

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Th17a

Addendum

August 4, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item Th17a**, Coastal Commission Permit Application No. **6-16-0133 (SeaWorld Ocean Explorer)**, for the Commission Meeting of Thursday, August 11, 2016.

The purpose of this addendum is to include public comment letters received since the publication of the staff recommendation. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined:

1. Add new Exhibit 6 – Public Letter of Support

Monday, August 1, 2016

California Coastal Commission
San Diego Area Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Dear California Coastal Commission Representative,

I am writing in support of the issuance of any and all permits needed for the commencement of construction for an upcoming project at SeaWorld San Diego (Coastal Development Permit Application No. 6-16-0133). The development, Ocean Explorer, will convert a 2.5 acre area in the park into a children's area with four family rides, aquariums, and a shopping and dining complex.

Ocean Explorer will inspire children to have a love for the ocean by combining kid-friendly rides with educational and interactive aquariums. This combination of fun and learning will engage children's minds and inspire them to protect the ocean and our beautiful coast.

I strongly urge you to approve CDP No. 6-16-0133. Thank you.

A. Borne

A. Borne

RECEIVED

AUG 04 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO OFFICE

EXHIBIT NO. 6
APPLICATION NO. 6-16-0133
Public Support Letter
 California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Th17a

Filed: 2/16/16
 180th Day: 8/14/16
 Staff: A. Llerandi-SD
 Staff Report: 7/21/16
 Hearing Date: 8/11/16

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-16-0133

Applicant: SeaWorld San Diego

Agent: Darlene Walter

Location: 500 SeaWorld Dr, Mission Bay Park, San Diego, San Diego County (APN: 760-037-01-01)

Project Description: Construct a new 2.5-acre "Ocean Explorer" attraction area within the existing SeaWorld San Diego amusement park, consisting of 700 sq. ft. and 1,650 sq. ft. aquarium buildings, a 750-ft. long rail ride with 1,440 sq. ft. passenger loading building, a 30-ft. tall swing ride, two smaller children's rides, four new support buildings, and remodel of existing adjacent buildings.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project is to construct a new 2.5-acre ride and exhibit area within the existing SeaWorld San Diego amusement park.

Because SeaWorld is a large, well-frequented facility located in an already popular coastal park area, its operation and expansion could create potential impacts to nearby

coastal resources. Mission Bay Park is served by a limited number of access roads that can become congested during periods of high vehicle volume, which the addition of a new attraction area at SeaWorld could exacerbate. Mission Bay Park consists of large amounts of open space and water area, and the erection of new, visually intrusive structures could impair public views or detract from the visual quality of the park. Because SeaWorld is located on a site adjacent to Mission Bay and in an area with nearby geological faults, the potential for water quality impacts due to runoff from the proposed attraction area, or public risk from creating a public attraction in a geologically unstable area may be present.

However, the proposed project will not impact public access and recreation because annual traffic monitoring demonstrates that the surrounding intersections and road segments are still operating at acceptable levels, and that SeaWorld has adequate parking supply to handle their attendance numbers. Visual impacts are not expected because the site of the proposed attraction area is located within the developed amusement park area, and will be surrounded by existing structures and landscaping, screening it from public view. Water quality and geologic impacts will be avoided because the project site is located well away from the limits of a buried, historic landfill and will direct all site runoff into the existing water treatment system serving the park.

Special Condition 1 and 2 call for the submittal and approval of final development and landscaping plans to ensure that the development is constructed in an approved manner that incorporates recommended measures to avoid visual encroachment as well as incorporate recommendations to lessen geological risk. **Special Condition No. 3** requires the submittal of a final drainage plan to ensure that runoff from the site enters existing water treatment systems before flowing into any bodies of water. **Special Condition No. 4** requires a final construction staging and storage plan that sites equipment and worker parking wholly within the leasehold so as to avoid spillover into adjacent public park areas. Because the proposed development will involve some grading, **Special Condition No. 5** requires that any exported spoils be deposited outside of the coastal zone to avoid water quality impacts. **Special Condition No. 6** places SeaWorld on notice that the traffic-mitigation measures contained in the current SeaWorld Master Plan Update were designed to address attendance of up to 4 million visitors, and that once attendance exceeds that number, new mitigation measures may be required for future development.

Commission staff recommends **approval** of coastal development permit application 6-16-0133 as conditioned.

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APPENDICES

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EXHIBITS

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-16-0133 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves coastal development permit 6-16-0133 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

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project plans. Said plans shall be in substantial conformance with the plans drafted by Peckham, Guyton, Albers, & Viet, Inc. dated February 3, 2016, and submitted on April 26, 2016. The final plans shall:

- A. Incorporate all recommendations contained in the February 3, 2016, geotechnical survey of the project site and proposed development conducted by Christian Wheeler Engineering.

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

2. **Final Landscape Plans.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, a full size set of final landscaping plans, which shall include and be consistent with the following:

- i. Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources

(See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

- ii. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation

systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

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

3. **Final Drainage Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final construction and post-construction drainage and Best Management Practice plans. Said plans shall be in substantial conformance with the plans submitted on April 26, 2016.

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

4. **Construction Staging and Storage Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final construction staging and storage plans to ensure that construction impacts are contained within the SeaWorld leasehold and do not spill outside of the leasehold, where it might impact public access.

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

5. **Disposal of Graded Materials.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission.

6. **Future Development.** When documented annual attendance at the SeaWorld Park reaches 4 million visitors, the applicant shall notify the Executive Director in order to review potential impacts to public access. Additional traffic and parking mitigation measures may be required for subsequent identified Tier 2 project and Special project sites, pursuant to the SeaWorld Master Plan Update Environmental Impact Report (EIR).

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY

SeaWorld San Diego proposes to construct a new 2.5-acre attraction area to be called “Ocean Explorer” within the developed amusement park area of its leasehold. The attraction area will consist of two aquarium buildings (700 sq. ft. and 1,650 sq. ft.) housing non-mammalian marine life such as spider crabs, octopi, and eels, with saltwater filtration on a closed system. Rides in the new attraction area would consist of a 750-ft. long rail ride, a 30-ft. tall circular swing ride, and two smaller children’s rides. The new rail ride would have a 1,440 sq. ft. passenger loading building, and the remaining rides would have four small (150 sq. ft. or less) support buildings. Adjacent existing buildings will be remodeled to provide ride passage and updated retail areas.

SeaWorld is located within Mission Bay Park in the City of San Diego. It is situated adjacent to Mission Bay on the north and SeaWorld Drive to the south, and is surrounded largely by City parklands consisting of grassy, open areas and public parking lots. 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 LUP segments used as guidance.

History

SeaWorld began construction in 1961 and opened to the public in 1964. Since then, the park has operated under a number of different master plans. The SeaWorld Master Plan is a separate, stand-alone segment of the certified Mission Bay Park Master Plan LUP. The most current plan, the SeaWorld Master Plan Update, was certified by the Commission on February 7, 2002, and addressed future development within the SeaWorld leasehold over the subsequent 15-20 years (LCPA No. 2-2001C). The SeaWorld Master Plan Update sets forth the long-range conceptual development program, development parameters, and project review procedures for the future renovation of the SeaWorld Adventure Park. One of the stated goals of the SeaWorld Master Plan Update is “to define development criteria for future conceptual development areas,” and the “purpose is to “create a framework for continued improvements and renovations to the park into the new century.” The SeaWorld Master Plan Update recognizes that:

The SeaWorld site is unique in both the type and frequency of development projects within the leasehold. Each year, SeaWorld processes numerous projects to upgrade park facilities and keep attractions in top working order. Additionally, in response to consumer demands and competition in the theme park industry, SeaWorld regularly undertakes renovations of its larger attractions, rides, shows, or exhibits.

Sections III and IV of the SeaWorld Master Plan establish “Development Criteria” and “Design Guidelines,” respectively, to govern subsequent development. Section III states that the “section sets forth the development parameters applicable to the entire leasehold or specific leasehold areas 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.” Section IV states that the “guidelines are intended as standards to be used by SeaWorld designers of buildings, landscaping, signage, and lighting as well as by maintenance personnel. The City of San Diego Real Estate Assets, Park and Recreation and Planning Departments, parks advisory committee, and City Council will utilize the design guidelines as a standard for evaluation of proposed new projects or for modifications to existing development.”

B. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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 terrestrial vegetation.

Section 30212 of the Coastal Act states, in part

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, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

[...]

c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor serving and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30604 of the Coastal Act states, in part:

[...]

