrooms and gift shops are proposed, and landscaping and hardscape are planned to reflect a "shipwreck/castaway" theme.

A total of 1.78 acres of area within the leasehold, which is currently covered with either paving or landscaping, will be added to the total building coverage for the site. This total includes a number of new buildings of varying sizes, which break down roughly as follows, with all square footages being approximate: interior restaurant space - 12,500 sq.ft.; first aid building - 1,000 sq.ft.; ride maintenance building - 1,350 sq.ft.; five queue buildings for the ride, ranging from 600-2,400 sq.ft.; and a ride gift shop

building - 2,000 sq.ft. There are also approximately 1,000 sq.ft. of minor additions to existing buildings on the perimeter of the redevelopment site, including a baby-changing station and entertainment dressing rooms. All new structures are within the 30-foot coastal height limit established by the City of San Diego in 1974.

Overall, redevelopment of this portion of the Sea World leasehold to create the proposed attraction and facilities will require 39,500 cu.yds. of cut and 9,875 cu.yds. of fill, resulting in 29,625 cu.yds. of excess material to be exported from the site. Special Condition #3 requires identification and appropriate permitting of the export site, and further requires that any excavated materials suitable for beach replenishment be used for that purpose.

2. Public Access/Traffic Improvements. The following Coastal Act policies are most pertinent to the proposed development, and state, in part:

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected...

Section 30604(c)

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation

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 Facilities, which extend to or beyond the waterline in places. Pedestrian and bicycle traffic can cross through the parking areas and rejoin the bayside pathway on either side of the leasehold. Vertical access is available at those same two locations and informally elsewhere along the shore dependent upon parking or transit availability. The Mission Bay Park Master Plan lists a complete pedestrian access pathway around the bay as a future goal; access through Sea World may itself be an issue when the lease is renewed but for now, the Commission finds that adequate lateral and vertical access is available 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. The existing lease between the City and applicant is not up for renewal until 2033; however, current negotiations between these two parties addressing a potential lease expansion could generate a lease amendment, which could then result in the designation of a new renewal date.

An issue of greater concern to the Commission is traffic circulation, since many of the same access routes that serve Sea World also serve other areas of Mission Bay Park and the oceanfront communities of Mission Beach, Ocean Beach and Pacific Beach. Sea World Drive and Ingraham Street serve as major coastal access routes for these areas and are the only public roadways serving Sea World. Traffic circulation along these streets has been a problem in the past and may worsen in the future with additional regional growth.

The lease between Sea World and the City of San Diego calls for phased traffic improvements based on expected increases in attendance at the park over time. In the 1986 Sea World Master Plan update, improvements to Sea World Drive and Sea World Way intersections were required to occur when attendance levels reached 3.6 million, but were actually implemented several years before attendance had reached that point. The next improvements are not required until attendance reaches 4 million, which is projected by the applicant to occur within the next few years.

In 1992, the Commission approved the relocation of the Sea World entryway from Sea World Drive to Perez Cove Way, and the reconfiguration of all on-site parking lots. These improvements were completed just prior to Memorial Day weekend, 1993, and have improved the prior congested traffic situation on Sea World Drive by providing on-site queue space for 485 vehicles. Although these improvements may ultimately eliminate or modify the need for some or all of the mitigations outlined in the 1986 Sea World Master Plan update, the lease still uses total yearly attendance to determine the need for such improvements. However, use of annual attendance figures may not be the most efficient way to plan for future traffic improvements, particularly in light of the relocated entryway.

Sea World typically applies for coastal development permits on at least an annual basis to accommodate any number of minor improvements and renovations within the park, along with the occasional major new facility or attraction,

such as the subject proposal. With any major improvements, the question of traffic circulation arises. In 1993, the Commission approved a permit for the polar exhibits and associated improvements, shortly after the new entryway was completed. Recognizing that this improvement, which had not been identified in the lease or Sea World Master Plan, could significantly alter traffic flow and potentially eliminate the need for further traffic improvements in the foreseeable future, the Commission attached a special condition requiring the applicant to monitor the performance of the new entryway during its first summer in operation and submit a report of the results. The report documented that the new entryway had significantly reduced Sea World-related traffic on the adjacent public streets, and the new entry configuration could easily accommodate daily crowds exceeding 40,000 persons. The report did not identify, nor is it known to the Commission, what is normal daily attendance at Sea World on peak summer days, although daily attendance seems a much more practical figure to use than annual attendance.

