

CALIFORNIA COASTAL COMMISSION

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



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Staff Report: August 19, 2002
Hearing Date: September 9-13, 2002

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-129

Applicant: SeaWorld Adventure Park

Agent: Patrick Owen

Description: Construction of a splash down water ride, consisting of three towers (95, 89 and 83 feet high), interior and exterior sets with water effects, a 130,000 gallon exhibit tank for up to ten Commerson Dolphins, a gift shop, snack stand, restrooms, and several accessory structures, located on approximately 5.5 acres along and within the southern border of the enclosed theme park, east of the visitor entrance and adjacent to the main parking lot.

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

Substantive File Documents: Certified Mission Bay Park Precise Plan; SeaWorld Master Plan Update; Rollercoaster Noise Surveys, dated 4/23/01; Final EIR for SeaWorld Master Plan Update, dated 5/31/2001

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: This application was originally scheduled on the Commission's July 9, 2002 meeting agenda. However, a different SeaWorld matter was scheduled for City of San Diego City Council action the same day, and the applicant requested this matter be postponed to avoid a conflict. Staff is recommending approval with conditions which address visual resource and public access concerns. Specifically, the conditions require submittal of final plans, including landscaping plans, identify appropriate staging areas and construction windows, and restrict the color of those portions of the ride visible from outside SeaWorld.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-01-129 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final site plans, building plans and elevations approved by the City of San Diego, which shall clearly delineate the ride in its approved location, and otherwise be in substantial conformance with the preliminary plans submitted by the applicant, titled "2003 Expansion, SeaWorld San Diego," dated August 10, 2001

The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to 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 Planting Plan (sheet L1.2) dated 8/10/01, 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 native plant materials shall be utilized.
- (b) Trees shall reach at least 60 feet at maturity.
- (c) Existing mature vegetation along the theme park's eastern and southern perimeters shall be retained and maintained in good growing condition.

The permittees 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.

4. Coloration of Structure. To minimize visibility from outside SeaWorld, those portions of the approved splash down ride visible from outside SeaWorld shall not be finished in any solid white or bright color.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant, SeaWorld, is proposing to add a new attraction to the existing theme park. This would consist of a splash down water ride themed as the Lost City of Atlantis, which is proposed as a multi-structure, and multi-level, complex. The proposed primary structures include one building with three towers (83, 89 and 95 feet in height), interior and exterior sets with water effects, and a 130,000

gallon exhibit tank for up to ten Commerson Dolphins. Proposed accessory structures include a gift shop, snack stand, restrooms, and various operation and maintenance structures. The proposed ride would be located on approximately 5.5 acres along and within the southern border of the enclosed theme park, east of the visitor entrance and adjacent to the main parking lot.

This is the first application for development under the new SeaWorld Master Plan Update, which the Commission voted to certify in February, 2002. The new master plan addresses build-out of SeaWorld over the next 15-20 years, and is divided into Tier 1, Tier 2 and Special Projects. The splash down ride is a Tier 1 project, and has been described in detail in the master plan. An EIR was prepared, circulated for public review and approved by the City of San Diego for the master plan, which looked at the overall plan but also analyzed potential impacts and mitigation requirements for the identified Tier 1 projects. The issues addressed with regard to the splash down ride are visual resources, public access, and water quality.

SeaWorld 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. 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.

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 limit of 30 feet. No permanent structural improvements exceeding 30 feet in height have been approved anywhere in Mission Bay Park since passage of the Coastal Act and the City height initiative.

In 1998, SeaWorld secured passage of a new height initiative, exempting itself from the 30-foot limit. Following this, SeaWorld developed a detailed master plan that established development sites and design criteria for future buildout of the park, and redevelopment of existing areas. The initiative made it clear that heights exceeding the 30-foot limit

could be proposed within the SeaWorld leasehold, but the City Council and Coastal Commission would decide whether or not to approve the specific proposals. The currently developed portions of SeaWorld are heavily landscaped with a variety of mature trees, shrubs and groundcovers. Many existing trees are 60-80 feet tall and effectively screen the interior of the park from views from outside SeaWorld. In addition, the existing landforms and development in this area obscure any view of Mission Bay across the historic leasehold itself. Therefore, some taller elements in this area may be found consistent with Section 30251, depending on their exact location and design.

The appropriate height of any proposed structure must be thoroughly analyzed, taking into consideration the specific design details, siting, scale and bulk of the proposed development, the nature of surrounding development, and the potential for cumulative impacts from additional future development. The master plan, as modified by the Commission, identified a specific site for the proposed splash down ride within the developed area of the park close by the main parking lot. The proposed project site is the one the Commission approved in the master plan.

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 proposed ride is located within, but along the perimeter of, the existing enclosed Sea World theme park, adjacent to the main parking lot, but separated from it by a fence and existing landscaping. As the proposed ride is of the roller coaster variety, much of it will be higher than 30 feet, the typical height limit for the City of San Diego's coastal zone. It will occupy most of the delineated 5.5 acre site, but is not fully enclosed. Therefore, there will still be some views through/across the specific site, although such views are limited to persons already in the theme park. There is no existing bay view in this location.

Several separate structures are proposed to house the various elements of the ride and accessory facilities. The one proposed structure exceeding 30 feet in height houses the three ride towers necessary to create the ride experience: a lift tower, a drop tower and a stair tower, connected to each other by segments of track and portions of the building. The three towers are 95, 83 and 89 feet tall respectively, with approximate diameters of 50 feet, 36 feet and 24 feet. Due to the existing mature vegetation throughout much of the developed park, existing buildings 30 feet or less in height cannot be readily seen from outside the park.

The proposed structures which exceed 30 feet will be visible from some vantage points within and outside the SeaWorld leasehold; however, 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. The public recreational amenities at South Shores Park are located immediately east of the SeaWorld leasehold, but approximately 2,000 feet distant from the proposed ride location. Across Pacific Passage to the north lies Fiesta Island. Along with South Shores, this is the last remaining large piece of undeveloped parkland designated for

public recreational uses. Like South Shores, anticipated improvements include grassy picnic areas, open play areas, restrooms and parking lots. These two areas are the closest to the SeaWorld leasehold, and thus most likely to be affected by development within the theme park.

The applicant has submitted computer generated pictures (see Exhibit A) to show the views from a number of locations, including South Shores and Fiesta Island. From both locations, the splash down ride will be visible; however, in its proposed location, there is a significant amount of intervening development, mature vegetation, and space to soften the views to the point where the structures will not be a domineering or prominent presence. Due to the roadside berm, which is densely vegetated to screen the parking lots, and the considerable distance across the parking lots (approximately 800-900 feet), the ride will not be readily discernable from Sea World Drive, based on the computer simulation. A couple photos were taken from more distant areas within Mission Bay Park. These demonstrate that the ride will appear as only a background object from both vantage points, as well as from more distant areas such as I-5, I-8, and the Presidio.

