

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
VOICE (619) 767-2370  
FAX (619) 767-2384

**W18c**

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**STAFF REPORT: REGULAR CALENDAR**

**Application No.:** 6-21-0602

**Applicant:** SeaWorld San Diego

**Agent:** Darlene Walter

**Location:** 500 Sea World Drive, Mission Bay Park, San Diego, San Diego County. (APN 760-037-01-01)

**Project Description:** Construction of a new 30 ft. high roller coaster and associated 14 ft. high electrical building, interior remodel of existing 34,812 sq. ft. building, landscaping, and exterior lighting on a 2.8 acre site within the SeaWorld leasehold.

**Staff Recommendation:** Approval with conditions.

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**SUMMARY OF STAFF RECOMMENDATION**

The primary issues raised by the proposed development relate to the protection of views, public access, and biological productivity.

The SeaWorld theme park is an existing visitor serving facility that is part of the visual landscape, and the new facility will not significantly change the nature or character of Mission Bay Park or the surrounding community. The structure will be below the 30 ft. height limit, will help minimize views of the structure from the surrounding vicinity. Additionally, the use of a sky-like color scheme will aid the structure in blending into the surrounding sky, and the proposed lighting will not exceed 30 ft. in height, minimizing its visibility at night.

Adverse impacts to public access are not anticipated because SeaWorld conducts annual traffic and parking monitoring that is submitted to the Commission. SeaWorld has demonstrated that the adjacent road segments and intersections are consistently operating at acceptable levels, and that SeaWorld has substantial excess on-site parking capacity to utilize for construction staging and storage during the construction of the ride and to handle increased demand once the construction is complete, even with the proposed loss of 125 parking spaces. **Special Condition #1** requires that SeaWorld adhere to final staging and construction plans to ensure that construction avoids public access impacts and that the completed developed will incorporate the measures to minimize visual and water quality impacts. The proposed roller coaster will be a substantial new addition that is anticipated to attract additional visitors to SeaWorld. Therefore, **Special Condition #2** gives SeaWorld notice that should its attendance numbers exceed four million visitors annually, further development will require additional traffic analysis, which may potentially require further traffic mitigation measures beyond what is specifically called out in the SeaWorld Master Plan Update.

Finally, adverse impacts to biological productivity are not anticipated. In order to avoid light pollution impacts, **Special Condition #1** requires the submittal of revised final lighting plans that utilize lights with a maximum color temperature of 2,700 Kelvin and that do not cast uplight. The site is located within an already-developed portion of the theme park area, and will tie into the existing runoff treatment system SeaWorld utilizes. While the addition of a thrill ride and continued intensification of such rides within SeaWorld may increase ambient sound levels within the leasehold, SeaWorld has provided information that indicates no adverse impacts on captive marine animals are anticipated. **Special Condition #3** requires that a noise monitoring plan be implemented before, during, and after construction of the rollercoaster in order to monitor ambient noise levels of the project site to ensure that established sound and behavioral thresholds are not exceeded. The applicant has indicated that they are in agreement with the special conditions.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-21-0602, as conditioned. The motion is on page 4. The standard of review is Chapter 3 of the Coastal Act.

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## EXHIBITS

[Exhibit 1 – Vicinity Map](#)

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[Exhibit 3 – Project Plans](#)

[Exhibit 4 – Master Plan Development Areas](#)

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## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit 6-21-0602 pursuant to the staff recommendation.

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

### Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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. 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

- 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 applicant 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. Revised Final Plans.

- a. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, one full-size set of the following final plans:
  - a. Final construction and landscape plans that substantially conform to the plans prepared by PGAV Destinations dated October 1, 2019 entitled "Attraction 2021"
  - b. Revised final lighting plans that substantially conform to the lighting plans prepared by PGAV Destinations dated September 30, 2019, except that all lighting fixtures shall (1) be shielded and pointed downwards and (2) contain a maximum color temperature of 2,700 degrees Kelvin, unless such features would not meet required safety measures.
  - c. Final color plans that substantially conform to the proposed colors received by the Coastal Commission on October 21, 2019.
  - d. Final drainage plans that demonstrate that runoff from the ride area will enter into the permitted runoff treatment system operated by SeaWorld subject to the approved Regional Water Quality Control Board Permit.
  - e. Final construction staging and storage plans that demonstrate that construction staging and storing shall occur entirely within the SeaWorld leasehold while still providing sufficient on-site parking for anticipated visitor and employee parking demand.
- 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. **Future Development.** When documented annual attendance at SeaWorld San Diego reaches four (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 subsequently identified Tier 2 project and Special project sites, pursuant to the SeaWorld Master Plan Update EIR (No. EIR 99-0618).

