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(R-2002-19 REV.)
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RESOLUTION NUMBER R- 295138

ADOPTED ON JUL 10 2001

WHEREAS, on June 25, 1999, SeaWorld, Inc., submitted an application to the City of San Diego for the SeaWorld Master Plan Update, and associated amendments to the Mission Bay Park Master Plan Update/Local Coastal Program Land Use Plan, and the City of San Diego Progress Guide and General Plan; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on July 10, 2001; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report LDR No. 99-0618; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report LDR No. 99-0618, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the SeaWorld Master Plan

Update and associated amendments to the Progress Guide and General Plan, the Mission Bay Park Master Plan, and the Local Coastal Program.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the Findings (300 Room Hotel Findings) made with respect to the project, with the modification that the replacement ratio of any impacted eelgrass be changed from 1.2:1 to 2:1, as described in the Section VI.B., Biological Resources (Direct), a copy of which is attached hereto and incorporated herein by reference.

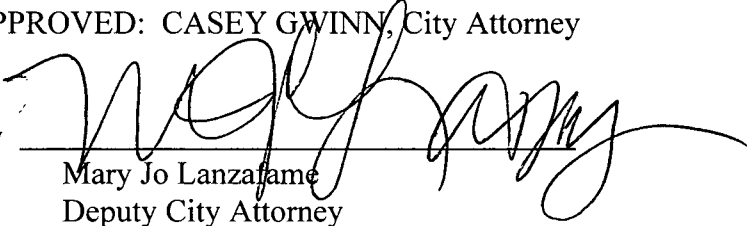
BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations (300 Room Hotel Statement of Overriding Considerations), a copy of which is attached hereto and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, with the modification that the replacement ratio of any impacted eelgrass be changed from 1:2:1 to 2:1, as described in Section 4.8, Biology, Mitigation Measure 4.1.2, a copy of which is attached hereto and incorporated herein by reference.

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

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanza fame
Deputy City Attorney

MJL:lc

06/29/01

08/22/01 REV./Attachments Revised

11/20/01 COR.COPY/Attachments Corrected

Or.Dept:Dev.Svcs.

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**FINDINGS REGARDING
THE ENVIRONMENTAL IMPACT REPORT FOR
THE PROPOSED SEAWORLD MASTER PLAN UPDATE
(LDR NO. 99-0618)**

I. INTRODUCTION

The following Findings are made for the Final Environmental Impact Report (the "FEIR") for the proposed SeaWorld Master Plan Update (the "Project"). The FEIR (LDR No. 99-0618/SCH No. 1984030708), which is incorporated by reference herein, analyzes the significant and potentially significant environmental impacts which may occur as a result of the proposed Project.

The California Environmental Quality Act ("CEQA") (California Public Resources Code §§21000 *et seq.*) and the State CEQA Guidelines ("CEQA Guidelines") (Title 14, California Code of Regulations, §§15000 *et seq.*) require that no public agency shall approve or carry out a project which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can or should be, adopted by that other agency; or
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR.

(CEQA, §21081(a); CEQA Guidelines, §15091(a).)

CEQA and the CEQA Guidelines further require that, where the decision of the public agency allows the occurrence of significant effects which are identified in the FEIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record. (CEQA Guidelines, §15093(b).)

The following Findings and Statement of Overriding Considerations ("SOC") have been submitted by the Project applicant as candidate Findings and SOC to be made by the decision-making body. The Development Services Department (DSD), does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review potential reasons for approving the Project despite the significant unmitigated effects identified in the FEIR.

II. PROJECT DESCRIPTION AND PURPOSE

The SeaWorld leasehold consists of approximately 17 acres of water and 172.4 acres of land located on the southern perimeter of Mission Bay Park approximately halfway between Interstate 5 (“I-5”) and the Pacific Ocean. More specifically, the SeaWorld leasehold is located north of Sea World Drive, east of Ingraham Street and West Mission Bay Drive, south of Pacific Passage in the Bay, and west of the South Shores area of Mission Bay Park in the City of San Diego.

The Project consists of the following:

1. Update to the existing SeaWorld Master Plan;
2. Amendment to the Mission Bay Park Master Plan Update/Local Coastal Program Land Use Plan;
3. Amendment to the Progress Guide and General Plan; and
4. Project approvals for the Tier 1 projects (see below);

The SeaWorld Master Plan Update consists of the following:

Conceptual Development Program

The conceptual development program sets forth the anticipated development and redevelopment needs for the entire SeaWorld leasehold and is divided into three categories:

1. **Tier 1** identifies sites and projects where new development or park renovations will be processed concurrently with the SeaWorld Master Plan Update or are likely to be initiated shortly after its adoption. The Tier 1 projects consist of a Splashdown Ride (95 feet high), Educational Facility (45 feet high), Front Gate Renovation (up to 60-foot high lighthouse), and Special Events Center Expansion (30 feet high with 60-foot high icon structure).
2. **Tier 2** identifies eight conceptual development sites that are candidates for future redevelopment, renovation, or park expansion. Each site retains the potential to have structures exceeding 30 feet in height up to a maximum height of 160 feet, although only four of the Tier 2 sites may have structures that exceed 100 feet in height. The FEIR analyzes the potential impacts of Tier 2 development, but no specific projects are proposed for the immediate future.
3. **Special Projects** are long-term conceptual development proposals that have been specifically identified. The Special Projects include an up to 30-foot tall, 300-room hotel (which is allowed by the existing adopted 1985 SeaWorld Master Plan), a 115 slip expansion of the existing SeaWorld Marina, and a 4-level, 45-foot-high parking garage.

4. Enhanced Coastal Access Improvements are the following:

(a) Improvements Proposed Onsite. SeaWorld will construct a ten-foot-wide lateral coastal access path along the Mission Bay waterfront on the SeaWorld leasehold. The coastal access path will be located adjacent to the waterfront from the northeast corner of SeaWorld's leasehold for a distance of 500 feet to the west. SeaWorld will also incorporate landscaping along the path. In addition, SeaWorld will provide a coastal access path on the future hotel Special Project in the Master Plan Update. This coastal access path will be compatible with the aesthetic design of the future hotel project and its construction will occur when the hotel is built. SeaWorld will also enhance coastal access within the theme park by providing benches and view platforms along the portions of the park fronting Mission Bay. Finally, SeaWorld will upgrade the existing approximately 5,000-foot-long Class I/Class II pedestrian/bike perimeter pathway along the southern boundary of the SeaWorld leasehold consistent with the Mission Bay Park Master Plan design guidelines. The existing pedestrian/bike pathway will be upgraded in four phases, with the first phase commencing in 2002 and the fourth and final phase being completed by December 31, 2005.

(b) Improvements Proposed Offsite. To enhance recreational opportunities for the public in Mission Bay, SeaWorld will construct a 10-foot-wide bike path beginning at the terminus of the existing bike path located at South Shores Park near the northeast corner of the SeaWorld leasehold and ending at the Fiesta Island causeway. This bike path will provide lateral coastal access along a 4,700-foot portion of the Mission Bay waterfront.

Development Criteria

The Development Criteria contained in the SeaWorld Master Plan Update set forth the development parameters applicable to the entire SeaWorld leasehold or specific leasehold areas identified in the SeaWorld Master Plan Update. Among other controls, the development criteria establish the height limits within the SeaWorld Master Plan Update area. The height limits also help define the maximum building envelopes for the Tier 2 conceptual development sites.

Design Guidelines

The Design Guidelines contained in the SeaWorld Master Plan Update would be used as standards to evaluate proposed new projects or proposed modifications to existing development. The primary focus of the design guidelines is to assure aesthetically pleasing public views of SeaWorld from outside its leasehold. The guidelines therefore address landscaping, lighting, signs, and architecture.

Amendment to the Mission Bay Park Master Plan Update/Local Coast Program ("LCP")

In addition to updating the SeaWorld Master Plan, the Project includes an amendment to the Mission Bay Park Master Plan Update/LCP to bring the plan into conformity with the 1998 voter approved SeaWorld Initiative, Proposition D, an ordinance to amend the City of San Diego Municipal Code to allow development up to a maximum height of 160 feet on the SeaWorld leasehold. The SeaWorld Master Plan Update will become a part of the Mission Bay Park Master Plan Update by reference.

III. ISSUES ADDRESSED IN FEIR

The FEIR contains an environmental analysis of the potential impacts associated with implementing the Project. The environmental issues addressed in the FEIR were determined to be significant or potentially significant based on the Initial Study prepared for the Project by the City of San Diego. The following issues were determined to be significant or potentially significant: land use; neighborhood character/aesthetics; light, glare and shading; transportation and circulation; water quality; biological resources; noise; geology/soils; air quality; energy; and water conservation.

IV. FINDINGS REGARDING INSIGNIFICANT IMPACTS

The City finds, based on substantial evidence appearing in the FEIR, its supporting technical reports, and the administrative record that the following impacts or potential impacts are less than significant:

A. Light, Glare and Shading (Direct (Partial) and Cumulative)

Implementation of the Design Guidelines contained in the SeaWorld Master Plan Update and the Mission Bay Park Master Plan Update Design Guidelines as well as the Light Pollution Law codified in the San Diego Municipal Code (Sections 101.1300-101.1309) would result in less than significant direct or cumulative impacts resulting from lighting and glare.

Because the FEIR does not identify any significant light or glare impacts, no mitigation measures were recommended.

A shadow analysis of Tier 1 projects concluded that shadows associated with the Tier 1 developments (only the Splashdown Ride) would not extend onto Mission Bay or South Shores Park.

Because the FEIR does not identify any significant shading impacts from Tier 1 projects, no mitigation measures were recommended. Significant shading impacts from Tier 2 projects and Special Projects are addressed in Subsection B of Section VI below.

