

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Thu 18a

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 49th Day: December 13, 2006
 180th Day: April 23, 2007
 Staff: Ellen Lirley-SD
 Staff Report: January 24, 2007
 Hearing Date: February 14-16, 2007

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-121

Applicant: SeaWorld San Diego

Agent: Patrick Owen

Description: Grading, paving, and striping an approximately 10-acre informal dirt parking lot, that is a portion of a 16.5 acre site east of the existing SeaWorld paved parking lot. Improvements will also include landscaping, fencing, and lighting.

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

Substantive File Documents: Certified Mission Bay Park and SeaWorld Master Plan Updates; Mission Bay Landfill Site Assessment Report, dated 9/8/06; CCC Files #6-01-074; #6-03-006

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the proposed parking lot improvements. The primary issues raised by the proposed development relate to water quality. Drainage/runoff will be treated prior to being discharged off-site. In addition, the Mission Bay Landfill underlies part of the total 16.5-acre site, and the proposed parking lot improvements will be constructed over the old landfill. This is consistent with the certified Mission Bay Park and SeaWorld master plans, which identify that capping the landfill site is the "Best Use" of this portion of the SeaWorld expansion area.

In 2003, the Commission denied Coastal Development Permit (CDP) #6-03-006, for the same development as proposed herein, due to concerns about the landfill. At that time, the City of San Diego had convened a technical advisory committee to study the landfill, and the Commission thought it inappropriate to approve paving the informal parking lot prior to completion of that study. The study is now concluded and a final report was prepared in September, 2006. Briefly, the report concluded that the current condition of the landfill did not pose a threat to public health or safety, that ongoing monitoring

should continue to identify any potential changes in that situation, and that any future development should maintain the integrity of the landfill cap. The proposed project is consistent with those findings, and the San Diego Solid Waste Local Enforcement Agency (LEA), which oversees all the City's landfills and any development within 1,000 feet of any landfill, has submitted a letter supporting the proposal. The Commission's water quality staff also concur.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-03-121 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, grading plans, signage and lighting plans

and elevations of typical signs and lighting facilities approved by the City of San Diego, which shall clearly delineate all development approved pursuant to this permit. Said plans shall be in substantial conformance with the preliminary plans submitted by the applicant, titled "SeaWorld Parking Lot Expansion," received in the Commission's office on November 25, 2003, but shall specify that:

- a. Lighting shall be directed entirely onto the parking lot itself, with no spillover effects on adjacent public parklands.

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. 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 park, walkways and public parking areas, including on-street parking for the interim storage of materials and equipment shall not be permitted. The plan shall indicate that no storage or staging outside the leasehold area and no traffic restrictions along Sea World Drive may occur between Memorial Day weekend and Labor Day of any year.

3. Final Revised Landscape Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final, revised landscaping plans approved by the City of San Diego. Said plans shall be in substantial conformance with the preliminary plans submitted by the applicant, titled "SeaWorld Parking Lot Expansion," received in the Commission's office on November 25, 2003, but shall be revised to include:

- a. All landscaping shall be drought-tolerant and (1) native or (2) non-invasive plant species. All landscape materials within the identified view corridors shall be species with a growth potential not expected to exceed three feet at maturity, except for authorized trees. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Pest Plant Council, or as may be identified from time to time by the State of California, including Mexican Fan Palms, shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

- b. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the

applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

4. Other Permits. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the applicant shall submit copies of all other required state or federal discretionary permits for the development herein approved. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant proposes to pave 10.5 acres of its 16.5 acre expansion area just east of its prior leasehold boundary to create 1,383 additional paved, striped, formal parking spaces. The portion of the lot to be paved is underlain by the old Mission Bay South Shores landfill. It appears to have been previously graded or disturbed in the distant past, contains little vegetation of any kind, and has been used informally for overflow parking in its current unimproved state for several years. After grading the approximately 10.5 acre site to level it and removing any vegetation or debris, the soil will be compacted to 90% of its maximum dry density. The proposal will place three inches of asphalt concrete over four inches of aggregate base. Because of the underlying landfill, continuous subsidence is expected and regular maintenance of the lot will be required.

