

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

75 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

(619) 767-2370

RECORD PACKET COPY



December 16, 2002

Thu 4a

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of San Diego action, certifying the City's Local Coastal Program Amendment #2-01C (SeaWorld Master Plan), is adequate to effectively certify its local coastal program (for Commission review at its meeting of January 8-10, 2003)

BACKGROUND

At its February 7, 2002 meeting, the Coastal Commission certified, with suggested modifications, the City of San Diego Local Coastal Program Amendment #2-01, regarding the incorporation of the SeaWorld Master Plan as a component of the Mission Bay Park Master Plan LCP Land Use Plan. By their action adopting Resolution No. R-296786 on July 9, 2002, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications addressed public views; access and recreation; height allocations for new development; parking and public transportation; funding of recreational and traffic improvements; and the impact of fireworks. The City does not currently have coastal development permit authority over this geographic area, as there are no implementing ordinances prepared to implement the certified land use plan. Thus, the Commission will continue issuing permits consistent with Chapter 3 of the Coastal Act, but will also refer to the certified land use plan for guidance.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of San Diego is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
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January 13, 2003

Mayor Dick Murphy
City of San Diego
202 "C" Street
San Diego, CA 92101

RE: Certification of the City of San Diego Local Coastal Program Amendment
#2-01C (SeaWorld Master Plan)

Dear Mayor Murphy:

The California Coastal Commission has reviewed the City's Resolution No. R-296786 together with the Commission's action of February 7, 2002 certifying City of San Diego Local Coastal Program Amendment #2-01C pertaining to incorporation of the SeaWorld Master Plan as a component of the Mission Bay Park Master Plan LCP Land Use Plan. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of January 7-10, 2003.

By its action on July 9, 2002, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications addressed public views; access and recreation; height allocations for new development; parking and public transportation; funding of recreational and traffic improvements; and the impact of fireworks. The City does not currently have coastal development permit authority over this geographic area, as there are no implementing ordinances prepared to implement the certified land use plan. Thus, the Commission will continue issuing permits consistent with Chapter 3 of the Coastal Act, but will also refer to the certified land use plan for guidance.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas
Executive Director

RESOLUTION NUMBER R-296786

ADOPTED ON JULY 9, 2002

WHEREAS, on July 10, 2001, by Resolution No. R-295139, the Council of the City of San Diego adopted the SeaWorld Master Plan Update, and associated amendments to the Progress Guide and General Plan, Mission Bay Park Master Plan, and Local Coastal Program [the LCP Amendment]; and

WHEREAS, the LCP Amendment does not become effective until it is unconditionally certified by the California Coastal Commission; and

WHEREAS, on February 7, 2002, the Coastal Commission, at a public hearing, considered the LCP Amendment, "City of San Diego Major LCP Amendment No. 2-2001-C (Sea World Master Plan)," and rejected the LCP Amendment as submitted; and

WHEREAS, the Coastal Commission approved certifying the LCP Amendment subject to thirty-six suggested modifications that, the Coastal Commission report states "address public views and the impact of fireworks, remove specific height allocations for new development, address parking requirements and transit opportunities over time, improve shoreline access both within and outside the [SeaWorld] leasehold and provide for enhanced public recreational opportunities"; and

WHEREAS, the suggested modifications require the City's commitment to develop a Capital Improvements Project [CIP] for public improvements at South Shores and on Fiesta Island within two years of effective certification, include the "use of developer fees as an option

to provide funding necessary to mitigate the increasing public burdens brought about by commercial redevelopment, intensification and expansion," insert a Water Quality Component in the Mission Bay Park Master Plan, and ensure that SeaWorld and the City recognize that certain entitlements identified in the SeaWorld Master Plan, as originally approved in 1985, such as the hotel and marina, were granted by the City of San Diego only, and not the Coastal Commission; NOW, THEREFORE,

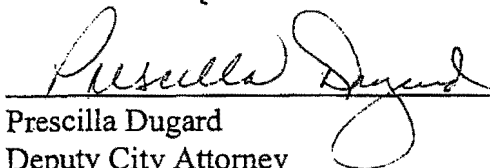
BE IT RESOLVED, by the Council of the City of San Diego, that the Council accepts the California Coastal Commission's suggested modifications for the City of San Diego Major LCP Amendment No. 2-2001-C [the Coastal Commission Suggested Modifications].

BE IT FURTHER RESOLVED, that the SeaWorld Master Plan Update, including associated amendments to the Progress Guide and General Plan, Mission Bay Park Master Plan, and Local Coastal Program, as approved by City Council on July 10, 2001, pursuant to Resolution No. R-295139, are further amended and revised to include the Coastal Commission Suggested Modifications.

BE IT FURTHER RESOLVED, that the City Manager is authorized and directed to transmit the LCP Amendment, as revised by this resolution, to the Coastal Commission for

effective certification, pursuant to section 30512 of the Public Resources Code, upon confirmation by its Executive Director.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

PD:cdk
06/21/02
07/15/02 REV.
Orig.Dept. DSD/READ
R-2003-22

RESOLUTION NUMBER R-296787

ADOPTED ON JULY 9, 2002

WHEREAS, the City leases to Sea World, Inc., a Delaware corporation [Lessee] certain real property in Mission Bay Park [the Premises] described in lease amendments dated December 14, 1977, January 29, 1979, December 12, 1983, June 24, 1985, September 22, 1986, and June 29, 1998 and filed in the office of the City Clerk of San Diego as Document Nos. 762304, 765767, RR-259814, RR-263507, RR-266641, and OO-18538-1, respectively [collectively, the "Lease"]; and