The applicant has submitted a conceptual landscaping plan for the splashdown ride site. This plan meets the specific design criteria identified in the certified SeaWorld Master Plan Update for this facility, which includes screening vegetation (trees) that will attain 60 feet in height at maturity. However, some of the species chosen are not native plants. Special Condition #2 requires submittal of a final, revised landscaping plan, requiring use of only drought-tolerant native vegetation and that selected species must meet the same height and screening criteria as contained in the Master Plan Update. Additionally, the condition requires retention and maintenance of all the existing mature trees/landscaping which provide a visual screen of the proposed ride structure from views from the land and water areas of Mission Bay Park and the surrounding communities.

In summary, the applicant is proposing the splash down ride in an appropriate location, consistent with the SeaWorld Master Plan that the Commission voted to certify. It's visibility from outside SeaWorld will be primarily limited to the three towers, it will be quite distant from public viewing areas, and it will blend in with surrounding mature vegetation. As proposed, the structures are colored in various hues of beige, terra cotta, green and blue. Special Condition #4 provides that the portions of the attraction visible from outside SeaWorld not be finished in any white or bright solid color. Special Condition #2 requires submittal of a final landscaping plan, requiring use of only drought-tolerant native vegetation which provides effective screening of the structures. Therefore, as conditioned, the Commission finds the proposed new attraction will be consistent with Section 30251 of the Act.

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

SeaWorld is a private commercial leasehold within Mission Bay Park, a public park built primarily on tidelands granted to 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 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 certified Mission Bay Park Master Plan cites a complete pedestrian access pathway around the bay as a future goal. In its recent action to certify the SeaWorld Master Plan, the Commission determined that additional pedestrian or bicycle access through the SeaWorld leasehold was not required to mitigate for the detailed Tier 1 projects identified in the plan, although additional access may be required for some or all of the Tier 2 projects in the future, as these are only identified as potential redevelopment sites. The

proposed splash down ride is one of the five Tier 1 projects proposed in the SeaWorld Master Plan as approved by the City and the Coastal Commission.

The Master Plan requires the widening and improvement of the existing bicycle/pedestrian path which currently runs around the inland perimeter of the SeaWorld leasehold. As approved by the City Council, the plan requires widening the existing 10-foot wide paved pathway, which follows SeaWorld Drive and Perez Cove Way for the most part, to 17 feet of path with a four to ten-foot landscape strip separating bicycle and foot traffic wherever possible. This would bring the path into compliance with current Mission Bay Park standards. In addition, the plan requires clear and adequate signage identifying the path as a public amenity.

Another public access benefit gained through the City's approval of the Master Plan is the off-site improvement of some of the missing segments of the existing shoreline access path around Mission Bay. These improvements total approximately 4,700 linear feet of 10-foot wide pathway, located between SeaWorld and the Fiesta Island causeway, where the current path is discontinuous in places. As approved by the City, this improvement is required to be in place by the end of 2002.

In its review of the SeaWorld Master Plan Update, the Commission expressed concerns regarding the direct loss of public parkland, failure to provide adequate shoreline setbacks for public access and the need to prioritize public recreational improvements over commercial development and leasehold expansion within Mission Bay Park. The Commission suggested changes to the plan policies to address implementation measures and funding mechanisms to assure completion of identified regional park improvements on South Shores and Fiesta Island concurrent with expansion of the SeaWorld leasehold or any other expanded commercial development in Mission Bay Park. Such private commercial development has a cumulative impact on traffic and circulation within the park and occupies land area otherwise available for lower cost visitor and recreational facilities which are high priority uses under the Coastal Act.

The Commission's suggested modification to the policy language indicates that completion of the planned public improvements within South Shores and Fiesta Island must be given a higher priority. The intent of the suggested language is to assure that significant commercial development in Mission Bay Park only proceeds commensurate with equitable public improvements identified in the plan.

With regard to the SeaWorld leasehold, the Commission's suggested modifications relating to provision of public recreational improvements would affect any development proposed on the 16.5 acre expansion area, i.e. the Special Event Center and the parking above the 10 acre landfill. The suggested modifications include a public access improvement, the waterfront promenade on South Shores Park which, if constructed by SeaWorld, would serve to offset in part the ongoing access constraints on lower cost visitor and recreational facilities in Mission Bay Park, which will be exacerbated by the proposed Tier 1 projects, and would allow all Tier 1 development to move forward.

There is an existing asphalt path from SeaWorld to the Fiesta Island Causeway, utilized by both bikers and pedestrians, which already provides access inland from the water's edge. Support facilities such as landscaping, shade structures, picnic tables, benches, trash cans, etc. are the type of public improvements lacking in the area.

The Commission found completion of the waterfront promenade would be an important first step by the City and SeaWorld toward completion of South Shores Park. The Commission found construction of the waterfront promenade will offset the impacts to public access associated with expansion of the SeaWorld leasehold in an area otherwise available to provide lower cost visitor and recreational facilities and will assure completion of a significant component of the planned South Shores park development commensurate with Tier 1 expansion plans.

Therefore, the Commission found these modifications are the minimum necessary to respond to known public needs, especially the need for additional low-cost public improvements. Areas of Mission Bay Park, in particular South Shores and Fiesta Island, are currently underutilized because they lack basic infrastructure, such as electricity, water, and sewer improvements, as well as conveniences like restrooms, picnic tables, benches, etc. As other Tier 1 developments within the 16 acre expansion area come forward, assurance of completion of these South Shore public improvements should accompany requests for coastal development permits. The applicant has indicated it is currently preparing a permit application for the Tier 1 access improvements and it should be coming before the Commission this fall. The other Tier 1 projects, which were all conceptually endorsed in the master plan, include educational facilities, front gate renovations and an enlarged and relocated special events center.

In conclusion, the proposed ride will have no effect on current public access patterns in this part of Mission Bay Park, since it is located within the already developed and enclosed portion of SeaWorld. Although the location originally proposed location in the master plan, which was along the perimeter of the bay, raised concerns that ride noise would affect the recreational experience of persons in nearby public park areas, the currently proposed site is within the already developed portion of the park, much further removed from public park areas. The Commission finds that construction and operation of the proposed splash down ride 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 issue of great concern to the Commission is the traffic circulation problem, which currently exists in the area and is anticipated to worsen with future growth. 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 serve as a popular commuter route as well. These are the only roadways serving SeaWorld. The proposed Mission Bay Park Master Plan amendments and SeaWorld Master Plan Update include a number of good policies on traffic issues, and include a range of mitigation measures to be implemented in the future based on overall growth and attendance counts at SeaWorld. In its review of these plan amendments, the

Commission found the major problem is not determining what improvements are needed, but prioritizing the improvements according to greatest need, and finding a means to fund and implement necessary improvements.