In addition to the actual paving operation, the applicant is proposing to landscape the parking lot consistent with City standards; they propose only native and non-invasive species, with the exception of a proposal to incorporate Mexican Fan Palms into the plant palette. The plans include both temporary erosion controls and permanent drainage facilities; the latter will direct all flows to SeaWorld's on-site treatment plants. Typical parking lot lights are also proposed. Although the application does not identify signage, it is likely that some low-scale directional signs will be installed, typical of most parking lots.

There have been previous applications submitted to the Coastal Commission for the proposed development. CDP Application #6-01-074 was submitted on May 18, 2001. A number of issues were raised and not resolved, and the application was ultimately withdrawn on February 14, 2002. CDP Application #6-03-006 was submitted on January 14, 2003 and was heard by the Commission at the May, 2003 hearing. After public hearing, the Commission denied the application, as the Commission found it premature to approve the development while there was an in depth study of the Mission Bay South Shores landfill in progress. The Commission found that the information generated in the study would likely be crucial to its ability to approve the proposal, and suggested the applicant re-apply when the study was complete. The current application was submitted on November 25, 2003, but has only recently been filed, as it required additional information, including the final report of the landfill study.

SeaWorld is located within Mission Bay Park in the City of San Diego. It is situated adjacent to Mission Bay on the north and Sea World Drive on the south, 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 plans for SeaWorld and Mission Bay Park used as guidance. Because the project site overlays a portion of the closed Mission Bay Landfill, other state and federal entities, such as the Regional Water Quality Control Board (RWQCB) and the Environmental Protection Agency (EPA) also have some oversight responsibilities. However, the responsibility of these other agencies regarding remediation and monitoring of the landfill does not divest the Coastal Commission of permitting jurisdiction, and Commission actions will not prevent other agencies from carrying out their assigned duties. Special Condition #4 requires submittal of any other state or federal permits that may be required for the proposed development.

2. Water Quality. The following Chapter 3 policies are most applicable to the proposed development:

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 populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As with all structural development in Mission Bay Park, SeaWorld contributes its share of stormwater runoff into the bay. In addition, SeaWorld is unique in that it uses sea water for its aquariums and show tanks, and circulates this water to and from the bay continually. To address this potential water quality concern, SeaWorld has constructed two on-site treatment facilities, that have been on-line since October, 1991. Conceived initially to address the treatment of used aquarium water, these facilities are subject to a National Discharge Elimination System Permit (NPDES), and were ultimately designed with enough capacity to treat the entire leasehold, including the 16.5-acre expansion area, and other planned leasehold improvements. The NPDES permit requires weekly sampling of coliform, chlorine, and acidity of the effluent, which discharges into Mission Bay, and semiannual monitoring of solids, turbidity, grease, and oil. At this time, some of the older existing parking lots do not drain to the on-site treatment plants. However, the remainder of the parking lot runoff enters the City's municipal storm drain system which is outfitted with low-flow interceptors. It is expected that, through long-term redevelopment, virtually all runoff generated at SeaWorld will eventually be directed through its existing treatment facilities, which have excess capacity capable of treating increased loads.

A portion of the eastern Sea World leasehold, including the subject 10.5 acres, is underlain by the inactive Mission Bay Landfill. The City of San Diego operated the landfill from approximately 1952 until 1959. The landfill reportedly accepted municipal solid waste and some liquid industrial wastes (including acids, alkaline solutions, solvents and paint wastes). The U.S. Environmental Protection Agency estimates that up to 737,000 gallons of industrial wastes may have been disposed at the landfill during its operation; other sources produced significantly higher estimates, with the highest estimate being a potential 5.4 million gallons. After closure of the landfill, dredged material from Mission Bay (consisting of mostly fine-grained material) was placed on top of the former landfill surface to a depth of approximately 15 feet.

Several investigations of the landfill were conducted to evaluate the extent of potential chemical contamination. Samples for chemical analysis were collected from soils, surface water, sediments and groundwater from the landfill and surrounding areas.

Investigations detected a number of chemicals in onsite soils and groundwater including heavy metals, volatile and semi-volatile organic compounds and chlorinated pesticides. In 1985, the Regional Water Quality Control Board (RWQCB) adopted Order No. 85-78, which required, among other things, routine monitoring of groundwater, surface water and sediments from Mission Bay and the San Diego River.