WHEREAS, on July 10, 2001, the City Council adopted Resolution Number R-295139 [the Resolution], which approved the SeaWorld Master Plan Update [SeaWorld Master Plan], and Local Coastal Program Amendment 2-2001-C [collectively, the LCP Amendment] and amendments to CITY's Progress Guide and General Plan and required City and Lessee to make certain modifications to the Lease; and

WHEREAS, the City submitted the LCP Amendment to the California Coastal Commission for effective certification as required by the California Coastal Act; and

WHEREAS, on February 7, 2002, the California Coastal Commission voted to certify the LCP Amendment subject to suggested modifications and required City and Lessee to make additional modifications to the Lease; and

WHEREAS, the City and Lessee have negotiated mutually acceptable terms for amendment to the Lease to address issues outlined in the Resolution and in the California Coastal Commission suggested modifications to the LCP Amendment, including, but not limited to 1) elimination of a rent credits previously available to Lessee, 2) Lessee's prepayment of traffic

mitigation funds, 3) Lessee's contribution to a future transit station on the Premises, 4) timing for submittal of a development permit application for future proposed development of a 300-room, 30-foot hotel on the Premises, 5) regulation of fireworks displays by Lessee, including an increased fireworks monitoring and reporting program; 6) the elimination of the ability to lease, rent, or sell personal watercraft on the Premises; 7) the requirement that 75% of the Theme Park, Area 1, shall contain significant animal educational and/or conservation related elements; and 8) Lessee's submittal of annual attendance figures to the City; NOW, THEREFORE,

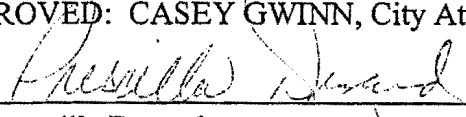
BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is authorized to execute, for and on behalf of the City of San Diego, amendments to the lease agreement with SeaWorld, Inc., a Delaware corporation, under the terms and conditions set forth in that Lease Amendment on file in the office of the City Clerk as Document No.

RR-296787 to take effect upon effective certification of the LCP Amendment approved pursuant to Council Resolution Nos. 295139 and 296786 (C.A. No. R-2002-20 and R-2003-22).

BE IT FURTHER RESOLVED, that for purposes of determining the increase in value due to the substantial change in entitlements in the SeaWorld Lease, the City Council shall hold a public hearing before January 9, 2003, where the City Manager shall provide a complete analysis of the existing SeaWorld Lease provisions, including provisions related to rental increase.

APPROVED: CASEY GWINN, City Attorney

By


Prescilla Dugard
Deputy City Attorney

PD:cdk

06/26/02

07/15/02 REV.

Or.Dept:DSD/READ

R-2003-48

RESOLUTION NO. 296788

(R-2003-55)

ADOPTED JUL 9 9 2002

WHEREAS, the Council of the City of San Diego as Lead Agency under the California Environment Quality Act of 1970, as amended, [CEQA] has reviewed and considered the issues discussed in the Final Environmental Impact Report No. 99-0618, dated June 5, 2001, and certified on July 10, 2001, by Resolution No. R-295138; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the information contained in the final document, including any comments received during the public review process, has been reviewed and considered by this Council in connection with the acceptance of suggested modifications of the California Coastal Commission to the SeaWorld Master Plan Update and Mission Bay Park Master Plan.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By


Prescilla Dugard
Deputy City Attorney

PD:cdk
06/27/02
Or.Dept:DSD/REA
R-2003-55

RESOLUTION NUMBER R-296789

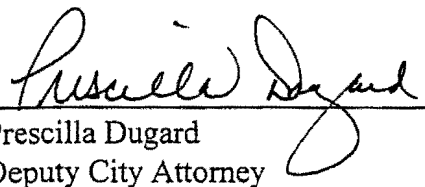
ADOPTED ON JULY 9, 2002

WHEREAS, on July 10, 2001, the City Council adopted Resolution Number R-295139 [the Resolution], which approved the SeaWorld Master Plan Update [SeaWorld Master Plan], and Local Coastal Program Amendment 2-2001-C [collectively, the LCP Amendment] and amendments to CITY's Progress Guide and General Plan and required City and Lessee to make certain modifications to the Lease; and

WHEREAS, the Lease requires that SeaWorld provide the City with 90 days written notice prior to submitting any application for development of a hotel on the leased premises; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that upon receipt of written notification from SeaWorld of its intent to submit a development permit application for a 300-room, 30-foot high hotel on the premises, the City Council shall schedule a public hearing to be held prior to submittal of any such development permit application, the purpose of which shall include, but not be limited to, a discussion of hotel related issues, any necessary amendments to the Local Coastal Program, and an economic feasibility study.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

PD:cdk
06/27/02
07/12/02 REV.
Or.Dept:DSD/READ
R-2003-60

Modifications to the Mission Bay Park Master Plan:

1. On Page 16 of the Mission Bay Park Master Plan Update, Executive Summary, the following modification shall be made to the City's proposed new language (for the purposes of this suggested modification, the single underlined sections represent the City's amendment to the Mission Bay Park Master Plan Update and the double underlined sections represent the Commission's suggested modifications):

In order to allow greater flexibility in designing new facilities within the SeaWorld leasehold, the City of San Diego's Coastal Zone Height Limit Overlay Zone was amended by public vote in November, 1998. The zoning code amendment allows potential development to a maximum height of 160 feet within the SeaWorld property. However, specific criteria governing the location, height, scale, massing and visual impacts of all SeaWorld development shall be governed by the Coastal Act and the Sea World Master Plan, which is incorporated by reference into the Mission Bay Park Master Plan and LCP Land Use Plan. All potential development shall require a coastal development permit issued in accordance with Coastal Act requirements.