With respect to the proposed Tier 1 improvements, the necessary traffic improvements at the I-5/SeaWorld Drive Interchange and the I-8/I-5 Interchange are not triggered by these improvements, but are tied to the results of the Mitigation, Monitoring and Reporting Program required by the EIR for the SeaWorld Master Plan Update. The Caltrans Project Study Report will identify the phasing and funding of traffic improvements necessary to relieve congestion during peak summer recreational use and address the cumulative effects of increased population, commercial development and public recreational demand. Thus, the Commission supported the expenditure of the first mitigation monies toward completion of the Caltrans Project Study Report. It is SeaWorld's proposed Tier 2 development that may potentially be delayed if traffic mitigation is not guaranteed due to the status of Caltrans studies and project funding. This conclusion was drawn from the findings of the EIR for the SeaWorld Master Plan Update.

That EIR identifies traffic impacts and recommended mitigation for 2005 and 2020, but indicates the measures should not be tied to a specific year but, instead, SeaWorld should implement a Mitigation, Monitoring and Reporting Program (MMRP) to identify when the impacts occur, due to the uncertainty of SeaWorld attendance. The EIR indicates there are significant impacts to the SeaWorld Drive and I-5 interchange for 2005 and 2020 that are considered unmitigated if full funding for the CIP is delayed or never achieved. SeaWorld's monetary obligation to the CIP is tied to the MMRP. According to the EIR, when SeaWorld's project traffic exceeds the identified thresholds in the MMRP, SeaWorld will be responsible for its fair share contribution.

The Commission found the EIR analysis suggests there is a potential for significant impacts to occur from SeaWorld and any commercial expansion within Mission Bay Park without the assurance that adequate traffic mitigation measures will ever occur. This uncertainty is not acceptable within a regional and statewide visitor destination center such as Mission Bay Park, or consistent with Sections 30210 and 30250 of the Coastal Act. Therefore, the Commission suggested changes to the plan policies to address traffic matters in an attempt to help promote faster implementation of traffic improvements. They address needed freeway improvements, identify some potential funding mechanisms and require that the Caltrans Project Study Reports for I-5/I-8 improvements and at the I-5/SeaWorld Drive Interchange be utilized as a factor in determining when expansion of commercial development and/or leaseholds may occur within Mission Bay Park in the future. These reports are necessary to determine the phasing and funding of improvements necessary to relieve congestion during peak summer recreational use and address the cumulative effects of increased commercial development, population and public recreational demand.

The revision to the SeaWorld Master Plan Update, as proposed by SeaWorld and the City, establishes the exact amount of SeaWorld's share of traffic improvement monies, to be paid in five annual installments. The Commission augmented this revision to require

the first annual payment to be paid upon effective certification of the subject LCP amendment. It also added provisions for either a 3% annual increase, or an increase based on the Consumer Price Index, whichever is greater, to address increases in costs over the five-year payment period. The Commission found the City's and SeaWorld's proposal to pay traffic mitigation funds sooner than required by the EIR will expedite completion of the Project Study Report and the identification and phasing of the necessary traffic mitigations. The information in the Project Study Report will be utilized in determining traffic mitigation requirements associated with future development within Mission Bay Park. The Commission found such plan policies are necessary in order to prevent traffic congestion related to future development at SeaWorld and other portions of Mission Bay Park from impeding the public's ability to get access to the coast, pursuant to Sections 30250 and 30252 of the Coastal Act.

With respect to the adequacy of on-site parking, SeaWorld 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 Hubbs Research laboratories, aquaculture tanks, and associated research and administrative functions, located northwest of SeaWorld proper, but within the overall leasehold boundaries. Although it is difficult 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 are currently inadequate.

In addition to on-site parking accommodation and fairly recent circulation improvements, Sea World is served by two public transit (bus) routes, #9 and #27. The Master Plan Update which the Commission recently voted to certify requires SeaWorld to provide financial incentives for visitors to take public transportation to SeaWorld. The Commission suggested policy revisions which discuss the promotion of public transportation as a way to reduce traffic volumes on the street system. Included is an offer by SeaWorld to reduce the price of admission by \$5.00 to anyone showing proof of use of transit. The Plan Update identifies a number of other potential incentives, some already implemented and others to be implemented based on need. These include tram service for summertime weekends to transport people from the nearby trolley stations to SeaWorld, and additional financial incentives which might increase use of public transportation (buses and trolleys). Implementing a tram would encourage better ridership by recreational users. Other incentives suggested by SeaWorld are programs encouraging employee use of public transportation and advertising the availability of transit services in advertising brochures. The success of the above-mentioned range of incentives to encourage public transit will be evaluated in review of future development proposals within the SeaWorld leasehold to determine whether additional measures are warranted to assure compliance with the requirements of Section 30252 of the Coastal Act to facilitate the provision of transit service, especially for high intensity uses such as SeaWorld.

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 continues to be adequate for the facilities needs to date even with the proposed ride attraction and other Tier 1 projects. Special Condition #3 requires identification of all construction staging and storage areas, prohibiting the use of public areas for this purpose. If use of public areas or closure of travel lanes cannot be avoided altogether, then work must occur outside the summer season. Therefore, as conditioned, the Commission finds the proposal consistent with all of the cited 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. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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 fully described in the master plan, and is designed to be a part of the existing stormwater improvements. Moreover, the proposed splash down ride will not increase impermeable surfaces or significantly change existing patterns of runoff. In fact, since the specific project site is fully paved at this time, there will be a net decrease in impermeable surfaces as a result of this project, which includes the removal of some paving and replacement with landscape features. 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.

4. Noise/Marine Mammals. Section 30230 of the Coastal Act, cited in the previous finding, protects marine resources and is the most applicable Coastal Act policy with regard to marine mammals that are held in captivity at SeaWorld. At the Commission hearing for the SeaWorld Master Plan, a number of citizens and Commissioners raised concerns over how the captive marine mammals at SeaWorld would be affected by noise generated by the ride. Of particular concern are the Commerson's Dolphins, which are proposed to be exhibited within the overall project site. The applicant has submitted a study of roller coaster noise conducted at two other Busch facilities (Orlando and Tampa), which indicates that proper design will assure that noise will not exceed current ambient levels experienced by the dolphins in their existing exhibit tank. Exhibit #1 is the two-page summary of that report and includes specific design recommendations which have been incorporated into the project plans.

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 SeaWorld is designated as Lease Area in the presently-certified Mission Bay Park Master Plan (land use plan). Although the Commission has certified the recent Mission Bay Park Master Plan amendment, incorporating the SeaWorld Master Plan as a component, it did so with suggested modifications that have not yet been adopted by the City. 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 SeaWorld's lease with the City of San Diego, or other local discretionary actions, are required as a result of the improvements proposed herein. The master plan update addresses the height limit ballot measure, which approves greater-than-thirty-foot heights within the SeaWorld leasehold, but leaves final oversight to the City Council and Coastal Commission, who will review each proposed development on a case by case basis. Therefore, the Commission finds that approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to prepare a fully certifiable LCP for its Mission Bay Park segment.

6. 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, as conditioned, has been found consistent with the public access and recreation, visual resource, and water quality 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 and still achieve the purpose of the project. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is 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. 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.

