

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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Staff Report: 3/25/99
Hearing Date: 4/13-16/99

Wed 7g

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-15

Applicant: California Department of Parks and Recreation Agent: Paul Webb

Description: Repair of an existing beach access trail and an existing culvert.

Site: San Onofre State Beach campground, south of Basilone Road off-ramp,
San Diego County. APN 208-020-28, 207-101-12

Substantive File Documents: Consistency Determination #65-97

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development with conditions which require submittal of final construction plans which identify that access corridors and staging areas shall be located in a manner that has the least impact on public access and coastal resources, a revegetation plan for areas disturbed by project construction, a listing of provisions and BMPs implemented to comply with water quality discharge requirements and an advisory condition which notifies the applicant that the site may be subject to extraordinary hazard from erosion and that the applicant assumes the liability from such hazards.

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. Final Construction Plans. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final construction plans for the proposed residence trail and culvert improvements. The detailed plans shall be incorporated into the construction bid documents for the location of access corridors to the construction sites and staging areas. Access corridors and staging areas shall be located in a manner that has the least impact on public access and coastal resources such as coastal sage scrub or other sensitive plant types. If more than one staging site is utilized, the plans shall indicate which sites are connected with which portions of the overall development, and each individual site shall be removed and/or restored immediately following completion of its portion of the overall development.

2. Revegetation Plan. Prior to the issuance of the coastal development permit and within 30-days of Commission action, the applicant shall submit as-built construction drawings, which indicate all areas, disturbed by project construction and include a detailed revegetation plan. Said plan shall include measures to revegetate that portion of the project site that is disturbed by the installation of the drainage system and trail reconstruction or by accessing the construction site. Drought tolerant native plants shall be utilized to the maximum extent feasible to re-establish the area consistent with its present character. Said plan shall be submitted to, reviewed by and approved in writing by the Executive Director.

3. Waiver of Liability. Prior to the issuance of the coastal development permit, the applicant as landowner shall submit a signed agreement to the Executive Director, which shall provide: (a) that the applicant understands the site may be subject to extraordinary hazards from erosion and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards.

4. Water Quality. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a written summary of the provisions implemented to comply with the National Pollutant Discharge Elimination System Program (NPDES) permit applicable to the facility for storm water urban runoff discharge as well as identify the Best Management Practices (BPMs) addressing stormwater and urban runoff discharge that have been incorporated into the project design to ensure the discharge from the proposed outfall is consistent with local and regional standards.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The site of the proposed development is an existing State Beach campground and day use recreation area located south of the Basilone Road off-ramp on lands leased from the Camp Pendleton Marine Base within unincorporated San Diego County. The campground at San Onofre State Beach is comprised of the former Highway 101 right-of-way. In this area of the coast, I-5 is the designated first public roadway. There are numerous structures on the site, notably restroom structures and an entrance kiosk. The proposed project would repair an existing beach access trail and an existing culvert. Drainage waters from the campground and area easterly of the I-5 freeway are diverted through a series of culverts, which discharge in a gully. The volume and velocity of water discharged from this culvert has resulted in severe erosion which has washed out the trail and which jeopardizes the drainage culvert structures. The proposed project includes the following specific components:

1. Stabilization of the end of the existing box channel. About five feet of the end of the existing concrete channel culvert is proposed to be removed. The area below the exposed channel end would be backfilled with eroded material that has washed down to the canyon floor.
2. Construct a suitable and durable surface at the outlet of the channel. A matrix of geofabric and additional fill material (also from the downstream area) will be placed below the outlet of the channel culvert. A gabion will be placed at the bottom of the toe of the geofabric layers to stabilize the matrix. The entire matrix will be covered with a gabion and geofabric mattress to provide a surface for lower flows down the existing flowline of the canyon (higher flows will probably clear the gabion and geofabric mattress due to the volumes of water entering this system).
3. Repair Trail 5. To provide adequate width of a trail for the descent to the beach from the day use parking area, a system similar to that used for the culvert protection is proposed, including backfill, a matrix of geofabric layering with backfill, and a gabion at the toe of the slope. An additional layer of geofabric will be placed over the matrix.