The subject application represents the first major additional attraction since the polar exhibits and the applicant is hoping it will generate increased attendance at Sea World. The Commission is concerned whether said increased attendance might tax the current entryway/queue system beyond its design capacity. Therefore, Special Condition #1 requires the applicant to submit an update to the 1993 report, after the approved development has been in operation for a full summer season. Information is to be generated in the same manner as for the 1993 report, which emphasized performance during the three summer holiday weekends, with the added requirement that the same information must be provided for all days where attendance exceeds 40,000 people. As with the original report, this update will be retained in the file, and reviewed in conjunction with any future applications for major improvements at Sea World. If the report indicates severe or ongoing problems, resulting in traffic impacts outside the Sea World leasehold, improvements and/or modifications of the entry system, or the potential elimination of paid parking, may be required as conditions of approval for future projects.

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; parking spaces have not been specifically allocated for individual uses, but most employee parking occurs in the lots nearest the administrative facilities. In addition to serving Sea World itself, the existing parking facilities have also served the needs of Hubbs Research Institute personnel as well. The Hubbs facilities, which include laboratories, aquaculture tanks, and associated research and administrative functions, are currently housed in the old Atlantis Restaurant building, as approved in Coastal Development Permit #6-93-86.

Under that permit, 77 spaces in the "Atlantis" lot were designated for use by Hubbs; the remainder of that lot, and all other on-site parking facilities, are used by Sea World patrons 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. Even when queuing problems on adjacent

public streets occurred in the past (before the new entryway system), there was always adequate vehicle storage capability within the existing parking lots; in addition, the recent parking lot reconfiguration resulted in a significant increase in the actual number of parking spaces, increasing from around 6,000 spaces to over 8,000 spaces total.

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 (1993) 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 may be reconsidered, both by the City and the Commission; once complete, the proposed development could result in attendance reaching that figure. A special condition is attached requiring an update of the 1993 report on the entry's operation over the first summer the subject water ride attraction is in operation; should the report demonstrate that traffic congestion attributable to Sea World is occurring outside the leasehold, this matter will be addressed in future Commission actions on Sea World permit applications. With the condition, the Commission finds the proposal consistent with all of the public access policies of the Coastal Act.

3. Water Quality. The following Coastal Act policies addressing water quality are most applicable to the subject proposal, and state, in part:

Section.30230

Marine resources shall be maintained, enhanced, and where feasible, restored...Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters....

Section.30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff....

Over the years, concerns have been raised regarding Sea World's land and water operations with respect to maintaining optimum water quality. In particular, the manner in which surface runoff from the parking lots is discharged has been raised as a significant issue. The proposed project is a major new attraction covering five acres of the leasehold. This development is anticipated to generate increased attendance at the theme park, and thus increased use of the parking lots. Therefore, it is appropriate to address the leasehold as a whole in this regard.

In the subject application, the applicant has provided much background information describing the overall water circulation and surface runoff

facilities at Sea World. The various animal exhibit areas and aquariums throughout the park intake water from Mission Bay, then discharge back to the Bay through existing outfalls after treatment at one of two on-site treatment facilities. The new attraction will use freshwater, treated similarly to a swimming pool, which will be discharged into the existing sanitary sewer system, not into the Bay. Sea World has its own NPDES permit with the Regional Water Quality Control Board (RWQCB) and conducts regular sampling/monitoring under that permit.

Approximately two-thirds of Sea World's 75 acres of parking lots are asphalt, with the remaining approximately one-third being chip-sealed. This is a process that creates an impermeable surface by "sealing" a layer of compacted gravel with oil. It is less expensive than asphalt, but requires almost annual maintenance. Three catch basins located in the northeast section of the parking lots are connected to the park's storm water system addressed in Sea World's NPDES permit. The remainder of the parking lots drain into the City of San Diego storm water system and are addressed in the City's NPDES permit. One component of the City's system is the Mission Bay Sewer Intercept System, which diverts low flows of storm water throughout Mission Bay into the municipal sewer system for treatment and discharge.

Under Sea World's NPDES permit, the applicant is required to identify BMPs to reduce or eliminate polluted runoff from the site. Sea World maintains a Spill Clean Up Team for immediate response to any oil or fuel spills in the parking lots, which are detected by continuous patrols of the parking lots by the Security Department. In addition, all parking areas are dry swept daily to remove debris. In these ways, potential problems are treated at the source, such that most pollutants never enter the storm water system.