MEMORANDUM

TO: JIM ANTRIM, JIM MCBAIN AND PAT OWEN
FROM: ANN BOWLES
DATE: 4/19/01
RE: NOISE LEVELS FROM ROLLER COASTERS AT SWO/BUSCH GARDENS
CC: TOM GOFF, JACK PEARSON, DON KENT AND PAM YOCHAM,

RECEIVED

MAY 1 6 2002

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Gentlemen:

I've read Larry Wolski and Rindy Anderson's report regarding the noise from the 'Journey to Atlantis' and other roller-coaster rides at Sea World of Orlando (SWO) and Busch-Gardens Tampa (BGT). A copy is attached for your review. The results are encouraging, as it should be possible to *improve* the noise environment for the Commerson's dolphins, and to prevent undue disturbance at the OSPER facility with some simple modifications to the construction plans.

From my perspective, the important points are as follows (I refer you to Figure 4 in the report):

1. The underwater ambient noise in the pools where the Commerson's dolphins are being held at SeaWorld San Diego is relatively high because their pool is coupled to the pumping and filtration. This noise is broad band, extending well up into the range of frequencies that Commerson's dolphins are thought to hear well (> 1000 Hz). It is also continuous noise (as opposed to transient noise, which only lasts for brief periods).
2. The worst-case underwater exposure at the JTA ride in Orlando was in the splashdown pool. While levels were high briefly during splashdown events (transient levels reached 124.1 dB re 1 μ Pa), the ambient in the pool was actually lower than the levels currently experienced by the Commerson's dolphins.
3. Exposure in a pool adjacent to the ride was very moderate, particularly at the frequencies that Commerson's dolphins hear best. This was true of both ambient levels and splashdown events.

EXHIBIT NO. 1
APPLICATION NO.
6-01-129
Noise Report
Page 1 of 2
California Coastal Commission

Thus, simply isolating the new Commersons pool from the complex consisting of the ride and water management system will do much to reduce noise. Based on the plans I saw before Christmas, this is exactly how the new pool has been designed.

I also concur with the gist of the suggestions made in the report. My recommendations:

1. Put as much concrete between the new pool and the splashdown areas as possible. Sound is attenuated most effectively by mass. For example, peep holes in a solid wall attenuate noise more effectively than an acrylic wall.
2. Keep noisy sources such as loudspeakers either away from the pool or oriented away from the pool. Visitor noise will come and go, but loudspeakers will raise the ambient in the pool continuously.
3. Protect the surface of the pool from direct line-of-sight to the noisiest parts of the ride (splashdown, visitor entrance) with a wall. As the report shows in several places, sound transmits easily from air to water in shallow pools, but may be dramatically attenuated by a simple and fairly low barricade.

As I mentioned when we first talked about this, I'm also concerned about the noise and disturbance generated by increased traffic around the OSPER facility. I would suggest putting a wall around it that would block noise and traffic both from the people coming in to the ride and from the ride itself.

EXHIBIT NO. 1
APPLICATION NO. 6-01-129
Noise Report
Page 2 of 2
California Coastal Commission

6-01-129



EXHIBIT NO. 2

APPLICATION NO.

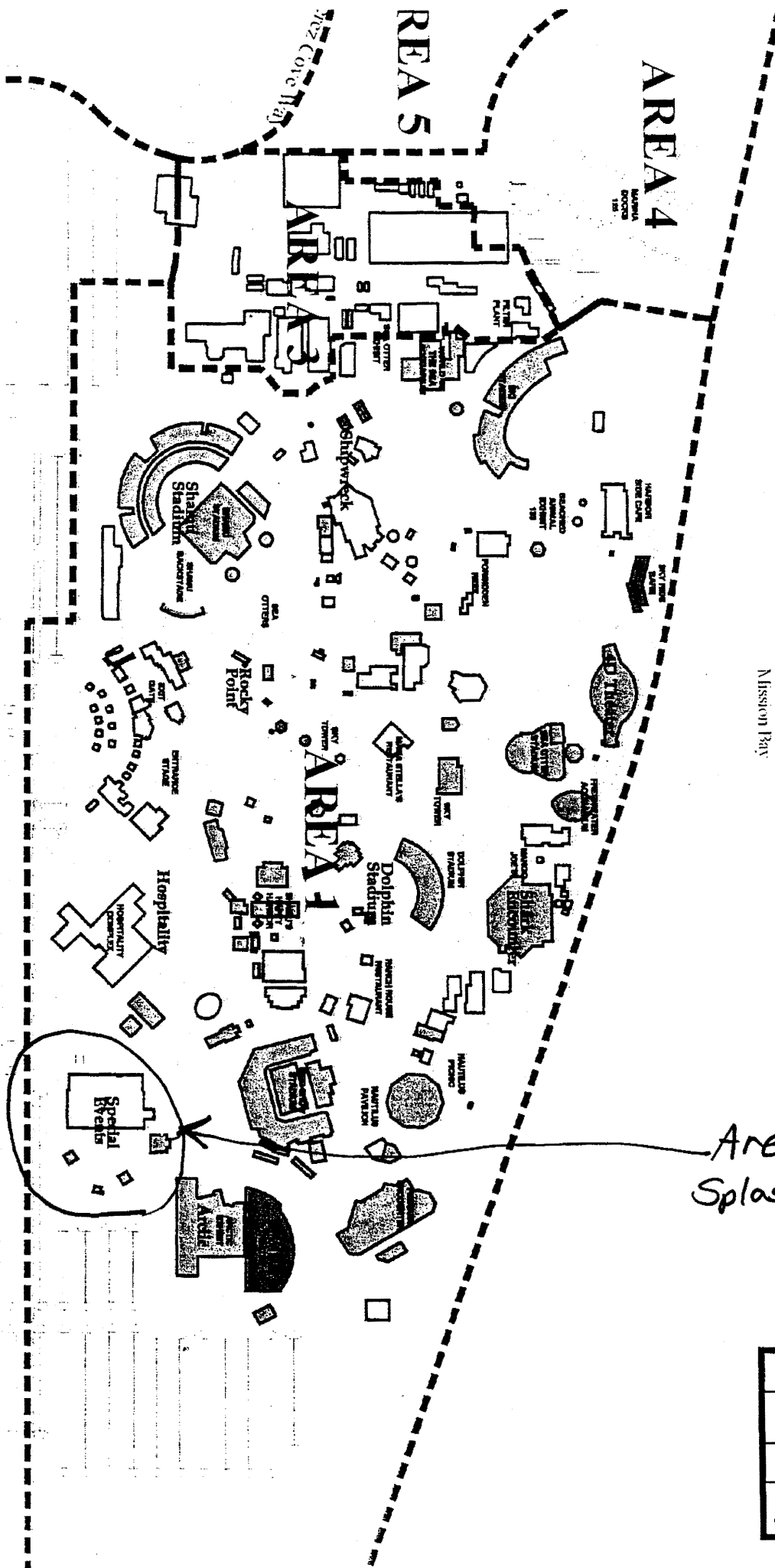
6-01-129

Location Map

6-01-129

West Mission Bay

AREA 2



Area for
Splash Down Ride

EXHIBIT NO. 3
APPLICATION NO. 6-01-129
Site Plan
Developed Area
California Coastal Commission

6-01-129

W 13,000

Proposed
Ride

W 12,000

W 11,000

EXHIBIT NO. 4
APPLICATION NO.