Trail #5 begins at the west edge of the existing campground and winds down a bluff system until it terminates at the beach about 0.5 miles to the west. As a result of significant erosion, beach access trail #5 has been damaged and is unsafe for passage. The trail has been closed for over 5 years as a result of storm damage. During the last five to ten years, the flowline of the canyon has eroded as much as 20 feet. DPR states that continued erosion will ultimately endanger the existing campground and day use parking uses in San Onofre State Beach.

Storm waters enter this canyon from an existing box channel which drains portions of the park as well as areas inland of the park, including Interstate 5 and portions of the Camp Pendleton Marine Base. There are a series of culverts that pass under the A.T.&S.F. railroad tracks and I-5 highway. This series of culverts drains the railroad tracks, the freeway and adjacent border inspection station and a large area located on Camp Pendleton. The subject culvert was apparently constructed by Caltrans during construction of the highway.

Although the existing culvert that has been proposed for repair as part of this project predates the establishment of San Onofre State Beach, changes to the drainage system inland of the park boundary to redivert and redirect the concentration of water away from the Immigration and Naturalization Service Border Patrol checkpoint may have increased the rate of erosion in the area of Trail 5 by the addition of more paved, impermeable surfaces at the checkpoint.

The project site is within the unincorporated County of San Diego. No local coastal program planning has occurred in this area. Thus, the standard of review for this project is the Chapter 3 policies of the Coastal Act.

2. Biological Resources/Geologic Stability/Water Quality. Section 30231 of the Coastal Act states:

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, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Sections 30240 and 30253 state:

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30253 (in part)

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs....

The site of the trail and culvert is within a natural canyon containing adjacent natural areas, including coastal sage scrub, an environmentally sensitive habitat. The applicant states that based upon the project design there will be little vegetation removal within the canyon floor at the project sites. No sensitive vegetation was identified during the resource ecologist's review of the proposed project. The applicant's resource ecologist states that the trail is to follow the existing pathway or be placed on new fill material, and the alluvial fan is to be smoothed to natural configuration after completion of the other work. Fill taken from the near-beach alluvium will cause no impacts to canyon slopes.

The submitted staging plan indicates construction staging will occupy 10 campsites. No day use parking spaces will be impacted by the proposal. There is no other area available for the construction staging area that will not act as a barrier to access to the downcoast areas of the park. The applicant states that because it cannot anticipate when the coastal development permit will be issued, it cannot provide a final schedule at this time.

At this writing a construction and access plan has not been developed. It is anticipated that the contractor will provide a plan but not until permit approvals are received and a contract has been let. It appears that equipment or materials will be taken to the construction site either from the beach or construction materials will be lowered down to the canyon floor via a crane. Access for construction personnel will be provided through the canyon to the construction site. This may require minimal clearing of vegetation;

however, sensitive plant species would be avoided. As proposed, an ecologist would be on-site during construction to identify sensitive or high-interest species, which would be avoided to the extent possible. The ecologist would record the nature and extent of vegetation removal if done. According to the ecologist, if required, clean fill dirt would be placed over plants; the existing plants will sprout through the fill dirt. Should impacts to sensitive vegetation occur, Special Condition #2 requires revegetation of the construction corridor to re-establish the area consistent with its present character to mitigate project impacts on sensitive resources in the area.

Special Condition #3 requires the applicant to submit a signed document recognizing the site may be subject to hazard from erosion and the applicant unconditionally waives any claim of liability on the part of the Commission for damage from such hazards.

Regarding water quality, storm water pollution measures and best management practices, the applicant states that the bulk of the water coming out of the culvert is not runoff from properties under the control of California State Parks. This water is primarily runoff from the areas easterly of the I-5 freeway that are transported through a series of culverts under the freeway, the railroad berm and under the paved areas of San Onofre State Beach. Development east of the freeway, including the expansion of the Immigration and Naturalization Service (INS) Border Patrol checkpoint and the widening of the I-5 freeway to accommodate additional lanes were the subject of the Coastal Commission's action on Consistency Determination (CD) 65-97.

In its action on CD-65-97, the Commission noted that the INS project to expand and improve the Border Patrol checkpoint incorporated sufficient runoff controls to minimize runoff and sedimentation, consistent with the applicable policies of Chapter 3 of the Coastal Act. The Commission noted that the maintenance of the flow through the culverts was, in itself, a part of the runoff control plan for the project. The Commission found that the project "contained measures sufficient to avoid adverse effects from alterations to the existing drainage pattern and adverse impacts to the water quality effects from the project."