Since this has been an on-going issue for some time, with interest both on the part of the Commission and the public, Special Condition #2 requires the applicant to submit a water quality/BMP program. The intent is to formalize the procedures described in the application as part of the approved project pursuant to this permit, and to make the Commission party to any future changes that might be initiated in the approved water quality program. Therefore, as conditioned, the Commission finds the proposed development consistent with the cited policies of the Coastal Act.

4. 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 within the existing park, in the west-central area, and are designed to structurally match or complement nearby existing structures. The proposed improvements will not 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, consistent with Section 30251 of the Act.

5. 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. Such a finding can be made for the subject proposal, as conditioned.

Mission Bay Park is primarily unzoned, but this particular part of the park carries an underlying base zone of RI-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, where Chapter 3 of the Coastal Act is the standard of review.

The proposed development is consistent with the designation in the Mission Bay Park Master Plan and, as conditioned, has been found consistent with all applicable Chapter 3 policies of the Coastal Act. 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, as conditioned, should not prejudice the ability of the City of San Diego to prepare a fully-certifiable LCP for its Mission Bay segment.

6. 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.

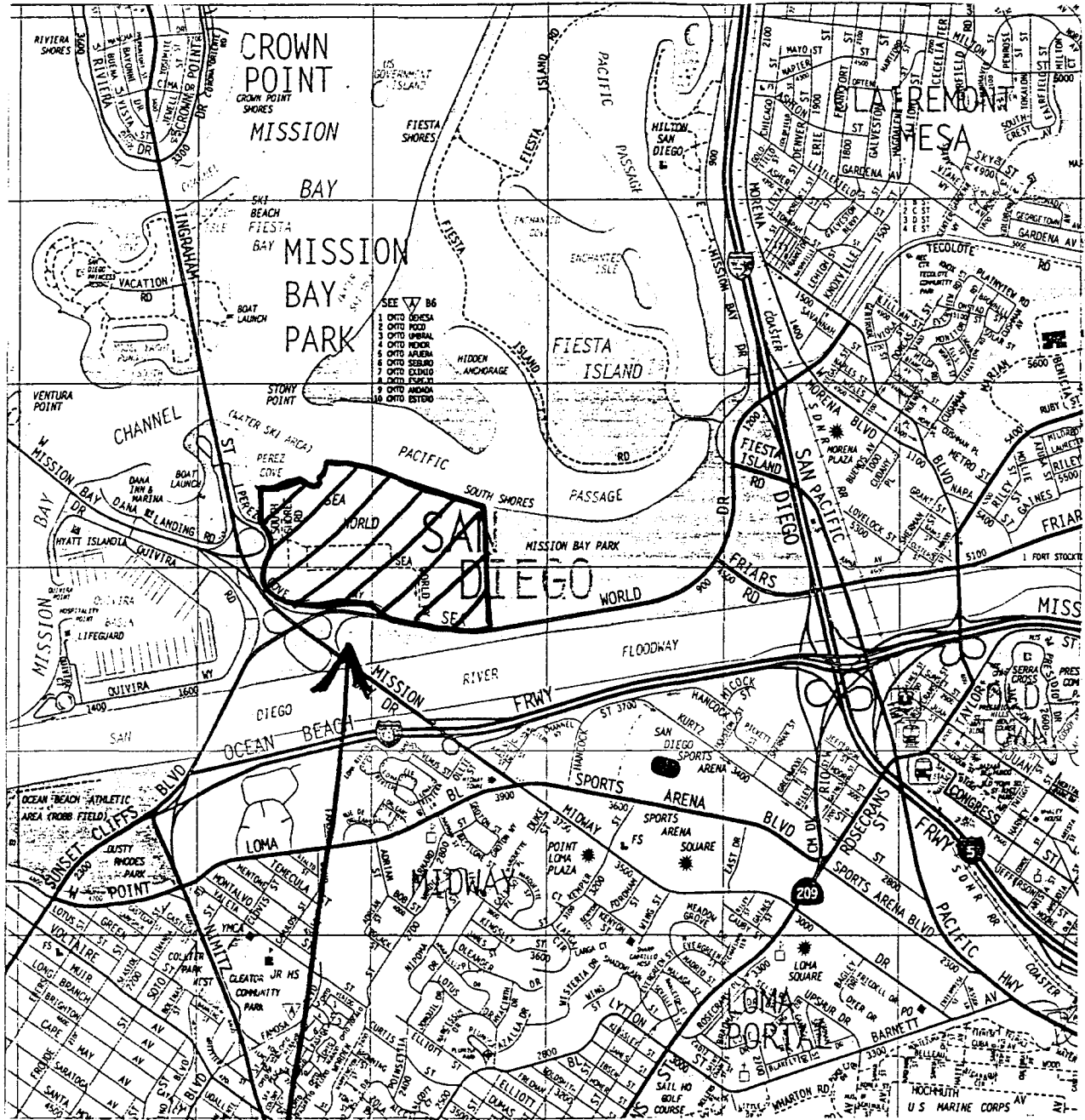
As discussed herein, with the attached conditions, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the public access and recreation, water quality and visual resource policies of the Coastal 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.