B. Transportation and Circulation (Direct (Partial))

Roadway Segments: Based on the City's threshold criteria for significance of impact, the proposed Project would not have a significant impact on the following roadway segments under the near term (2005) condition:

1. West Mission Bay Drive between Ingraham Street and Dana Landing Road;
2. West Mission Bay Drive between Sea World Drive and Ingraham Street;
3. West Mission Bay Drive between I-8 and Sea World Drive;
4. Ingraham Street from Vacation Road to Crown Point Drive;
5. Ingraham Street from Perez Cove Way and Vacation Road;
6. Ingraham Street between Perez Cove Way and West Mission Bay Drive;
7. Sunset Cliffs Boulevard between I-8 and West Mission Bay Drive; and
8. Sunset Cliffs Boulevard between Nimitz Boulevard and I-8.

Key Intersections: Based on the criteria that a delay of 2 or more seconds at an intersection which is operating at LOS D, E or F results in a significant impact, the proposed Project will not generate a significant direct impact on intersections under the near term (2005) condition. Figure 4.4-6 in the FEIR illustrates 2005 key intersection traffic volumes with the Project.

Freeway Ramps: Based on the criteria that a wait time of 2 minutes at a freeway ramp which is already experiencing delays in excess of 15 minutes results in a significant impact, the proposed Project will not have a significant direct impact on freeway ramps under the near term (2005) condition. The proposed Project would only increase delays by one minute at each ramp.

CMP Arterials: A decrease in speed (mph) by more than 1 mph for CMP arterials operating at LOS D, E or F, or by more than 2 mph at LOS C, or by more than 3 mph at LOS B, results in a significant traffic impact. The contribution of traffic from the Project would not exceed the foregoing significance thresholds on CMP arterials. Thus, no significant Project-related impacts would occur.

2005 Congestion Management Plan ("CMP") Freeway Segments: An increase in the volume-to-capacity ratio of 0.02 or greater on a freeway segment that is operating at LOS D, E or F results in a significant impact on traffic circulation. The Project traffic would not exceed the foregoing significance threshold on CMP freeway segments under the near term (2005) condition. The proposed Project, therefore, does not result in any significant impacts on CMP freeway segments under the near term condition.

2020 Congestion Management Plan ("CMP") Freeway Segments: The FEIR concluded that the Project would cause potentially significant impacts because the Project would increase the volume to capacity ratio by more than 0.02 at the mainline freeway segment on Interstate 5 ("I-5") in both directions north of Sea World Drive. However, subsequent sensitivity analysis by City staff has concluded that significant traffic and circulation impacts to the mainline freeway segment of the I-5 north of Sea World identified in the FEIR might be lessened to below a level of significance by reducing the initially proposed 650 rooms to 505 rooms. The sensitivity analysis prepared by City staff concluded that a 145-room reduction in the future hotel project would result in a 9.5% reduction in total Project trip generation. The reduction in the number of guest rooms from 650 to 505, therefore, may lessen the Project's traffic and circulation impacts on the impacted freeway segments to below a level of significant because the Project would not exceed the established significance criteria of an increase in volume-to-capacity ratio of more than 0.02 on a freeway segment that is operating at LOS D, E or F. Because there may be no impacts to the I-5 mainline with a reduction in the hotel to 505 rooms, reducing the hotel to 300 rooms may further lessen any impacts.

C. Biology (Direct (Partial) and Cumulative)

No significant direct or cumulative impact was identified to least tern productivity rates in the Mission Bay area as a result of existing or expanded SeaWorld fireworks displays. Supporting studies prepared by experts on least terns, found in Appendix D, Biological Resources Reports, of the FEIR, show little difference between the productivity rates at the sites near SeaWorld in comparison to overall San Diego County statistics. Also, no significant impact to least tern foraging behavior within or near the SeaWorld leasehold would occur from the proposed Project.

Further, none of the Tier 1 projects within Area 1 are expected to have any direct or cumulative impacts to eelgrass or aquatic resources located within Pacific Passage to the north of the Project

site. The only Tier 1 located near the water is Site A-1, Splashdown Ride. A shadow analysis conducted for the Splashdown Ride did not indicate that any shadow would be cast over the water during December until as late as 4:00 P.M. Thus, no significant shadow impacts would occur from Tier 1 projects.

Because the FEIR does not identify any significant direct or cumulative biology impacts with respect to least tern productivity and shadow impacts from Tier 1 projects on eelgrass beds or aquatic resources, no mitigation measures were recommended.

D. Noise (Direct (Partial) and Cumulative)

The Project would not result in a significant direct or cumulative traffic noise impact. Project generated traffic would result in minimal long-term increases to the ambient traffic noise levels. The Project generated noise levels for 2020 traffic volumes would not conflict with any of the existing or proposed land uses and the General Plan Land Use Compatibility guidelines.

The Splashdown Ride would not create a significant direct or cumulative noise impact. The proposed Splashdown Ride may periodically increase noise levels by 3 decibels (dBA). Noise generated by the Splashdown Ride may be instantaneously audible out to 7,000 feet from the theme park. However, ambient noise levels would not substantially increase. While, the Splashdown Ride would exceed the General Plan park standard of 65 dBA, as a portion of South Shores Park falls within the 65 dBA and 70 dBA noise level contours, this portion of South Shores Park consists of a parking lot and boat launch, where park visitors are not considered noise sensitive receptors because of the noise levels associated with the nearby active recreational boat launching, parking lot and “jet ski” activities associated with this area of the park.

Because the FEIR does not identify any significant direct or cumulative traffic noise impacts from the proposed SeaWorld Master Plan Update or noise impacts from the Splashdown Ride, no mitigation measures were recommended.

E. Air Quality (Direct and Cumulative)

No significant direct or cumulative air quality impacts have been identified. Construction activity “footprints” would be too small to create enough dust or to utilize enough heavy equipment to cause significance thresholds to be exceeded. The retirement of older cars from vehicle fleet would offset increased visitor attendance travel emissions such that SeaWorld buildout travel emissions would be less than from the existing site visitor traffic for all pollutants except PM-10. Further, stationary sources (e.g., cogeneration plants) would not substantially increase in that any new sources of emissions would be required to be offset by a 120 percent reduction of equivalent emissions elsewhere in the air basin. On-water activity emissions resulting from the marina expansion and a possible PWC concession would not exceed the City of San Diego thresholds. The combined on-road and “new” on-water emissions at buildout would be less than existing on-road emissions for all pollutants except PM-10. In the absence of a quantifiable standard for PM-10, future minimal PM-10 levels were considered less than significant.

Because the FEIR does not identify any significant direct or cumulative air quality impacts, no mitigation measures were required. SeaWorld, however, has agreed to incorporate Mitigation

Measure 4.9-1 into the Project, which requires compliance with City policies, to minimize potential adverse air quality effects.

F. Recreational Resources (Direct and Cumulative)

The proposed Project would not result in adverse traffic conditions that would be a substantial impediment to vehicular access to, or pedestrian/bicycle usage of, recreational facilities in Mission Bay Park or the Mission Beach area. Therefore, the Project would not result in significant direct or cumulative recreational facilities access impacts.

Because the FEIR does not identify any significant direct or cumulative recreational resources impacts, no mitigation measures were recommended.

G. Human Health/Public Safety (Direct and Cumulative)

The existing operation of SeaWorld involves the use and storage of a variety of chemicals. Additionally, a portion of the SeaWorld leasehold overlies the inactive Mission Bay landfill.

SeaWorld will be required to obtain permits or approvals from the San Diego County Department of Environmental Health, the San Diego Air Pollution Control District, the Regional Water Quality Control Board, and/or other authorities as required by law, for the purchase, use, storage, generation, and disposal of hazardous material/waste. Compliance with these permits and the required local, state, and federal regulations for the remediation of contaminated soils and groundwater will result in a less than significant direct or cumulative impact with respect to the exposure of people to health hazards.

With respect to the portion of the SeaWorld leasehold that overlies the Mission Bay Landfill, the Project does not involve any development that would disturb soils in the area of the closed landfill. The lease between the City of San Diego and SeaWorld prohibits SeaWorld from disturbing the Mission Bay Landfill.

Furthermore, the City of San Diego Solid Waste Local Enforcement Agency reports state that the waste in the landfill is adequately covered and the integrity of the final cover has not been compromised. Prior measurements of a variety of toxic constituents also show that such constituents have not exceeded background levels. Furthermore, SeaWorld has conducted a soil and groundwater investigation in the area outside of the approximate landfill boundary. Results from the Phase I and Phase II assessment report indicate that low levels of contamination were encountered in several of the soil borings and monitoring wells, and that no landfill debris was encountered. The assessment report indicates that there is no significant contamination of the SeaWorld leasehold near or outside the documented landfill perimeter. Hence, the inactive landfill does not pose a threat to human health or the environment. With regard to other parts of the leasehold, SeaWorld has conducted a variety of construction projects that involved construction activities. During these construction projects, no hazardous materials were discovered on the Project site that would pose a risk to human health or the environment.

Therefore, compliance with the conditions of required permits would protect workers and the general public from potential risk of exposure to hazardous material/waste. The rules and regulations associated with the various local, state, and federal permits would also provide measures to reduce the potential risk of an explosion or the unauthorized release of hazardous

material/waste into the environment. Therefore, no significant direct or cumulative impact would occur for Tier 1 or Tier 2 projects, or Special Projects.

Because the FEIR does not identify any significant direct or cumulative human health/public safety impacts, no mitigation measures were recommended.