6-01-129

Conceptual Plan
for Ride

California Coastal Commission

THE MASTER PLAN

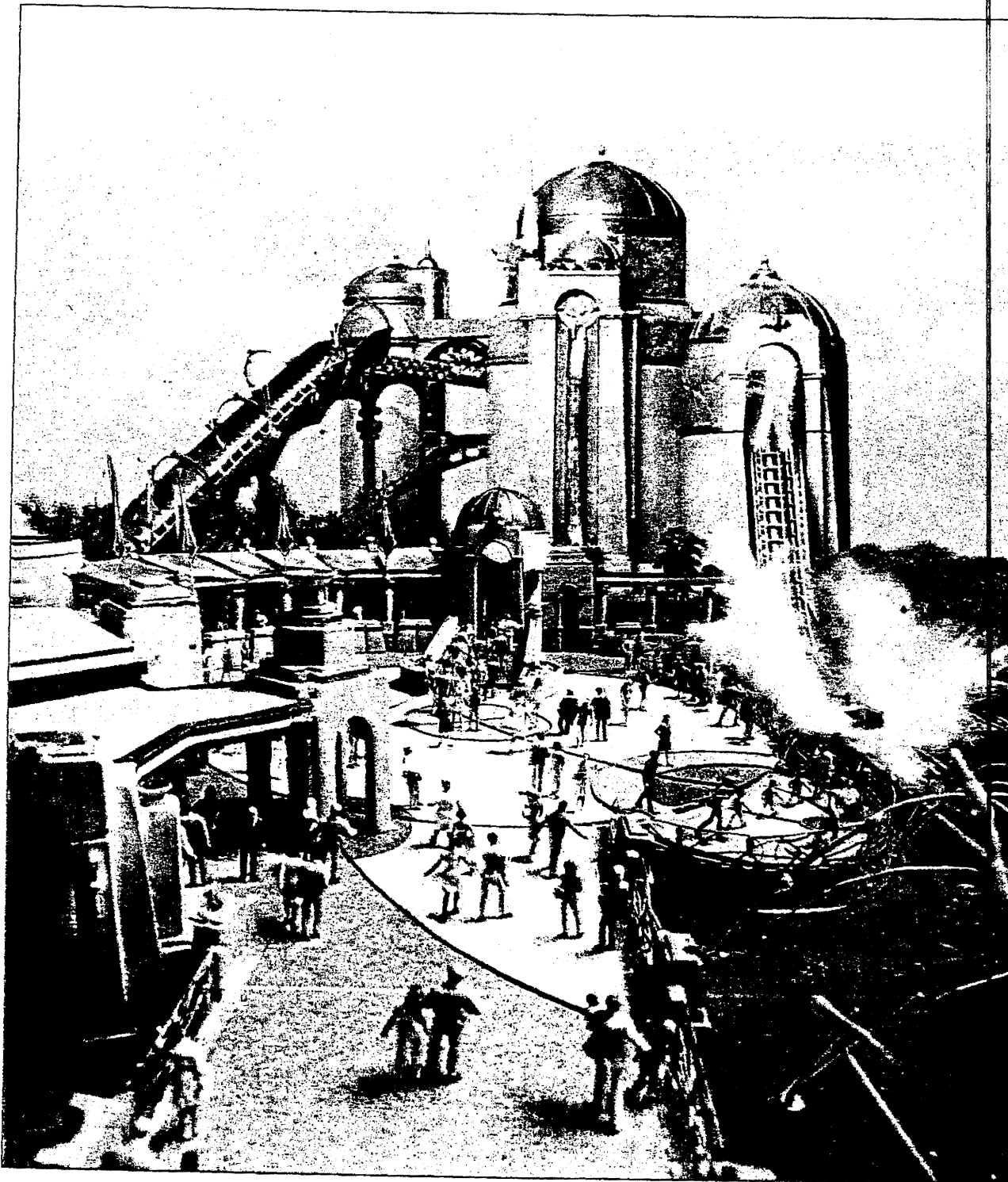


Figure II-5 Conceptual Splashdown Ride Elevation

EXHIBIT NO.	
APPLICATION NO.	6-01-129
Conceptual elev.	from inside

SeaWorld Master Plan Update

* Views from Outside SeaWorld are

Mission Bay Park Toxic Cleanup
P.O. Box 122807
San Diego, CA 92112-2807

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JUL 01 2002

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Agenda No: 9a
Permit No: 6-01-129
Benjamin Leaf
Opposed

Coastal Commissioners
c/o California Coastal Commission
7575 Metropolitan Drive St. 101
San Diego, CA 92108 - 2384

Tue 9a

July 1, 2002

COPIES GIVEN TO STAFF.

SUBJECT: Mission Bay Park: Application for SeaWorld Splashdown ride, hi-rise towers of 95, 89, 83 feet, retail buildings, accessory structures

Dear Commissioners:

The California Coastal Commission will hear SeaWorld's application for final permission to build a ninety-five foot high thrill ride in Mission Bay Park, along with "accessory structures". As a resident of the area, I urge you to deny SeaWorld the right to compromise the park's natural environment by creating such a noisy eyesore.

A thrill ride is inconsistent with SeaWorld's charter as a marine educational facility. It is inconsistent with the coastal landscape of Mission Bay Park. SeaWorld lied to the public to get permission to build above thirty feet, and ignored the objections of local planning boards and overwhelming public opposition to park thrill rides.

If corporate deception and public objection are not enough, consider this. SeaWorld proposes to switch the locations of its splashdown roller coaster and convention center. Our concern is that their application is contingent upon this change. The Walmart-like convention center would be sited right next to beautiful Mission Bay in the leasehold's northeast corner. It would also be on top of industrial toxic contamination. Siting public occupancy buildings over toxins is prohibited by law. There is a large toxic plume underlying the northeast corner. SeaWorld's own paid consultant's drilling study told them this. Five of six wells dug hit the plume. (The study is an appendix to the City's SeaWorld EIR, not widely distributed. I assume the City has distributed this critical document to the Commissioners).

The land which lies between (and partially under) SeaWorld and Interstate 5 is one of California's worst toxic dumps. It is a huge 115-acre abandoned toxic waste site, containing millions of gallons of 86 of the worst EPA-priority industrial solvents, heavy metals, volatile organic chemicals, carcinogens and pesticides.

For years, activists have urged cleaning up the dump to protect the public's health and safety. South Shores Park, immediately adjacent to SeaWorld's east boundary, is supposed to have children's play areas and grass picnic areas for 15 million park visitors. The City of San Diego is now initiating a dump study. Whether the study's funding, neutrality, and scope are adequate is yet to be determined.