- c) *Every coastal development permit issued for any development between the nearest public road and the sea of 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).*

There are only a few remaining areas of Mission Bay Park where public access is routed inland around existing commercial leaseholds rather than along the shoreline. SeaWorld is one of those leaseholds. Although public lateral access is available along most of the Mission Bay shoreline, there is no access through the SeaWorld leasehold, which extends to or beyond the waterline in places. Pedestrian and bicycle traffic can cross through the parking areas and rejoin the bayside pathway on either side of the leasehold. Vertical access is available at those same two locations and informally elsewhere along the shore dependent upon parking or transit availability. The proposed development will be located entirely within the private leasehold, approximately 800 feet from the shoreline, and will not encroach into any existing or proposed public accessways. The Mission Bay Master Plan lists a complete pedestrian access pathway around the bay as a future goal; access through SeaWorld may itself be an issue when the lease is renewed, but for this permit, the Commission finds that currently, adequate pedestrian and bicycle access exists. Lateral and vertical access is available to serve the demonstrated needs of the public in this area of Mission Bay Park, and the proposed project will not preclude the ability to provide public shoreline access in the future.

Sea World Drive and Ingraham Street serve as major coastal access routes for all areas of Mission Bay Park, and the public beaches at Pacific Beach, Mission Beach, and Ocean Beach, and serves as a popular commuter route as well. These are the only roadways serving SeaWorld. The lease between SeaWorld and the City of San Diego, as well as the SeaWorld Master Plan Update, calls for phased traffic improvements based on the expected increase in attendance at the park. SeaWorld typically submits its annual attendance figures for previous years so the Commission will be aware when the next critical level of attendance occurs that triggers traffic mitigation measures. SeaWorld attendance has triggered, and SeaWorld has implemented, various traffic mitigation measures over the years. Numerous Commission-approved traffic and parking mitigation projects have been completed by SeaWorld since the certification of the SeaWorld Master Plan Update, including the addition of a public pedestrian promenade (CDP No. 6-06-022), road improvements along Sea World Drive and the southbound Interstate 5 interchange (CDP No. 6-08-016), and resurfacing, restriping, and landscaping to extend and widen bicycle and pedestrian paths across the southern and western edges of SeaWorld's main parking lot (CDP No. 6-05-075). Those improvements as well as the previously established traffic, roadway, and parking systems have been designed and constructed to support up to 4 million visitors annually. The next improvements are not required until attendance reaches 4 million, which is anticipated as the maximum

anticipated attendance at full buildout. Last year, SeaWorld's annual attendance was approximately 3.61 million visitors.

Regarding traffic, SeaWorld submits annual traffic monitoring reports to the Commission for review of the impact of park operations on the surrounding transportation infrastructure. Because parks such as SeaWorld serve the public and are subject to changing preferences and market forces, attendance levels, and thus traffic impacts, can fluctuate over the years. While analyzing SeaWorld's most recent development application last year, Commission staff reviewed the preceding 5 years (2013 – 2009) of traffic reports, as well as a summary report of those past years to discern any patterns.

Level of Service (LOS) is a qualitative measure used to relate the quality of traffic service. LOS is used to analyze roadways by categorizing traffic flow and assigning quality levels of traffic based on performance measures such as speed, density, etc. Grades are assigned ranging from "A" (free flow at speed limit) to "F" (flow breakdown; cars move lockstep). The 5-year analysis determined that the major intersections around SeaWorld have consistently operated at a LOS of D or better, and that some intersections actually improved slightly in service over the past 5 years of monitoring. Regarding Average Daily Traffic (ADT), the studies focus mainly on AM peak periods and PM peak periods, as that is when SeaWorld traffic combines with local rush hour traffic to create the greatest impact. The past 5 years of studies show that AM peak ADTs have decreased by 5% while PM peak ADTs have increased by 6%. Overall, ADTs increased by 4% over the preceding 5 years, but as mentioned above, the LOS for the surrounding intersections has held steady or improved slightly. Thus, the growth in traffic has been relatively low at an average of just 1% a year over the preceding 5 years, with the LOS indicating that the existing infrastructure is adequately processing the load.

With respect to the adequacy of on-site parking, SeaWorld currently provides a total of 8,664 parking spaces for visitors, staff, and employees. SeaWorld's employment base includes full-time, part-time, and seasonal employees. Employee numbers vary during the year from approximately 2,600 non-peak employees to approximately 4,500 peak time employees. Parking spaces have not been specifically allocated to 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 in the northwest portion of SeaWorld itself but within the leasehold boundaries. In addition to serving SeaWorld itself, the existing parking facilities have also served the needs of Hubbs Research Institute personnel. The Hubbs facilities, which include laboratories, aquaculture tanks, and associated research and administrative functions, are currently housed in the western area of SeaWorld, along with many of SeaWorld's administrative, storage, and employee facilities. Under CDP No. 6-93-086, Hubbs converted the former Atlantis Restaurant building to research facilities with retention of 77 spaces in the former Atlantis lot designated for use by Hubbs' researchers with the remainder of that lot, and all other on-site parking facilities, continuing to be used by SeaWorld patrons and employees.

In 2010, total peak parking demand was 5,466 spaces. In 2011, peak parking demand was 6,382 spaces. In 2012 peak demand was 7,028 spaces. In 2013 peak demand was 7,103 spaces. In 2014, the peak demand was 6,357 spaces on July 19, 2014 (73% of total

supply). Thus, SeaWorld's parking demand has not exceeded its on-site supply of 8,664 parking spaces.

Since reviewing that most recent SeaWorld development proposal in 2015, SeaWorld submitted with this current application the most recently completed parking and traffic study for the year 2014, dated January 28, 2016. The 2014 Transportation and Parking Mitigation Monitoring Report (TPMMR) reiterated many of the findings of the 5-year review. The 2014 report as indicates that ADT during the AM peak hours have decreased compared to the year 2000, which serves as a baseline for the monitoring, while ADT during the PM peak hours have increased, though the surrounding intersections are operating at acceptable LOS. The 2014 TPMMR also indicates increases in wait times of up to 1.9 seconds at surrounding intersections compared to a baseline scenario without SeaWorld's additional traffic, but this falls under the threshold of "significant project impact" in local traffic guidelines utilized by the City of San Diego.

The construction of the new Ocean Explorer attraction area is not expected to substantially increase the attendance levels, as the area will be aimed at the youngest age group that visits the park and will not introduce any significantly-sized rides such as the past Manta rollercoaster or Journey to Atlantis splashdown ride, which appeal more broadly to all age groups. Still, it should be noted that there will be more attraction options for visitors to experience, and expanded, modernized, or redeveloped facilities do tend to generate an interest on the part of the public to view the new facilities. While some visitors – such as season pass holders – may make annual or semi-annual visits to the existing theme park regardless, it can be reasonably assumed that some visitors will also make a special trip to view the new facilities in and of themselves. However, given the relatively small size of the new attraction area (2.5 acres) in relation to the whole SeaWorld Park area (84.5 acres) and target age group of the new attraction area, these increases in attendance are not expected to result in a large increase in visitors. Thus, no significant impacts to traffic or parking are anticipated as a result of the proposed project, and traffic monitoring by SeaWorld will continue to report any impacts to nearby public access roads.

SeaWorld is a private commercial leasehold within Mission Bay Park, a public park owned by the City of San Diego. The site is located between the first coastal roadway and the bay. The certified SeaWorld Master Plan Update divides the anticipated development and redevelopment needs of the entire SeaWorld leasehold into three categories: Tier 1, Tier 2, and Special Projects. Tier 1 identifies the sites and projects where new development or park renovations were planned to be processed concurrently with the SeaWorld Master Plan or were likely to be initiated shortly after the adoption of the master plan. Those projects include the Journey to Atlantis splashdown ride, an educational facility, front gate renovation, special events center expansion, and bicycle/pedestrian path enhancement. All of those listed developments except for the special events center expansion have occurred. Tier 2 identifies sites within Area 1 (the developed park area) that are candidates for redevelopment; however, only general project descriptions are included in the master plan. Submittals for individual projects are expected to be made over a span of many years, and some have already been made, approved, and constructed (e.g. Manta rollercoaster). Potential Tier 2 projects were not

approved as part of the master plan, and no entitlements to redevelopment in the designated areas were granted nor implied. Finally, Special Projects are conceptual development proposals that have been identified for sites outside of the developed park but still within the SeaWorld leasehold. Like Tier 2 projects, Special Projects are not proposed to be built for many years, and like Tier 2 projects, only general project descriptions for future use are included.