H. Energy (Direct and Cumulative)

SeaWorld currently employs a number of state-of-the-art energy conservation programs, including, but not limited to, lighting retrofits, use of energy efficient lighting, variable speed drive motors on water filter pumps, the HVAC replacement program, and chilled water loops for cooling buildings and pools. Continuance of these programs and implementation of future programs would ensure that no significant impacts associated with energy would result from the proposed Project. The light retrofit program and use of energy efficient lighting reduce energy consumption by 1.2 million kilowatt hours (kWh) per year, reduce maintenance costs, as energy-efficient fluorescent lights last longer than the former incandescent lamps, and decrease air conditioning usage due to cooler operation. The use of variable speed drive motors reduces energy consumption by approximately one million kWh per year. The HVAC replacement program, which replaced older HVAC units with newer ones, reduces energy consumption by 0.59 million kWh per year. Also, by use of the chilled water loop program, SeaWorld is able to take advantage of the energy efficiencies that are inherent in the process and save tens of thousands of kilowatt hours of electrical consumption. Finally, supplemental electrical power is generated at the theme park via four cogeneration engine generator modules at three separate locations within the SeaWorld leasehold. Each unit incorporates heat recovery and chilled water absorption units. Currently, one unit is not operating due to a failure of its absorption chiller that prohibits adequate use of recovered thermal energy. Two engines utilize natural gas-fired generator sets that are ebullient cooled and equipped with steam generators. These units are used during the peak months to maximize energy efficiencies. The remaining cogeneration engine utilizes a single natural gas-fired engine generator set equipped with a heat recovery boiler to fire a 250-ton absorption chiller and operates continuously year round. The use of these cogeneration engines maximizes electricity directly off the power grid.

Because the FEIR does not identify any significant direct or cumulative energy impacts, no mitigation measures were required. SeaWorld, however, has agreed to incorporate Mitigation Measure 4.12-1 into the Project to continually develop programs to increase energy efficiency.

I. Water Conservation (Direct and Cumulative)

Continual development, exercise and implementation of state-of-the-art water conservation programs and conformance with the Design Guidelines contained in the SeaWorld Master Plan Update that emphasize the use of drought tolerant plant species would ensure that no significant impacts associated with excessive water consumption would result.

Because the FEIR does not identify any significant direct or cumulative water conservation impacts, no mitigation measures were required. However, Mitigation Measure 4.13-1 has been incorporated into the Project to ensure the application of SeaWorld's existing water conservation programs and consideration of project-specific water conservation programs for new attractions or facilities.

Because the FEIR does not identify any significant water conservation impacts with regard to landscaping, no mitigation measures were recommended.

J. Cultural Resources (Direct and Cumulative)

Historically, Mission Bay Park was a little used, unnavigable backwater made up of tidal basins, sand dunes, salt marshes, swamps, and salt flats which were shaped into the current series of basins and coves, as well as uplands through extensive dredging and filling operations between 1948 and 1961. Mission Bay was converted from an open coastal estuary with extensive salt marsh and mud flats, to a small boat harbor and public recreational resource. The project site is fully developed, and no record of cultural resources discovered or identified as being associated with the project site were available. With the extensive dredge and fill operations that occurred on the project site, along with site development, any cultural resources within the project site would have been covered or removed. Therefore, implementation of the proposed Project would not have a significant direct or cumulative impact on cultural resources.

Because the FEIR does not identify any significant direct or cumulative cultural resources impacts, no mitigation measures were recommended.

K. Agriculture (Direct and Cumulative)

The Project site does not contain land that is designated as prime agricultural soils by the Soil Conservation Service, nor does it contain prime farmlands designated by the California Department of Conservation. Furthermore, the site is not subject to, nor is it near a Williamson Act contract pursuant to Section 51201 of the California Government Code. Additionally, there are no farming operations in the project vicinity. Therefore, implementation of the proposed Project would not have a direct or cumulative impact on agricultural resources.

Because the FEIR does not identify any significant direct or cumulative agriculture impacts, no mitigation measures were recommended.

L. Population/Housing (Direct and Cumulative)

Implementation of the proposed Project would not significantly alter the population distribution, location, and densities, nor would it significantly affect population growth rate or housing demands. While the proposed Project could create new jobs in the area, it is anticipated that the existing labor pool in the County would fill the positions created by attendance growth at SeaWorld. Additionally, the persons required to fill those new positions would not require special licenses which would bring in a higher level of skilled workers.

Because the FEIR does not identify any significant direct or cumulative population/housing impacts, no mitigation measures were recommended.

M. Public Services (Direct and Cumulative)

Based on the Initial Study completed for the proposed Project, it was determined that the Project would not have a significant direct or cumulative impact on the provision of public services. Specifically, police protection provided by the Northern Division of the San Diego Police Department and fire protection provided by the City of San Diego Fire Department would not be significantly impacted by the proposed Project.

Because the FEIR does not identify any significant direct or cumulative public services impacts, no mitigation measures were recommended.

N. Water Quality (Direct)

The proposed Project will consist primarily of uses similar to the existing uses and, therefore, the proposed Project would not result in significant direct impacts on water quality. Furthermore, SeaWorld is already implementing an extensive water quality control program. This program treats all marine animal water as well as surface runoff from the theme park and 25% of the parking lot and implements best management practices for the remaining 75% of the parking lot. Continued implementation of this program would assure that the proposed expansion would not have a significant direct impact on water quality.

Because the FEIR does not identify any significant direct water quality impacts, no mitigation measures were recommended.

V. FINDINGS REGARDING IMPACTS DETERMINED TO BE INSIGNIFICANT DURING THE INITIAL STUDY

A. Sewer and Water Facilities (Direct and Cumulative)

Implementation of the SeaWorld Master Plan Update will not result in a significant direct or cumulative impact on sewer and water facilities. Although SeaWorld's water consumption and sewage generation will increase over time, this growth already was contemplated and approved in the 1985 SeaWorld Master Plan and Environmental Impact Report, RQD No. 84-0160, SCH #84030708, dated February 1985 (1985 Master Plan). That 1985 Master Plan projected that SeaWorld ultimately would serve 4 million visitors. Any increased water consumption or sewage generation contemplated by the 1985 Master Plan would not be a significant impact caused by the SeaWorld Master Plan Update. Full build out of the 1985 Master Plan is the baseline for determining whether the SeaWorld Master Plan Update would have significant impacts. *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467. The FEIR projects SeaWorld's attendance would reach 4.4 million. There is no evidence to indicate this difference from the 1985 Master Plan would have a significant impact on sewer and water facilities other than what was contemplated in the 1985 Master Plan.

In addition, the City of San Diego Water Design Guidelines and City of San Diego Sewer Design Guidelines contain policies for construction of increased water and sewer facilities to accommodate growth. The policies in the water and sewer design guidelines are implemented as part of every development project in the City to insure that no project causes significant water and sewer impacts. Sewer and water fees are structured so that the users pay both the operating expenses and capital improvements necessary to provide the water and sewer services. (See page 28 of the report titled "The Economic and Fiscal Impacts of Tourism on the City of San Diego and The San Diego Regional Economy," dated March 26, 1999, prepared by CIC Research, Inc. for The San Diego County Taxpayers Association.)

To insure adequate water facilities, SeaWorld is required to prepare a Water Study in conformance with the City Water Design Guidelines. This study will evaluate whether the existing city distribution water mains that serve SeaWorld are of sufficient size to provide the

necessary volume of water for future development. After this study is approved by the City, SeaWorld would be required to construct any facilities to serve its property in conformance with the Water Study. Subsequent to implementation of any water supply facilities, SeaWorld would pay for and obtain water meters for the new development.

To insure adequate sewer facilities, SeaWorld is required to prepare a Sewer Study in conformance with the City Sewer Design Guidelines. This study will evaluate the existing sewer system from the SeaWorld leasehold to the nearest trunk sewer line (18 inches or larger) to determine whether the existing facilities have sufficient capacity to accommodate new sewage generated by SeaWorld's development. After this study is approved, SeaWorld would be required to construct any facilities to serve its property in conformance with the Sewer Study. Subsequent to implementation of any sewer facilities, SeaWorld would pay for and obtain sewer connections for the new development.

Because the FEIR does not identify any significant direct or cumulative sewer and water impacts, no mitigation measures were recommended,

B. Solid Waste (Direct and Cumulative)

Implementation of the SeaWorld Master Plan Update will not result in a significant direct or cumulative impact on waste and landfill facilities. Although SeaWorld's waste generation will increase over time, this growth already was contemplated and approved in the 1985 Master Plan. That 1985 Master Plan projected that SeaWorld ultimately would serve 4 million visitors. Any increased waste generation contemplated by the 1985 Master Plan would not be a significant impact caused by the SeaWorld Master Plan Update. Full build out of the 1985 Master Plan is the baseline for determining whether the SeaWorld Master Plan Update would have significant impacts. *Benton v. Board of Supervisors* (1991) 226 Cal. App. 3d 1467. The FEIR projects SeaWorld's attendance would reach 4.4 million. There is no evidence to indicate this difference from the 1985 Master Plan would have a significant direct or cumulative impact on waste and landfill facilities than what was contemplated in the 1985 Master Plan.

Furthermore, SeaWorld has an award-winning recycling program that has been recognized by the City on seven occasions, of the past eight years, as the Recycler of the Year recipient. This award is given to a select few organizations that maintain notable recycling programs that significantly reduce the amount of waste sent to city landfills. Also, SeaWorld has been recognized as the State of California Waste Reduction Awards Programs (WRAP) recipient as one of the top recyclers in the state on six occasions. Since the inception of SeaWorld's current recycling program in 1992, SeaWorld has recycled over 15.25 million pounds of recyclables through the end of 2000. This is equivalent to the preservation of over 25,160 cubic yards of landfill space at the local landfill. A major component of SeaWorld's award-winning recycling program is its commitment to purchase products with significant recycled content. SeaWorld has a Recycled Products Procurement policy that encourages and promotes the purchase of recycled materials whenever feasible. The procurement policy allows a five percent price preference for purchase of products with a specified post consumer content. The program is also extended to SeaWorld's contractors and vendors. In 2000 alone, SeaWorld purchased over \$590,000 worth of products manufactured with recycled content materials. In the past seven years, SeaWorld has purchased millions of dollars worth of products manufactured with post consumer and recycled content.

