

CALIFORNIA COASTAL COMMISSION

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**W7b**

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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-18-0509

Applicant: SeaWorld San Diego

Agent: Darlene Walter

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

Project Description: Demolition of an existing 730 sq. ft. restroom facility and construction of a new 22-ft. high roller coaster with two 250 sq. ft. loading ramps and a 300 sq. ft. ride control station on a 1.2-acre site within the SeaWorld San Diego leasehold.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed new 22-foot high coaster will cover approximately 800 square feet, and includes the new coaster, two 250 square foot loading ramps sited on the east and west ends of the new attraction with attached open shade structures not to exceed 19 feet in height, and a new 300 square foot building housing the controls for the roller coaster. New landscaping and hardscaping improvements are also proposed. The ride is designed to conform to the aquatic and educational nature of SeaWorld by incorporating elements of its "Rising Tide" program which promotes sustainable aquaculture and protection of coral reefs.

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The proposed ride will be sited towards the middle of the park and screened by existing vegetation so that the ride is not visible from outside the leasehold. The ride will be a new addition to an existing theme park within Mission Bay Park and thus will not change the character of the surrounding area. The site is located within a developed portion of the theme park area, which will tie into the existing runoff treatment system SeaWorld utilizes. The new attraction is small in scale and will likely mainly attract existing patrons of the theme park and in not expect to substantially increase current attendance levels or increase traffic volumes or parking demands. The proposed roller coaster is not expected to result in traffic or parking impacts, and mitigation measures associated with future traffic impacts have been built into the SeaWorld Master Plan Update.

To ensure the project is constructed consistent with the preliminary plans, **Special Condition #1 and #2** require submittal and approval of final development and landscaping plans to ensure the development is constructed in substantial conformance with preliminary plans. **Special Condition #3** 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. Therefore, as conditioned, the project will be consistent with the public access, visual resource, and water quality protection policies of Chapter 3 of the Coastal Act, and no impacts to coastal resources are anticipated.

Commission staff recommends **approval** of coastal development permit application 6-18-0509, as conditioned.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

I. MOTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

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.**
 - (a) **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, final plans stamped-approved by the City of San

Diego that are in substantial conformance with the plans prepared by PGAV Destinations dated 05/07/18.

- (b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

2. **Final Landscaping Plan.**

- (a) **PRIOR TO THE 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 nonnative 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. **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

SeaWorld proposes to demolish an existing 730 square foot restroom facility located in the northwest portion of the theme park, inland of the Cirque Stadium, and construct a new 22-foot high roller coaster. The footprint of the attraction will cover approximately 800 square feet, and includes the new coaster, two 250 square foot loading ramps sited on the east and west ends of the new attraction with attached open shade structures not to exceed 19 feet in height, and a new 300 square foot building housing the controls for the roller coaster. New landscaping and hardscaping improvements are also proposed ([see Exhibit #2](#)).

SeaWorld has a master plan that is a separate, stand-alone segment of the certified Mission Bay Park Master Plan LUP. The SeaWorld Master Plan creates a framework for continued improvements and renovations to the park. The most current plan, the SeaWorld Master Plan Update certified by the Commission in 2002, addressed future development within the SeaWorld leasehold over the subsequent 15-20 years (LCPA No. 2-2001C). 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. Tier 2 identifies sites within 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 roller coaster is not specifically listed in the SeaWorld Master Plan Update as a Tier 1, Tier 2, or Special Project. Allowing projects not specifically identified in the master plan could potentially allow the theme park to be built-out beyond the conceptual development site could substantially densify the attractions at SeaWorld and lead to increased impacts on views and public access on Mission Bay beyond that anticipated in the Master Plan. As the 2002 SeaWorld Master Plan Update comes to the end of its anticipated shelf life, SeaWorld should consider providing a new master plan update, regardless of its attendance levels, which can include new attractions and provide appropriate mitigation measures for those attractions.