The proposed new Ocean Explorers attraction area is not specifically listed in the SeaWorld Master Plan Update as a Tier 1, Tier 2, or Special Project. However, SeaWorld is a large, visitor-serving facility with complex operations, and the SeaWorld Master Plan Update recognizes that not all development that would occur in SeaWorld rose to the level requiring a specific listing and project description in the master plan. The master plan states that the “SeaWorld site is unique in both the type and frequency of development projects within the leasehold. Each year, SeaWorld processes numerous projects to upgrade park facilities and keep attractions in top working order. Additionally, in response to consumer demands and competition in the theme park industry, SeaWorld regularly undertakes renovations of its larger attractions, rides, shows, or exhibits.”

Because of this recognition, in addition to the tiered project list, the SeaWorld Master Plan update contains development and design criteria regarding aspects such as public access, visual aesthetics, landscaping, and the like that apply not just to the listed Tier 1, Tier 2, and Special Projects, but to all development in SeaWorld in general. These guidelines include utilizing drought tolerant plants and low-water irrigation, screening development from public park areas, designing visitor furnishings to be durable and visually compatible to the surrounding setting, utilizing non-glare lighting and limiting light spill over and intrusion into public views, and being architecturally designed to conform to the aquatic and educational nature of SeaWorld.

In the past, the Commission has approved various developments at SeaWorld that were not specifically called out in or of the exact same design as in the SeaWorld Master Plan Update (i.e. CDP No. 6-15-0424 expansion of the Orca facility, CDP No. 6-13-0261 demo and rebuild bathroom facility, CDP No. 6-2-043 renovate front entrance with alternate design), but in those cases the proposed developments were improvements to an existing facility or an alternate design of one of the projects identified in the master plan. The proposed development is a new attraction area within SeaWorld that is not called out in the master plan nor located on a park site called out for a general future improvement. Nevertheless, the proposed Ocean Explorer area complies with the applicable guidelines contained in the SeaWorld Master Plan Update for new development. Specifically, the project keeps with the marine theme of SeaWorld, utilizes drought tolerant plants, screens the project area from outside public views, contains durable outdoor furniture utilizing inconspicuous designs, directs lighting down into the park area and not outside the leasehold, and is not of such a height as to impact the aesthetic quality of Mission Bay Park.

Furthermore, as noted, the new attraction area would be relatively small in size, and the facilities themselves will be relatively small in scale, and would not be substantially different than the amount and nature of development planned for in the existing

SeaWorld Master Plan Update. As described above, no impacts to public access are expected to result from the proposed development. Thus, the Commission finds that the proposed development is consistent with the provisions of the certified SeaWorld Master Plan Update. Nevertheless, as the master plan is approaching 17 years in age since its adoption by the Commission, many of the planned developments anticipated in that document have been completed. At this point, if new or additional development proposals are anticipated in the coming years that are not specifically included in the master plan, it would be appropriate for SeaWorld and the City of San Diego to adopt an updated master plan to better chart the next 15-20 years of development for the park area, so as to take into account changing contexts in both the coastal zone and in public expectations of amusement parks in general.

Special Condition No. 6 reaffirms the Master Plan requirement and puts SeaWorld on notice that when the annual SeaWorld Park attendance levels reach 4 million visitors, future development proposals may be required to complete certain traffic and parking mitigation measures as conditions of approval, such as enhancing surrounding public right-of-ways and road improvements, in conformance with mitigation criteria established in the SeaWorld Master Plan Update Environmental Impact Report (EIR). Furthermore, **Special Condition No. 4** requires SeaWorld to adhere to approved construction staging and storage plans to ensure that construction activity is properly contained within the leasehold and will not spill out into public areas or displaces on-site parking to an extent that will cause patron parking to spill out into public areas.

In summary, the Commission finds that the proposed project will not adversely impact the existing vertical and lateral accessways around the Sea World leasehold, or result in significant increases in traffic or parking demand. Therefore, the Coastal Commission finds the proposal consistent with all of the public access policies of the Coastal Act.

C. VISUAL RESOURCES

Section 30251 of the Coastal Act 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.

The proposed Ocean Explorer area will be located within the developed boundaries of SeaWorld, in the southeast section of the park leasehold. The proposed development is designed to be visually consistent with the existing adjacent park areas. The proposed improvements will be of various heights, with the majority of the new structures being 20 feet in height or less, while the tallest improvement will be the new circular swing ride, which will be 30 feet in height (though it will be a few feet taller during portions of its operation when top portion from which the swings are suspended tilts). However, due to

the proposed location and the existing surrounding improvements and landscaping, the swing ride will not be visible from outside of the park leasehold.

Mission Bay Park is recognized nationally as a public resource providing a wide variety of passive and active recreational opportunities in a unique, visually-pleasing setting. The park is generally horizontal in character, consisting primarily of rolling grassy areas, sandy beach, and open water. There are a number of commercial leaseholds scattered throughout the park, which have been developed to various intensities. For the most part, the structural improvements in Mission Bay Park are low in scale. Limited exceptions exist in four hotel towers (Hyatt Islandia, Bahia, Catamaran, and Hilton) and three attractions at SeaWorld (the observation tower, the gondola ride, and the splashdown ride). The majority of these structures predate the Coastal Act and the City's 30-ft. coastal height limit overlay zone passed by City voters in the 1970's.

In 1998, SeaWorld sponsored, and City voters approved, an initiative exempting its leasehold from the City's 30-foot coastal height limit overlay zone. This initiative allowed future development within the leasehold to go as high as 160 feet – half the height of the existing observation tower. The 95-foot splashdown ride was approved by the Commission subsequent to this exemption and the 2002 updates to the certified Mission Bay Park Master Plan and the SeaWorld Master Plan incorporated the initiative exemption. However, although development at SeaWorld is not limited to 30 feet in height, most of the development at Sea World has continued to be completely or largely screened from the surrounding park and bay. The existing gondola ride, with supports are 100 feet tall, is in an area of existing mature vegetation that is 60-80 feet in height and provides screening. The currently developed portions of SeaWorld are heavily landscaped with a variety of mature trees, shrubs, and groundcovers. Many existing trees are 60-80 feet tall and effectively screen the interior of the park from views outside SeaWorld. In addition, the existing landforms and development in this area obscure any view of Mission Bay across the historic leasehold itself.

All of Mission Bay Park is a highly scenic public recreational resource, such that protection and enhancement of visual amenities is a critical concern for any proposed development in the park. The appropriate height of any proposed structure must be thoroughly analyzed, taking into consideration the specific details, siting, scale, and bulk of the proposed development, the nature of surrounding development, and the potential for cumulative impacts from additional future development. The proposed Ocean Explorer area is located within the existing enclosed Sea World theme park and due to the existing mature vegetation throughout much of the developed park, buildings 30 feet in height or lower cannot be readily seen from outside the park.

The Commission's primary concern with respect to view preservation is to assure that views currently available to the general public recreating in Mission Bay Park are not obscured or significantly degraded. The public recreational amenities at South Shores Park are located immediately east of the SeaWorld leasehold, but significantly distant from the proposed development. Across the Pacific Passage to the north of the leasehold lies Fiesta Island. Along with South Shores, this is the last remaining large piece of undeveloped parkland designated for public recreational uses. Like South Shores,

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

SeaWorld has submitted photos to show the view of the leasehold from a number of exterior locations, including SeaWorld Drive and Ingraham Street. The proposed development will not be visible from any of the vantage points due to intervening development, mature vegetation, and space to soften the view. Due to the roadside berm and distance across the parking lots, the development is not readily discernable from Sea World Drive.

To ensure that the proposed development will not impact views, **Special Condition No. 1 and 2** require SeaWorld to adhere to approved final plans, which show all parts of the proposed development to be under 30-feet in height, with the exception of the 30-foot tall circular spinning swing ride, which will be a few feet taller during portions of its operation when the top portion from which the swings are suspended from tilts while spinning.. Thus, as conditioned, the Coastal Commission finds the proposed development visually compatible with the surrounding existing development, with no adverse impact on the existing scenic coastal area.

D. GEOLOGIC HAZARD

Section 30253 of the coastal act states in relevant part:

New development shall do all of the following:

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

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

[...]