In addition to routine monitoring, several additional soil and groundwater investigations were conducted in and around the landfill through 1997. The results of these investigations and continued routine monitoring indicate that low levels of chemicals are detected in soils and groundwater beneath and adjacent to the landfill. According to the RWQCB, these low levels of chemicals do not represent a significant threat to public health or the environment. Furthermore, the California Department of Toxic Substances Control (DTSC) and U.S. EPA previously evaluated the site in 1987 and 1993, respectively, and determined that the site did not pose a significant threat to public health or the environment. Moreover, although the Mission Bay Landfill was considered for listing on the EPA's Superfund National Priorities List in the early 1990's, it was determined that the site did not qualify for inclusion on the list.

Over the past four years, the City has conducted an additional investigation of the landfill to determine constituents, boundaries and any potential leakage and a Technical Advisory Committee (TAC) was convened, consisting of representatives of environmental organizations, the RWQCB, the state university system, the medical profession, and the community, as well as members of the City's Solid Waste department, who acted as staff to the committee. The TAC was primarily charged with determining the physical extent of the landfill, identifying its contents to the degree possible through searches of old records, identifying the current chemical makeup of the landfill, and analyzing any potential risks to public health and safety.

The Technical Advisory Committee's (TAC's) findings were documented in a final report in September, 2006. It summarized the technical investigations that had been conducted, which identified the landfill constituents and any potential public hazards. The study concluded that the landfill boundaries were slightly larger than previously thought, but that no leaking of toxic materials was occurring, and no significant public hazard existed. The only remediation identified in the report was to increase the soil cover on a portion of the landfill well away from the SeaWorld site. The City's Local Enforcement Agency, which regulates all development within 1,000 feet of any landfill, has determined that paving the proposed 10.5 acre portion for parking lot purposes will not adversely affect the landfill itself, nor pose an increased risk to the public (see Exhibit #4). In addition, should any type of additional monitoring or remediation of the landfill be determined to be necessary in the future, the proposed development consists primarily of only surface improvements, such that the development should not preclude or interfere with such actions.

The City has a Post Closure Land Use Plan for South Shores, adopted in October, 1995. Elements of this plan most applicable to the proposed parking lot improvements address depth of excavations, placement of utilities, drainage systems, landscaping and irrigation

and continuous air monitoring. As proposed, the project is fully consistent with these requirements. The RWQCB continues to be the lead agency for oversight for water quality issues at the Mission Bay Landfill. Representatives of that agency have indicated in the past that only minimal structural improvements can occur over landfills, and that capping the site with asphalt for parking is the preferred use. The City of San Diego continues to monitor the site in accordance with RWQCB Order 97-11, General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills, and the site is currently in compliance with the requirements of the City of San Diego Solid Waste Department, the RWQCB, and the California Integrated Waste Management Board.

In conjunction with the SeaWorld Master Plan LCP amendment, Commission's Water Quality staff reviewed the available monitoring data regarding groundwater conditions at the Mission Bay Landfill. Staff concluded that data supports the determinations by the regulatory agencies overseeing the landfill that the low levels of chemicals detected do not represent a significant threat to public health or the environment. More recently, the Water Quality staff has been reviewing the materials and findings generated by the TAC, and has concluded that no new or different concerns with respect to water quality have been identified and that the proposed parking lot paving will not result in adverse impacts to the environment or to health and safety.

SeaWorld has a Best Management Practices (BMP) program in place to control non-point sources of pollution during its day-to-day operations. During review of past permits, the Commission's Water Quality Unit has reviewed SeaWorld's treatment facilities and BMP program and determined that these are adequate to address existing development and the Tier 1 projects described in the Master Plan. The proposed parking lot improvements are a Tier 1 development, and have been designed consistent with SeaWorld's BMP program, which the Commission certified when reviewing the City's most recent amendment to the Mission Bay Master Plan. Therefore, the Commission finds the proposed development, as conditioned, consistent with the cited Coastal Act policies addressing water quality.

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 have a delineated trail 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 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 currently as potential redevelopment sites within the leasehold. The proposed parking lot improvements, along with the future special events complex which will be sited on the remaining 6 acres of the total 16.5-acre site, is one of the five Tier 1 projects proposed in the SeaWorld Master Plan as approved by the City and the Coastal Commission. The other Tier 1 projects, which were all conceptually endorsed in the master plan, include a splash-down ride, educational facilities, front gate renovations and an enlarged and relocated special events center. The first two projects have already gained coastal development permits; the other two have not been formally proposed as yet.