Because the FEIR does not identify any significant direct or cumulative landfill impacts, no mitigation measures were recommended.

VI. FINDINGS REGARDING IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE (CALIFORNIA PUBLIC RESOURCES CODE §21081(A)(1))

The City, having reviewed and considered the information contained in the FEIR, the appendices to the FEIR, and the administrative record, finds, pursuant to California Public Resources Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), that changes or alterations have been required in, or incorporated into, the proposed Project which would mitigate, avoid, or substantially lessen to below a level of significance the following potentially significant environmental effects identified in the FEIR in the following categories: water quality (cumulative), biological resources (including shading direct), noise (direct), geology/soils (direct), transportation/circulation (direct and cumulative) and land use (direct).

In order to provide funding for the City to monitor the implementation of these mitigation measures, the Project is conditioned as follows: Prior to the first building permit subsequent to the SeaWorld Master Plan Update, the applicant shall deposit \$3,200 with DSD to ensure implementation of the Mitigation, Monitoring and Reporting Program (“MMRP”).

A. Water Quality (Cumulative)

Potential Impacts

Because Mission Bay currently has substantial water quality problems, the additional water pollutants generated by the Project would potentially have the effect of creating significant cumulative impacts on Mission Bay.

SeaWorld Marina Expansion: In combination with contributions from other development within the watershed of Mission Bay, expansion of the SeaWorld marina could have a significant cumulative impact on water quality by producing increased sedimentation and turbidity because of disturbance to bottom sediments during construction. Operational impacts associated with the expanded marina would potentially release the following pollutants: fuel, oil, and grease (from boats and fueling); bacteria (from sanitary waste discharges/spills); heavy metals, particularly copper (from boat antifouling paints); and litter, which could combine with similar releases from other development within the Mission Bay watershed.

Tier 1, Tier 2 and Special Projects: Potential cumulative impacts are related to short-term construction and long-term operational aspects. The main long-term sources of water quality impacts from Tier 1 and Tier 2 projects and Special Projects would include aquarium water, hose down of animal areas, landscaping, and pedestrian traffic. These activities could potentially lead to bacteria or viruses being introduced by animal contact with the water in the aquarium, or by washing activities in animal areas. Other activities related to Tier 1 and Tier 2 projects and Special Projects may potentially introduce oil, grease, and organic compounds, thus significantly impacting water quality.

With regard to short-term construction impacts, high periods of rainfall during grading operations could lead to excessive erosion and sedimentation and could result in the transport of sediment into Mission Bay. As a result, marine organisms would be affected by increasing

levels of turbidity and total dissolved solids. Rainfall coming into contact with construction materials could also adversely impact Mission Bay. Construction materials contained in storm water runoff could have a potential significant impact on marine organisms.

Facts in Support of Finding: Application of the ongoing water quality programs currently being implemented by SeaWorld would reduce the operational impacts associated with Project. Currently, SeaWorld has a comprehensive and ongoing water quality control program for controlling potential sources of water pollution. These programs include: (1) aquaria water treatment to ensure compliance with the facilities National Pollution Discharge Elimination System ("NPDES") discharge permit; (2) theme park surface runoff collection and treatment; (3) oil and chemical spill prevention and control; and (4) parking area sweeping. The incorporation of Tier 1 and Tier 2 projects and Special Projects into the existing aquaria water treatment program and the existing ongoing water quality control Storm Water Pollution Prevention Plan ("SWPPP")/Best Management Practices ("BMP") program and adherence to NPDES requirements would result in a less than significant impact.

Additionally, Mitigation Measures 4.5-1 through 4.5-3 would lessen cumulative impacts on water quality to below a level of significance. Specifically, implementation of the following mitigation measures would reduce water quality impacts to below a level of significance:

(a) SeaWorld Marina Expansion: (1) install an automatic shutoff on fuel pumps; (2) regularly inspect sanitary pumpout on a routine basis; (3) prohibit boat hull paint removal and repainting in the marina area; and (4) prohibit in-water hull scraping to remove marine growth, and collect and properly dispose of any marine material removed from hulls.

(b) Tier 2 and Special Projects: Within two years of the approval of the Master Plan Update by the Coastal Commission, install catch basin inserts such as a Fossil Filter, or equivalent, to capture oil and grease in runoff at the point where it enters the storm drain system from parking lots and fueling areas.

(c) Short Term Construction: A Master SWPPP shall be prepared and approved by the City Engineer and Regional Water Quality Control Board. This Master SWPPP shall include general as well as specific measures which will be implemented to control water pollution related to construction and post-construction BMPs. At a minimum, the Master SWPPP shall include the provisions, or their equivalent, as identified in Mitigation Measure 4.5-3.

Mitigation Measures 4.5-1 through 4.5-3 are feasible and are made binding by the conditions of approval for the Project and the MMRP and are incorporated by reference as if fully set forth herein.

B. Biological Resources (Direct)

Potential Impacts

Shading of eelgrass beds: The shadow analysis conducted as part of the FEIR shows that the potential for an adverse impact cannot be eliminated. It is possible that the projected shading effects during periods when the sun angle is relatively lower in the sky (generally November to February), in conjunction with the eelgrass's dormant period, would have a substantial impact on

eelgrass growth and productivity resulting in a significant impact on biological resources. Additionally, a significant eelgrass impact has been identified with respect to the SeaWorld Marina expansion because future docks and moored boats would cast shadows onto eelgrass beds.

Construction Sedimentation of Eelgrass: The Project could potentially cause significant direct effects on the eelgrass because uncontrolled erosion during construction of the Project could result in deposition of sediment in nearby eelgrass beds.

Least Terns (foraging and nesting): A significant impact to least tern nesting activity may occur to the nearby currently uncolonized Stony Point Least Tern Preserve should it be recolonized because new structures created as part of the Project could potentially create perching opportunities for least tern predators, from which the predators could have a vantage point to prey upon least tern chicks.

Facts in Support of Finding: Implementation of Mitigation Measures 4.6-1 through 4.6-3 would lessen potentially significant biological resources impacts to below a level of significance. Furthermore, implementation of erosion control Mitigation Measure 4.5-3 would reduce sedimentation impacts on eelgrass beds to below a level of significance.

Specifically, implementation of the following mitigation measures would lessen biological resources impacts to below a level of significance:

(a) Shading of eelgrass beds: Prior to Coastal Permit application the Project proponent shall prepare a Project-specific shadow analysis for Tier 2 projects located in future development areas F-2, E-2, G-2 and K-2; and the Future Hotel Special Project to determine the extent of shadow impacts on eelgrass in Pacific Passage, Perez Cove and the Waterfront Stadium lagoon. The shadow analysis shall be performed for the time periods described in Section 4.3, Light, Glare and Shading, in the FEIR. If no shadow impact would occur in these areas as a result of the project specific analysis, no further mitigation would be required. If a shadow impact would occur during this timeframe it would only occur during the eelgrass dormant period as described in the impact analysis above. For shadow impacts that would occur during the eelgrass dormant period, a project specific monitoring program shall be undertaken that includes the provisions described below under eelgrass monitoring program.

Eelgrass Monitoring Program: Once construction is completed at one of the potentially shade impacted sites, three years of eelgrass monitoring shall be conducted, specifically in the early spring (April) and early fall (October) of the three years. These two times of the year would best track the initial growing phase of the eelgrass, in the spring and the post summer peak, and in the early fall, before the dormant period begins. The area to be monitored would be along the shore and out far enough into the water to cover the area where a shadow would be cast during the majority of the daylight hours in December. The monitoring program would be initiated once development is completed at each of the sites, and the monitoring schedule at each site would be independent of the other. If the monitoring indicates a reduction in the eelgrass bed coverage, then an eelgrass revegetation program shall be implemented in conformance with the Southern California Eelgrass Mitigation Policy as described below.

Prior to application for development of the future hotel project landing dock and the marina expansion project, a project-specific shadow analysis shall be conducted as described in the

above mitigation measure to determine the exact area of impact resulting from docks and boats. For these impacts eelgrass shall be replaced at a 1.2:1 ratio, which is in conformance with the eelgrass replacement ratios outlined in the Southern California Eelgrass Mitigation Policy. Furthermore, a pre- and post-construction eelgrass survey shall be undertaken to determine the area of eelgrass habitat that would be impacted by the shadows. The proposed projects could require the creation of approximately 1.12 to 1.20 acres of eelgrass. This scenario assumes that all of the shading impacts would occur under the pier, dock, and permanent boat placement.

Eelgrass mitigation sites do not appear to be readily available within the water area of the SeaWorld leasehold. Further exploration of options and alternatives for eelgrass transplant in the amount needed to offset the impacts would have to be conducted under an eelgrass mitigation plan study, which would be determined when the marina expansion or landing dock would be developed. The eelgrass mitigation plan study and implementation would be conducted in conformance with the Southern California Eelgrass Mitigation Policy.

(b) Construction Sedimentation of Eelgrass: A Master SWPPP shall be prepared and approved by the City Engineer and Regional Water Quality Control Board. This Master SWPPP shall include general as well as specific measures which will be implemented to control water pollution related to construction and post-construction BMPs. At a minimum, the Master SWPPP shall include the provisions, or their equivalent, as identified in Mitigation Measure 4.5-3.

(c) Least Terns (foraging and nesting): Prior to construction of a new development project on the SeaWorld leasehold a determination shall be made as to whether the Stony Point Preserve has been recolonized by the California least tern. If it has not been recolonized then implementation of the following mitigation measure would not be required. Should the Preserve be recolonized, a determination shall be made as to whether the new development project would provide a clear line-of-sight from perching opportunities on the proposed structure to the Stony Point Preserve. If it would not provide a clear line-of-sight then no mitigation would be necessary. Should a clear line-of-sight be available from perching locations on the new structure, then the structure would be required to include appropriate design features to eliminate the perching opportunity.