Landfill

The southeastern-most parking area of SeaWorld leasehold is underlain by a portion of 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. EPA estimates that up to 737,000 gallons of industrial wastes may have been disposed at the landfill during its operation. After closure of the landfill, dredged material from Mission Bay (consisting of mostly fine-grain material) was placed on top of the former landfill surface to a depth of approximately 15 feet. A portion of the buried landfill site is currently paved with a chip-seal paving surface which allows for diffusion

of landfill gases while remaining impervious to water infiltration. Although the proposed Ocean Explorer area is located approximately 800 feet to the northwest of the estimated western limits of the landfill, because the proposed development involves the grading and excavation of soil, the potential for contamination or human health impacts associated with the project have been reviewed.

When the SeaWorld Master Plan Update and the subsequent splashdown ride were being proposed to the Commission, 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 indicated that low levels of chemicals were detected in soils and groundwater beneath and adjacent to the landfill. According to the RWQCB, these low levels of chemicals did not represent a significant threat to public health or the environment. Furthermore, the California Department of Toxic Substances Control (DTSC) and the U.S. EPA previously evaluated the site in 1987 and 1993, respectively, and determined that the site did not pose a significant threat. 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.

Starting in the early 2000's, the City of San Diego conducted a multi-year investigation of the landfill to determine constituents, boundaries, and any potential leakages of the Mission Bay Landfill. The City also convened a Technical Advisory Committee (TAC), 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 best degree possible through searches of old records, identifying the current chemical make up the landfill, and analyzing any potential risks to public health and safety.

The 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's constituents and any potential 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 located well away from the SeaWorld site. The City's Local Enforcement Agency, which regulates all development within 1,000 feet of any landfill, had determined that paving over the landfill would not adversely affect the landfill itself, nor pose an increased risk

to the public. The Commission's water quality staff reviewed the TAC's findings at the time and concluded that no new or different concerns with respect to water quality were identified.

The RWQCB continues to be the lead agency for oversight for water quality issues at the Mission Bay Landfill. 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. Routine monitoring has detected low levels of several chemical constituents in groundwater beneath and adjacent to the site. However, the concentrations of these chemicals have been well below any of the established action levels identified by the RWQCB, and do not appear to represent a significant threat to public health or the environment. The site is currently in compliance with the requirements of the City of San Diego Solid Waste, the RWQCB, and the California Integrated Waste Management Board.

Public comments related to the presence of contaminants in groundwater beneath the landfill and the potential for migration of these chemicals offsite were submitted to the Commission in 2002 and 2003, when the Commission approved the splashdown ride and subsequently denied a revocation request regarding that approval. The Commission's water quality staff reviewed the available monitoring data at that time regarding groundwater conditions at the Mission Bay Landfill. Commission staff concluded that the data supported the determination by the regulatory agencies overseeing the landfill that the low levels of chemicals detected did not represent a significant threat to public health or the environment. The same public comments had already been submitted during the comment period for the *Draft Environmental Impact Report for the Proposed Sea World Master Plan Update (EIR)*, dated March 12, 2001. Those comments and related issues were fully and adequately analyzed by the lead agency in the Final EIR.

Public comments with accompanying data were also submitted on January 22, 2002. Those comments attempted to relate the Maximum Contaminant Levels (MCLs) and the California Toxics Rule (CTR). Both of those regulations establish water quality standards for either sources of drinking water (MCLs) or Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California. The 2002 comments related to soil samples, not water samples, and therefore did not apply to either MCLs or the CTR. The data presented was insufficient to draw any conclusions about potential migration to surface or groundwater or about the levels at which the chemicals may be present in surface or groundwater. Furthermore, the concentrations detected were low, and not atypical of those found in background soils in urban areas. A comparison of those heavy metals and organic compounds detected in the soil samples to the U.S. EPA Region 9's Preliminary Remediation Goals for either residential soils or soil screening levels for Migration to Ground Water, show they were substantially (2 to 4 orders of magnitude) below levels which would require action.

As noted, the location of the proposed Ocean Explorer area is within the already developed portion of the park and is approximately 800 feet to the northwest of the currently mapped landfill. A portion of the developed park and an existing parking lot occupies the area between the development site and the historic landfill. In addition,

while the City has in the past indicated that the exact limits of the landfill have not been defined, numerous soil borings have been made in and around the landfill, providing a basis for some understanding of the limits of the waste. When the splashdown ride was constructed approximately 500 feet northwest of the outer limits of the landfill's historic leasehold – between the landfill and the proposed Ocean Explorer site – a geotechnical investigation of that site was conducted with eight soil borings, and no trash or other landfill contents was encountered. Review by the Commission's staff geologist at the time of the geotechnical survey of the South Shores Area – the area where the historic Mission Bay Landfill was located and which was later developed in the 1980's as a separate public improvement to Mission Bay Park – and the geotechnical investigation of the splashdown site was determined to be sufficient to conclude with a high level of confidence that the landfill does not extend beneath the splashdown site. In addition, no illegal levels of ground water contamination were found at the splashdown site. The groundwater evidence further suggested that the hazardous wastes that almost certainly do exist within the landfill itself have not migrated into the area of the splashdown ride. High levels of methane and hydrogen sulfide are associated with the landfill, and it is possible, though very unlikely, that these gasses could migrate laterally along porous layers to the developed park area. However, there is no evidence that this has occurred to date, and no such migration of hazardous gasses has ever been reported during any earthquake. As the proposed Ocean Explorer area is even further away from the historic landfill than the splashdown ride, it is even less likely that the landfill or groundwater contaminated by the landfill has migrated under or adjacent to the project site.

Despite the above studies, in the past, members of the public have presented to the Commission a great deal of photographic evidence, including historic aerials of the Mission Bay Park area spanning the years 1941 to 1958, including World War II and post-war periods, and the years the landfill was known to be in active, formal use, to support claims that the landfill has migrated under SeaWorld. Several of these earlier photos indicated that some type of ground disturbance occurred west of the identified landfill site and well within what would become the SeaWorld leasehold. This unidentified ground disturbance apparently occurred many years before the identified landfill east of the site began operations in the early 1950's. However, the scale and quality of the photos makes it virtually impossible to determine with certainty what activity is taking place on the subsequent SeaWorld site.

Pre-existing uplands in this general location supported an airfield and racetrack, and possibly some military uses. During the same range of years, the land and channel portions of Mission Bay Park were being created, and the San Diego River was being redirected and channelized. Large amounts of hydraulic materials were being dredged from the new river bed; these were placed to form the park's additional upland areas and islands. SeaWorld, South Shores, and Fiesta Island were the last parts of the park to be fully formed. Dredging and fill activities continued in these locations after they had ceased elsewhere in the park, right through the official landfill years and into early 1960's. Whether the activities seen in the earlier photos show land disturbed by dumping or land disturbed by dredge and fill operations is very difficult to say and may never be fully resolved.

Thus, the Commission has previously found the more compelling evidence to be the laboratory results of the various geotechnical, soil, air, and groundwater studies taken over several years. Although it is clear from the pictures that some sort of activity occurred in the area that is now SeaWorld, there is no evidence that any toxic or hazardous materials underlie the splashdown site, let alone the remainder of the park. Excavations for the splashdown ride's foundations extended to a depth of 25 – 30 feet. Although mechanical and hydraulic fill materials were encountered, waste and landfill debris were not.

There are five methane monitors located in the buildings of the Journey to Atlantis splashdown ride, adjacent to the proposed Ocean Explorer site, which are inspected monthly and annually calibrated. There is no record of the alarms going off due to detection of unsafe levels of methane. SeaWorld provided a copy of an April, 2015, letter to the City of San Diego Local Enforcement Agency and Environmental Services Department, with the most recent periodic landfill gas monitoring data associated with the Journey to Atlantis Soil Gas Probes. SeaWorld utilizes monitoring equipment to sample the vapor wells for targeted constituents associated with landfill gases. The soil gas probes sample for carbon dioxide, oxygen, methane, and hydrogen sulfide. The April, 2015 report indicates that all trace gases are below the reporting levels that would indicate potential risk to human health or the environment.

Furthermore, because the groundwater table is fairly shallow on the SeaWorld leasehold (2-6 feet below grade in many places), the RWQCB requires that monthly dewatering testing and reporting be done for dewatering activities in SeaWorld, such as with the Manta rollercoaster attraction. These reports record the initiation and termination of dewatering activities, as well as the quantity of dewatering, and analysis of the constituents contained in the water itself. To date, no evidence of contamination has arisen.