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.

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. The City accepted the suggested modifications of the Sea World Master Plan component of the Mission Bay Park LUP, which was subsequently effectively certified, such that the public recreational improvements are currently required of SeaWorld. 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. 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. The Commission granted approval for those improvements at South Shores last year, and that public project will be underway soon.

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. However, increasing populations in general, along with long-term buildout of SeaWorld, may eventually result in parking shortages.

The proposed parking lot improvements will increase SeaWorld's formal (paved) on-site parking availability by 1,353 parking spaces, although the lot is intermittently used for parking in its unimproved state. A small portion of the new parking offsets the loss of twenty over-size (RV and trailer) parking spaces lost in development of the Education Center. The proposed improvements will have no effect on current public access patterns in this part of Mission Bay Park, since it is located within the SeaWorld leasehold and will increase parking capacity. Moreover, the Commission finds that construction and

operation of the parking lot facilities 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.

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. The on-site parking reservoir, although adequate for the facilities' needs to date, even with the Tier 1 projects, may become strained in the future. The proposed improvements will alleviate that future need now, and replace parking recently lost to an approved project. Special Condition #2 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.

4. 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....

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 parking lot paving project is located within the 16.5-acre expansion area, but is separated from the water by the 6-acre portion to be developed with a Special Event Center. It is adjacent to existing improved SeaWorld parking lots to the west, and South Shores Road and public park improvements to the east; Sea World Drive runs along the southern boundary of the site, separated from the proposed development by an existing landscaped berm. Most of the proposed development consists of only surface improvements.

However, the applicant is proposing landscaping and lighting improvements to serve the parking lot and buffer it visually. Although not specifically called out in the application, it is expected that some directional signage will also be installed. Special Condition #1 requires submittal of final project plans for grading, paving and lighting, to be sure the lighting standards do not block any existing public views from outside the leasehold. Special Condition #3 requires a final, revised landscaping plan, to assure that only drought tolerant, native or non-invasive plants and appropriate irrigation methods are used. At a minimum, the proposed Mexican Fan Palms must be removed from the landscaping palette, as these are now identified as invasive. Therefore, as conditioned,

the Commission finds the proposed new parking lot will be consistent with Section 30251 of the Act.

5. Local Coastal Planning. Mission Bay Park is primarily unzoned. As a whole, Mission Bay Park is a dedicated public park, and SeaWorld, adjacent to the project site, is one of many designated commercial leases in the presently-certified Mission Bay Park Master Plan (land use plan). The Commission has certified a Mission Bay Park Master Plan amendment, incorporating the SeaWorld Master Plan as a component. The plan identifies the South Shores area for general public recreational improvements, including shoreline, the proposed promenade, other walkways, picnic areas, lawn play areas, etc. The proposed development is thus consistent with the Mission Bay Park Master Plan, including the mitigation requirements of the SeaWorld component. Moreover, it has been found consistent with all applicable Chapter 3 policies of the Coastal Act. No other local discretionary actions are required as a result of the improvements proposed herein. Therefore, the Commission finds that approval of the project will not prejudice the ability of the City of San Diego to prepare a fully certifiable LCP for its Mission Bay Park segment.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access and biological resources will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project 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.