Other than the INS checkpoint and the I-5 freeway, the area that drains into the culvert is undeveloped, vegetated areas on the Camp Pendleton Marine Base and State Parks property. The applicant states that based upon the Commission's determination the runoff control measures incorporated into the INS project are sufficient to protect against adverse impacts to the quality of water carried through the culvert system.

As indicated above, the applicant states that the watershed the subject culvert drains is primarily outside its jurisdiction and existing measures taken at the border checkpoint are sufficient to find that no additional measures are necessary to address the quality of the water that discharges through the subject culvert. However, the Commission disagrees. Staff has discussed this issue with the Regional Water Quality Control Board (RWQCB) and they have indicated that although many times landowners assert that they should not be held accountable to maintain water quality for waters entering their property from sources outside their ownership that does not take away from the fact that water quality

suffers as a result. According to the RWQCB representative, there are steps that can be taken in the subject case to improve water quality both at the point of discharge and upstream. These steps include employing best management practices (solid waste management [trash removal] and street sweeping, testing for pollutants, such as bacteria, organic material or toxins, monitoring activities performed on the storm drain outlet discharge, and any remedial or preventive measures taken to improve water quality, etc.) which can be developed cooperatively between the interested parties to be effective. In this case, it appears that the RWQCB itself has no jurisdiction to require best management practices be utilized at the point of discharge and upstream. This is so because the project is the repair and maintenance of an existing culvert, which is not covered under the agency's Stormwater Permits. However, the Commission acknowledges the concern of RWQCB and finds in Special Condition #4 that such a water quality improvement plan specifying that all feasible best management practices be used to improve the quality of water that enters this natural, remote canyon is necessary to find the proposed project consistent with Sections 30231 and 30240 of the Coastal Act. This plan must be developed in consultation with the RWQCB to assure that best management practices are used.

Regarding the rebuilding of the trail, to provide adequate width of a trail for the descent to the beach from the day use parking area, a geofabric layering with backfill system similar to that used for the culvert protection is proposed. As with the culvert repair, geofabric materials will be taken to the construction site either from the beach or construction materials will be lowered down to the canyon floor via a crane. Access for construction personnel will be provided through the canyon to the construction site. Trail reconstruction is necessary to make the trail useable for hikers as presently a portion of it has eroded away, making it impassable as one descends to the beach. No adverse impacts to water quality are anticipated as a result of trail repairs.

Based on the above, the Commission finds the proposed project will not itself result in any adverse impacts on quality of runoff waters, but instead is designed to eliminate erosion currently occurring at the seaward terminus of the drainage structure. Elimination of this scour will eliminate a current source of sedimentation and will improve water quality. The applicant notes the proposed project is to minimize erosion to protect existing state park facilities. Thus, no adverse changes to water quality are anticipated when comparing the proposed project to existing conditions. Based on the above, the Commission finds the proposed project can be found consistent with Section 30240 of the Coastal Act.

3. Public Access. The proposed development is located at the campground at San Onofre State Beach. In this area of the coast, I-5 is the designated first public roadway. As the proposed development will occur between the first public roadway and the sea, a public access finding must be made, pursuant to Section 30604(c) of the Coastal Act. The applicant will award the contract for project construction as soon as possible after receiving the coastal development permit. In order to avoid losing the project funding, the applicant must encumber the funds by June 30, 1999. Construction may occur during the summer season. Because of the failure of a section of the trail, however, the trail is

not passable and has been closed by order of the District Superintendent. The Department's goal is to return the trail to active use as quickly as possible.

As noted, the submitted staging plan indicates construction staging will occupy 10 campsites. No day use parking spaces will be impacted by the proposal. There is no other area available for the construction staging area that will not act as a barrier to access to the downcoast areas of the park. The applicant states that because it cannot anticipate when the coastal development permit will be issued, it cannot provide a final schedule at this time. Special Condition #1 requires final construction plans to assure access corridors and staging areas shall be located in a manner that has the least impact on public access and coastal resources such as coastal sage scrub or other sensitive plant types. If more than one staging site is utilized, the plans shall indicate which sites are connected with which portions of the overall development, and each individual site shall be removed and/or restored immediately following completion of its portion of the overall development.