The City failed to line or fence the dump. Its exact boundaries are undetermined. The presence of this huge toxic time bomb in the middle of the city's most popular park endangers its human

LETTERS OF OBJECTION |


visitors and may well have led to an alarming park wildlife dieoff.


Public health protection must be paramount. I have enclosed a recent Union-Tribune article and map of the toxic dump. To allow SeaWorld to ignore its corporate responsibility and construct a building for conventioners could endanger the public.

I would like to take my kids to SeaWorld without worrying about toxic releases into the land, air, and waters of Mission Bay Park. It is unconscionable the City refuses to clean it up. Mission Bay Park Toxic Center is ready to answer your questions about this hazard that underlies the park and SeaWorld.

My family enjoys the park's natural beauty. Thrill rides and convention centers are non-conforming uses. SeaWorld attracts four million paying customers without them. There is a roller coaster a mile from SeaWorld in Belmont Park. San Diego Bay already has a giant new City Convention Center expansion on the water that blocks public access. Deny the SeaWorld application to build thrill rides and a convention center in Mission Bay Park.

Sincerely,


Benjamin Leaf
Mission Bay Park Toxic Cleanup

THERE'S ONLY ONE NUMBER ONE.**SignOnSanDiego.com**
THE SAN DIEGO UNION-TRIBUNE **PRINT THIS** **Click to Print**[SAVE THIS](#) | [EMAIL THIS](#) | [Close](#)

Is 1950s landfill leaking toxins?

Seepage into S.D. River, Mission Bay suspected

By Angela Lau
UNION-TRIBUNE STAFF WRITER

June 10, 2002

Decades of speculation that an old Mission Bay landfill is leaking toxins into the bay and San Diego River may be resolved with a new, comprehensive study.

The investigation, a collaborative effort between the city and City Councilwoman Donna Frye, will receive guidance from a panel of residents, scientists and experts.

"Many, many years ago, we knew for a fact there were toxic materials buried and dumped there. No one is denying that," Frye said, echoing the views of many environmental organizations. "We need to find out if there is any leak or seepage or environmental problems. We need to know that, and we need to know it sooner rather than later."

Although studies and monitoring tests have been done, Frye and city officials said many residents thought the investigations were not thorough enough. Chief among them is the Ocean Beach Grassroots Organization, which has been lobbying Frye to take another look.

The city's Environmental Services Department also felt it is time to update a study conducted two decades ago, said Chris Gonaver, the department's deputy director.

"There have been a lot of concerns," Gonaver said. "We want to lay them to rest once and for all."

About half the trash in the landfill, operated by the city from 1952-59, is industrial waste. According to Frye, city officials and news reports at the time, the aerospace industry deposited drums that contained toxic waste.

Back then, dumping was unregulated, and landfills were not lined to prevent leaking, as modern dumps are, said Steve Fontana, deputy director for the city's refuse disposal division.

The Mission Bay landfill is bounded by Mission Bay to the north, San Diego River to the south, Interstate 5 to the east, and Sea World to the west.

3

In 1983, a consultant, Woodward-Clyde, now URS, studied the possibility of leakage from the landfill and reported the dump was "not presently a source of hazardous levels of contaminants to Mission Bay or the San Diego River channel."

However, the report noted that some of the estimated 2 million gallons of waste deposited there during the landfill's 7 1/2 years eventually could be a source of contamination when barrels that had not corroded at the time of the study break down.

"The primary organisms that would be at risk appear to be the aquatic organisms inhabiting Mission Bay and the San Diego River channel," the report stated. It said the dump did not pose a "significant" health hazard to humans.

The report noted a "wide variety" of chemicals in landfill and ground water samples, but their concentrations were not high enough to be considered hazardous.

Among those chemicals were arsenic, cadmium, copper, lead and mercury. Acetone, found in nail polish remover, and carbon tetrachloride, a cleaning solvent and suspected carcinogen, also were detected.

Six years later, in 1989, a one-time test fueled suspicions that the landfill was, indeed, leaking.

A construction company hired Raymond Kary, a Scottsdale, Ariz., consultant, to find out if a site that encompassed part of the landfill was safe for workers to excavate. Kary found signs of leakage. The construction project was dropped.

Kary said he took one water sample from the beach and discovered toxins that included TCA, a common industrial solvent; chloroform and carbon tetrachloride.

"The landfill was leaking," Kary said from Scottsdale last week. "Someone needed to do some more work to see what was actually leaching."

In the years that followed, city and state agencies have regularly monitored the site and have found no leakages, Gonaver said.

When the U.S. Environmental Protection Agency investigated in 1993 whether the site could vie for Superfund cleanup money, the landfill was deemed not risky enough to qualify.

Monitoring tests conducted in 2001 and this year by consultants for the California Regional Water Quality Control Board found high concentrations of arsenic in ground water obtained from some wells dug into the landfill. The tests also found cis-1,2-DCE, a chemical related to industrial solvents; and vinyl chloride, a byproduct of solvents. Acetone also was found.

MTBE, contained in gasoline, was found in surface water taken from the bay, but it could have come from pleasure boats, the consultant's report concluded.

The chemicals' presence does not necessarily signal a leak, said Brian McDaniel, an associate engineering geologist for the regional water board.

There are, however, concerns that the wells from which ground water is extracted for testing may inadequately reflect the overall condition of the landfill, he said. The regional water board will determine if more wells need to be drilled.

McDaniel also said the points at which surface water is collected also need to be re-evaluated to ensure they

cover all water surfaces where toxins may be carried by ground water.

The Mission Bay landfill was built by digging 8-to-12-foot trenches. When it was full, 15 to 20 feet of sediment dredged from Mission Bay covered it, said Gonaver, of the city's Environmental Services Department.

Today, landfills are kept from leaking with impervious clay bases and heavy vinyl liners, accompanied by a vacuum system that sucks and redistributes trash leakage within the landfill, said Fontana, of the city's refuse disposal division.

Toxic waste no longer is allowed to be dumped in San Diego, Fontana said. It is taken to approved sites such as one in Bakersfield.

Frye and Gonaver said meetings will be held soon to determine the scope of the study and how much it will cost.

"It's really important we do a scientific study," Frye said. "We want the public to participate and feel that the results are valid and have answered their questions."