#### 3. Final Noise Monitoring Plan.

- a. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director a final detailed Noise Monitoring Plan designed by a qualified acoustic specialist for monitoring of the noise levels within the enclosures for animals housed at the

SeaWorld San Diego leasehold that are within 500 feet of the proposed construction area, to be expanded to 1,000 feet if adverse impacts are observed during the duration of the monitoring. The monitoring Plan shall at a minimum include the following:

- i. A map and inventory of all the animal enclosures currently operating within the SeaWorld leasehold that are within 500 feet of the proposed construction area, with information regarding the size and configuration of each enclosure, the distance of each enclosure from the edge of the proposed construction activities, and the type and number of marine animals located therein.
- ii. Product information, and associated documentation, detailing the type and number of acoustic monitoring devices in each animal enclosure that will be used to monitor the noise levels therein.
- iii. A site plan of the animal enclosures showing where the noise monitoring equipment will be located in each one. The noise monitoring equipment shall be placed so as to best capture the ambient noise within the enclosure, as far away from structures and features that attenuate noise as feasible. An estimated percentage of the amount of time each species spends in and out of the water should also be provided.
- iv. The noise monitoring shall commence at least two weeks prior to initiation of construction of the development approved in this permit and shall cease no earlier than thirty (30) days following commencement of operations of the development approved in this permit.
- v. The noise monitoring equipment shall operate during all hours of operation for SeaWorld San Diego and all hours during which construction of the development approved in this permit is occurring.
- vi. Provisions for submission of a final monitoring report to the Executive Director two months following the start of operation of the new roller coaster. The final report must be prepared by a qualified acoustic specialist and address all of the monitoring data collected during the monitoring period. The report must document, analyze, and explain whether the acoustic thresholds for behavioral impacts set forth in the approved final noise monitoring plan were exceeded and how frequently they were exceeded, and describe what actions, if any, were taken to mitigate impacts in response to threshold exceedance, or upon the observation that animals were affected by noise even if noise levels never rose to expected threshold levels (e.g. exhibited a behavioral or physiological change coincident with exceedance of weighted behavioral noise thresholds). Should the final monitoring report indicate that thresholds were exceeded, or adverse responses to noise stimuli were observed, then the report shall suggest measures that shall be taken to lower the ambient noise level within the enclosures or alternative operational or construction methodology that shall

be implemented to lessen noise generation that is impacting the ambient noise in the enclosures. The permittee shall apply for a new coastal development permit or an amendment to this permit to implement the selected noise-abatement measures, unless it is determined by the Executive Director that no amendment is legally required.

- b. The permittee shall undertake monitoring and other activities listed in the noise monitoring plan in conformance with the approved final plan. Any substantial changes to the plan require a permit amendment from the Commission. More minor changes to the monitoring plan may be approved in writing by the Executive Director, if it is determined by the Executive Director that no amendment is legally required.

## **IV. FINDINGS AND DECLARATIONS**

### **A. Project Description and Background**

SeaWorld San Diego proposes to construct a new 30 ft. tall roller coaster and 14 ft. high electrical building located on approximately 125 parking spaces on a 2.76 acre site within its leasehold ([Exhibits 1-3](#)). The proposed roller coaster would be blue and gray in color and located east of the existing 34,812 sq. ft. Wild Arctic building, which currently contains a theater and is located directly north of the Wild Arctic animal exhibits. The Wild Arctic building will be remodeled to serve as the rider loading area for the proposed roller coaster.

SeaWorld is located within Mission Bay Park in the City of San Diego ([Exhibit 1](#)). 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. 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.

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 current SeaWorld master plan is a separate, stand-alone segment of the certified Mission Bay Park Master Plan LUP. The plan – the SeaWorld Master Plan Update – was certified by the Commission on February 7, 2002, and addresses 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 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 recognized 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 sets “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.”

However, while Mission Bay Park has a certified Mission Bay Park Master Plan, which incorporates by reference the certified SeaWorld Master Plan Update, to date the City of San Diego has not processed a certified Implementation Plan with the Coastal Commission, and as such Mission Bay Park – including SeaWorld San Diego – represents 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. Public Access and Recreation**

Section 30210 of the Coastal Act states:

In carrying out the requirement 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 relevant 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 relevant 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 relevant 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).