Mitigation Measures 4.6-1 through 4.6-3 and Mitigation Measure 4.5-3 are feasible and are made binding through the Project conditions of approval and the MMRP, and are incorporated by reference as if fully set forth herein.

C. Noise (Direct)

Potential Impacts

Tier 2 Projects: The proposed rides and shows within the Tier 2 projects may either individually or collectively result in potentially significant noise impacts because these attractions could potentially exceed the City's Land Use Compatibility Criteria and/or Noise Ordinance. Tier 2 projects may include, but are not limited to aquariums, special effects theaters, land-based adventure rides, pelagic fish exhibits, water play attractions, themed track or water rides, special format projection attractions, playgrounds, wildlife performance venues, boat rides, historic reenactment presentations, research facilities, live performance venues, and

wildlife exhibits. It is possible that several similar rides may operate simultaneously, which may result in increased noise levels.

Impact of Traffic and Theme Park Noise on Future Hotel: The future hotel project would be potentially subject to exterior traffic and theme park noise levels that may result in a significant noise impact to hotel patrons in excess of the 45 dBA CNEL interior standard, depending on the design of the hotel.

Facts in Support of Finding: Implementation of Mitigation Measures 4.7-1 and 4.7-2 would lessen noise impacts to below a level of significance. Specifically, the following mitigation measures are feasible to reduce noise impacts:

(a) **Tier 2 Projects:** Prior to issuance of a Coastal Development Permit, a project-specific noise study prepared by a qualified acoustician shall be required for any new ride attraction or performance show and must demonstrate that sensitive receptors would not be exposed to noise levels in excess of applicable standards.

(b) **Impact of Traffic and Theme Park Noise on Future Hotel:** Prior to issuance of building permits for the future hotel, verification that guest room interiors will meet the 45 dB CNEL interior standard shall be required through the preparation of an interior noise study by a qualified acoustician. The measures recommended in this study shall be implemented to meet the required 45 dB CNEL interior standard.

Mitigation Measures 4.7-1 and 4.7-2 are feasible and are made binding through the Project conditions of approval and the MMRP, and are incorporated by reference as if fully set forth herein.

D. Geology/Soils (Direct)

Potential Impacts

Liquefaction: Seismic events could potentially cause significant impacts as a result of groundshaking and liquefaction because the Project site is located within Geographic Hazard Category 31 and the site is underlain by fill soils and bay deposits that are characterized as relatively loose and cohesionless. Therefore, the impacts associated with liquefaction are considered significant.

Erosion/Slumping: The Project would have potentially significant geology/soils impacts associated with soil erosion during construction and shoreline rip rap slumping because a number of onsite surficial deposits may be subject to erosion hazards in association with the construction of future projects. Specifically, project-related activities such as demolition and grading for site preparation, would involve the removal of both stabilizing vegetation and surface pavement and the construction of manufactured slopes. These conditions could accelerate erosion rates due to the generally loose and unconsolidated nature of graded areas and fill materials. Slumping of the rip rap rock shoreline protection system at the northern limits of the SeaWorld leasehold has already occurred. While repairs have been made intermittently beginning in the late 1980s, there is the potential for additional slumping of the rip rap in the future and, therefore, this constitutes a significant impact.

Unstable Geologic or Soil Conditions: Current soil or geologic conditions and shallow groundwater table levels would have potentially significant impacts on future development. The surficial soil may not be considered suitable for structural loads without adherence to project-specific recommendations from a qualified geotechnical engineer. Constraints on Project development are potentially significant but mitigable provided the recommendations of a qualified geotechnical engineer are followed for site preparation, building, and pool foundations.

Facts in Support of Finding: Implementation of Mitigation Measures 4.8-1 through 4.8-4 would lessen geology/soils impacts to below a level of significance. Specifically, the following mitigation measures are feasible to reduce geology/soils impacts:

(a) Liquefaction: Prior to issuance of a Grading Permit for each portion of the redevelopment, a soils investigation shall be approved by the City Engineer. Appropriate remedial measures shall be incorporated into the grading plans. These remedial measures can be found in Appendix F of the FEIR and are incorporated by this reference. These measures shall include, but not be limited to monitoring of differential settlement during construction, proper compaction of surficial soils, and installation of a well-compacted structural fill mat (with possible inclusion of geotextile reinforcing fabrics) above the water table in building areas, and/or continuous foundation systems for the buildings.

(b) Erosion/Slumping: Prior to issuance of the grading permits, the applicant shall prepare site-specific erosion control plans for the project in conformance with the City's Grading Ordinance to the satisfaction of the City Engineer. The erosion control plans should be in substantial conformance with the Conceptual Landscape Plan and the Design Guidelines for the Mission Bay Park Master Plan Update, and should include temporary and permanent erosion/siltation control measures and/or devices that would be installed both during and after site grading and construction, including, but not limited to, interim and post-development landscaping/hydro-seeding; jute netting (or other approved geotextile material) on manufactured slopes; sandbags, brow ditches, energy dissipaters and desilting detention basins; and any other methods to control short-term and long-term surficial runoff and erosion.

Prior to approval of grading permits, the applicant shall retain a soils engineer to monitor the grading, construction, and installation of runoff control devices and revegetation of the project site. The soils engineer shall submit in writing to the City Engineer and the Environmental Review Manager of the Planning and Development Review Department certification that the project complies with the required notes on the grading plan addressing erosion controls.

(c) Unstable Geologic or Soil Conditions: Prior to approval of grading permits, a complete subsurface geotechnical investigation of the proposed development area shall be performed to evaluate the thickness and/or the in situ condition of the compacted and hydraulic fill materials and the bay deposits. The geotechnical investigation would also provide site-specific remedial grading recommendations, foundation design criteria, and recommendations for the design of surficial improvements. The recommendations shall be implemented as part of project construction.

Prior to issuance of a grading permit for the implementation of projects associated with the Master Plan Update the disposal of any anticipated construction-related dewatering effluent shall

be permitted by either the City of San Diego or the RWQCB. The effluent could either be directed to the Mission Bay or the San Diego sewer system. If the effluent is discharged to Mission Bay, then the discharge shall meet the effluent limits specified by the RWQCB (Order No. 95-25) and Federal National Pollution Discharge Elimination System (NPDES) requirement. Effluent discharged to the City of San Diego sewer system shall meet the City's standards.

Mitigation Measures 4.8-1 through 4.8-4 are feasible and are made binding through the Project conditions of approval and the MMRP, and are incorporated by reference as if fully set forth herein.

E. Land Use

Potential Impacts

Biological Resources: The FEIR identified eelgrass beds in Perez Cove and in the vicinity of the SeaWorld Marina expansion, as well as all along the SeaWorld shoreline of the Pacific Passage. As discussed in Section VI.B, the proposed marina expansion would result in a potentially significant loss of eelgrass habitat in Perez Cove as a result of shading as well as a potentially significant impact to least tern nesting activity at the nearby uncolonized Stony Point Least Tern Preserve should it be recolonized. This would have a significant land use impact by conflicting with the goal of the Mission Bay Park Master Plan Update to protect sensitive biological resources.

Facts in Support of Finding: Implementation of Mitigation Measures 4.6-1 through 4.6-3 would lessen biological resources impacts on eelgrass and least tern nesting activity to below a level of significance, thereby reducing land use policy conflicts to below a level of significance.

F. Transportation and Circulation

Potential Impacts

2005 Offsite Circulation (Weekday): There is a lack of traffic signal coordination between traffic signals on Sea World Drive between Friars Road and the I-5 northbound ramps. Additionally, the queue and lane utilization at the Sea World Drive and I-5 southbound ramps is not optimal. This results in a significant direct traffic impact.

2020 Key Intersections (Ingraham Street and Perez Cove Way): The Project would have a significant cumulative traffic and circulation impact on the Ingraham Street and Perez Cove Way intersection under the 2020 buildout condition because the change in the LOS (measured by calculating the change in LOS between a "With Project" scenario and a 2020 buildout "Without Project" scenario) exceeds the City's thresholds for significance. The proposed Project would also have a significant cumulative impact on the following key intersections under the 2020 buildout condition:

Sea World Drive and I-5 northbound ramps;
Sea World Drive and Pacific Highway; and
West Mission Bay Drive and I-8 westbound offramp.

Parking: For the year 2005, the minimum parking requirements for SeaWorld are forecast at approximately 7,600 spaces. There is a current usable supply of approximately 8,000 spaces.

Therefore, there are no significant impacts for the 2005 near term aspects of the Project. Year 2020 buildout projections forecast a minimum parking requirement of 9,200 spaces. This exceeds the current supply of parking spaces. The usable supply of parking spaces is expected to reach capacity in the year 2010. Therefore, a potentially significant traffic and circulation impact exists because the number of parking spaces that the planned parking structure will provide is unknown.

Facts in Support of Finding: Implementation of Mitigation Measures 4.4-2, 4.4-3, and 4.4-8 through 4.4-11 would lessen direct and cumulative traffic and circulation impacts to below a level of significance. Specifically, the following mitigation measures are feasible to lessen traffic and circulation impacts to below a level of significance:

(a) 2005 Offsite Circulation (Weekday): Mitigation Measure 4.4-2 requires that SeaWorld install signal coordination on Sea World Drive from Friars Road to I-5 northbound ramp and the construction of a 400-foot extension of the eastbound right-turn lane on Sea World Drive at the southbound I-5 on-ramp. This measure would lessen the traffic and circulation impacts to less than a significant level. SeaWorld's cost participation for this measure is 100 %.

(b) 2020 Key Intersection (Ingraham Street and Perez Cove Way): Mitigation Measure 4.4-3 requires that SeaWorld reconfigure the Ingraham Street/Perez Cove Way intersection to remove the split east/west signal phasing at the time the MMRP indicates that it is necessary to do so. SeaWorld's fair share of this improvement is 100%.