6-03-121

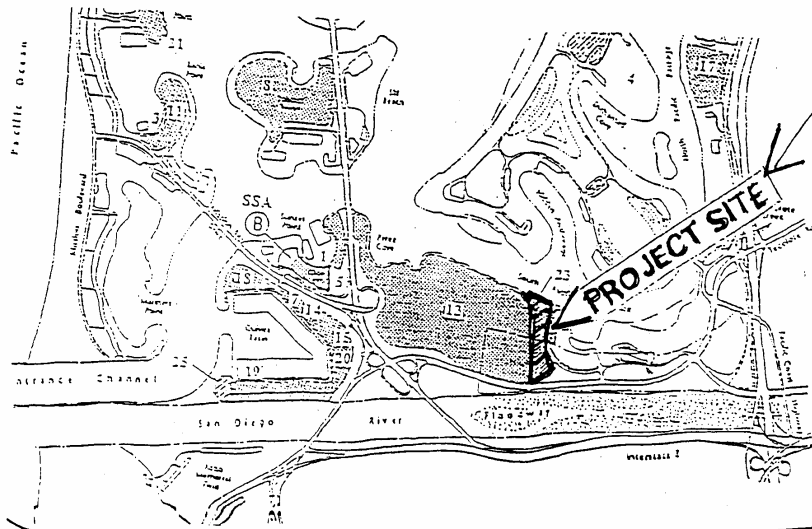
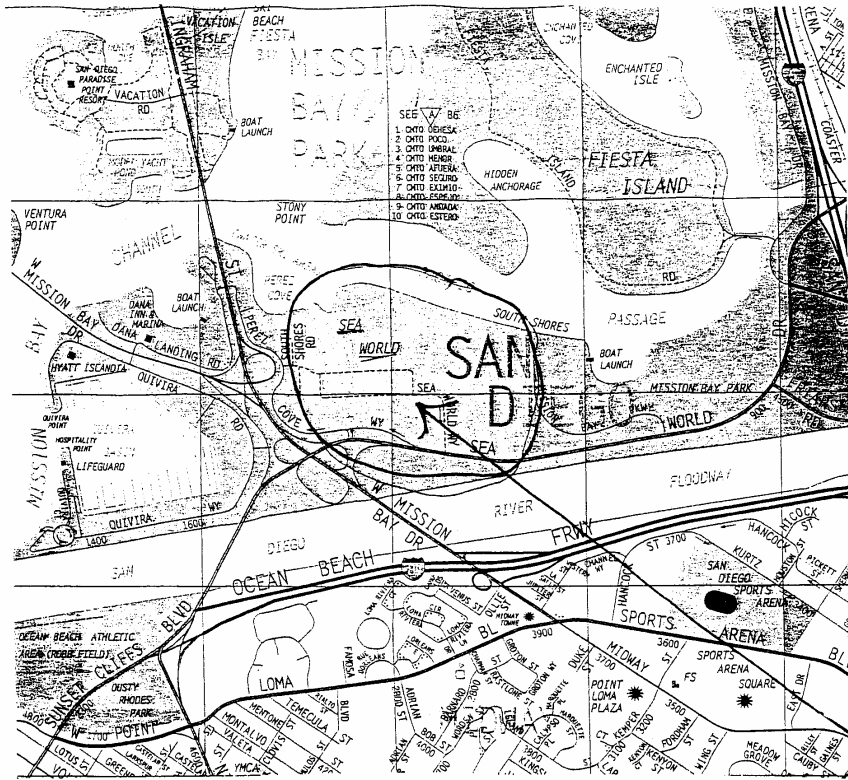