The Commission finds that based on the above, the project may have a temporary adverse affect on the ability of the public to access the coast at this particular location by proposing trail reconstruction possibly during the summer season when beach and campground use is at its highest. However, there are a number of other trails and campsites within the State Beach campground that will remain open and available for public use. This rebuilding of this trail is necessary to restore public access from the campground to the beach in this location. Given the above constraints and the fact that the trail's repair and reopening will again provide permanent access along Trail #5, the Commission finds the proposed project can be found consistent with the public access policies of the Coastal 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. In this case, such a finding can be made.

The project site is within the unincorporated County of San Diego. No local coastal program planning has occurred in this area. Thus, the standard of review of this project is the Chapter 3 policies of the Coastal Act. As indicated herein the project includes repairs to an existing State Parks campground facility. The project, as conditioned, has been found consistent with applicable Coastal Act policies.

5. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect, which the activity may have on the environment.

The proposed project has been conditioned to be found consistent with the resource protection policies of the Coastal Act. The attached mitigation measures will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact 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 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.

SAN ONOFRE BLUFF QUADRANGLE
CALIFORNIA—SAN DIEGO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

33° 0' 0" N
117° 0' 0" W
MARGARITA PEAK

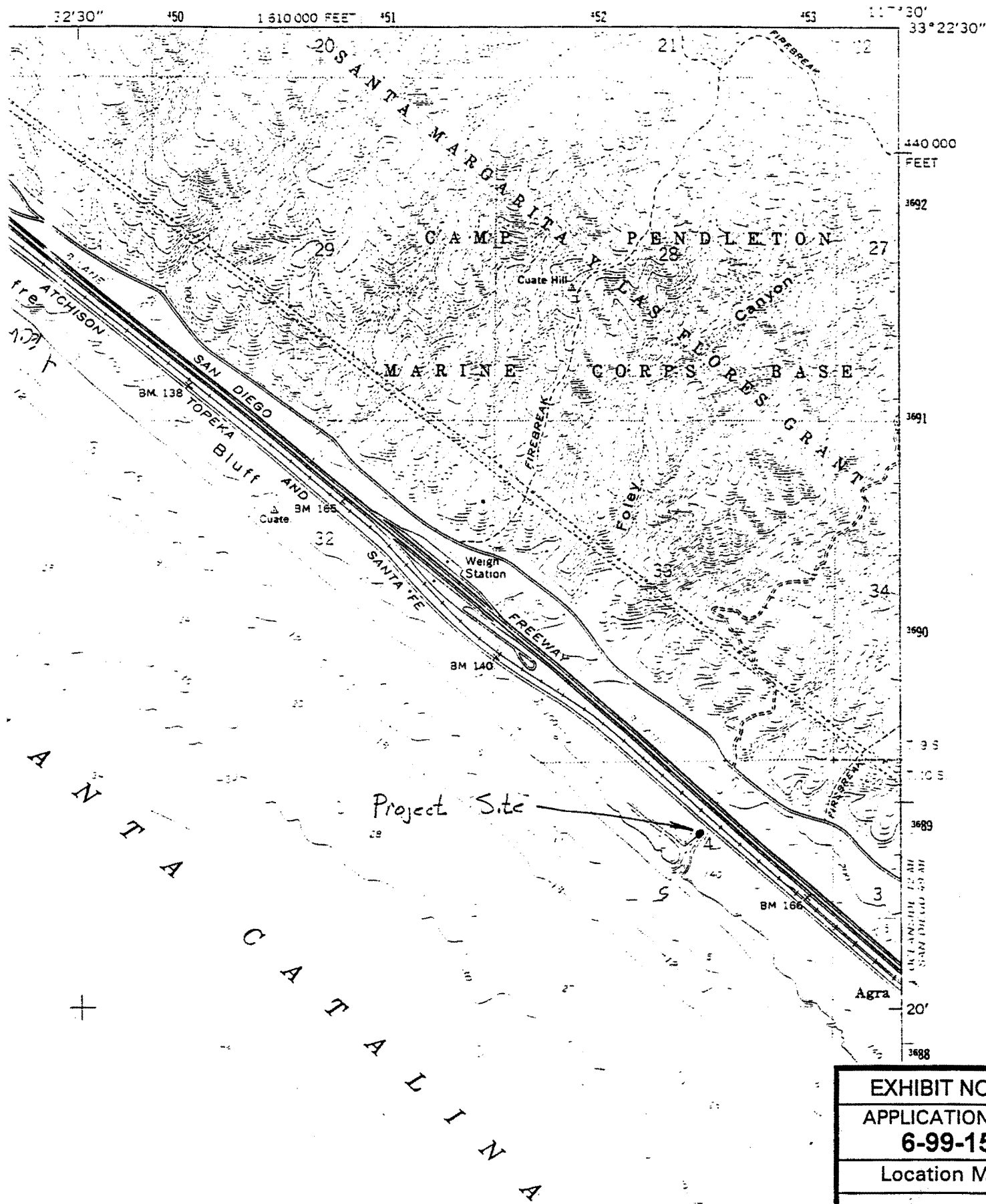
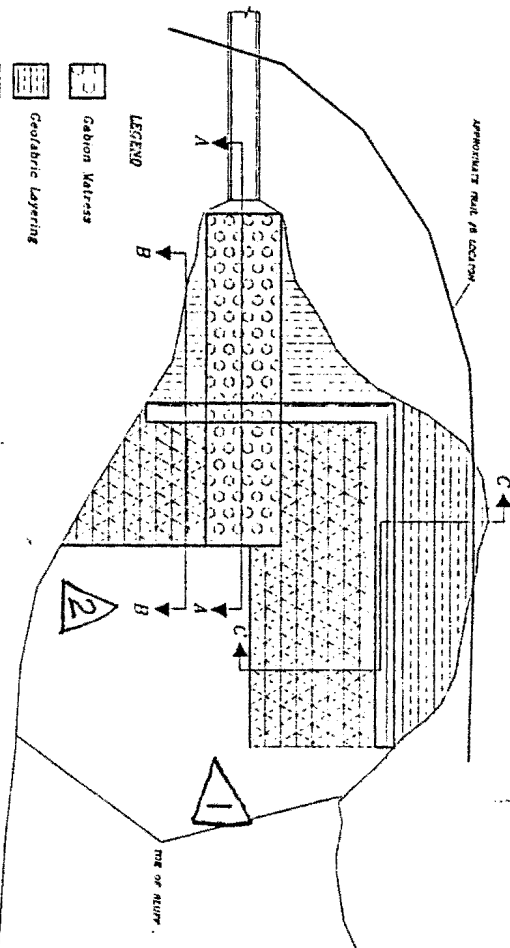