2. On Page 26 of Appendix G, Design Guidelines of the Mission Bay Park Master Plan Update, revise the City proposed language to Item 27 as follows (for the purposes of this suggested modification, the single underlined sections represent the City's amendment to the Mission Bay Park Master Plan Update and the double underlined sections represent the Commission's suggested modifications):

27. Low Rise Emphasis: Mission Bay is an expansive area with wide and open views of the ocean from the surrounding hillsides. Low-scale buildings reinforce the open quality of the bay while minimally obstructing views to the sky and distant landforms. For this reason, and in recognition of the public mandate for a 30-foot height limit within the City's coastal areas (Municipal Code 101.0451), the Park buildings should continue to be low rise, except in the SeaWorld leasehold where the voter approved amendment to the City's Coastal Zone Height Limit Overlay Zone (Proposition D, 1998) would potentially allows building heights to a maximum of 160 feet, subject to the requirements of the Coastal Act and the Sea World Master Plan. Development within the leasehold shall be governed by the Sea World Master Plan, in addition to the Coastal Act and the Mission Bay Park Master Plan Update.

3. On Page 38 of the Mission Bay Park Master Plan Update, under Regional Parkland, after the introductory paragraph, the following paragraph shall be added:

Because of this projected regional growth, the City recognizes a need to improve the major undeveloped public areas of Mission Bay Park as the first priority under this plan. Open parkland and public recreational uses serve the broader public, including regional visitors. The City recognizes that public recreational improvements have not kept pace with intensification of commercial leaseholds.

The City agrees to prepare and complete, no later than 2 years from the effective certification of this LCP amendment, a capital improvement program for the development of significant public recreational facilities, including but not limited to, necessary infrastructure improvements at Fiesta Island and South Shores. This program will identify strategies for funding in addition to the mitigation funds (\$3.8 million) currently available for the recreational improvements. The capital improvement program will include a phasing component in order to ensure that the recreational improvements will be developed commensurate with new commercial development approved in the Park. The City agrees to make recreational improvements on Fiesta Island and South Shores the highest priority.

4. Suggested Modification #4 was deleted by staff at the hearing; however, to avoid confusion, renumbering has not occurred due to the numerous references to specific modifications by number in the staff report and on the record.

5. On Page 50 of the MBPBPU, Section 21 shall not be deleted as proposed by the City, and shall be modified as follows:

21. South Shores Commercial Parcel: Because of its limited water access and isolation from other areas of the Park, this 16.5 acre site is considered more suitable for commercial recreation purposes. The parcel has been configured such that it's the northern half portion (approximately six acres) lies outside the limits of the South Shores landfill while capturing a wide stretch of waterfront facing Pacific Passage. This allows a number of possible commercial uses to be considered, including the expansion of Sea World attractions, a 200-room motel, or a water-oriented entertainment center.

The underlying objective is that this parcel's "best use" is commercial recreation or visitor-serving commercial support facilities, compatible with existing and proposed public park/boating facilities at South Shores Park adjacent to the east. In accordance with public consensus on this issue, "best use" should not mean permanent and exclusive commercially-supporting parking. ~~Any new and permanent parking should be of such quantity and proportion as would be required to serve whatever commercial use may be proposed.~~ However, that portion (approximately ten acres) of the parcel constrained by the underlying landfill may be improved for parking purposes, to provide an additional safety cap over the landfill, consistent with landfill closure requirements.

6. The City's proposed replacement language for Section 21 shall instead be incorporated on Page 50 as Section 21.A and be modified to read as follows (for the purposes of this suggested modification, the single underlined sections represent the City's amendment to the Mission Bay Park Master Plan Update and the double underlined sections represent the Commission's suggested modifications):

21a. SeaWorld: In 1998, the City of San Diego's voters approved an amendment to the Coastal Zone Height Limitation Overlay Zone allowing

development to a maximum height of 160 feet within the SeaWorld leasehold. In keeping with the intent of the Mission Bay Park Master Plan to preserve existing viewsheds and visual corridors, the additional height available to SeaWorld should be used judiciously. Therefore, the development criteria for the SeaWorld leasehold shall be governed by the SeaWorld Master Plan (also known as the lease development plan) which is incorporated by reference into the Mission Bay Park Master Plan and the LCP Land Use Plan. In addition, any proposed development shall require an approved coastal development permit pursuant to the requirements of the Coastal Act.

7. On Page 114, Section 99. I-5, I-8 Interchange Ramps, shall be modified as follows:

99. I-5, I-8 Interchange Ramps: Several previous studies and reports, including the Midway Community Plan, have identified the need to complete the two remaining interchange ramps between Interstates 5 and 8. The two identified are the southbound ramp from I-5 west to I-8, and the eastbound ramp from I-8 north to I-5. These ramps would remove congestion from other freeway interchanges and local streets, and reduce the level of commuter traffic from Park roads.

Due to their expense, Caltrans is not anticipating implementing the ramps in the foreseeable immediate future. They are, however, an included project in the currently ongoing Interstate 5 Corridor Study, and would also require completion of a Project Study Report. However, as they would be of benefit to Park users and commuters alike, it is recommended that efforts to complete these studies and secure funding for the "missing" ramps be pursued. The Caltrans Project Study Reports for these and other traffic improvements at the I-5/SeaWorld Drive Interchange 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. These reports will be funded out of the first mitigation dollars received and utilized as a factor in determining appropriate mitigation measures for future commercial projects within Mission Bay Park.