(7121R)



Site

EXHIBIT NO. 1
APPLICATION NO.
6-97-121
Location Map
California Coastal Commission

6-97-121

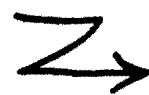
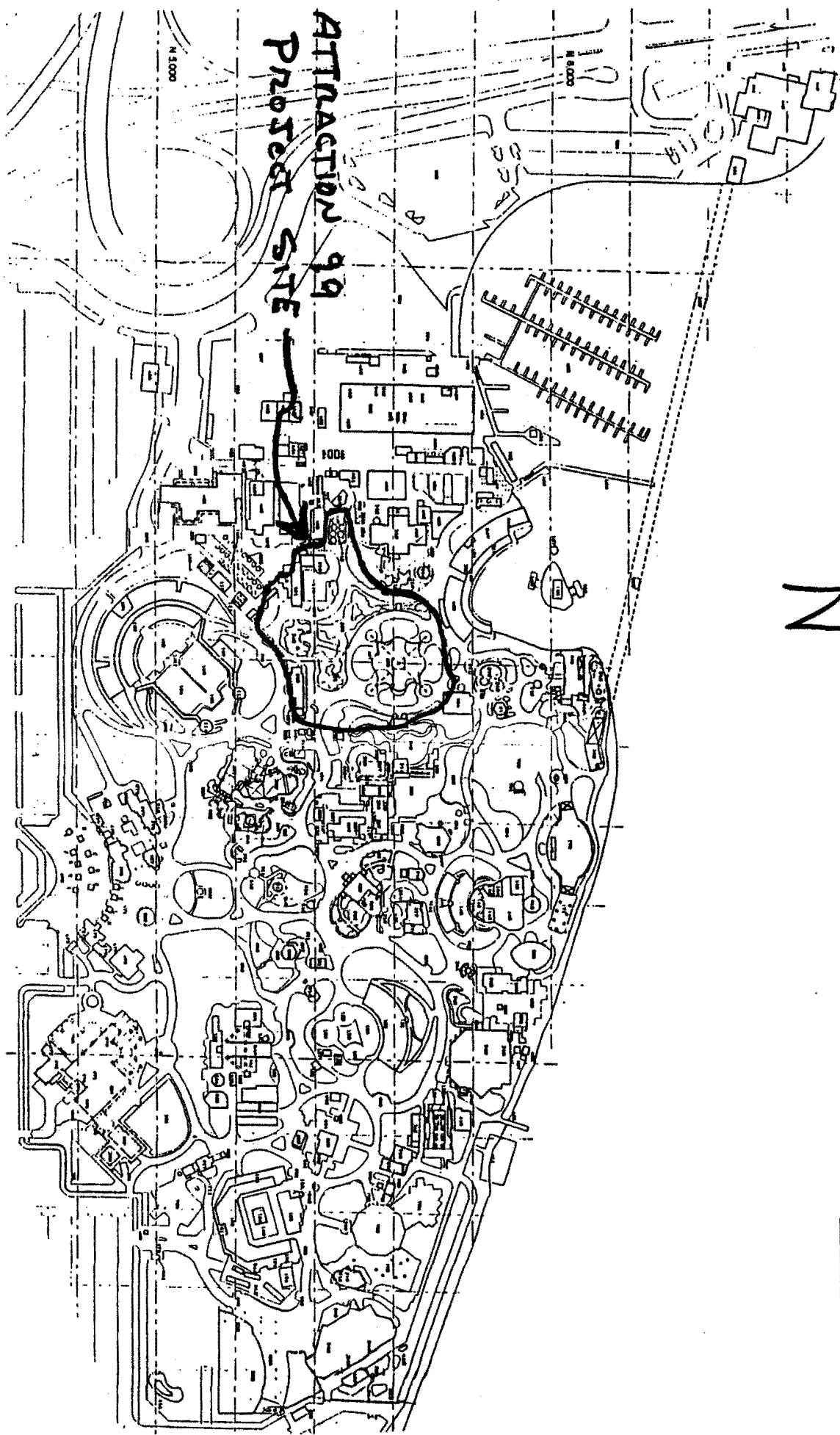