EXHIBIT NO. 1
APPLICATION NO.
6-99-15
Location Map
California Coastal Commission

- LEGEND**
- Gabion Matress
 - Geofabric Layering
 - Geofabric

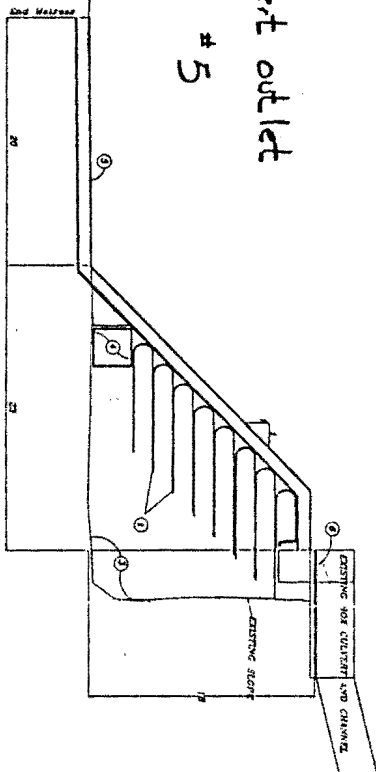
PLAN VIEW
NTS



PHOTO'S

- ① Culvert outlet
- ② Trail #5

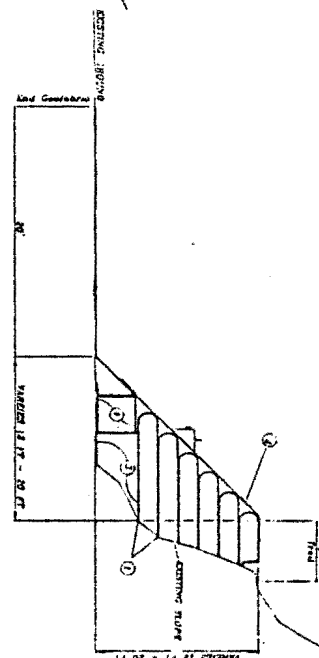
SECTION A-A - CROSS-SECTION SIDE SLOPE EROSION CONTROL



CROSS-SECTION CONSTRUCTION NOTES

- ① Geofabric Layering - Layer height 18" max. Fold fabric back - 10' min. or to existing slope.
- ② Geofabric placed over geofabric layering. Fabric placed per manufacturer's recommendations.
- ③ Backfill compact to 90%. The backfill material will be the material that is deposited at the mouth of the canyon.
- ④ Install gabion along the toe of the geofabric layering. Gabion will be filled with rock (4" - 6").
- ⑤ Install Gabion matress with geofabric (thickness - 1 ft. width - 12 ft. length - per plan).
- ⑥ Remove approximately 5 feet of existing concrete box channel floor. Limits to be determined by State Representative. Backfill with soil compacted to 90% and fill with concrete to match existing floor of channel.

SECTION C-C - CROSS-SECTION TRAIL



SECTION B-B - CROSS-SECTION SIDE SLOPE EROSION CONTROL

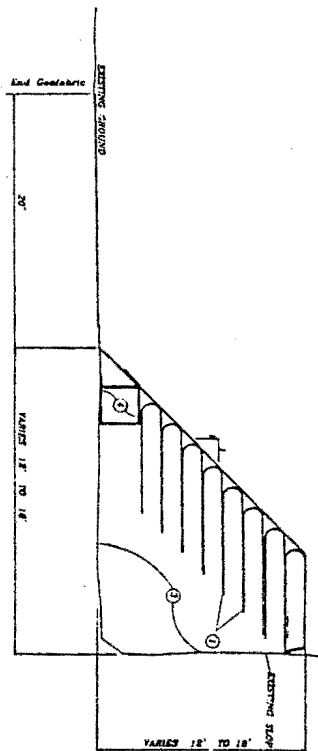


EXHIBIT NO. 2
APPLICATION NO.
6-99-15
Site Plan

San Onofre State Beach
Trail and Culvert
Repair

RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER

APPROVED _____ DATE _____

PROJECT NO.
273-683-108
SHEET NO.
X-X
1

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

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REGULAR CALENDAR

Wed 7i

STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-29

Applicant: Sea World San Diego

Agent: Pat Owen

Description: Construction of miscellaneous improvements to park facility including: expansion of first aid station, construction of a new 600 sq.ft. Shamu Photo Opportunity building, and construction of a 1,920 sq.ft. paved area for a 28 ft. high climbing wall and bungee trampolines at existing approximately 189 acre Sea World amusement park.

Lot Area	189.0 acres (approximately)
Building Coverage	12.5 acres (7%)
Pavement Coverage	100.0 acres (53%)
Landscape Coverage	43.0 acres (23%)
Unimproved Area	16.5 acres (8%)
Water	17.0 acres (9%)
Zoning	Unzoned
Plan Designation	Semi-Public or Public Facilities
Ht abv fin grade	30 feet

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 CDP's #6-95-13; 6-98-43

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve the subject permit as it only involves interior improvements to an existing amusement park facility which will not result in any adverse impacts to public access or visual resources and is consistent with all applicable Coastal Act policies.

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. Detailed Project Description. Construction of miscellaneous improvements to an existing amusement park facility including: new signage and graphics at park entrance gate, expansion of first aid station, construction of a new 600 sq.ft. Shamu Photo Opportunity building, construction of a 1,920 sq.ft. paved area for a 28 ft. high climbing wall and bungee trampolines at existing approximately 189 acre Sea World amusement park.

Two of the proposed improvements include installation of new signage and graphics at park entrance gate and miscellaneous wall-mounted signs throughout the park. Also proposed is the replacement of an existing asphalt patio with concrete and installation of shade covering at the existing bakery. However, these latter two aspects of the subject proposal do not require a coastal development permit.

Sea World is located within Mission Bay Park in the City of San Diego. It is situated adjacent to Mission Bay and is surrounded largely by City parklands consisting of grassy, open areas. It is located within an area of the Commission's original jurisdiction and as such, Chapter 3 policies of the Coastal act are the standard of review.

2. Public Access/Parking. 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.

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 the 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 public 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 Certified 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 the proposed development will have no impact on such access and 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.