(c) 2005 Key Intersections (Weekend): In the summer following approval of the SeaWorld Master Plan Update by the California Coastal Commission, Mitigation Measures 4.4-8 through 4.4-10 would be implemented. Traffic event officers would be provided at the Sea World Drive/I-5 interchange during busy days if California Department of Transportation concurs. This would permit the override of traffic signals, thus permitting better traffic circulation in response to traffic conditions. Lane management at the SeaWorld entrance gate would be improved to maximize vehicle storage. Finally, employees and repeat patrons would be provided with materials promoting I-8 or Ingraham Street as alternative routes to SeaWorld.

(d) Parking: Implementation of Mitigation Measure 4.4-11 would lessen parking impacts to below a level of significance. Specifically, the completion of one or more of the following improvements, when the MMRP indicates it is necessary, will reduce parking impacts to below a level of significance: (1) paving the unpaved guest overflow parking area located in the southwest corner of Area 2, (2) implement offsite parking or shuttle/MTDB transit options, and/or (3) construct the planned parking structure.

Mitigation Measures 4.4-2, 4.4-3, and 4.4-8 through 4.4-11 are feasible and are made binding through the Project conditions of approval and the MMRP, and are incorporated by reference as if fully set forth herein.

VII. FINDINGS REGARDING IMPACTS WHOSE MITIGATION IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER AGENCY (CALIFORNIA PUBLIC RESOURCES CODE §21081(A)(2))

The City, having reviewed and considered the information contained in the FEIR, the appendices to the FEIR, and the administrative record, finds, pursuant to California Public Resources Code §21081(a)(2) and CEQA Guidelines §15091(a)(2), that there are significant impacts for which mitigation measures can and should be adopted by another public agency in the following category: traffic and circulation.

A. Traffic and Circulation

Potential Impacts

2020 Congestion Management Program (“CMP”) Freeway Segments: The FEIR concluded that the Project (at 650 hotel rooms) would cause potentially significant impacts because the Project would increase the volume to capacity ratio by more than 0.02 at the mainline freeway segment on Interstate 5 (“I-5”) in both directions north of Sea World Drive. Subsequent sensitivity analysis by City staff has concluded, however, that reducing the future hotel project from the initially proposed 650 rooms to 505 rooms may lessen the traffic and circulation impacts on the mainline freeway segment of I-5 north of SeaWorld Drive to below a level of significance. Reducing the hotel to 300 rooms may further lessen the impacts.

Facts in Support of Finding: This impact, if not eliminated by the reduction of hotel rooms to 300, is within the jurisdiction and responsibility of the California Department of Transportation (“Caltrans”) because the only possible mitigation measure available to lessen the potential traffic and circulation impact to the I-5 freeway segments is widening I-5. Additionally, even without the proposed Project, I-5 would operate at an unacceptable Level of Service (“LOS”) of either “E” or “F” (on a scale of A through F, “A” being the best operating conditions and “F” being the worst).

VIII. FINDINGS REGARDING INFEASIBLE ALTERNATIVES AND MITIGATION MEASURES (CALIFORNIA PUBLIC RESOURCES CODE §21081(A)(3))

The City, having reviewed and considered the information contained in the FEIR, the appendices to the FEIR, and the administrative record, finds, pursuant to California Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), that (i) the FEIR considers a reasonable range of Project alternatives and mitigation measures, and (ii) specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the alternatives or mitigation measures identified in this Section VIII and, therefore, the Project will cause significant unavoidable impacts in the categories of land use, traffic circulation and neighborhood character/aesthetics. Subsequent sensitivity analysis by City staff has concluded, however, that reducing the future hotel project from the initially proposed 650 rooms to 505 rooms may lessen the traffic and circulation impacts on the mainline freeway segment of I-5 north of Sea World Drive to below a level of

significance. Reducing the hotel to 300 rooms may further lessen the impacts. Regardless of whether the 300-room hotel reduces traffic and circulation impacts on the mainline I-5 freeway segments to below a level of significance, widening I-5 would be infeasible, as discussed herein.

A. Infeasibility of Mitigation Measures for Significant Unmitigated Impacts

1. Land Use (Direct)

Potential Impacts

Traffic and Circulation: The proposed Tier 1 and Tier 2 projects and Special Projects are part of an ongoing program to update the SeaWorld theme park through renovation and new attractions. The Project and its individual components are anticipated to result in a gradual increase in visitor attendance. The additional traffic associated with the attendance increase would conflict with the Mission Bay Park Master Plan Update's goal of reducing traffic congestion.

Neighborhood Characteristics/Aesthetics: The proposed height and scale of the Splashdown Ride, future hotel project, and all Tier 2 future projects would have potentially conflict with the visual quality goals of the Mission Bay Park Master Plan Update. Additionally, these projects represent an inconsistency with the Mission Bay Park Master Plan Update Design Guidelines for building height and massing. However, the proposed amendment to the Mission Bay Park Master Plan Update would resolve the height inconsistency. The potential significant land use impacts related to neighborhood characteristics/aesthetics are more specifically discussed in Subsection A.3 of this Section VIII.

Facts in Support of Finding:

(a) Traffic and Circulation: Mitigation Measures 4.4-1 and 4.4-4 through 4.4-7 would lessen impacts associated with increased traffic by requiring SeaWorld to make fair share contributions to road and freeway ramp improvement projects. (See Subsection A.2 of this Section VIII for a more specific discussion of traffic impact mitigation measures.) However, these mitigation measures can only be implemented if the necessary Capital Improvement Projects ("CIP") are fully funded and implemented. Therefore, traffic and circulation impacts to the roadway segments, key intersections, and freeway ramps would be potentially significant unmitigated impacts because it is possible that the CIP funding and implementation necessary to accomplish the improvements to which SeaWorld will be required to make a fair share contribution may not be provided. Furthermore, if not eliminated by the reduction of hotel rooms to 300, mitigating the impact of I-5 northbound and southbound, north of Sea World Drive by widening I-5 to accommodate the increase in traffic impacts would cost approximately \$36 million. Widening the mainline freeway segment of I-5, therefore, is infeasible because the cost of such mitigation is excessive for only one project.

(b) Neighborhood Character/Aesthetics: Mitigation Measures 4.2-1 and 4.2-2 require SeaWorld to prepare and implement a site plan for the Project in compliance with the Master Plan Update landscape buffer and bulk/plane setbacks. The site plan will also adhere to the Master Plan Update Design Guidelines that pertain to landscaping, lighting, signs, and architectural guidelines. These mitigation measures, if fully implemented, would lessen but not fully mitigate the visual quality impacts associated with the Splashdown Ride and Tier 2 future

projects because these Project components would still constitute a significant visual impact. Additionally, the City has required and SeaWorld has agreed to reduce the future hotel project from the initially proposed 90-foot height to a height of 30 feet. This will lessen the visual impacts of the Project. However, because other visual impacts will remain, the reduction in the future hotel project's height will not itself reduce the visual impacts to below a level of significance.

2. Traffic and Circulation (Direct and Cumulative)

Potential Impacts

Roadway Segments: Based on the City's threshold criteria for significance of impacts, the proposed Project's contribution to traffic on roadway segments would potentially exceed the acceptable volume to capacity ratio ("V/C") threshold of significance on three segments under the near term (2005) condition and three segments under the buildout (2020) condition. The significance thresholds are identified in Table 4.4-7 of the FEIR and are specifically analyzed with respect to the Project's traffic and circulation impacts in Table 4.4-8 of the FEIR. Therefore, these traffic and circulation impacts are considered potentially significant because the change of the V/C for these roadway segments exceeds the significance thresholds defined in the City of San Diego Traffic Impact Study Manual.

The proposed Project would have a potentially significant impact on the following roadway segments under the near term (2005) condition: Sea World Drive, between Pacific Highway and I-5; Sea World Drive, between Friars Road and Pacific Highway; and Sea World Drive, between Sea World Way and Friars Road.

Using the City of San Diego Series 9 Traffic Model, the proposed Project would have a potentially significant impact on the following roadway segments in the buildout (2020) condition: Sea World Drive, between Sea World Way and I-5 (Friars Road); West Mission Bay Drive, between Sea World Drive and Ingraham Street; and West Mission Bay Drive, between Sea World Drive and Interstate 8 ("I-8").

Key Intersections: The Project may potentially have a significant unmitigated traffic and circulation impact on the following intersections under the 2020 buildout condition: Sea World Drive and I-5 northbound ramps (AM and PM peak hours), Sea World Drive and Pacific Highway (PM peak hours), West Mission Bay Drive and I-8 westbound off ramp (PM peak hours), and Ingraham Street and Perez Cove Way (PM peak hours). The impacts are significant because the change in the LOS (measured by calculating the change in LOS between a "With Project" scenario and a 2020 buildout "Without Project" scenario) exceeds the City's thresholds for significance.

2020 Freeway Ramp Meters (Weekday Buildout): The FEIR identified potentially significant cumulative traffic impacts at the following freeway ramps: Sea World Drive and northbound I-5 (AM peak hours), Sea World Drive and southbound I-5 (AM and PM peak hours), and West Mission Bay Drive and eastbound I-8 (AM and PM peak hours). The traffic impacts from the Project under the 2020 buildout consideration are considered potentially significant impacts because Project's projected traffic volume would add to delays at locations already experiencing delays in excess of 15 minutes. Therefore, projected Project traffic volume would result in a significant 2020 buildout impact at these ramps.