EXHIBIT NO. 1
APPLICATION NO.
6-03-121
Location Maps

California Coastal Commission

6-03-121

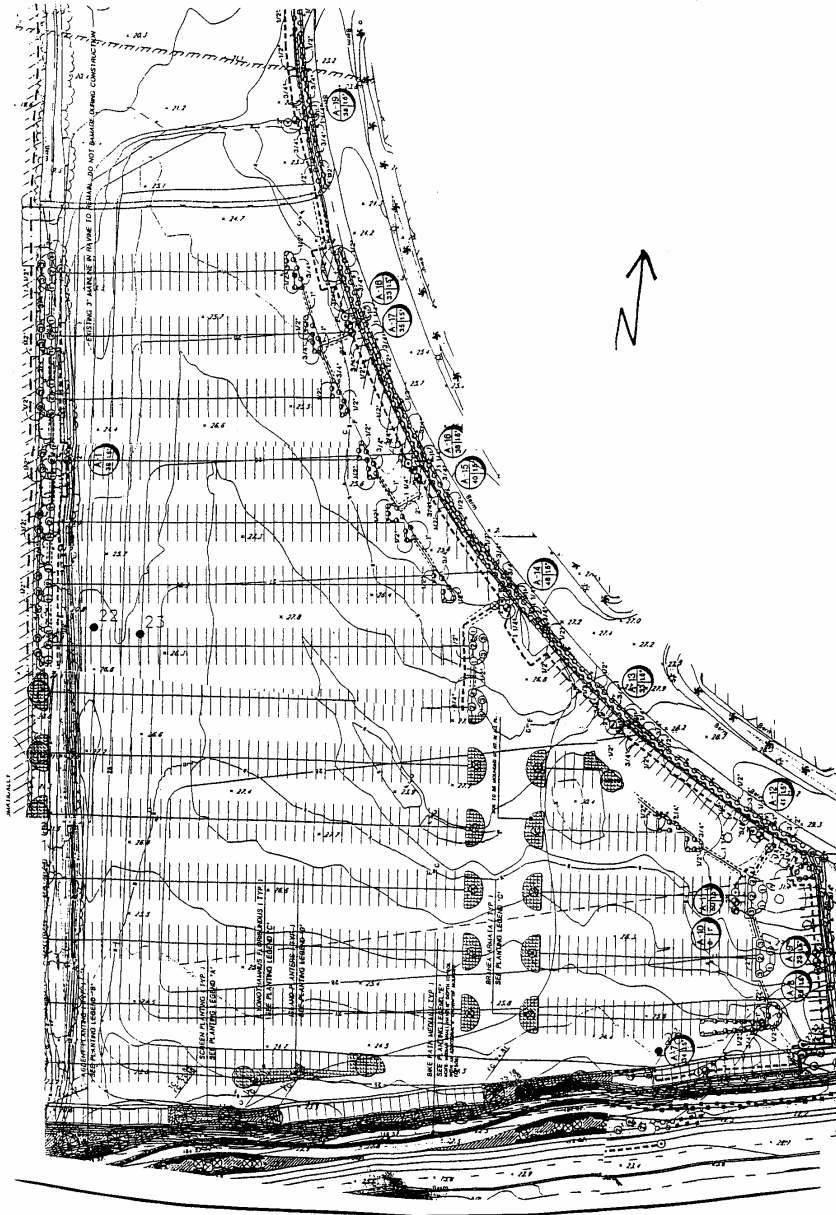
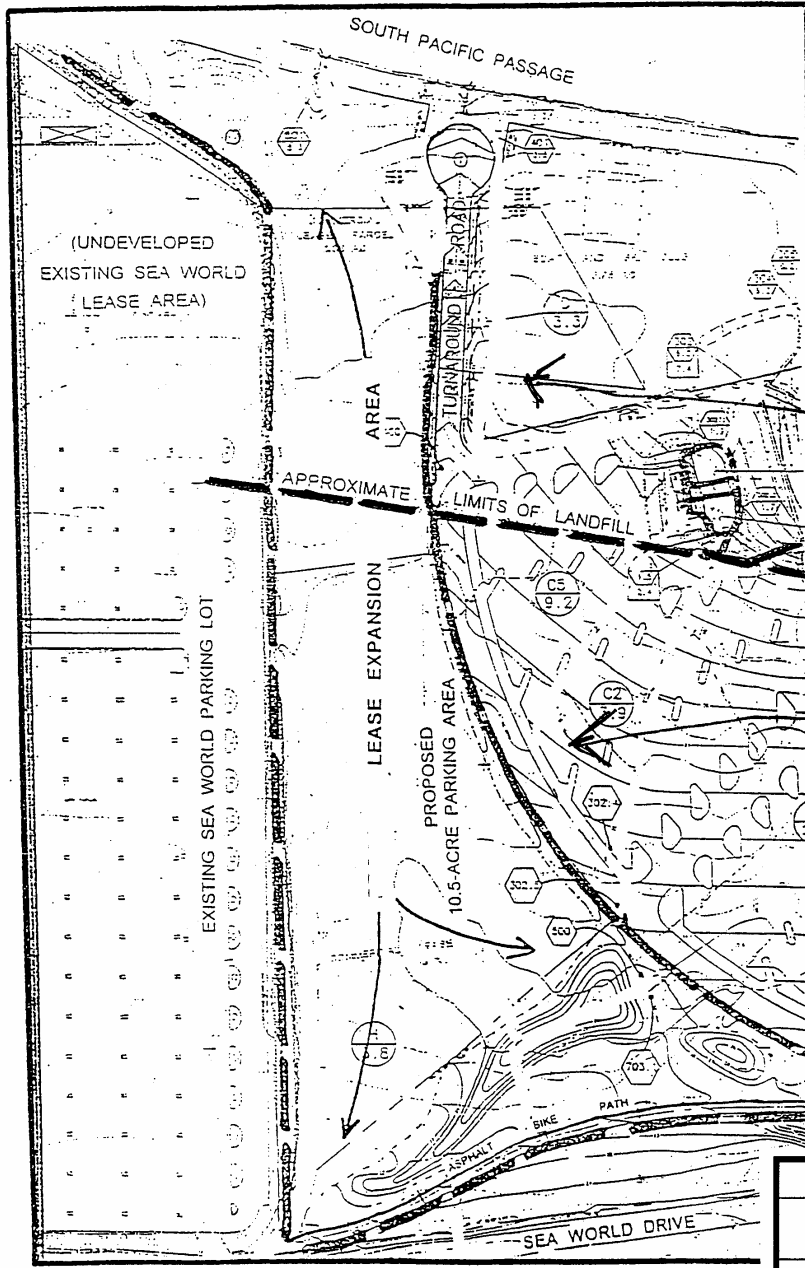