Geologic Hazard

The February 3, 2016 Christian Wheeler geotechnical report indicates that the soils at the site are susceptible to liquefaction in the event of a major earthquake on the Rose Canyon Fault (1.5 miles from the site) could produce liquefaction-induced settlement at the site. The report contains recommended foundation and other structural mitigation measures to protect against such liquefaction induced settlement. Accordingly, in order to be fully consistent with Coastal Act section 30253, the Commission finds it necessary to impose **Special Condition No. 1** to require that all recommendations contained in the February 3, 2016, geotechnical report prepared by Christian Wheeler be complied with during final design and construction plans of the proposed project.

In conclusion, special conditions regulating geologic hazard mitigation measures means the proposed development will not adversely impact the water quality of coastal waters or increase geologic hazards and the project, as conditioned, is found to be in conformance with Chapter 3 of the Coastal Act.

E. WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological significance. Uses of the marine environment shall be carried out in a manner that will sustain 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 of the Coastal Act states:

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.

Stormwater Runoff, Discharge, and Intake

The federal Clean Water Act (CWA) requires States to identify and make a list of surface water bodies that are polluted. These water bodies, referred to in law as “water quality limited segments,” do not meet water quality standards even after discharges of wastes from point sources have been treated by the minimum required levels of pollution control technology. States are required to compile these water bodies into a list, referred to as the “Clean Water Act Section 303(d) list of Water Quality Limited Segments” (List). States must also prioritize the water bodies on the list and develop Total Maximum Daily Loads (TMDLs) to improve water quality. At the time of the adoption of SeaWorld’s National Pollutant Discharge Elimination System (NPDES) permit in June, 2011, Mission Bay was listed on the 303(d) list of impaired water bodies, impaired because of bacteria, lead, and eutrophication. A total maximum daily load has not yet been adopted for these pollutants.

The combined storm water and waste water discharge from SeaWorld San Diego’s treatment plants are overseen by the San Diego Regional Water Quality Control Board (RWQCB) under Order No. R9-2011-0032, NPDES No. CA107336. The NPDES permit includes specified discharge limits along with a required monitoring and reporting program. As part of the monitoring program, SeaWorld collects treatment plant discharge samples on a daily, weekly, quarterly, and annual basis for a variety of constituents, toxicity, and in-situ observations that may impact water quality. This data is summarized in an annual report submitted to the RWQCB along with supporting data via the California Integrated Water Quality System database.

On April 14, 2005, the RWQCB approved an NPDES permit for SeaWorld, setting forth the water treatment criteria for the subsequent 5 years. This permit was renewed by the RWQCB in June, 2011. Sample locations for monitoring are the intake and effluent outfalls of both the East and West treatment facilities, enabling the determination of the quality of Mission Bay water prior to any filtering as well as the final quality of any discharge prior to entering Mission Bay. Additionally, the status of the receiving water is analyzed with samples taken 3,000 feet from the discharge points.

As with all structural development in Mission Bay Park, storm runoff from SeaWorld San Diego enters into the adjacent Mission 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. To address water quality concerns, SeaWorld constructed two on-site treatment facilities that have been operational since October, 1991. Conceived initially to address the treatment of used aquarium water, these facilities are subject to a NPDES permit and were ultimately designed with enough capacity to treat the entire leasehold and future 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. Although designed primarily for the treatment of used aquarium water, these facilities also treat surface runoff from the developed park area and the improved parking lots before discharging into Mission Bay. The remainder of the parking lot runoff enters the City's municipal storm drain system, which is outfitted with low-flow interceptors. During more intense storm events, the nearest storm drain discharges directly into Mission Bay in the Perez Cove area (westernmost point of SeaWorld).

The current park layout includes a series of storm water and catchment areas that convey water to either SeaWorld's Western Wastewater Treatment Plant or the Eastern Wastewater Treatment Plant. The main visitor parking lot drains southerly to the municipal storm water system. The two treatment plants are used to treat the collected outfall discharge from storm water sources, landscape irrigation runoff, and various industrial activity wastewater from exhibit pools and aquaria. With the proposed development, the volume of influent and effluent will increase but will still be within the existing RWQCB permit limits, and will not require amendments to those permits. SeaWorld also has two backup generators, one each at the west and east treatment facilities, to ensure they are operable during extended power outages so as to avoid water flowing from the system untreated.

In addition, SeaWorld has a Best Management Practices (BMP) program in place to control non-point sources of pollution during its day-to-day operations. In the past, concerns have been raised regarding SeaWorld's land and water operations with respect to maintaining optimum water quality. In particular, the manner in which surface runoff from the parking lots is discharged has been raised as a significant issue. This issue was addressed in detail in review of the SeaWorld Master Plan, and SeaWorld's grading, drainage, erosion, and storm water requirements in that document were reviewed and found acceptable by the Commission's water quality staff. The proposed development is designed to tie into the park's existing storm water system. Moreover, the proposed development will not substantially increase impermeable surfaces or significantly change

existing patterns of runoff. The subject proposal does not modify any of SeaWorld's existing water treatment, collection, or discharge facilities. These facilities currently process runoff from some of SeaWorld's paved parking lots and nearly all of its developed venues; this treatment will continue.

SeaWorld's most recent 2014 Annual Discharge Compliance Evaluation report prepared by the firm Brown and Caldwell states that SeaWorld has the ability to hold a total capacity of 11,480,600 gallons of sea water. SeaWorld has salt water intakes at 3 locations in Mission Bay: the west pier intake (near Cirque de la Mer stadium and marina), east pier intake (near Shark Encounter), and shark intake (near Shark Encounter). The two piers are screened on all sides with screens and nets and covered by the piers above them to limit the introduction of detritus or animals. The shark intake is a closed intake within an enclosed box filled with gravel to create an in-ground infiltration intake point.

The West intake consists of two pumps with a total capacity to pump up to 6.12 million gallons per day (mgd). The East intake consists of four pumps with a total capacity to pump 3.24 mgd. SeaWorld's NPDES permit allows the discharge of up to 9.36 mgd of treated industrial activity wastewater from exhibit pools and aquaria; intermittent flows during pool draining and cleaning operations, runoff from landscape irrigation; and facility wash downs. Storm water is discharged from the facility during rain events. Prior to discharge, all effluent is directed to either the East or West Effluent Treatment Facilities.

The park site is relatively flat, with elevations ranging between ten and twenty feet above mean sea level. Storm water is collected onsite and conveyed via an underground pipe system which includes various drop inlets and piping networks. Surface runoff from the project site would be directed to the Eastern Wastewater Treatment Plant. Filter fabrics are installed on all the storm water inlets that are not routed to either of the two onsite treatment plants, and for some of the larger storm water inlets throughout the park.

The Eastern Wastewater Treatment Plant that would capture storm water from the project site includes a chlorination/de-chlorination treatment system, primarily for disinfection of the water from the tanks and storm water. The wastewater is screened via one-inch screens and diversion chambers that transfer the water to chlorine contact chambers. Sodium hypochlorite is injected at three pre-chlorination points in the collection system prior to the contact chamber.

Once disinfected, residual chlorine is neutralized by injection of sodium sulfite into the discharge stream. The treated, de-chlorinated water is then discharged to Mission Bay from the Western Wastewater Treatment Plant through what the RWQCB identifies as Discharge Point No. 002. This discharge point has a maximum discharge rate of 3.24 million gallons per day (the western and eastern discharge points can discharge up to 9.36 million gallons a day in aggregate) of treated industrial activity wastewater from exhibit pools and aquaria; intermittent flows during pool draining and cleaning operations; runoff from landscape irrigation; and facility wash down water.

Though SeaWorld can discharge 6.12 million gallons a day, it has historically been well below that discharge rate. During 2014, daily flows at the West and East treatment facilities averaged 2.334 and 1.600 mgd, respectively. The highest daily flow during that period was 2.864 million gallons a day for the Western Wastewater Treatment Plant, and total flows for both west and east discharge points ranged from 3.208 million gallons a day to 4.471 million gallons a day, and averaged 3.934 million gallons a day during 2014.

The salt water pumping system within SeaWorld is akin to a circulatory system in that the various salt water tanks and aquariums within the park are connected to a larger internal network, allowing SeaWorld to shift volumes of water throughout the park as needed. Because of this, SeaWorld's intakes of water from Mission Bay are generally to "top off" internal supplies to compensate for water lost through evaporation, spillage, and the like. Similarly, because SeaWorld is able to hold and circulate its internal water supply as needed, discharges of salt water arise from when there is too much water in the system – as from a storm event – or when a tank is drained to perform routine maintenance. This is a large part of why SeaWorld's discharge volumes are consistently well below the limits set in its RWQCB permits.