2020 CMP Freeway Segments: The FEIR concluded that the Project (at 650 hotel rooms) would cause potentially significant impacts because the Project would increase the volume to capacity ratio by more than 0.02 at the mainline freeway segment on I-5 in both directions north of Sea World Drive. Subsequent sensitivity analysis by City staff has concluded, however, that reducing the future hotel project from the initially proposed 650 rooms to 505 rooms may lessen the traffic and circulation impacts on the mainline freeway segment of I-5 north of Sea World Drive to below a level of significance. Reducing the hotel to 300 rooms may further lessen the impacts. Regardless of whether the 300-room hotel reduces traffic and circulation impacts on the mainline I-5 freeway segments to below a level of significance, widening I-5 would be infeasible, as discussed herein.

Facts in Support of Finding: Although the fair-share contributions imposed by mitigation measures described in Section 4.4.5 of the FEIR would reduce direct and cumulative impacts on Sea World Drive/I-5 Interchange, Sea World Drive/Pacific Highway intersection and West Mission Bay Drive to below a level of significance, the effectiveness of these measures is contingent upon full funding of the Capital Improvement Programs intended to accomplish the needed improvements. Should the balance of the funding not be available from the City or other future projects, the full improvements necessary to allow these roadways to function effectively may not be completed as full funding of the necessary improvements by SeaWorld is financially infeasible. Furthermore, although improvements could be made to the mainline freeway segment of I-5, the cost of such improvements renders them infeasible.

(a) Sea World Drive (2005), Sea World Drive/Pacific Highway Intersection (2020) and Sea World Drive/I-5 Interchange (2020 Buildout): Mitigation Measure 4.4-1 indicates that one of two alternative measures shall be undertaken by SeaWorld. First, SeaWorld could assume sole responsibility for widening Sea World Drive to six lanes between I-5 and Sea World Way. Second, if the City has formed a CIP for the combined improvements to Sea World Drive and its interchange with I-5, SeaWorld would contribute to the CIP an amount which is equivalent to 44% of the estimated cost of the widening of Sea World Drive to six lanes. In the event the second alternative form of mitigation is selected, the short-term traffic and circulation impacts of the Project on Sea World Drive may not be fully mitigated because full funding for the CIP may be delayed or never achieved. While selecting the second alternative would potentially result in a greater overall level of service at the Sea World Drive/I-5 interchange, lack of full funding could cause the traffic and circulation impacts on Sea World Drive in 2005 and the Sea World Drive/I-5 interchange in 2020 to remain a potentially unmitigated significant impact.

Mitigation Measures 4.4-5 requires SeaWorld to make a fair share contribution to the Sea World Drive and Pacific Highway intersection reconstruction project. As with the Sea World Drive/I-5 interchange, impacts to this intersection are considered potentially unmitigated because inadequate assurances exist that the necessary CIP would be approved by the City and/or sufficiently funded to complete the needed improvements.

Mitigation Measures 4.4-4 and 4.4-7 require that SeaWorld make fair share contributions to freeway ramp improvements to alleviate potentially significant traffic impacts to the identified freeway ramps. Impacts to the freeway ramps which require fair share contributions from SeaWorld pursuant to CIPs are considered potentially unmitigated because inadequate

assurances exist that the necessary CIP would be approved by the City and/or sufficiently funded to complete the needed improvements.

(b) West Mission Bay Drive (2020 Buildout): Mitigation Measure 4.4-7 would lessen the impacts on West Mission Bay Drive in the 2020 buildout condition to below a level of significance by widening Mission Bay Drive to six lanes. However, there is the possibility that the impacts will potentially remain unmitigated because widening Mission Bay Drive requires that CIP No. 52-463 be fully implemented and funded. SeaWorld's fair share contribution of widening Mission Bay Drive is 47% of the City's cost of the improvements. In light of the fact that this CIP may not be sufficiently funded or implemented coincident with SeaWorld's needs, SeaWorld's long term impact on West Mission Bay Drive between Sea World Drive and I-8 would be unmitigated. SeaWorld cannot be expected to fund the mitigation measures in their entirety. Therefore, the significant 2020 buildout impact on West Mission Bay Drive will be a potentially significant unmitigated impact.

CEQA Guideline Section 15126.4(a)(4)(B) states a mitigation measure must be "roughly proportional" to the impacts of the Project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). To the extent that CIPs are not sufficiently funded, the foregoing mitigation measures would not be roughly proportional to the significant impacts of the Project because SeaWorld cannot be expected to fund the entire mitigation measure in excess of its fair share costs.

(c) 2020 CMP Freeway Segments: By Year 2020, the Project is expected to generate an additional 4,240 ADT on I-5 north of Sea World Drive. This is compared to an expected 224,700 ADT on the freeway. Therefore, SeaWorld represents 1.9 percent of the I-5 traffic. On a peak hour basis, SeaWorld represents a volume to capacity ratio of 0.027. The significant criteria state that a ratio over 0.02 is significant. Subsequent sensitivity analysis conducted by City staff, however, concluded that the significant traffic and circulation impacts to the mainline freeway segment of the I-5 north of Sea World Drive may be lessened to below a level of significance by reducing the initially proposed 650-room hotel to 505 rooms. The hotel has now been reduced to 300 rooms. The sensitivity analysis prepared by the City staff concluded that a 145 room reduction in the future hotel project would result in a reduction in total Project trip generation. According to the City's sensitivity analysis, the reduction in the number of guest rooms from 650 to 300, therefore, may lessen the Project's traffic and circulation impacts on the impacted freeway segments to below a level of significance because the Project would not exceed the established significance criteria of an increase in volume-to-capacity ratio of more than 0.02 on a freeway segment that is operating at LOS D, E, or F. The City has required and SeaWorld has agreed to reduce the future hotel project to 300 guest rooms. If this impact is not eliminated by the reduction of hotel rooms to 300, an additional lane would be needed on I-5 between Sea World Drive and SR 52. Furthermore, if not eliminated by the reduction of hotel rooms to 300, mitigating the impact of I-5 northbound and southbound, north of Sea World Drive by widening I-5 to accommodate the increase in traffic impacts would cost approximately \$36 million. Widening the I-5, therefore, is infeasible because the cost of such mitigation is excessive for only one project.

3. Neighborhood Characteristics (Direct)

Potential Impacts

Tier 1 Visual Impacts: The Splashdown Ride will consist of three towers, ranging in height from 83 to 95 feet and ranging in diameter from 24 to 50 feet. The Splashdown ride would be one-third the height of the existing SeaWorld Tower. Construction of the Splashdown Ride would result in a new visual element being added within Mission Bay Park. Photosimulation shows that the Splashdown Ride will be a noticeable visual element from outside the SeaWorld leasehold. Because of the Splashdown Ride's prominence from many vantage points outside the SeaWorld leasehold, the FEIR determined that this component of the Project constitutes a significant visual quality impact.

SeaWorld Master Plan Update Visual Impacts: The FEIR analyzed the visual quality impacts resulting from the SeaWorld Master Plan Update, including Tier 1 and Tier 2 projects and Special Projects. The 2020 buildout scenario of the Master Plan Update will result in the Project constituting a substantial alteration of the existing visual character of the southern part of Mission Bay Park, thus resulting in a significant visual quality impact. Tier 2 projects and the initially proposed 90-foot tall, 650-room future hotel would result in a major change in the visual character in the landscape and thus would constitute a significant impact on visual quality. The City has required and SeaWorld has agreed to reduce the future hotel project to a 30-foot high, 300-room hotel. This would lessen the significant visual impacts associated with the Project. However, because other visual impacts would remain, the hotel height reduction would not reduce visual impacts to below a level of significance.

Facts in Support of Finding: There will potentially be significant unmitigated impacts because Mitigation Measures 4.2-1 and 4.2-2 do not reduce the significant visual quality impacts to a level below significance.

Tier 1 Visual Impacts: Mitigation Measure 4.2-1 requires SeaWorld to prepare and implement a site plan for the Project, which complies with the Master Plan Update landscape buffer and bulk/plane setbacks. The site plan will also adhere to the Master Plan Update Design Guidelines. This mitigation measure, if fully implemented, would lessen but not fully mitigate the visual quality impact associated with the Splashdown Ride because the Splashdown Ride would still constitute a significant visual impact. Thus, the visual impact of the Splashdown Ride will remain a significant unmitigated visual impact.

SeaWorld Master Plan Update Visual Impacts: Mitigation Measure 4.2-2 requires SeaWorld to prepare and implement a site plan for the Project in compliance with the Master Plan Update landscape buffer and bulk/plane setbacks. The site plan will also adhere to the Master Plan Update Design Guidelines. This mitigation measure, if fully implemented, would lessen but not fully mitigate the visual impacts associated with the buildout of the Master Plan. Thus, the visual impact of the SeaWorld Master Plan Update will remain a significant unmitigated impact.

Thus, the buildout of the Mission Bay Park Master Plan Update would result in the addition structures that are generally incompatible with surrounding existing park uses. Notwithstanding the implementation of the Mitigation Measures 4.2-1 and 4.2-2, the Project would result in substantial alteration of the existing visual character of the southern part of Mission Bay Park.

B. Infeasibility of Project Alternatives to Reduce or Avoid Significant Impacts.

The City, having reviewed and considered the information contained in the FEIR, the appendices to the FEIR, and the administrative record, pursuant to California Public Resources Code § 21081(a)(3) and CEQA Guidelines § 15091(a)(3), finds that specific economic, legal, social, technical, or other conditions, including provision of employment opportunities for highly trained workers, make infeasible the alternatives as follows:

1. No Project Alternative.

In the case of the proposed SeaWorld Master Plan Update, the No Project Alternative would permit development that is currently allowed under the existing adopted 1985 Master Plan. Development allowed under the 1985 SeaWorld Master Plan includes the unbuilt 300-room hotel and 200-slip marina expansion. Furthermore, redevelopment could continue on the project site in conformance with the existing 30-foot height limit. This alternative assumes that attendance levels would remain relatively unchanged, as they have over the past ten years.