An issue of greater concern to the Commission is the traffic circulation problem, which currently exists in the area and is anticipated to worsen. 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, and serves as a popular commuter route 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 were required to occur when attendance levels reached 3.6 million. Although attendance had not yet reached that point, those specific mitigation measures 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.

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. In 1998, Sea World attendance was 3.7 million. As such, no traffic mitigation measures, as required in the updated Sea World Master Plan, have been triggered yet. The proposed development is not expected to significantly alter yearly attendance.

In addition, the City did not require any traffic studies for the subject proposal. However, most recently, a traffic study was completed 10/5/93 for CDP #6-93-80 which was for construction of a new amphitheater and a polar animal exhibit at the theme park. That study analyzed the operation of Sea World's new entryway, reconfigured parking lots and paid parking system over peak seasonal use periods. The results of that study concluded that traffic flows during peak summer season as well as on major holidays (i.e. Fourth of July, Labor Day) were successful. The proposed project is not expected to create significant increases in park attendance or impacts on traffic. It should be noted that expanded, modernized, or redeveloped facilities, to some degree, do tend to generate an interest on the part of the public to view the new facilities. While some visitors may make an annual or semi-annual pilgrimage to the existing theme park anyway, it can be reasonably assumed that some visitors will also make a special trip to view the new facilities in and of themselves. However, these increases in attendance are not expected to be significant for the subject proposal as it merely represents an additional viewing and interaction area in conjunction with the existing Killer Whale Stadium, climbing wall, and trampolines.

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 and, during times of heaviest park use, in the parking lot nearest the "Atlantis Restaurant/A place to Meet" building, located northwest of Sea World proper, but within the leasehold boundaries. In addition to serving Sea World itself, the existing parking facilities have also served the needs of Hubbs Research

laboratories, aquaculture tanks, and associated research and administrative functions, are currently housed in the western area of Sea World, along with many of Sea World's administrative, storage and employee facilities. Under CDP #6-93-86, Hubbs converted the "Atlantis Restaurant/A Place to Meet" building to research facilities with retention of 77 spaces in the "Atlantis" lot designated for use by Hubbs' researchers with the remainder of that lot, and all other on-site parking facilities, continuing to be 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. Although queuing problems on adjacent public streets have occurred in the past, mostly on holidays and during the summer, there has always been more than adequate vehicle storage capability within the existing parking lots; in addition, through CDP #6-91-282, the changes to the park entrance and 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 been augmented through parking lot reconfiguration, and continues to be adequate for the facilities needs to date even with the proposed improvements. When yearly attendance exceeds 4,00,000, 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. All of Mission Bay Park is a highly scenic public recreational resource, such that protection and enhancement of visual amenities is a critical concern in any proposed development in the park. The majority of the new proposed facilities are located within the interior of the park and are designed to match or complement adjacent existing structures. The only exception is with regard to the expansion of the first aid station at the park entrance. However, the first aid station is not visible to incoming patrons until entering the park facility and this aspect of the proposed project should not adversely affect visual resources in the area. The proposed 28-ft. high climbing wall is located near the Shamu's Happy Harbor area of the park, which contains several other high structures. It is also located in the interior of the park and will not result in any adverse visual impacts. Also, none of the proposed improvements will exceed 30 feet in height. Inasmuch as most of the proposed improvements are miscellaneous and unrelated improvements throughout the park facility, no adverse visual impacts are expected to result from the proposed project. As such, the proposed development can be found fully consistent with Section 30251 of the Coastal Act.

4. 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 population 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 not a major new project, but only miscellaneous park improvements through the park facility. This development is not anticipated to generate noticeably increased attendance at the theme park, and thus will not increase use of the parking lots to any significant degree. Moreover, the proposed development does not involve modifications to any of Sea World's existing water treatment, collection or discharge facilities. In addition, during construction, Sea World will implement all required Best Management practices to assure no adverse impacts to water quality occur. Therefore, as conditioned, to address other concerns, the Commission finds the proposed development consistent with the cited policies of the Coastal 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. In this case, such a finding can be made.

Mission Bay Park is primarily unzoned. As a whole, Mission Bay Park is a dedicated public park, and Sea World is designated as Lease Area in the presently-certified Mission Bay Park Master Plan (land use plan). The proposed development is consistent with the designation in the Mission Bay Park Master Plan, and 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, or other local discretionary actions, 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 Park 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)(A) 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 effect 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 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.