However, SeaWorld is a large, visitor-serving facility with complex operations, and the current SeaWorld Master Plan Update recognizes that not all development that would occur in SeaWorld should rise 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 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 #6-16-0133 construction of a new attraction called “Ocean Explorer” which included a rail ride, CDP #6-15-0424 expansion of the Orca facility, CDP #6-13-0261 demo and rebuild bathroom facility, CDP #6-2-043 renovate front entrance with alternate design). CDP #6-16-0133, approved by the Commission in 2016, is analogous to the current project because it too was a new attraction that was not called out in the master plan nor located on a park site called out for a general future improvement. Nevertheless, it was found to be consistent with the applicable guidelines contained in the SeaWorld Master Plan Update for new development.

The current project can also be found consistent with new development guidelines. The roller coaster will be screened by existing 60-foot tall trees that surround the perimeter of the leasehold. Thus, the development will not adversely impact public views within Mission Bay Park. The SeaWorld theme park is an existing visitor-serving facility that is part of the visual landscape within Mission Bay Park community. The addition of the new ride within the leasehold will not change the character of the community. The ride will be sited within a developed portion of the theme park covered by SeaWorld’s on-site treatment facilities that treat surface runoff from the developed park area before discharging into Mission Bay. The foundation for the new attraction will extend no more than 6 feet below the existing grade and no dewatering is anticipated at this depth. The landscaping plan is composed of drought tolerant, non-invasive species. Lastly, the ride is designed to conform to the aquatic and educational nature of SeaWorld by incorporating elements of its “Rising Tide” program. Thus, the project is consistent with the applicable guidelines contained in the SeaWorld Master Plan Update for new development. To ensure conformity with the SeaWorld Master Plan Update guidelines, **Special Condition #1 and #2** requires the applicant to submit final development and landscaping plans in substantial conformance with preliminary plans showing the location of the new attraction within the leasehold. **Special Condition #3** places SeaWorld on notice that the traffic-mitigation measures contained in the current

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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.

SeaWorld Master Plan Update also 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. 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. SeaWorld's annual attendance numbers are still below the 4 million annual visitor threshold.

SeaWorld is located within Mission Bay Park in the City of San Diego. Sea World Drive and Ingraham Street, to the south and west of the leasehold respectively, provide vehicular access to the park. Both serve as major coastal access routes for all areas of Mission Bay Park, including Pacific Beach, Mission Beach, and Ocean Beach, and a significant increase in traffic associated with SeaWorld could impact public access to the shoreline. SeaWorld submits traffic and parking monitoring reports to the Commission annually. The reports review the impacts of the park's operations on the surrounding transportation infrastructure and evaluate the on-site parking demand. According to the latest traffic report (2016), the major intersections around SeaWorld currently operate at an acceptable level of service for San Diego even at peak hour conditions (LOS D or higher).

Furthermore, the report shows that SeaWorld has approximately 8,664 parking spaces but parking demand peaked at only 4,059 spaces in 2016 proving that SeaWorld has an excess of on-site parking. In prior projects, SeaWorld generally used its excess parking space for construction staging and storage and will be utilizing it here for the construction staging and storage of the proposed project.

The new attraction is small in scale and will likely mainly attract existing patrons of the theme park and in not expect to substantially increase current attendance levels or increase traffic volumes or parking demands. The proposed roller coaster is not expected to result in traffic or parking impacts, and mitigation measures associated with future traffic impacts have been built into the SeaWorld Master Plan Update. Therefore, as conditioned, the project will not have any adverse impacts on public access and/or coastal resources.

While Mission Bay Park has a certified Mission Bay Park Master Plan, which incorporates the certified SeaWorld Master Plan, the park is an area of deferred certification. Thus, the standard of review is Chapter 3 of the Coastal Act, with the Mission Bay Master Plan and SeaWorld Master Plan Update serving as guidance.

B. BIOLOGICAL RESOURCES

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and, as proposed, will not result in erosion or adverse impacts to water quality, as runoff will be directed away from Mission Bay and adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. COMMUNITY CHARACTER/VISUAL QUALITY

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. PUBLIC ACCESS/PARKING

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. LOCAL COASTAL PLANNING

The LUP for the Mission Bay Park LUP segment of the City of San Diego LCP was certified on May 11, 1995, but no implementation plan has been developed as yet, 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 with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City of San Diego found this project exempt from CEQA (Section 15103). As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

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