SeaWorld shall pay the City a total amount of \$10,656,900 (subject to City/SeaWorld confirmation) (the "Traffic Mitigation Funds"), payable in five (5) annual installments, commencing on the date of effective certification of this land use plan amendment. Subsequent payments shall be increased to reflect a 3% increment or by the CPI, whichever is the greater amount. The 3% or CPI shall be applied to the amount of funding remaining to be paid. SeaWorld's payment of the Traffic Mitigation Funds to the City shall be full satisfaction and implementation of the traffic mitigation measures identified in Section 4.4.5, Transportation and Circulation, Mitigation, Monitoring and Reporting Program of the Final Environmental Impact Report for the SeaWorld Master Plan Update ("EIR"). The City shall use the Traffic Mitigation Funds for the development and

construction of traffic congestion reduction measures in Mission Bay Park. The payment schedule and other details of this Traffic Mitigation Fund shall be set forth in the lease between the City and SeaWorld.

8. On Page 125, Section 113. Commercial Parcel shall not be deleted as proposed by the City and shall be modified as follows:

13. Commercial Parcel: The proposed 16.5+/- acre "best-use" commercial parcel is configured to take maximum advantage of the waterfront while still allowing the relocation of the Ski Club to the planned embayment. Its configuration also permits the retention of the existing restrooms. The actual boundary of the lease parcel should depend on the Ski Club area and shore public access requirements, but should not be less than 300 feet; this depth is the minimum necessary for a guest-housing, motel-type development as an optional commercial use. Any development of this parcel shall provide a minimum 50 ft. setback from the edge of rip rap to accommodate a public pedestrian promenade as an extension of the waterfront promenade planned for South Shores Park. All access improvements shall be oriented and designed to encourage public use of the waterfront. Buildings shall be setback an average of 25 feet from the 50 foot access setback line as defined in Appendix G, Design Guidelines, of the Mission Bay Park Master Plan Update.

9. On Page 153, the following addition shall be inserted at the end of the listed recommendations for ways to fund the deficit without increasing taxes:

7. Developer Fees.

10. On Page 155 the following shall be added as an additional recommendation #130.a.:

130.a. Developer Fees: The City recognizes that Mission Bay Park is, first and foremost, a public recreational facility. As commercial leaseholds come forward to redevelop, intensify and expand, areas and facilities affordable to the general public will be further impacted by increased traffic, noise, and runoff. Moreover, existing views may be impaired and the quiet enjoyment of parklands when adjacent to more active uses may be diminished. New public recreational improvements and necessary traffic improvements must be provided and are not adequately funded. Therefore, the use of developer fees as an option to provide funding necessary to mitigate the increasing public burdens brought about by commercial redevelopment, intensification and expansion shall be considered. Any such fees shall be used to construct planned public amenities throughout Mission Bay Park and identified traffic and circulation improvements within the park and on the surrounding road system.

The City agrees to prepare and complete, no later than 2 years from the effective certification of this LCP amendment, a capital improvement program for the

development of significant public recreational facilities, including but not limited to, necessary infrastructure improvements at Fiesta Island and South Shores. This program will identify strategies for funding in addition to the mitigation funds (\$3.8 million) currently available for the recreational improvements. The capital improvement program will include a phasing component in order to ensure that the recreational improvements will be developed commensurate with new commercial development approved in the Park. The City agrees to make recreational improvements on Fiesta Island and South Shores the highest priority.

11. On Page 169, the following modification shall be made to the PRIORITIES introduction paragraph:

With a \$170 million total implementation cost, of which only about \$90 million can be financed under the recommended incremental land lease revenue scenario (see Section X. Economics, Forecast Scenario B), a clear set of priorities should be established to guide the continuing development of the Park. Such priorities should seek to maximize short term benefit for the least possible cost. The City agrees to prepare and complete, no later than 2 years from the effective certification of this LCP amendment, a capital improvement program for the development of significant public recreational facilities, including but not limited to, necessary infrastructure improvements at Fiesta Island and South Shores. This program will identify strategies for funding in addition to the mitigation funds (\$3.8 million) currently available for the recreational improvements. The capital improvement program will include a phasing component in order to ensure that the recreational improvements will be developed commensurate with new commercial development approved in the Park. The City agrees to make recreational improvements on Fiesta Island and South Shores the highest priority.

12. On Page 85, the following Water Quality component shall be inserted prior to Section 59:

a. Watershed Planning

The City will support and participate in watershed based planning efforts with the Regional Water Quality Control Board. Watershed planning efforts shall be facilitated by helping to:

- Pursue funding to support the development of watershed plans;
- Identify priority watersheds where there are known water quality problems or where development pressures are greatest;
- Assess land uses in the priority areas that degrade coastal water quality;
- Ensure full public participation in the plan's development.

b. Development

New development or redevelopment shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:

- Protect areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss.
- Limit increases of impervious surfaces.
- Limit land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss.
- Limit disturbance of natural drainage features and vegetation.

New development or redevelopment shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, to the maximum extent feasible.

Development or redevelopment must be designed to minimize, to the extent practicable, the introduction of pollutants that may result in significant impacts from site runoff from impervious areas. To meet the requirement to minimize pollutants, new development or redevelopment shall incorporate a Best Management Practice (BMP) or a combination of BMPs best suited to reduce pollutant loading to the Maximum Extent Practicable.

Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments.

New development or redevelopment shall be sited and designed to minimize impacts to water quality from increased runoff volumes and nonpoint source pollution. All new development and redevelopment shall meet the requirements of the RWQCB, San Diego Region, in its Order No. 2001-01, dated February 21, 2001, or subsequent versions of this plan.