EXHIBIT NO. 2
APPLICATION NO. 6-97-121
Leasehold Plan
 California Coastal Commission

6-97-121

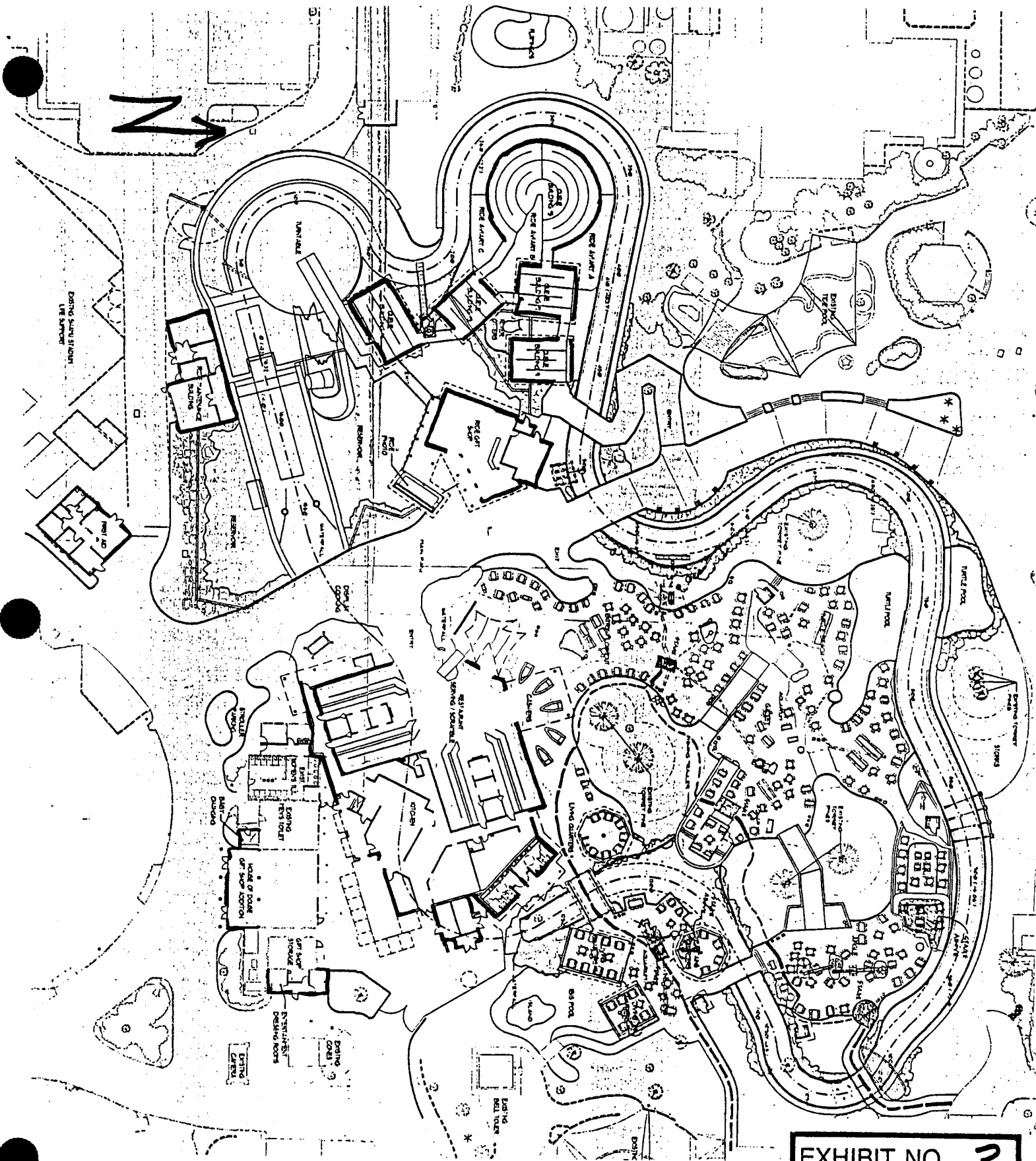


EXHIBIT NO. 3
APPLICATION NO.
6-97-121
Site Plan
California Coastal Commission

