

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4402
 767-2370



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 Hearing Date: November 5-8, 2002

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-130

Applicant: SeaWorld Adventure Park

Agent: Patrick Owen

Description: Construction of an education center, consisting of a one-story, 23-foot high, 3,795 sq.ft. building with classrooms and an auditorium, and a two-story, 36-foot high, 16,630 sq.ft. dormitory and administration building, on 1.8 acres located southwest of Shamu Stadium. Accessory facilities include a 690 sq.ft. food service building, 250 sq.ft. wetsuit storage building, picnic area, lawn area, walkways and fencing. The project results in the loss of 20, 12x26 (RV size) parking spaces. In addition, the project includes the request for after-the-fact approval for removal of asphalt and leveling of the site.

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 Precise Plan; SeaWorld Master Plan Update; Final EIR for SeaWorld Master Plan Update, dated 5/31/01; CCC File #6-01-129 (findings of August 19, 2002 staff report only)

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the project with special conditions. The project raises potential issues with respect to visual resources, public access and parking; these are addressed through the submitted project plans and the recommended conditions. While one of the proposed buildings will exceed 30 feet in height, it will not result in any public view blockage, as existing and proposed landscaping will screen it from view. Specifically, the conditions require submittal of final plans, including landscaping plans, and identification of appropriate staging areas and construction timing. The proposed education center is consistent in size, location and function to what the Commission conceptually endorsed in the SeaWorld Master Plan.

this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Revised Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a detailed landscape plan for the long-term plantings that indicates the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Said plan shall be in substantial conformance with the Education Center Landscape Concept Plan, submitted 9/11/02, except as revised below, and shall be submitted to the Executive Director for review and written approval and include the following:

- (a) Only drought-tolerant, non-invasive, native plant materials shall be utilized.

The permittee shall undertake development in accordance with the approved final landscaping plan. Any proposed changes to the approved landscaping plans shall be reported to the Executive Director. No changes to the approved landscaping plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Construction Access/Staging Area/Project Timing. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit plans showing all locations which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Use of public walkways and public parking areas, including on-street parking for the interim storage of materials and equipment shall not be permitted. If areas outside the leasehold are designated as staging/storage areas, or if construction will require any restrictions on traffic along Sea World Drive (such as lane closures), the plan shall also indicate that no work may occur during the summer months (Memorial Day weekend to Labor Day) of any year.

The permittee shall undertake development in accordance with the approved final construction schedule and staging plans. Any proposed changes to the approved schedule or plans shall be reported to the Executive Director. No changes to the approved schedule or plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Condition Compliance. WITHIN 60 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to the issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

open areas. Mission Bay Park is an area of deferred certification, where the Commission retains jurisdiction and Chapter 3 policies of the Coastal Act are the standard of review, with the certified master plan used as guidance. A recent site visit revealed that preliminary work, including removal of the parking lot paving and leveling of the ground on site in preparation for construction, has already occurred on the site without the required coastal development permit.

2. Visual Impacts. Section 30251 of the Coastal Act addresses visual resources, and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

Mission Bay Park is recognized nationally as a public resource providing a wide variety of passive and active recreational opportunities in a unique, visually-pleasing setting of rolling grassy areas, sandy beach and open water. Commercial leaseholds, including SeaWorld, are scattered throughout the park and include high-rise structures at four hotel sites, as well as the observation tower and gondola ride at SeaWorld. These few structures all predate the Coastal Act and the City's coastal zone height initiative which established a maximum height limit of 30 feet. A subsequent initiative granted an exemption to this ordinance for new development at SeaWorld. No permanent structural improvements exceeding 30 feet in height were approved anywhere in Mission Bay Park since passage of the Coastal Act and the City height initiative until the Commission approved a splashdown ride in September, 2002 (Coastal Development Permit #6-01-129). The tallest element of this as-yet-unbuilt structure will be 95 feet, whereas the maximum height for the subject proposal is 36 feet. Extensive findings addressing the height issue are found in the August 19, 2002 staff report for the splashdown ride, and are incorporated herein by reference.