The BMPs utilized shall be designed to treat, infiltrate, or filter stormwater to meet the standards of the 85th percentile, 24-hour runoff event for volume-based BMPs and/or the flow of runoff produced from a rain event equal to at least two times the 85th percentile, 1-hour event for flow-based BMPs.

New roads, bridges, culverts, and outfalls shall not cause or contribute to shoreline erosion or creek or wetland siltation and shall include BMPs to minimize impacts to water quality including construction phase erosion control and polluted runoff control plans, and soil stabilization practices. Where space is

available, dispersal of sheet flow from roads into vegetated areas or other on-site infiltration practices shall be incorporated into road and bridge design.

Commercial development or redevelopment shall use BMPs to control the runoff of pollutants from structures, parking and loading areas.

Restaurants shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, phosphates, and suspended solids to the storm drain system.

Fueling stations shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, battery acid, coolant and gasoline to stormwater system.

New development or redevelopment shall include construction phase erosion control and polluted runoff control plans. The following BMPs should be included as part of the construction phase erosion control plan:

- Ensure vehicles on site are parked on areas free from mud; monitor site entrance for mud tracked off-site;
- Prevent blowing dust from exposed soils;
- Control the storage, application and disposal of pesticides, petroleum and other construction and chemical materials;
- Provide sanitary facilities for construction workers;
- Site washout areas more than fifty feet from a storm drain, open ditch or surface water and ensure that runoff flows from such activities do not enter receiving water bodies;
- Provide adequate disposal facilities for solid waste produced during construction and recycle where possible;
- Include monitoring requirements.

New development or redevelopment shall include post-development phase drainage and polluted runoff control plans. The following BMPs should be included as part of the post-development drainage and polluted runoff plan:

- Abate any erosion resulting from pre-existing grading or inadequate drainage.
- Control potential project runoff and sediment using appropriate control and conveyance devices; runoff shall be conveyed and discharged from the site in a non-erosive manner, using natural drainage and vegetation to the maximum extent practicable.
- Include elements designed to reduce peak runoff such as:
 - Minimize impermeable surfaces.
 - Incorporate on-site retention and infiltration measures.
 - Direct rooftop runoff to permeable areas rather than driveways or impervious surfaces to reduce the amount of storm water leaving the site.

Storm drain stenciling and signage shall be provided for new storm drain construction in order to discourage dumping into drains. Signs shall be provided at shoreline public access points and crossings to similarly discourage dumping.

Outdoor material storage areas shall be designed using BMPs to prevent stormwater contamination from stored materials.

Trash storage areas shall be designed using BMPs to prevent stormwater contamination by loose trash and debris.

Permits for new development or redevelopment shall be conditioned to require ongoing maintenance where maintenance is necessary for effective operation of required BMPs. Verification of maintenance shall include the permittee's signed statement accepting responsibility for all structural and treatment control BMP maintenance until such time as the property is transferred and another party takes responsibility.

The City or lessees, as applicable, shall be required to maintain any drainage device to insure it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners and/or lessees of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.

Public streets and parking lots shall be swept frequently to remove debris and contaminant residue. For streets and parking lots within leaseholds, the lessee shall be responsible for frequent sweeping to remove debris and contaminant residue.

New development or redevelopment that requires a grading/erosion control plan shall include landscaping and re-vegetation of graded or disturbed areas. An integrated vegetation management plan shall be required and implemented. Use of native or drought-tolerant non-invasive plants shall be required to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Where irrigation is necessary, efficient irrigation practices shall be required.

New development or redevelopment shall protect the absorption, purifying, and retentive functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems shall be restored, where feasible, except where there are geologic or public safety concerns.

c. Hydromodification

Any channelization proposals shall be evaluated as part of a watershed planning process, evaluating potential benefits and/or negative impacts. Potential negative impacts of such projects would include effects on wildlife migration, downstream erosion, dam maintenance (to remove silt and trash) and interruption of sand supplies to beaches.

Modifications to the Sea World Master Plan Update:

13. On Page E-1, under Site Specific Proposals, the following modification shall be made to the first bulleted item::

A splashdown ride with an aquatic theme and storyline that integrates technology, flumes, rail, and marine life displays. The attraction will not exceed 95 feet at its tallest point and ~~trees~~ will be located within the developed portion of the park (in the general area of designated D-1 improvements and the western portion of the general area of designated I-2 improvements as shown on Figure II-3 of the plan) ~~planted~~ to soften the visual impact from adjacent land and water other areas of Mission Bay Park and surrounding communities. The design of the splashdown ride should be contemporary, responsive to the aquatic environment and avoid excessive or exaggerated thematic styles. The intent is to preclude from Mission Bay a theme park architecture.

14. On Page E-2, under Additional Project Review, the following modification shall be made:

The additional height of some attractions allowed by the passage of the SeaWorld Initiative under the SeaWorld Master Plan Update creates the need for greater public input to ensure that the quality of recreation and the visual character of Mission Bay Park will be maintained. SeaWorld is proposing additional local discretionary reviews for all projects greater than 30-feet in height, in addition to the required coastal development permit, as outlined in the implementation section of the plan.

15. On Page I-3, under Community Outreach and Issues Analysis, the final bulleted item shall be modified as follows:

The appropriateness of a new hotel in Mission Bay Park (also relates to views, viewshed, and traffic issues).

Prior to a formal project submission, the SeaWorld Master Plan Update requires a traffic study and an economic feasibility analysis assessing the need for another hotel in Mission Bay Park. Additionally, any hotel will require a City Council public hearing where the appropriateness of using public parkland for hotel

development and the status of public park improvements, along with viewshed and traffic impacts, can be assessed and discussed in the context of a specific proposal.

