

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



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Permit Application No. 6-98-45/el

Date May 19, 1998

ADMINISTRATIVE PERMIT

APPLICANT: Sea World of California

PROJECT DESCRIPTION: Provide an area for landscaping/nursery material storage, including replacement of approximately 800 linear feet of existing six-foot fence with a twelve-foot-high, chain-link, perimeter fence, in an area previously approved for parking in the northeastern corner of the existing theme park. The area is already being utilized for this purpose without a coastal development permit.

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

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: June 9, 1998  
9:00 a.m., Tuesday

LOCATION: Radisson Hotel  
1111 E. Cabrillo Blvd.  
Santa Barbara, CA

IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS  
Executive Director

By: *Ellen Keily*

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. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, 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, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The applicant is proposing to designate an approximately one-acre area in a previously-approved parking lot for use as a nursery materials storage site and replace an existing six-foot perimeter fence with a twelve-foot fence. It is within the 25-acre leasehold expansion which occurred approximately ten years ago, in conjunction with the construction of the current Shamu Stadium, to provide additional parking area for the expected increase in

attendance that the new stadium would generate. The proposed nursery site is the northernmost acre of the parking lot and is triangular in shape. The storage site consists primarily of container stock and is already being used for this purpose without benefit of a coastal development permit.

The proposed development does not represent a significant new attraction or feature, which would result in increased attendance at the theme park. Significant new improvements require an analysis of traffic and parking concerns and potentially raise other Coastal Act issues. However, the proposed development is simply designation of a previous parking area for the temporary storage of landscaping materials until they are permanently installed in various areas throughout the park. According to the Sea World representative, the subject one-acre area has never actually been used for parking although most of the 25-acre area is used for overflow parking on days of heaviest park attendance. Thus, use of this specific area for a nursery storage site will not usurp current parking or reduce the total number of parking spaces available at Sea World, which is 8,350 spaces.

The applicant is proposing to replace approximately 800 linear feet of an existing six-foot chain-link fence with a twelve-foot-high, chain-link perimeter fence for security purposes, since the nursery storage site is along the outside boundary of the park, and there have been some recent vandalism problems. In February, 1998, in Coastal Development Permit (CDP) Application #6-98-3, the Commission waived permit requirements to replace three existing six-foot-high sections of perimeter fence with twelve-foot-high sections. A request to replace the existing six-foot fence at the subject site was included in that application. However, because the Coastal Commission had only approved the subject site for parking, use of the area for nursery storage was unauthorized. Therefore, it was determined that the replacement fence in the subject location could not be waived until the use it secured was permitted. The applicant withdrew that portion of the request and has submitted the subject permit application addressing both the after-the-fact authorization of the nursery use and the perimeter fence replacement. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

The nursery storage site is separated from Mission Bay by an existing fence (proposed to be replaced with a taller fence in the same location), an earthen berm, a dirt road and a ripped embankment. The fence and berm should ensure full containment of all stored materials, which consist primarily of container stock, but may include other landscaping materials as well. Maintenance of the berm is a provision of Sea World's Best Management Practices Program submitted in compliance with a prior coastal permit (CDP #6-97-121), to maintain optimum water quality in the Bay as required in Section 30230 and 30231 of the Coastal Act. Since use of the site for nursery storage will not adversely impact Sea World's parking supply, the development is also consistent with Section 30252 of the Coastal Act. Finally, the twelve-foot-high fencing is consistent with Section 30251 of the Coastal Act, in that it

will not result in adverse visual impacts, or block existing public views, since there is already an existing row of trees, twenty feet or more in height, along the entire perimeter just outside the existing fence line. There is also an existing dirt road and additional vacant land (including the aforementioned berm) between the fence and Mission Bay, providing adequate setback from the water and preserving existing Bay views from the South Shores parkland adjacent to the east of Sea World. Therefore, approval of the proposed development should not result in adverse impacts to any coastal resource.

SPECIAL CONDITIONS: 'NONE'

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signing

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