Angela Lau: (619) 542-4584; angela.lau@uniontrib.com



SOURCE: City of San Diego

UNION-TRIBUNE

Results of Chemical Analysis

Chemical analysis was done on the solid and liquid samples collected both from within the mapped boundaries of the landfill (as determined by WCC) and from several locations roughly 400 feet outside of those boundaries. The following chart lists all of the substances, for which analysis was done, that were reported as present in detectable amounts within those samples. (Some substances were detected in more than one variety of the same compound name. Not all varieties of each compound name are listed here. Substance names followed by an asterisk had been designated EPA "Priority Pollutants" by 1983.) (083, 118):

- In Landfill Soil Cover

Group A Substances:

phenol*, sulfide, fluoride

Metals:

arsenic*, barium, beryllium*, cadmium*, chromium*, cobalt, copper*, lead*, mercury*, nickel*, silver*, vanadium, zinc*

Volatile Organic Compounds:

acetone

Extractable Organic Compounds:

diethylphthalate*, benzopyrene*, diphenylamine, butyl benzylphthalate*

- In Landfill Wastes

Group A Substances:

phenol*, sulfide, fluoride

Metals:

antimony*, arsenic*, barium, beryllium*, cadmium*, chromium*, copper*, cobalt, lead*, mercury*, nickel*, silver*, vanadium, zinc*

Volatile Organic Compounds:

methylene chloride*, xylene, ethylbenzene*, toluene*, carbon tetrachloride*, butanone, chloroform*, acetone,

Extractable Organic Compounds:

dichlorobenzene*, naphthalene*, fluorine*, fluoranthene*, pyrene*, diethylphthalate*, dimethylphthalate*, dibenzofuran, acenaphthene*, chrysene*, diethylphthalate*, diphenylamine, phenanthrene*, benzoanthracene*, indenopyrene*, benzopyrene*, anthracene*, dibutylphthalate*, benzofluoranthene*, benzoperylene, butyl benzylphthalate*, dichloroaniline, methylnaphthalene, phenol*, nitroaniline, bisphthalate*, nitrobenzene*, chlorophenylphenylether*

Pesticides:

BHC*, heptachlor*, aldrin*, endosulfan*, heptachlor epoxide*, DDE*, dieldrin*, DDD*, endrin*, aldehyde*, endosulfan sulfate*, DDT*

- In Landfill Subsurface Soil

Group A Substances:

phenol*, sulfide, fluoride

Metals:

arsenic*, barium, beryllium*, cadmium*, chromium*, cobalt, copper*, lead*, mercury*, nickel*, silver*, vanadium, zinc*

Volatile Organic Compounds:

acetone, xylene, ethylbenzene*, toluene*

Extractable Organic Compounds:

dioctylphthalate*, benzopyrene*, diphenylamine, dichlorobenzene*,
butyl benzylphthalate*

- In Groundwater

Group A Substances:

phenol*, sulfide, fluoride

Metals:

antimony*, arsenic*, barium, beryllium*, cadmium*, chromium*, cobalt,
copper*, lead*, mercury*, nickel*, silver*, thallium*, vanadium, zinc*

Volatile Organic Compounds:

methylene chloride*, dichloropropene*, tetrahydrofuran, acetone, xylene,
benzene*, dichloroethene*, toluene*, chlorobenzene*, ethylbenzene*,
chloroform*, carbon tetrachloride*, trichloroethene*

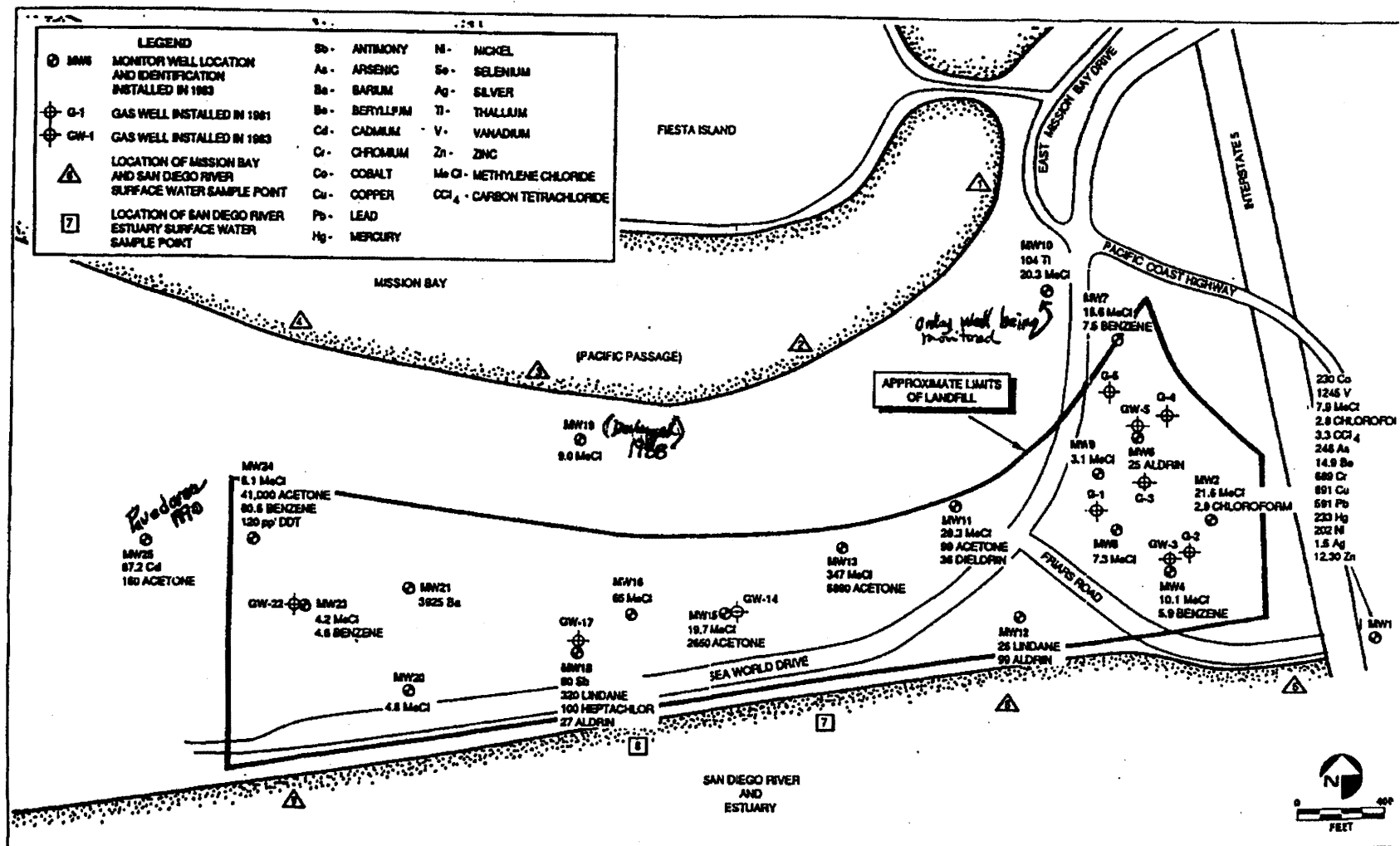
Extractable Organic Compounds:

nitrosodimethylamine*, phenol*, dichlorobenzene*, bisether*, naphthalene*,
dioctylphthalate*, diphenylamine, dimethylphenol*,
butyl benzylphthalate*, methyl naphthalene, acenaphthene*, fluorine*,
dibenzofuran, phenanthrene*, diethylphthalate*, dinitrotoluene*,
fluoranthene*, pyrene*, anthracene*

Pesticides:

BHC*, heptachlor*, aldrin*, heptachlor epoxide*, endosulfan*, DDD*,
endosulfan sulfate*, DDT*, DDE*, endrin* (Also reported as detected, only in
an appendix of the WCC *Site Assessment Report*, were methoxychlor and mirex)
(083, 083A)

Of the 129 "Priority Pollutants" listed by the EPA in 1983, those reported present either within or adjacent to the Mission Bay Landfill boundaries numbered 68. They included 12 Metals, 10 Volatile Organic Compounds, 30 Extractable Organic Compounds, and 16 Pesticides. (118)



ERCE

Selected Ground-Water Results in µg/l
(WCC site measurements 1983)

FIGURE

2

Mission Bay Landfill boundaries with WCC test wells, several of which became monitoring wells, along with surface water monitoring locations

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JUL 02 2002

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

agenda # - 9A

application # 6-01-12

Marie Blackford

opposition

California Coastal Commission

When Sea World was first built, it was an educational project.