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, which in this area is Sea World Drive. SeaWorld is accessed via Sea World Drive and Ingraham Street, which also serve as major coastal access routes for all areas of Mission Bay Park, the beaches at Pacific Beach, Mission Beach, and Ocean Beach, as well as serving as a popular commuter route. 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 submits its annual attendance figures to the Commission so that staff will be aware when the next critical level of attendance occurs that triggers traffic mitigation measures. Over the preceding years, SeaWorld attendance has triggered, and SeaWorld has implemented, various traffic mitigation measures. 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 four million visitors annually. The next improvements are not required until attendance reaches four million, which is anticipated as the maximum anticipated attendance at full buildout under the current master plan. To date, SeaWorld's attendance has not exceeded four million.

SeaWorld also submits annual traffic monitoring reports to the Commission for review of the impact of park operations on the surrounding transportation infrastructure. Because facilities such as SeaWorld serve the public and are subject to changing preferences and market forces, attendance levels and their traffic impacts can fluctuate over the years. Since SeaWorld operation and attendance was impacted by the onset of the COVID-19 pandemic in 2020, in analyzing the current proposal, Commission staff reviewed the traffic report for the year 2019. The report concluded that average daily traffic generated by SeaWorld (12,205 Average Daily Trips) has decreased from the 15,000 Average Daily Trips in the base year of 2000, when SeaWorld began working on the current SeaWorld Master Plan. Traffic did not increase during peak AM hours, but there was a net increase in inbound traffic during peak PM hours compared to the year 2000. However, the report concluded that the significance thresholds were not exceeded and therefore the increase did not trigger any required mitigation measures.

With respect to the adequacy of on-site parking, public visitors to the SeaWorld Park utilize the existing SeaWorld parking facilities, which currently provide approximately 8,342 parking spaces for visitors and employees. The proposed roller coaster will remove 125 parking spaces from the existing supply. An additional 175 spaces will be temporarily unavailable during construction. SeaWorld's employment base includes full-time, part-time, and seasonal employees, with employee numbers varying during the year from approximately 2,400 non-peak employees to approximately 4,100 peak time employees in 2018. Parking spaces are not 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's leasehold. In addition to serving SeaWorld, 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 and the remainder of that lot, and all other on-site parking facilities continuing to be used by SeaWorld patrons and employees.

Because SeaWorld is an entertainment venue, its parking demand fluctuates in response to economic, social, and weather conditions. In 2015, peak parking demand was 5,347 spaces (May 23, 2015). In 2016, peak parking demand was 4,059 spaces (May 29, 2016). In 2017, peak parking demand was 3,240 spaces (December 30, 2017). In 2018, peak parking demand was 3,948 space (September 2, 2018). In 2019, peak parking demand was 3,611 spaces (July 5, 2019). Thus, SeaWorld's parking demand is not currently exceeding its on-site supply of 8,342 parking spaces, and the

removal of up to 300 parking spaces for the construction of the roller coaster will not substantially impact the ability to provide adequate parking to its visitors and employees on site.

The proposed roller coaster would be the fourth roller coaster approved in six years, continuing SeaWorld's transition toward greater density of amusement park thrill rides and away from shows utilizing marine mammals. The new roller coaster could potentially increase the annual visitor attendance to the park. 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 other visitors will also make a special trip to view the new offerings in and of themselves. However, because the annual traffic monitoring to date demonstrates that the neighboring streets and intersections are operating at acceptable levels, that SeaWorld currently has a substantial excess parking capacity compared to current attendance levels, and that SeaWorld's current attendance figures are below four million visitors (and thus still within the attendance levels anticipated by the traffic mitigation measures of the SeaWorld Master Plan Update), these increases in attendance are not expected to cause significant impacts to traffic or parking in the immediate area.

Regarding the siting of the proposed roller coaster within the leasehold, there are only a few areas of Mission Bay Park where public access is not provided along the shoreline but is instead routed inland around existing commercial leaseholds; SeaWorld is one of those leaseholds. Although public lateral access is available along most of the Mission Bay shoreline, there is no access adjacent to 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 on either side of the leasehold and informally elsewhere along the shore, depending upon parking and transit availability. While the proposed development will be located entirely within the eastern area of the private leasehold and will not encroach into any existing or proposed public accessways, it is important to understand how the project fits into the SeaWorld Master Plan. The Master Plan is intended to address many aspects of future development at the park, including how new development must be compatible with requirements to provide public access and recreation in Mission Bay Park.