During 2014, compliance monitoring of the effluent discharges from both the West and East treatment facilities with regards to pH, fecal coliform, enterococcus, residual chlorine, temperature (which may not be more than 1-3 degrees Celsius different from receiving waters), copper, Total Suspended Solids (which may not constitute more than 10% more than intake waters), Total Settleable Solids, turbidity, ammonia, oil and grease, silver, and toxicity (100% survival rate of test organisms after exposure) all met RWQCB permit requirements.

For total coliform, the effluent of all discharges at the East and West facility met all compliance limits for total coliform during 2014, with the exception of two test samples at the West facility in March and December (there were also exceedances of coliform limits from the West treatment facility in February, September, and October of 2012). All exceedances were reported to the RWQCB, and subsequent inspections of the treatment facility found no malfunctioning equipment, and the vast majority of the historic samples were within permit parameters. In response, SeaWorld installed additional water treatment equipment, including vacuum pumps to reduce sediment buildup in the water treatment contact chambers and a static mixer at the pump discharge, conducting "Dye Tests" to test the operation of the treatment facilities to study the flow of water and disinfectants through them, and increased the frequency of cleanouts of the storm drains and treatment chambers.

The RWQCB has reviewed the self-monitoring reports for SeaWorld San Diego from July 2013 through April 2015, which consists of monthly, quarterly, semi-annual, and annual reports and found no issues with the submitted monitoring data.

As recommended in the guidelines of the certified SeaWorld Master Plan, SeaWorld utilizes many features to ensure that its water is used efficiently within the park. As mentioned earlier, SeaWorld intakes salt water from Mission Bay for usage in the animal exhibits. However, it is not a constant inflow and outflow of water.

Because SeaWorld has an extensive water treatment system to handle water from both the animal exhibits and surface runoff from the project site, which is monitored under a thorough permitting regimen that has identified minimal water quality standards, the proposed development, as conditioned, will not cause adverse impact to the water quality of adjacent Mission Bay.

Because SeaWorld continues to intake and discharge water in and out Mission Bay, and because storm water runoff from the site will eventually enter the bay, **Special Condition No. 3** requires SeaWorld to submit a final drainage plan that ties into the existing treatment system currently serving the park, which the Commission and other agencies have found adequate to treat such outflows. Additionally, because the proposed new attractions will involve excavating and spoil disposal, **Special Condition No. 5** requires SeaWorld to submit proof that it has secured a legal disposal site outside of the Coastal Zone for the graded material.

In conclusion, the water quality data submitted both for the current proposal as well as past developments approved by the Commission, in conjunction special conditions regulating water quality and geologic hazard mitigation measures, means the proposed development will not adversely impact the water quality of coastal waters or increase geologic hazards and is found in conformance with Chapter 3 of the Coastal Act.

F. LOCAL COASTAL PLANNING

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

Mission Bay Park is primarily unzoned. As a whole, Mission Bay Park is a dedicated public park, and SeaWorld is designated as “Lease Area” in the certified Mission Bay Park Master Plan. The subject site is located within the City of San Diego in an area of deferred certification, where the Commission retains permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act, and thus, approval of the development, as conditioned, will not prejudice the ability of the City of San Diego to implement its certified LCP for the Mission Bay Park segment.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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. A certified Environmental Impact

Report (EIR 99-0618) was produced in 1999 in conjunction with the current SeaWorld Master Plan Update. Although the EIR for the Master Plan does not directly include this specific project, the EIR addresses the relevant impacts created by the project, such as visual impacts, traffic impacts, geologic hazards, noise impacts, water quality, and water conservation. The City of San Diego is the lead agency for the purposes of CEQA, and the City determined that because the 1999 EIR contemplated the type of impacts that the proposed project could produce and that the EIR recognized that SeaWorld had pre-existing marine-related facilities that would require repair and upgrades, the City did not determine that a new, project-specific EIR was required.

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 final construction plans, landscaping plans, drainage plans, construction plans, and disposal of graded materials 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(G:\San Diego\Reports\2016\6-16-0133 SeaWorld Ocean Explorer stf rpt draft.docx)

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Report of Preliminary Geotechnical Exploration: Ocean Explorer SeaWorld Entertainment Park – February 3, 2016



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★ Project Site

Perez Cove Way

S Shores Rd

Sea World Dr

© 2016 Google

GOO

1994

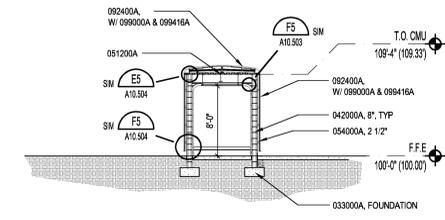
Imagery Date: 3/22/2016 32°45'53.27" N 117°13'36.82" W elev 28 ft

EXHIBIT NO. 2
APPLICATION NO.
6-16-0133
Aerial View
California Coastal Commission

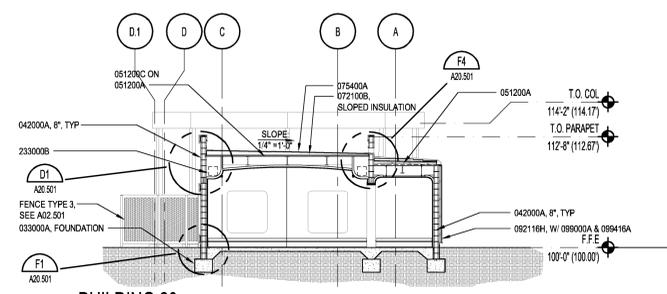
Keynote List

- SEE GENERAL DWG INFO SHEET FOR COMPLETE LIST
- 033000 CONCRETE - REF STRUCT
 - 03300A CAST-IN-PLACE CONCRETE
 - 042000 UNIT MASONRY ASSEMBLIES - REF STRUCT
 - 04200A CONCRETE MASONRY UNITS - TYPE & SIZE AS NOTED
 - 051000 STRUCTURAL STEEL FRAMING - REF STRUCT
 - 05100A STRUCTURAL STEEL SHAPE - AS NOTED - REF STRUCT
 - 05100C METAL DECKING - AS NOTED - REF STRUCT
 - 054000 COLD-FORMED METAL FRAMING - REF STRUCT
 - 05400A STEEL STUD - SIZE AS NOTED - REF STRUCT
 - 057000 DECORATIVE FORMED METAL
 - 05700A DECORATIVE FORMED METAL
 - 05700C ACCESSORY - AS NOTED
 - 061000 ROUGH CARPENTRY
 - 06100A DIMENSION LUMBER - SIZE NOTED
 - 068000 GLASS-FIBER-REINFORCED/ RESIN COMPOSITE PLASTIC (FRP)
 - 068200E FRP GRATING - SIZE NOTED
 - 072100 THERMAL INSULATION
 - 072100B RIGID POLYSTYRENE INSULATION-THICKNESS NOTED
 - 075400 ADHERED THERMOPLASTIC MEMBRANE ROOFING - PVC
 - 075400A MEMBRANE ROOFING
 - 076100 SHEET METAL ROOFING
 - 076100B SHEET METAL ROOFING
 - 082116 GYPSUM BOARD ASSEMBLIES
 - 082116A STEEL STUD - SIZE NOTED
 - 082400 PORTLAND CEMENT PLASTER (STUCCO)
 - 082400A 1 IN. PORTLAND CEMENT PLASTER-FINISH AS SPEC.
 - 082400B METAL LATH
 - 099000 PAINTS & COATINGS
 - 09900A PAINT - AS SCHEDULED
 - 099416 THEMED PAINTING - OWNER PROVIDED IN LATER PACKAGE
 - 099416A THEMED PAINTING
 - 131301 FIBERGLASS AQUARIUM TANKS
 - 131301A FIBERGLASS TANK AQUARIUM
 - 131301C ACCESSORY - AS NOTED
 - 131420 THEMED PROPS - OWNER PROVIDED IN LATER PACKAGE
 - 131420A PROP - AS NOTED
 - 131420B THEMED ELEMENT - AS NOTED
 - 233000 HVAC SYSTEM - REF MECHANICAL
 - 233000B DUCTWORK

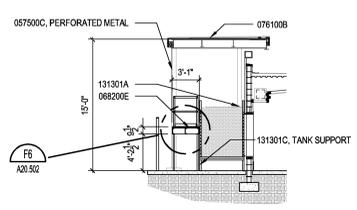
THE USER ASSUMES ALL RISK AND LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONTRACTS AND AGREEMENTS FROM THE APPROPRIATE PARTIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE PARTIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE PARTIES.