16. On Page II-7, the following language shall be added at the ends of the descriptions of both Area 4 SeaWorld Marina and Area 5 Perez Cove Shoreline:

SeaWorld recognizes that this entitlement was granted by the City of San Diego only. The Coastal Commission did not review or certify the 1985 SeaWorld Master Plan, and is in no way bound by any of its provisions.

17. On Page II-10, the following modification shall be made to the bulleted Tier 2 item, under Proposed Conceptual Development Program:

Tier 2 identifies sites within Area 1 that are candidates for redevelopment, however, no specific project is proposed for the immediate future. Submittals for individual projects will be made over a span of many years. Descriptions of the sites are provided further in this section. Potential Tier 2 projects are not approved as part of this Master Plan, and no entitlements to redevelopment in the designated areas are granted nor permit approvals implied.

18. On Page II-12, the following modification shall be made under Splashdown Ride (Site A-1), *Existing Site and Use*:

The site is located on 4.5 acres of land on the northeast corner of Area 1. Existing uses on the site include a landscape nursery and associated storage areas, trash compactor, and recycling facilities that will be relocated to other service sites within Area 1. The eastern portions of the site are undeveloped. The site for this attraction shall be located within the general area of designated D-1 improvements and the western portion designated I-2 improvements shown on Figure II-3 of the plan. The Splashdown Ride shall not be located along the perimeter of the leasehold boundary, nor adjacent to Mission Bay.

- On Page II-19, the following modification shall be made under Special Events Center Expansion (Site D-1), *Existing Site and Use*:

The 1.5-acre property site is located on the south boundary of Area 1 to the east of the Hospitality Complex. The site is currently used for guest parking. A special events center, under 30 feet in height, with a capacity for 1,000 people has been proposed to the west of the site but has not yet been approved by the Coastal Commission. The proposed facility would contain a ballroom, catering facilities, and meeting rooms (Figure II-10). The site is accessible from the adjacent guest parking area without the need to enter the theme park. The site is located on 4.5 acres of land on the northeast corner of Area 1. Existing uses on the site include a landscape nursery and associated storage areas, trash compactor, and

recycling facilities that will be relocated to other service areas within Area 1. The eastern portions of the site are undeveloped.

Any references to Splashdown Ride (Site A-1) shall be modified to Splashdown Ride (Site D-1 and western portion of Site I-2) with acreages adjusted accordingly, and any references to Special Events Center Expansion (Site D-1) shall be modified to Special Events Center Expansion (Site A-1) with acreages adjusted accordingly.

19. On Page II-12, the following modification shall be made to the third bulleted item under Splashdown Ride, *Design Criteria*:

Provide extensive tree plantings particularly on the south and east sides to soften the visual impact of the structure from adjacent land and water areas of Mission Bay Park and surrounding communities. Selected species should have the potential to provide dense year-round foliage and attain heights of 60 feet at maturity.

On Page II-12, the following modification shall be made to the sixth bulleted item under Splashdown Ride, *Design Criteria*:

- ~~• Prior to completion of the project, SeaWorld will construct a 10-foot wide landscaped pathway along the waterfront beginning at the northeast corner of the leasehold and extending westward for a distance of 500 feet.~~

On Page II-19, the following modification shall be added as a third bulleted item under Special Events Center Expansion, *Design Criteria*:

- Prior to completion of the project, SeaWorld will construct a 10-foot wide landscaped pathway along the waterfront beginning at the northeast corner of the leasehold and extending westward for a distance of 500 feet.

20. On Page II-13, revise or delete *Figure II-4 Conceptual Splashdown Ride Site Plan* to conform to the revised location and adjusted acreages required in Suggested Modification #18, above.

On Page II-19, revise or delete *Figure II-10 Conceptual Special Events Center Expansion Site Plan* to conform to the revised location of the Special Events Center Expansion and adjusted acreages required in Suggested Modification #18, above as revised.

21. Following Page II-20, the following modification shall be made to the new Tier 1 project added by the City (for the purposes of this suggested modification, the single

underlined sections represent the City's addendum to the SeaWorld Master Plan Update and the double underlined sections represent the Commission's suggested modifications):
:

Offsite Bicycle/Pedestrian Path Improvements

Proposed Project:

To provide continuous shoreline access from SeaWorld's leasehold to Fiesta Island (a distance of approximately 4,700 feet) SeaWorld will construct a 10-foot wide landscaped pathway running from the northeast corner of the leasehold along the waterfront to the boat ramp and from the existing turn-around on the east side of the South Shores embayment, along the waterfront to the Fiesta Island Causeway. The accessway shall be completed by December 31, 2002. In addition, SeaWorld shall construct, in conjunction with the 10-foot pathway, a 50-foot wide public promenade, designed in substantial conformance with the promenade depicted in Figure 31 (South Shores Concept Plan) of the certified Mission Bay Park Master Plan and described as Item 112. of that plan. Final specifications and alignment details for the pathway and promenade shall be determined by the City Manager. The project shall then be submitted to the Coastal Commission for coastal development permit review and action, and, if approved, shall be constructed and open for public use prior to occupancy of any Tier 1 projects.

22. On Page II-22, the following modification shall be made to the last sentence under Site F-2:

Temporary facilities, that will not permanently damage the eelgrass habitat within the water area, are exempted may be permitted through the coastal development permit process, based upon site-specific biological analysis.