The SeaWorld Master Plan Update was certified by the Commission in 2002 and addressed future development within the SeaWorld leasehold over the subsequent 15-20 years. The SeaWorld Master Plan Update identified twelve sites within the main theme park area of the leasehold, where SeaWorld would introduce new attractions or improvements over the years, and divided potential future projects into Tier 1, Tier 2, and Special Projects ([Exhibit 5](#)). The proposed roller coaster would be partially located on two different sites designated as Tier 1 (Site A-1) and Tier 2 (Site I-2). Tier 1 project sites include new development or park renovations that were to be processed concurrently with the SeaWorld Master Plan Update or were likely to be initiated shortly after its adoption. Site A-1 was proposed to be a Special Events Center Expansion with building heights ranging from 30 to 60 ft. The proposed work at Site A-1 also included a 10 ft. wide public pathway along the waterfront beginning at the northeast corner of the

leasehold and extending westward for 500 ft. Neither the special events center nor the pathway were constructed. Tier 2 project sites are defined as candidates for redevelopment that have the potential to accommodate new rides or show exhibits but were sites that had no specific plans for development at the time the SeaWorld Master Plan Update was certified. To date, SeaWorld's introduction of those new developments has consisted of the remodel and upgrade of existing attractions (such as the entrance gate remodel), the demolition or cessation of existing visitor attraction and amenities to facilitate the new installation of the new development that is not over thirty feet in height (such as the Manta Ray roller coaster), the construction of substantial new rides such as the Electric Eel, or relatively minor attractions (such as the "Ocean Explorer" children's area).

The SeaWorld Master Plan Update addressed a 15-20 year period, and it has now been 20 years since the Plan was certified. While the Tier 2 guidelines allow for this type of development, the roller coaster is technically not consistent with the criteria outlined for Site A-1, which would have included a Special Events Center Expansion and public trail. The Master Plan has reached the end of its intended planning timeframe, and several of the most recent projects in the leasehold have been approved despite inconsistencies with the framework of the plan, because the Commission determined that the development could be found consistent with the coastal resource protection policies of the Coastal Act. SeaWorld has initiated the process to update the SeaWorld Master Plan to address the next 15-20 years of park operation. Part of the update process must include analyzing the feasibility of providing public access along the nearly mile of shoreline from which SeaWorld's leasehold currently excludes all but ticketholders and staff. The current master plan requires a 75 ft. setback from the northern shoreline for development within the park so as to not preclude the future provision of such action. The proposed roller coaster complies with this requirement and will not preclude the development of a future public access pathway along the shore. However, because SeaWorld is a leaseholder located on public land within a municipal park, the future pattern of development for SeaWorld must be balanced with the public benefit that parks are expected to provide to the general public, regardless of whether a ticket has been purchased. SeaWorld has continued to change the intensity and character of use of the park with proposed project as well as the recently opened 150 ft. tall Electric Eel and 160 ft. tall Emperor roller coasters. As development of the theme park area continues to intensify and scale up in size, the potential that new attractions will have impacts on views and public access on Mission Bay beyond those anticipated in the Master Plan increases. It is critical that the Master Plan be updated in a manner that identifies and analyzes future growth in terms of potential impacts on public access, including traffic and shoreline access.

**Special Condition #2** 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 rights-of-way and road improvements, in conformance with mitigation criteria established in the SeaWorld Master Plan Update EIR. Furthermore, **Special Condition #1** requires SeaWorld to adhere to 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.

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 flat 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 and do not detract from the wide open feeling of the park. Limited exceptions exist in four hotel towers (Hyatt, Bahia, Catamaran, and Hilton) and five attractions at SeaWorld (the Skytower, Electric Eel roller coaster, Emperor roller coaster (referred to in previous reports as the Mako coaster), the gondola ride, and the Journey to Atlantis splashdown ride). The majority of these structures predate the Coastal Act and the City's thirty-foot coastal height limit overlay zone, passed by City voters in 1972.