EXHIBIT NO. 2
APPLICATION NO.
6-03-121
Site Plan

 California Coastal Commission

6-03-121



out

in

EXHIBIT NO. 3
APPLICATION NO.
6-03-121
Landfill Boundary
California Coastal Commission



THE CITY OF SAN DIEGO

January 23, 2007

Mr. Patrick Owen
SeaWorld Adventure Parks
500 Sea World Drive
San Diego, CA 92109-7904

Dear Mr. Owen:

Subject: Expansion Parking Lot, Mission Bay Landfill Postclosure Land Use

In April 2003, the City of San Diego Solid Waste Local Enforcement Agency (LEA) reviewed the Final *Post-Closure Land Use Plan for the Expansion Parking Lot* dated March 21, 2003 prepared by URS for SeaWorld Adventure Parks and provided a letter dated April 25, 2003 approving the proposed project, with conditions. The postclosure land use plan proposal consisted of a Project Plan, Construction Health and Safety Guidelines, Community Health and Safety Plan, Post-Construction Maintenance Plan, References and supporting Figures and Appendices.

The LEA has re-reviewed the project in light of the "*Report on Environmental Site Assessment of the Mission Bay Landfill*" dated September 8, 2006 by SCS Engineers and hereby approves the Expansion Parking Lot project with the same conditions as given in our letter of April 25, 2003. The conditions are repeated below for your convenience:

1. Section Four Post-Construction Maintenance Plan, Sections 4.2.
Quarterly monitoring reports shall be submitted within 30 days of the end of the quarterly monitoring period.
2. Section Four Post-Construction Maintenance Plan, Section 4.2.
Monitoring of new storm drain inlets west and north of landfill shall be included in subsurface monitoring program.
3. Community Health and Safety Plan, including landfill gas monitoring component, is required for installation of storm drains west and north of parking lot projects.



Solid Waste Local Enforcement Agency (LEA) • Development Services
1010 Second Avenue, Suite 600, MS 606L • San Diego, CA 92101-4998
Tel (619) 533-3688 Fax (619) 533-3689

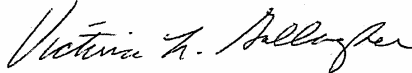
EXHIBIT NO. 4
APPLICATION NO.
6-03-121
Letter from SD LEA
2 Pages
California Coastal Commission

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January 23, 2007

4. Appendix A, Special Note
Add note to plan identifying that portion of proposed work is to be conducted over a closed landfill.
5. Though it is not anticipated that any buried wastes will be encountered during any of the subsurface/trenching activities, in the event that waste is inadvertently exposed, immediate notification to the LEA is required.

Please contact me at (619) 533-3695 or Bill Prinz at (619) 533-3696 if you have any questions or concerns regarding this project.

Sincerely,



Victoria L. Gallagher, REHS, MPH
Program Manager

cc: John Odermatt, RWQCB
Steven Fontana, City of San Diego ESD
Ray Purtee, City of San Diego ESD
Greg Gourley, SeaWorld
Ellen Lirley, California Coastal Commission
Bill Prinz, LEA