23. On Page II-24, the following paragraph shall be added after the introductory paragraph under Special Projects:

SeaWorld recognizes that any entitlements identified in this plan were granted by the City of San Diego only. The Coastal Commission did not review or certify the 1985 SeaWorld Master Plan, and is in no way bound by any of its provisions. Moreover, SeaWorld recognizes the need to re-evaluate each project at the time it is proposed, taking into consideration traffic issues and public recreational needs.

24. On Page II-28, the following additional footnote shall be placed on the table indicating the types and number of fireworks displays (as revised by the City of San Diego):

* The 150 annual fireworks displays shall be monitored as outlined below. At the end of five years, the impacts of fireworks displays at SeaWorld will be re-evaluated by the regulatory agencies identified below to determine if substantial evidence exists that the fireworks displays have significant adverse impacts. If no adverse impacts are identified, the fireworks displays may continue. If adverse impacts are evident, the City and SeaWorld shall initiate an LCP amendment to determine whether or not the fireworks displays may be allowed to continue.

25. On Page II-28, under Fireworks Displays, the following new language shall be added before the last paragraph:

Due to rising concerns over the possible environmental effects of fireworks displays, both from public recreation and water quality standpoints, SeaWorld will implement/continue an expanded monitoring program during the next five years. Monitoring results will be submitted to the Coastal Commission, Regional Water Quality Control Board, National Marine Fisheries Service, U. S. Fish and Wildlife Service, and the California Department of Fish and Game, on an annual basis. However, at the end of the first year, SeaWorld will present its findings to the Coastal Commission and the above agencies for review and possible revisions to the expanded monitoring program. At the end of five years, the potential adverse impacts of fireworks on both environmental resources and public recreation will be re-evaluated by the identified agencies. The program shall include the following components:

- a. SeaWorld will increase the area of clean-up on Fiesta Island beyond the shoreline berm, proceeding as far inland as necessary to remove all fireworks debris the morning after each show.
- b. SeaWorld will continue its surface water clean-up procedures after each fireworks show.
- c. SeaWorld will continue diving, at least once prior to, and once following, each summer season, to determine if solids are accumulating on the floor of Pacific Passage.
- d. SeaWorld will continue to monitor the levels of chemical constituents, particularly those associated with pyrotechnic displays (barium, strontium, antimony, etc.) in the waters of Pacific Passage and in the soils along the shoreline of Fiesta Island. Testing shall be performed monthly for the first year and the testing protocol shall be re-evaluated after one year.
- e. The above testing and monitoring shall also occur within the channel leading to the ocean (Mission Bay Channel) to determine the potential effect of tidal influence on the location of debris and chemical constituents associated with pyrotechnic displays.

If future monitoring of Fiesta Island and the waters in Pacific Passage and/or Mission Bay Channel identify significant levels of toxic constituents associated with SeaWorld's fireworks displays, SeaWorld is committed to undertake any remediation activities required by the identified regulatory agencies, or cease such displays altogether. SeaWorld may choose to conduct the same types of monitoring at other sites in Mission Bay Park to provide a reference baseline as a way to distinguish impacts of fireworks from normal background levels of the identified chemical constituents.

In addition, SeaWorld recognizes the endangered status of the California least tern, and the proven ability of the Mission Bay Park environment to aid the recovery of this species. To assist in that endeavor, SeaWorld will protect the designated least tern nesting sites on Mariner's Point and Stony Point from adverse disturbance during fireworks displays. SeaWorld will move the fireworks staging barge to a location approximately one-half (1/2) mile eastward of the Stony Point Preserve during the least tern breeding season, which runs from April 1st to September 15th of each year.

26. On Page III-1, the introductory paragraph under Development Criteria shall be modified as follows:

This section sets forth the development parameters applicable to the entire leasehold or specific leasehold area identified in this plan. The intent is to ensure that all future development will be distributed and constructed in a manner that, to the extent feasible, harmonizes with the established visual quality of Mission Bay Park. ~~The interior renovation or replacement of an existing structure within the same footprint, height and building envelope as the original structure shall be exempted from the setback and bulk-plane requirements but shall be counted in the total height distribution.~~ The setback requirements for shoreline redevelopment are intended to provide a waterfront orientation to SeaWorld visitors inside the park and reduce the visual impact of development from public views from the water and surrounding parklands. The setbacks will extend from the public promenade for SeaWorld visitors inside the park in the same manner as in other commercial leaseholds in Mission Bay Park. SeaWorld presently provides waterfront access for 3.5 million to 4 million guests per year. SeaWorld will enhance this access to promote SeaWorld visitors' use. In addition to the public promenade described previously, waterfront enhancements could be in the form of pathways, bay-front patios, or open lawn areas within the setback areas. The setback requirements for shoreline redevelopment shall not apply to Tier 2 site F-2, provided this site is redeveloped as a renovated waterfront stadium.

27. On Page III-1, the section identified as Leasehold Height Distribution shall be deleted as follows:

~~Not more than 25% of the total 189.4 acre leasehold area shall exceed 30 feet in height.~~

28. On Page III-1, the Theme Park Height Distribution table shall be deleted as follows.

<u>Height</u>	<u>Acreage</u>	<u>% of Area 1</u>
30+ 60 feet	13.1 acres	15%
60+ 100 feet	6.1 acres	7%
100+ 130 feet	1.8 acres	2%
130+ 160 feet	0.88 acre	1%

29. On Page III-2, revise Figure III-1 to conform to the revised Splashdown ride and Special Events Center locations required in Suggested Modification #18.