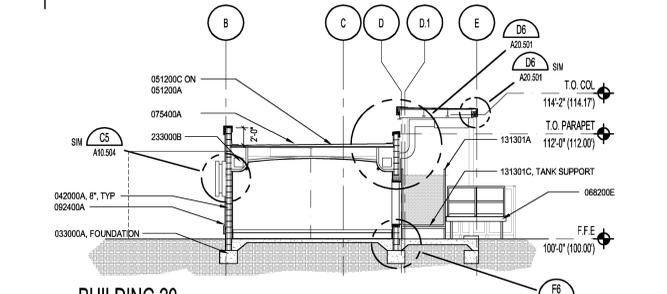
B6 SECTION
A20.301 A20.401 SCALE: 1/8" = 1'-0"



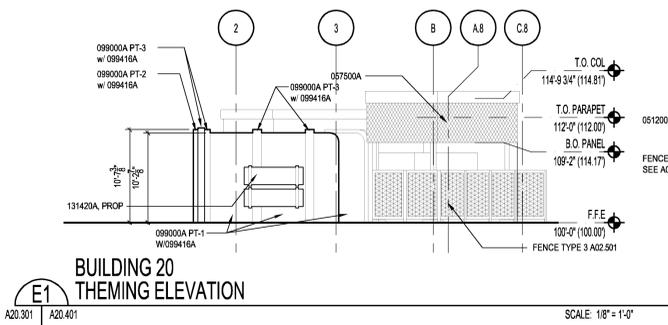
C6 SECTION
A20.301 A20.401 SCALE: 1/8" = 1'-0"



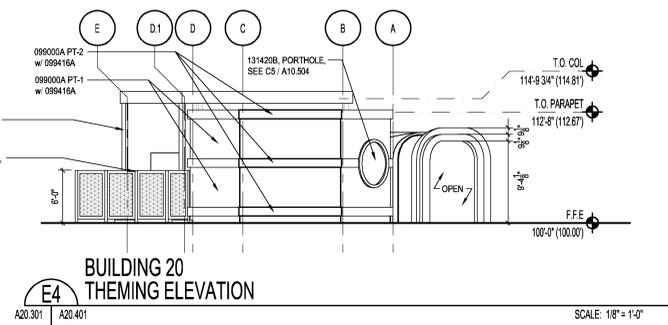
D5 SECTION
A20.301 A20.401 SCALE: 1/8" = 1'-0"



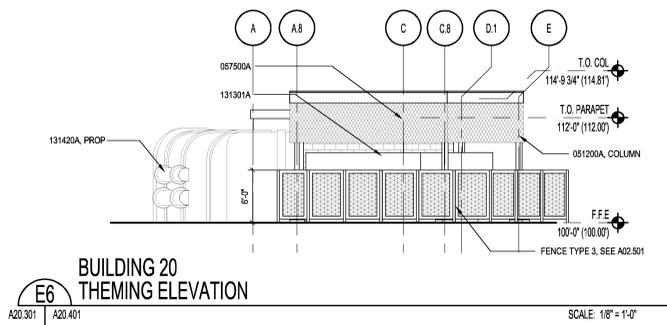
D6 SECTION
A20.301 A20.401 SCALE: 1/8" = 1'-0"



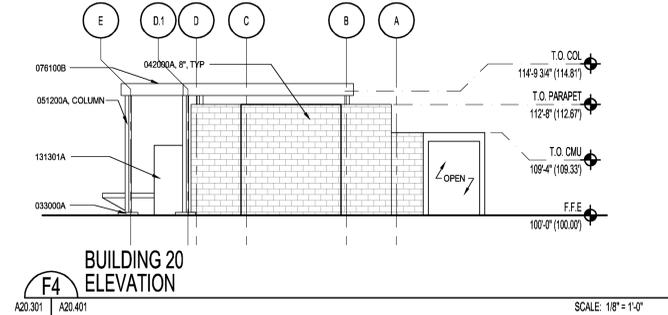
E1 THEMING ELEVATION
A20.301 A20.401 SCALE: 1/8" = 1'-0"



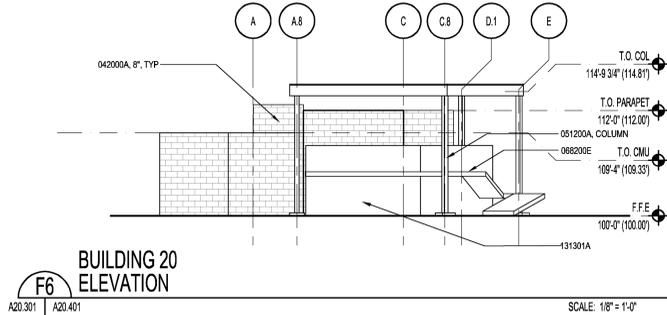
E4 THEMING ELEVATION
A20.301 A20.401 SCALE: 1/8" = 1'-0"



E6 THEMING ELEVATION
A20.301 A20.401 SCALE: 1/8" = 1'-0"



F4 ELEVATION
A20.301 A20.401 SCALE: 1/8" = 1'-0"



F6 ELEVATION
A20.301 A20.401 SCALE: 1/8" = 1'-0"

GENERAL NOTES:

1. ELEVATION 100'-0" = CIVIL GRADE 22.30'. SEE CIVIL DRAWINGS FOR ALL TRUE ELEVATIONS.
2. REFER TO E1/A20.401 & E4/A20.401 FOR TYPICAL 099000A, PAINT COLORS AND LOCATIONS. REFERENCE CRS FOR CLARIFICATION AND FOR 099416A.
3. ALL VERTICAL BANDS ARE TO BE FORMED W/ 8" METAL STUD, SM TO F6 A10.504.
4. ALL HORIZONTAL BANDS ARE TO BE FORMED W/ 061000A, 2X10S.

REVISION NO.	REVISION DATE



SWSD 2017
San Diego, CA

Issue for Bid

BUILDING 20
SECTIONS & ELEVATIONS

DATE	June 21, 2016
DR	YM CK EJP
PGN	64091-00
SHEET NUMBER	CLIENT'S SIGNATURE

A20.401

- Rides:
 - Submarine with interactives
 - Wave Swinger
 - Kiddie Swing
 - Kiddie Sub Buggies
- Animal Experiences:
 - Octopus
 - Crabs
 - Eels



Attraction Components

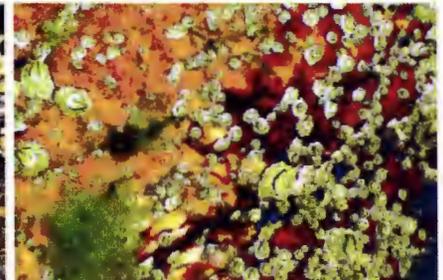
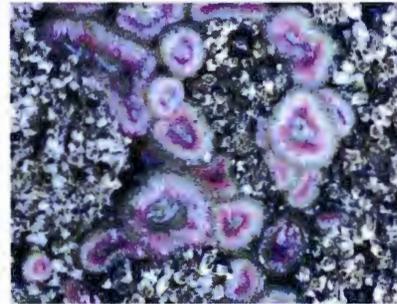


Realm Elements



099416A THEMED PAINT - TYPE 01, PAINT AS WATER

- MOTTLED, WATERY BLUE TO MIMIC THE FEELING OF BEING UNDERWATER



099416A THEMED PAINT - TYPE 02, ELECTRIC PAINT

- ELECTRIC PAINT TO BE VIBRANT, BRIGHT
- APPLIED TO CORAL AND BARNACLE FORMS



099416A THEMED PAINT - TYPE 03, PAINT AS BARNACLES

- PAINT TO LOOK LIKE COLORFUL ENCrustATIONS OF BARNACLES ON UNDERWATER SURFACES (WOOD, ROCKS, PLASTER WALLS, BUILDING LEGS, ETC)

Themed Paint Inspiration



Sea Garden Sculptural Elements



2
CR13.01

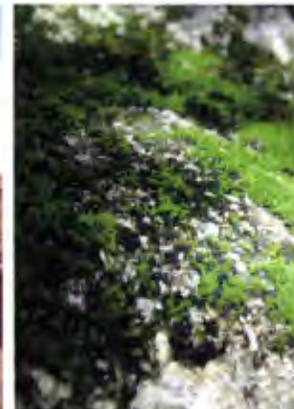
130002A, ROCKWORK - TYPE 01, UNDERWATER BOULDERS