The proposed education center is located outside, but along the perimeter of, the existing enclosed Sea World theme park. It will be closest to the existing Shamu Stadium, but separated from it by a fence and existing landscaping. It is proposed to be located in a portion of the existing parking lot used for RVs and trailers. At this site, the education center will be visible from Perez Cove Way (SeaWorld's private entry road), but will be screened from Sea World Drive and Ingraham Street by existing landscaping. The Master Plan EIR included photosimulations of all Tier I projects. The education center was not visible from any vantage point outside the leasehold, and the EIR analyzed it at 45' in height, rather than 36' in height, as proposed herein.

The Commission's primary concern with respect to view preservation, is to assure that views currently available to the general public recreating at Mission Bay Park are not obscured or significantly degraded by future development at SeaWorld. The public

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, [and] (5) assuring the potential for public transit for high intensity uses....

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).

SeaWorld is a private commercial leasehold within Mission Bay Park, a public park built primarily on tidelands granted to the City of San Diego by the State of California. 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 public access through the fenced SeaWorld 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 to the shoreline is available both east and west of the Sea World leasehold. The existing public pedestrian walkway through the parking lot will be retained and realigned as part of the proposed development. Thus, the proposed education center will not reduce the existing level of public access through this area of Mission Bay Park.

When the Commission certified the SeaWorld Master Plan, the certification included a number of public access improvements, both within the SeaWorld leasehold and in nearby public recreation areas of Mission Bay Park. The funding and phasing of these improvements were again discussed in detail in the findings for CDP #6-01-129 for the splashdown ride. It is not necessary to repeat those detailed findings herein, as the findings for CDP #6-01-129 have already been incorporated by reference.

In conclusion, the proposed education center will have no effect on current public access patterns in this part of Mission Bay Park, except to realign an existing pedestrian walkway around the project site itself. The Commission finds that construction and operation of the proposed education center will not diminish any existing access opportunities or recreational experiences, 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.

Another significant issue throughout Mission Bay Park, and most coastal areas is traffic/parking. The certified SeaWorld Master Plan identifies that no specific traffic improvements are triggered by any Tier I development, including the education center. Some of the programs that will be supported by the center are already ongoing, and will

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 SeaWorld'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. This issue was addressed in detail in review of the master plan, and SeaWorld's grading, drainage, erosion and stormwater requirements were reviewed and found acceptable by the Commission's water quality unit. The proposed project is identified and conceptually described in the master plan, and is designed to be a part of the existing stormwater improvements. Moreover, the proposed education center will be constructed on already-paved areas of the leasehold, thus not increasing impermeable surfaces or significantly changing existing patterns of runoff. The subject proposal does not modify any of SeaWorld's existing water treatment, collection or discharge facilities. These facilities currently process runoff from some of SeaWorld's paved parking lots and nearly all of its developed venues; this treatment will continue. Therefore, as conditioned to address other concerns, the Commission finds the proposed development consistent with the cited policies of the Coastal Act.

5. Unpermitted Development. Unpermitted development has been carried out on the subject site without the required coastal development permit. The applicant has begun the development proposed herein by removing the prior parking lot surfacing and leveling the site preparatory to construction. The applicant is requesting after-the-fact approval of all unpermitted development. To ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition #4** requires that the applicant satisfy all conditions of this permit, which are prerequisite to the issuance of this permit within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although removal of parking lot surfacing and site leveling have taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