30. On Page III-3, under Setbacks and Buffers, the following modifications shall be made:

Shoreline Setback

Redevelopment at SeaWorld and all theme park improvements in the 16.5-acre expansion area shall be setback from the shoreline to provide an open space, public-oriented, park-like setting along the water. A minimum ~~25-foot~~ 75-foot shoreline setback shall be required of all future development except for water- or shoreline-dependent uses such as marina facilities, water intake and discharge facilities, or park attractions oriented towards open water use (the waterfront stadium being an example). The setback shall begin at the top edge of the existing rip-rap revetment or the bluff edge, whichever elevation is greater. Buildings 30 feet in height or less may encroach into the inland 25 feet of the 75-foot zone in accordance with the average setback requirements defined in Appendix G, Design Guidelines, of the Mission Bay Park Master Plan Update, but, in no case, shall buildings be closer than 50 feet from the existing rip-rap revetment or the bluff edge.

Shoreline Bulk Plane Setback

All new development (except in Areas 4 & 5) shall be setback behind a bulk plane line beginning at the shoreline setback (~~25~~ 75 feet from the existing rip-rap revetment or the bluff edge) at a height of 30 feet and inclined at a one-to-one angle (45°) until the 160-foot height limit is reached

31. On Page III-5, the following modification shall be made under Attraction Themes/Elements:

At least 75% of the total number of attractions (excluding the hotel) within SeaWorld shall contain a significant animal, education, or conservation element. Specific criteria for compliance with this requirement shall be set forth in the SeaWorld lease with the City of San Diego and shall be designed to ensure the overall prevalence of significant animal, education and conservation attractions.

32. On Page IV-11, the following modification shall be made to the first paragraph, under Landscape Design Zones, The Shark Encounter Exhibit to South Shores Road Shoreline:

The shoreline extending east to South Shores Road is the primary emergency and service access for SeaWorld. The functional aspects of the area require open access to loading and maintenance areas and could be combined with enhanced public access to and along the shoreline. The existing landscaping is primarily drought-tolerant species that are compatible with Mission Bay wetlands. Moderate height trees and shrubs in this landscape provide partial screening of fencing and exhibit buildings. The easternmost area (expansion area) is undeveloped, but planned for future theme park attractions. The shoreline of the expansion area shall be developed consistent with the setback requirements of the Mission Bay Park Master Plan Update. This currently undeveloped site serves as a transition area between the existing SeaWorld theme park and the public facilities at South Shores Park. This area should be developed to encourage public access to the shoreline consistent with other commercial leaseholds in Mission Bay Park.

33. On Page V-5, the following modification shall be made to the Plan Amendment Process:

The SeaWorld Master Plan anticipates that the majority of projects will not exceed the thresholds for Level 1 review. Projects involving greater scale and height will still be required to conform to the development criteria set forth in Section III of this plan. Any project that does not conform to the development criteria will require a plan amendment. The plan amendment process requires environmental review and public hearings before the Planning Commission, and City Council and California Coastal Commission.

34. On Page A-2, the fourth full paragraph shall be modified as follows:

~~The amount of development that can exceed 30 feet in height is limited to 25% of the leasehold. The plan further limits height in the main SeaWorld Theme Park (Area 1) to much smaller percentages that decrease for each successive increase in height level. At the highest level not more than one percent of Area 1 could be above 130 feet in height. No specific height limits are allocated in the Master Plan. The appropriate heights for each new development will be analyzed during the Coastal Development Permit process for any particular development taking into consideration visibility from the water, major coastal access routes and vantage points and the character and scale of development in the surrounding public parkland. Additionally the cumulative use of the heights above 30 feet allocations will be mapped by SeaWorld and verified by City and Coastal Commission staff.~~

35. On Page A-5, the following paragraph shall be added at the end of the section titled Traffic and Transportation:

Prior to implementation of the above-referenced public transit improvements, SeaWorld is committed to easing peak summer season traffic congestion in Mission Bay Park. To do so, SeaWorld shall offer a five dollar (\$5) discount on admission to every guest that provides evidence that such guest rode public transit to the theme park for that visit, i.e., provides a same-day transit ticket or receipt. SeaWorld may also ease traffic congestion by implementing one or more of the following: (i) providing a tram or shuttle service from the Old Town and Linda Vista trolley stations to SeaWorld operated on all weekends (Saturdays and Sundays) and holidays from the beginning of Memorial Day weekend through Labor Day; (ii) offering additional financial incentives to transit (bus or trolley) users in the form of reduced admission, free food or drink, reimbursement of transit costs, or other means; (iii) providing on-site transit ticket purchases for its employees; (iv) offering flexible work schedules for employees utilizing public transit; and, (v) referencing the availability of public transit to park visitors in SeaWorld's circulated brochures.

36. On Page A-6, the last paragraph on the page, under Water Quality, shall be modified as follows:

Additionally, SeaWorld's landscape serves as a type of storm water control by providing erosion control, filtration and vegetative uptake of pollutants. Finally, SeaWorld has committed itself to a program of early 100% runoff treatment in the future involving a variety of treatment options based on the latest pollution control technology. Moreover, as a lessee of public land within Mission Bay Park, the water quality controls/regulations certified in the Mission Bay Park Master Plan Update must be implemented fully by SeaWorld for its leasehold.

37. On Page A-7, an asterisk shall be placed by the word "entitlement" in the first sentence on the page, and the following footnote added:

*The Coastal Commission has not reviewed or certified the 1985 SeaWorld Master Plan as part of the certified Local Coastal Program, nor was that plan incorporated into the Mission Bay Park Master Plan as certified by the Commission in 1995. Therefore, any entitlements embodied in that plan are not recognized, and have not been endorsed, by the California Coastal Commission.