- FORMS INSPIRED BY UNDERWATER BOULDERS AND HOW THEY INTERACT WITH SEA LIFE, ETC
- CONCRETE AS SAND TO SWEEP UP AT BOTTOM EDGES OF ROCK

2
CR13.04

130002A, ROCKWORK - TYPE 02, UNDERWATER BOULDERS

- TEXTURE TO APPEAR INTRICATE
- CONCRETE AS SAND TO SWEEP UP AT BOTTOM EDGES OF ROCK



3
CR13.01

130002A, ROCKWORK - TYPE 03, UNDERWATER ROCK FORMATIONS

- FORMS INSPIRED BY UNDERWATER ROCK FORMATIONS
- EDGES TO BE SMOOTHED AND ROUND
- CONCRETE AS SAND TO SWEEP UP AT BOTTOM EDGES OF ROCK
- STRATIFICATIONS TO BE PROMINENT AND TACTILE

4
CR13.01

130002A, ROCKWORK - TYPE 04, UNDERWATER ROCK FORMATIONS

- FORMS INSPIRED BY UNDERWATER ROCK FORMATIONS
- EDGES TO BE SMOOTHED AND ROUND
- CONCRETE AS SAND TO SWEEP UP AT BOTTOM EDGES OF ROCK

Rockwork



Sand texture concrete with starfish imprints as base paving



Gradients of dark glass aggregate at key locations to evoke the deepest parts of the ocean



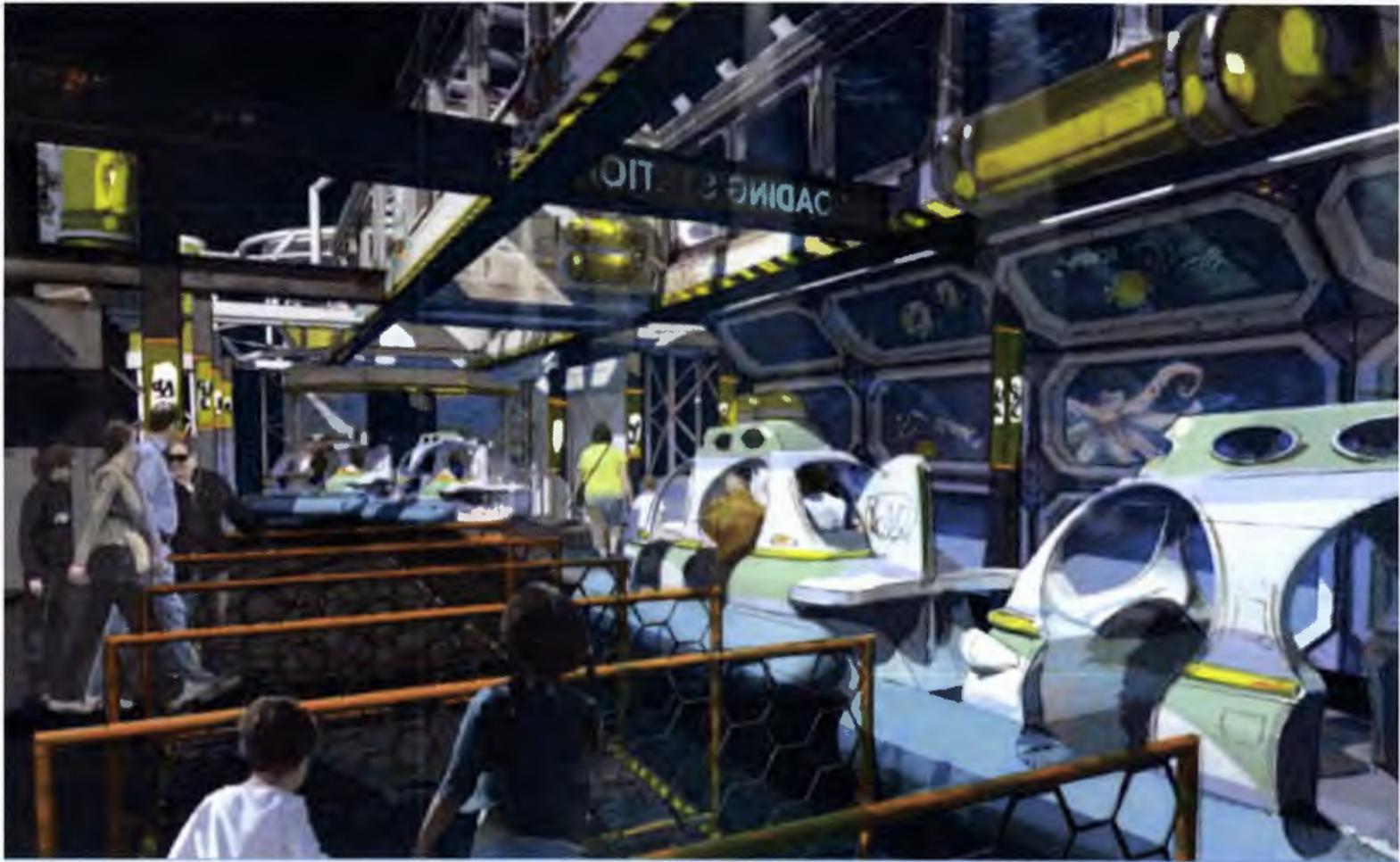
Gently weathered diamond plate pattern stamped concrete at sea pod interiors

PAVING





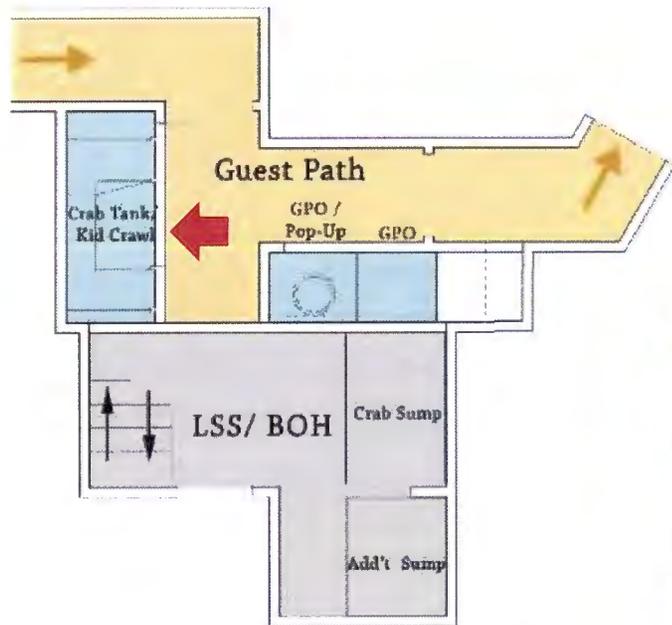
Realm Portal



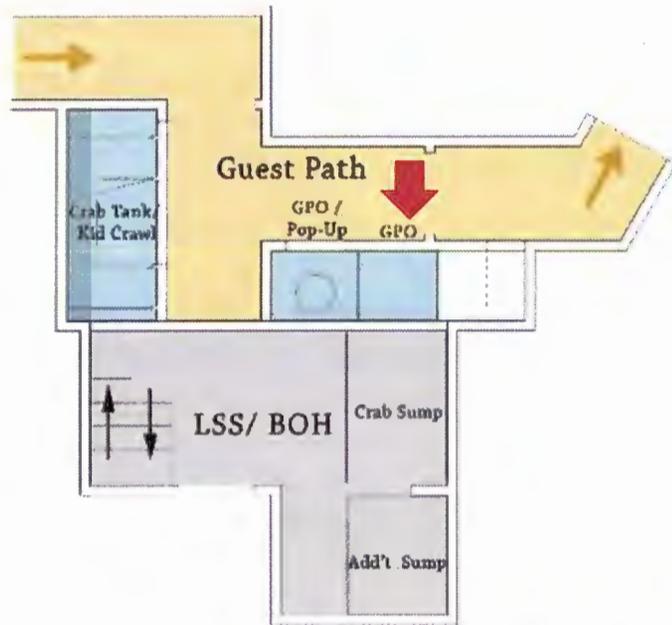
Ride Station



Animal Species



Crab Interior



Octopus and Crab Interior