When the present beer company bought it, they changed it to an amusement park.

I live about one-fourth air mile, down wind from Sea World.

I hear their fireworks, voices over the loud speakers and am in heavy traffic to get home.

Please do not allow them to add a splash-down ride. The screaming would be horrendous.

Please do allow them to build such a noisy ride.

Thank you 9
Marie Blackford

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Opposed

Coastal Commission
7575 Metropolitan Drive
San Diego, CA 92108-4402

JUL 08 2002
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Commissioners:

Enclosure: copy previous letter

After spending most of the day in the tent at the Islandia when the Sea World issue was discussed last time. Having to take vacation time to attend, unlike the stacked audience of **On the clock** Sea World employees; which before the end of the meeting it became obvious what the conclusion was going to be. This time, I am only going to spend the time to write this and reprint the letter previously sent to your committee.

I urge you to consider Sea World's neighbors and not the corporation. We should not have to listen to noise all their operating hours.

Bruce Jenkinson
4460 Coronado Avenue
San Diego CA 92107

Bruce Jenkinson

January 30, 2002

Coastal Commission
7575 Metropolitan Dr.
San Diego CA. 92108-4402

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JUL 08 2002

Subject: Sea World Additions

Commissioners:

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

You are going to be considering a plan for an expansion of Sea World in San Diego at a hearing scheduled for February 7, 2002. I have read the Environmental Impact Report for this project and want to add to the information that it contains on increased noise levels.

The report says that during ambient field measurements no sound levels were noted from Sea World with the exception of faint emissions observed while at the Fiesta Island site. It also said that measurements using the Shamu Show as a noise source were also made. These measurements were made at the show and at two measurement sites (#1 and #10) and that no show sounds were audible at the two numbered sites. These measurements were made at two different times of day, but for only the type of weather conditions that existed on that day. The report itself states, however, that weather affects how far noise will travel. The area topography also effects how sound travels, but the two sites used do not represent the topography around the other sites.

Since my home is in the same basic direction as measurement Site 15 from Sea World I am most familiar with that direction. According to the report site 15 is 7,800 feet, from the Sea World tower, which they use as a reference. I, (with a documented hearing loss) live an additional 3,500 feet from Sea World and hear the announcer of that show at times. This show's sound levels are in the hands of Sea World's sound technician and management. They only have to turn down the amplifiers and aim the speakers into the show stadium not away from it to prevent this.

Our city leaders seemed to have ignored the facts as they passed this project on to you. Many of the surrounding resident's quality of life would degrade for the profit of

Anheuser-Busch. I am of the opinion that the residents of the surrounding areas in their homes, patios and yards shouldn't have to hear the screams from people on the proposed ride (Splashdown) as the vehicle descends from the planned three peaks. The screams multiplied by the number of cycles per hour, times the number of hours the park is open.

The report notes that if noise mitigation isn't implemented the new ride will be heard. It also says the sound levels will probably go up 3 dBA with the addition of the ride, but they don't say what that means. A 3dBA increase is equal to a doubling of the sound.

Based on the preceding I urge you deny the permit or as a minimum call for rigorous testing using scientifically valid test procedures. These measurements should be made using a signal source at frequencies which replicate the noises that would be emitted with the addition of the ride Splashdown thrill rides. The output should be at levels equal to the levels that represent factual sound levels that can be expected from the additions. In addition, the measurements should be made under multiple weather conditions that are typical to the area at various times of day and year and the measurements should be recorded at all the sites, not just two. Although the argument can be made that the local residents have very little right to complain about aircraft noise because the airport predates the residents, no such argument can be made with respect to noise generated by Sea World. In addition, the addition of **amusement park rides** constitutes a significant change in the character of the facility from which that which was originally approved.

Thank you for considering my opinions.

Bruce Jenkinson
4460 Coronado Avenue
San Diego, CA 92107
619-222-7187

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

651 GATEWAY BOULEVARD, SUITE 900
SOUTH SAN FRANCISCO, CA 94080

TEL: (650) 589-1660

FAX: (650) 589-5062

alevine@adamsbroadwell.com

SACRAMENTO OFFICE

1029 K STREET, SUITE 37

SACRAMENTO, CA 95814

TEL: (916) 444-6201

FAX: (916) 444-6209

DANIEL L. CARDOZO
TANYA A. GULESSERIAN
MARC D. JOSEPH
KATHERINE S. POOLE
STEPHANIE L. THOMAS*
MARK R. WOLFE

OF COUNSEL
THOMAS R. ADAMS
ANN BROADWELL

July 31, 2002

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AUG 02 2002

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ellen Lirley
California Coastal Commission
San Diego Coast
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Re: Sea World Expansion Project

Dear Ms. Lirley:

On behalf of the International Brotherhood of Electrical Workers Local 569, this is to request that the California Coastal Commission place us on the notice list for any and all actions, hearings, and activities undertaken, authorized, approved, permitted, licensed, or certified by the Commission regarding the Sea World Expansion Project.

We are happy to pay any reasonable costs incurred in filling this request. Please call me should you have any questions. Thank you for your attention to this matter.

Sincerely,



Andrew Levine
Legal Assistant

AL:bh

1331a-004

COMPUTER SIMULATIONS

EXHIBIT A

Six Pages



Site Location Map

LEGEND

- ① Fiesta Island
- ② West Mission Bay Dr. (KVP3)
- ③ Pacific Hwy Gateway (KVP8 8)
- ④ Sea World Drive
- ⑤ South Shores Beach
- ★ SplashDown Ride



Not to Scale

Source: SeaWorld



Source: SeaWorld,
Date: January 2000

Photosimulation of Splashdown Ride
From Fiesta Island - Site 1



*Source: SeaWorld,
Date: January 2000*

Photosimulation of Splashdown Ride
From West Mission Bay Bridge - Site 2 (KVP 3)



*Source: SeaWorld,
Date: January 2000*

Photosimulation of Tier 1 Projects
From Pacific Highway Gateway - Site 3 (KVP 8)



*Source: SeaWorld,
Date: January 2000*

Photosimulation of Splashdown Ride
From Sea World Drive - Site 4



*Source: SeaWorld,
Date: January 2000*

Photosimulation of Splashdown Ride
South Shores Beach / East Side of Embayment - Site 5