In 1998, SeaWorld sponsored, and City voters approved, an initiative exempting its leasehold from the City's thirty-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 Skytower. The existing 95-ft. tall Journey to Atlantis 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, the majority of the facilities at Sea World are completely or largely screened from the surrounding park and bay. The gondola ride (just to the west of the Waterfront Stadium), with cable support towers that are 100 feet tall, is in an area of existing mature vegetation that is sixty to eighty 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 public view when 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 roller coaster site is located within the developed theme park area of the SeaWorld leasehold, approximately 200-250 ft. back from the waterfront on the northern shore of the leasehold.

To model and analyze potential view impacts, SeaWorld submitted visual renderings of the proposed roller coaster as it would appear from various public vantage points in and around Mission Bay Park ([Exhibit 5](#)). The visual renderings indicate that the proposed roller coaster will be visible across the bay at Fiesta Island but is otherwise too low in height to be highly visible from other nearby areas. The ride will not block any public ocean views or encroach into any view corridors, and the existing trees located directly north of the proposed roller coaster will provide some visual screening. The SeaWorld theme park is an existing visitor serving facility that is part of the visual landscape, and the new facility will not significantly change the nature or character of Mission Bay Park of the surrounding community. The blue and gray color scheme was chosen both to fit with the seascape theme of the proposed attraction area as well as aid the track and framing of the ride in blending in with the sky on a clear day.

Regarding visual resources at night, because the majority of the park is open water and the surrounding park open spaces are minimally illuminated, Mission Bay Park at night has a dark, calm visual quality that stands in contrast to the adjacent residential communities to the north and east. Currently, the nearby pre-coastal 320-ft. tall Sky Tower is periodically illuminated during the year with a tent-shaped array of long, bright strings of light descending the entire height of the tower. These lights, which change color to fit the applicable season or holiday (e.g., 4<sup>th</sup> of July and Christmas) are visible from substantial distances from SeaWorld, and the cumulative impact of lighting the roller coasters in the leasehold could substantially exacerbate the visual intrusion of the lights into the flat, open vista of Mission Bay Park, detracting from the visual aesthetic and potentially increasing the already elevated levels of sky glow and ambient light that affect visitors and habitat in the surrounding area. The recently approved 150 ft. tall Electric Eel and 160 ft. tall Emperor roller coasters were conditioned such that no decorative lighting could be placed or directed onto the structure above 60 ft. in height, and no lighting could be placed on the passenger carts themselves. Consequently, the roller coasters are not very visible at night and do not substantially impact the visual quality or ambient light levels of Mission Bay Park at night. At 30 ft., the proposed roller coaster is shorter in height and is not expected to have substantial adverse impacts on night time views.

In summary, the proposed new coaster will be a visible addition to the region. However, the attraction has been designed in color and size to be as visually unobtrusive as a roller coaster could feasibly be. No direct view blockage will result from the project, and no lighting impacts are expected. **Special Condition No. 1** requires SeaWorld to

adhere to approved final construction, color, and lighting plans to ensure that the completed roller coaster is built in the least visually impactful manner possible. Thus, the Coastal Commission finds the proposed development visually compatible with the surrounding existing development, with minimal adverse impact on the existing scenic coastal area.

## D. Marine and Biological Resources

Chapter 3 policy, 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.

The proposed development contains new exterior lighting of the roller coaster and associated landscaping, including twenty-two 4,000 Kelvin (K) bollard lights, eleven 5,000K landscape accent lights, six round 5,000K steplights, six 2,000K sconces, and three 30 ft. poles containing 5 5,000K LED fixtures. Due to the site's proximity to Mission Bay, it is important to evaluate the project's potential light pollution and associated impacts on birds. Light pollution can take several forms including light trespass or spill, sky glow, and glare. Light trespass occurs when unwanted artificial light spills onto an adjacent property lighting an area that would otherwise be dark. Sky glow is the bright halo that appears over urban areas at night, a product of light being scattered by water droplets or particles in the air and from reflectance of lights on objects or the ground. Glare is created by light that shines horizontally. Furthermore, research indicates that the amount of blue light in LED lighting can disrupt natural circadian rhythms in humans and wildlife, lead to disruption in sleep and wildlife behaviors and adversely impact migrating birds, particularly shorebirds, and bats. Lighting with lower color temperatures has less blue in its spectrum. The Commission's ecologist has recommended lighting near sensitive areas to have a color temperature of no more than 3,000K, with 2,700K preferred whenever feasible. In order to prevent light pollution impacts, **Special Condition #1** requires the submittal of revised final lighting plans with lighting fixtures that prevent light trespass, sky glow and glare through the use of light shields, directing lighting downward, and the use of lights that contain a maximum color temperature of 2,700K.