(6-98-29 Sea World of California stfrpt)



EXHIBIT NO. 1
APPLICATION NO.
6-99-29
Location Map



MASTER PLAN - SEA WORLD SAN DIEGO

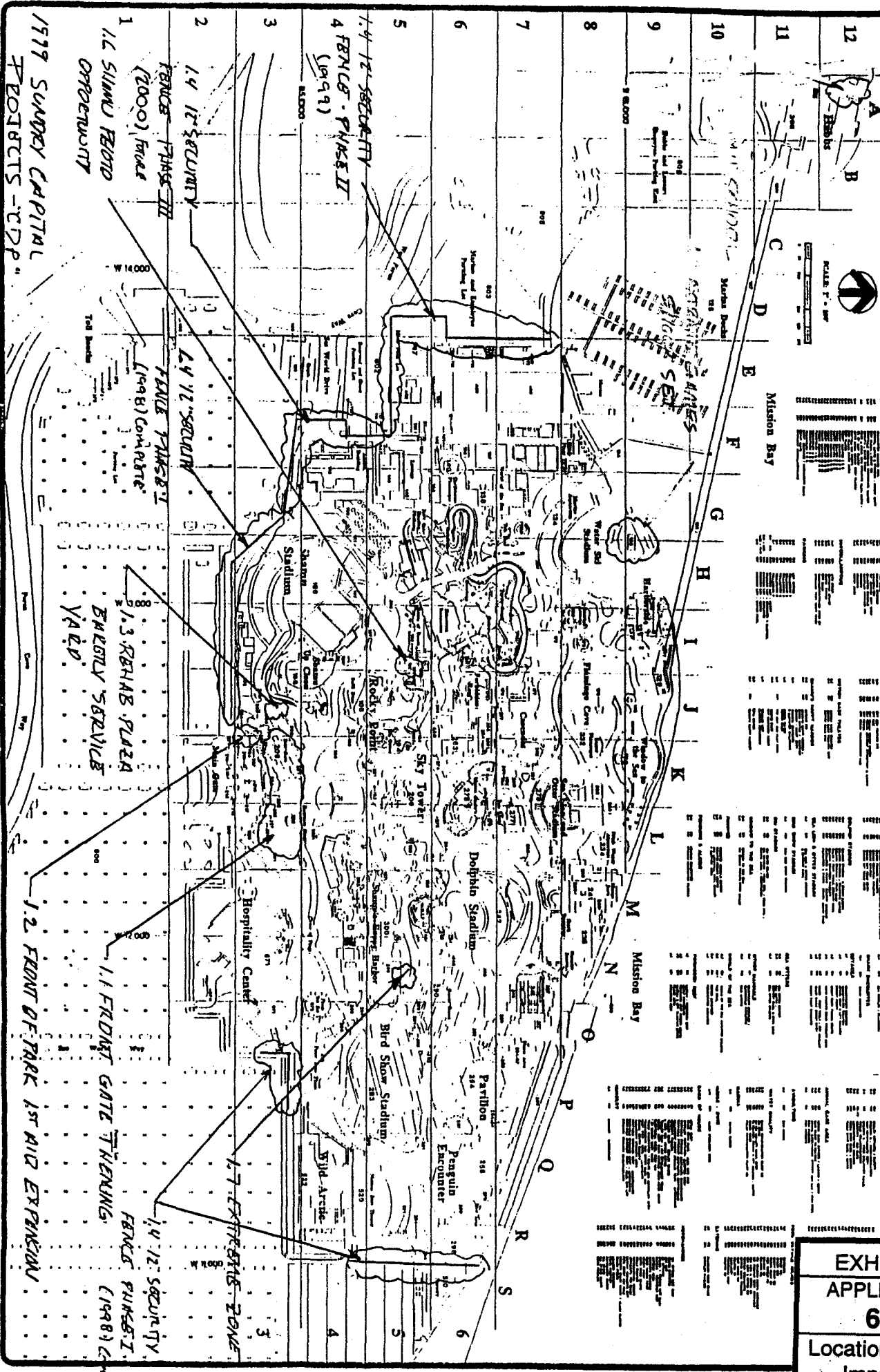


EXHIBIT NO. 2

APPLICATION

6-99-29

Location of Proposed Improvements

California Coastal Commission