6. 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

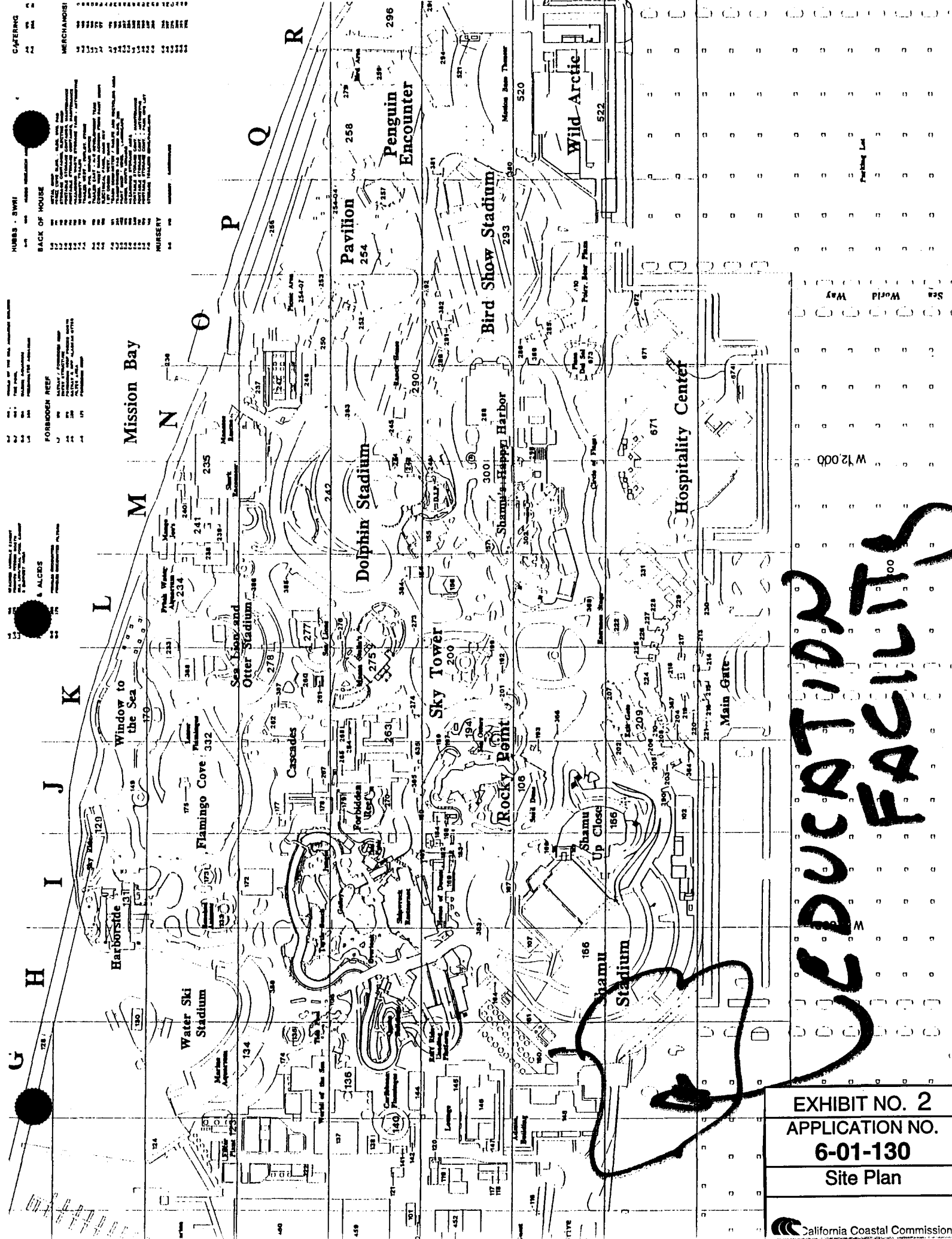
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

CATERING 11
 BACK OF HOUSE 12
 MERCHANDISE 13

HURDS - SWRI
 BACK OF HOUSE
 MURSEY

FORBIDDEN REEF
 SEASIDE
 SHAMU

ALCIDS
 SHAMU



EDUCATION FACILITIES

EXHIBIT NO. 2
 APPLICATION NO.
6-01-130
 Site Plan