The subject site is within 500 ft. of several different animal exhibits containing birds, sea turtles, and marine mammals. Noise associated with construction activities and roller coaster operation has the potential to adversely impact marine animals housed at SeaWorld, which may be sensitive to acoustic vibrations traveling through the ground and water. The Emperor roller coaster (CDP #6-19-0010, previously called "Mako") is located directly southwest of the proposed roller coaster and began operation in February 2022. Due to the proximity of the two roller coasters, it is important to consider the cumulative noise that will result on this part of the leasehold from the proposed roller

coaster. As such, SeaWorld provided Commission staff with results from the noise monitoring required for CDP #6-19-0010. SeaWorld found that, during construction of the Emperor roller coaster, excessive noise levels exceeding 80 and 90 decibels, weighted based on the hearing sensitivity of marine mammals, were infrequent within the Wild Arctic animal exhibits and that these noises were attributed to sources other than the construction in some instances, such as noise generated by the animals themselves or their handlers. Operation of the roller coaster produced noise that was detectable within the exhibits but did not elevate noise levels overall most of the time. Behavioral and physiological monitoring results indicated that construction and operation of Emperor did have adverse behavioral impacts on the animals, however, those impacts were relatively infrequent. The addition of a second roller coaster in close proximity to the Wild Arctic exhibits as well as other sea turtle and bird exhibits warrants continued sound monitoring. **Special Condition #5** requires implementation of a noise monitoring plan within designated animal enclosures within 500 feet of the project site. The plan will utilize noise monitoring equipment to record ambient noise levels and detect with what frequency they exceed “ad-hoc” acoustic thresholds. In this way, the Commission can ensure that adverse impacts to animals within SeaWorld associated with the addition of a new roller coaster remain infrequent.

Therefore, the Commission finds that the proposed project, as conditioned, is in conformance with the marine and biological resource protection policies of Chapter 3 of the Coastal Act

## **E. Water Quality**

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.

Over the years, concerns have been raised regarding SeaWorld’s land and water operations with respect to maintaining optimum water quality. In particular, the manner in which surface runoff from the parking lots is discharged has been raised as a significant issue. This issue was addressed in detail in review of the master plan, and SeaWorld’s grading, drainage, erosion and stormwater requirements were reviewed and found acceptable by the Commission’s water quality unit.

The 2.76-acre site of the proposed roller coaster and one support building is located within a developed portion of the theme park area, east of the Wild Arctic facility, and is designed to be a part of the existing stormwater improvements. As with all structural development in Mission Bay Park, storm runoff from SeaWorld San Diego enters into the adjacent Mission 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 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, near the Waterfront Stadium (the westernmost point of SeaWorld).

The current park layout includes a series of stormwater 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 stormwater system. The two treatment plants are used to treat the collected outfall discharge from stormwater sources, landscape irrigation runoff, and various industrial activity wastewater from exhibit pools and aquaria. Because the proposed ride and building will be located in an already developed part of the park, and will replace what is currently impermeable pavement with a mix of walkways, structures, and landscaping, the proposed project will reduce the amount of impermeable surface on the site. In addition, the volume of influent and effluent will not substantially increase, 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 that treatment plants are operable during extended power outages. 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.

The subject proposal does not modify any of SeaWorld's existing water treatment, collection, or discharge facilities. **Special Condition No. 1** requires SeaWorld to submit drainage plans demonstrating that runoff from the show will enter the existing storm water treatment system described and permitted above and not directly enter the waters of the bay. Thus, because SeaWorld has an extensive water treatment system to handle surface runoff, which is monitored under a thorough permitting regimen that has identified minimal water quality violations, the proposed development, as conditioned, will not cause adverse impact to the water quality of adjacent Mission Bay. Therefore, as conditioned, the Commission finds the proposed development consistent with the above-cited policies 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 (Land Use 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 would periodically update its attractions, then per CEQA guidelines Section 15162 the project was consistent with EIR No. 99-0618 and a new, project-specific EIR was not 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 lighting, public access, and noise impacts 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.

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

- SeaWorld Master Plan Update
- SeaWorld Master Plan Update Transportation and Parking, 2019 Mitigation Monitoring Report Program dated November 20, 2020