This alternative would avoid the significant unmitigable neighborhood character/aesthetics impact related to the future development that would be up to 160 feet in height. Significant impacts associated with transportation/circulation may be lessened. However, FEIR Section 4.4.3 indicates that even without the Project substantial traffic delays are projected for the future. Although the theme park attendance would not increase, under the current SeaWorld Master Plan a hotel and marina expansion could be developed. These facilities would generate traffic that would increase traffic congestion in the project area. This alternative would generate less traffic than the proposed project.

The neighborhood character/aesthetics significant unmitigable impact that would be avoided is the visual impacts related to the future development that would be up to 160 feet in height.

Facts in Support of Finding: The No Project Alternative is not considered feasible because the following SeaWorld Master Plan Update Project objectives would not be met:

(a) Implementing the SeaWorld Initiative, Proposition D, approved by the electorate of the City in November 1998. The SeaWorld Initiative allows development up to a maximum height of 160 feet on the entire SeaWorld leasehold;

(b) Providing for an updated comprehensive Master Plan that addresses the entire SeaWorld leasehold;

(c) Continuing to operate and improve on an economically-feasible, high quality theme park environment;

(d) Providing attractions which appeal to a broader range of family members;

(e) Renovating older areas of the park;

(f) Increasing revenues to the City of San Diego (including TOT revenue);

(g) Continuing to create permanent and part-time, local employment opportunities;

(h) Providing an updated Master Plan that reflects the policies of Chapter 3 of the California Coastal Act and the Mission Bay Park Master Plan;

(i) Remaining competitive with other theme parks; and

(j) Allowing renovation of existing buildings over 30 feet in height.

2. More Regulated Alternative.

This alternative would preclude the rental of personal water crafts (PWCs) powered by two-cycle engines. Therefore, instead of six PWC's, two boat mooring slips would be provided. Fireworks would remain at existing levels. This alternative would reduce the number of Tier 2 160-foot high sites from four to three. This alternative would also prohibit more than three Tier 2 sites to be for shows and more than two Tier 2 sites to be for exhibits.

The intent of this alternative is to reduce water quality, visual, and fireworks noise impacts. However, no significant impacts were identified for the proposed fireworks displays, hence this issue need not be addressed because no significant impact has been found. Water quality impacts associated with the marina operations were identified as significant and mitigable in Subsection A of Section VI above. Through the elimination of potential PWC rental operation at the SeaWorld Marina, water quality impacts would be lessened. However, PWC users will be able to rent personal watercraft elsewhere in the Mission Bay area. Therefore, the water quality impact lessened at the SeaWorld Marina would probably occur elsewhere in Mission Bay. Visual impacts would be lessened but not to below a level of significance because the alternative would only reduce the number of Tier 2 160 foot high development areas from four to three.

Facts in Support of Finding: This alternative is economically infeasible because it would constrain SeaWorld's flexibility in the development and redevelopment of new attractions that would in turn affect the economic viability of SeaWorld and would reduce the appeal to a broader range of family members. This alternative is economically infeasible because this alternative would potentially reduce the City's tax revenue because SeaWorld's ability to develop new attractions would be constrained.

Further, the More Regulated Alternative is not considered feasible because it would not fully meet the following Project objectives:

(a) Continuing to operate and improve on an economically-feasible, high quality theme park environment;

(b) Providing attractions which appeal to a broader range of family members;

(c) Increasing revenues to the City of San Diego (including TOT revenue); and

(d) Continuing to create permanent and part-time, local employment opportunities; and

- (e) Remaining competitive with other theme parks.

3. Enhanced Public Access Alternative.

Although SeaWorld has included a ten-foot-wide waterfront access path for 500 feet along the northern leasehold boundary, from the northeast property corner westward, extending this access further westward where existing vehicular access and structures exist, this alternative is infeasible based on a variety of constraints described below. The enhanced public access alternative would entail a revised site plan that would accommodate pedestrian and or bicycle traffic along the entire water frontage of the leasehold. The Mission Bay Park Master Plan calls for a 50-foot-wide public access corridor along the waters edge. However, in cases where waterfront access is limited, such as the SeaWorld leasehold, the minimum allowed by the Master Plan is a 17-foot-wide paved boardwalk that would accommodate both pedestrians and bicycles with a one foot separation between them. Given the existing SeaWorld facilities located adjacent to the waters edge, this alternative is based on the minimum 17-foot-wide paved boardwalk.

Facts in Support of Finding: This alternative would require extensive modification of existing SeaWorld facilities in many locations to accomplish an enhanced waterfront accessway. Thus, this alternative is infeasible because it is inconsistent with the 1985 SeaWorld Master Plan, which permits the existing facilities, and furthermore would result in excessive costs due to relocating existing facilities. Beginning at the northeastern corner of the leasehold this public access alternative could be accommodated for approximately 375 feet of the waterfront because this area is undeveloped. However, the planned Splashdown Ride, which is to be located in this area, would require extensive modification of the site plan to allow for this public accessway. This alternative is infeasible for public safety reasons. Public access would infringe on the ride safety envelope comprising of approximately 50 feet, where employee and guest access are not allowed. Additionally, relocation of the existing access road along the present SeaWorld boundary would be necessary to allow for extending park pathways to the Splashdown Ride. Accommodating coastal pedestrian access would require re-routing of this access road to the extreme east side of 16.5 acre expansion area and along the Bay to re-join existing road at Arctic Back-Wash Basin.

West of the Splashdown Ride, access could be accomplished through the abandonment of an existing service vehicle access road. However this service access road is necessary for the operation of SeaWorld and to provide emergency access. This alternative is infeasible because abandoning the existing vehicle access road would severely compromise service and emergency access required for the safe operation of the existing SeaWorld facility. The following list identifies the types of service that the access road supports, and identifies the frequency of such services:

1. Water Quality
 - a. Chemical Delivery
 - 1) Sodium Hypochlorite three times per week
 - 2) Sodium Bissulfate one time per week
 - 3) Almax Vacuum Truck on time per week

2. Maintenance
 - a. Maintenance Contractors - Daily access
 - 1) HVAC
 - 2) Plumbing
 - 3) Almax Vacuum Trucks
 - 4) General Contractors
 - b. In-House Maintenance Crews - Daily Access
 - 1) Landscape Department
 - 2) Electrical Department
 - 3) Mechanical Department
 - 4) Carpenter Department
 - 5) Water Quality Department
 - 6) Paint Department
 - c. Access for Maintenance Equipment - Daily
 - 1) Cranes, forklifts, etc.
 - 2) Landscape Equipment - Backhoes, mowers, dump and flatbed trucks etc
 - d. New Construction daily during construction projects
 - 1) Construction contractors / subcontractors
 - 2) Construction Equipment
 - 3) Construction Material Deliveries
3. Operations Department / Food Service Department / Merchandise Department
 - a. Removal of trash via trainable dumpsters (long line of dumpsters connect in train fashion pulled by a tow motor).
 - b. Deliveries of food and supplies to food service facilities - panel trucks / flatbed trucks
 - c. Delivery of merchandise to shops - panel trucks / flat bed trucks
 - d. Access for street sweeper equipment etc for park clean-up
4. Life Safety - as required
 - a. Access for paramedics
 - b. Access for fire department (Ladder Truck).
 - c. Part of disaster reaction plan access routes agreed on with City of San Diego Fire Department
5. Animal Care Departments - Daily access
 - a. Emergency access for animal care issues.
 - b. Animal Moves (planned and emergency)
 - 1) Cranes
 - 2) Flatbed trucks
 - 3) Move equipment (slings, rigging, etc.
 - c. Animal food deliveries - flatbed trucks

Relocation of this access road further south would require the modification of the access road for the Penguin Encounter and Nautilus Picnic Pavilion, as well as other support facilities. From the

Shark Encounter westward, there are a number of buildings and emergency pedestrian accessways that would require modification (i.e. partial demolition and reconstruction) to accomplish the 17-foot-wide public access. Examples include the Shark Encounter and associated nearby water treatment facilities, Mango Joes restaurant, the Freshwater Aquarium, the 4D Theater and Harborside Café. Thus, this alternative would be inconsistent with the facilities that are currently allowed on the SeaWorld Leasehold under the 1985 SeaWorld Master Plan and the alternative would require significant alterations or relocation of SeaWorld's current facilities. Additionally, relocating and/or demolishing the current facilities would be economically infeasible because shutting down these areas of the park would lead to a significant economic loss to SeaWorld and the City.

In order to accomplish a complete waterfront pedestrian access, the existing Waterfront Stadium, western water treatment plant and marina structures would require extensive modification. Modification of the Waterfront Stadium and water treatment plant are particularly onerous because these facilities are built up next to the water's edge. Modification of the western water treatment plant could lead to reduced water quality and/or increased costs in treating water during the time such modification was occurring. This alternative is economically infeasible because it would require extensive modification of existing structures and water treatment infrastructure. As a result, the extensive cost to implement this alternative would compromise the success and economic viability of the SeaWorld operation. The costs would reduce rent payments and income to the City of San Diego.

Further, the Enhanced Public Access Alternative is not considered feasible because it does not fully meet the following objectives:

(a) Providing for an updated comprehensive Master Plan that addresses the entire SeaWorld leasehold;

(b) Continuing to operate and improve on an economically-feasible, high quality theme park environment;

(c) Renovating older areas of the park;

(d) Increasing revenues to the City of San Diego;

(e) Continuing to create permanent and part-time, local employment opportunities; and

(f) Remaining competitive with other theme parks.

4. No Hotel and Marina Alternative.

The No Hotel and Marina Alternative assumes that the initially proposed 650-room future hotel project and marina expansion would not occur as part of the project. The existing Master Plan, however, allows a 300 room hotel and boat landing pier. The City has required and SeaWorld has agreed to reduce the initially proposed future hotel project to a 30-foot high, 300-room hotel. This alternative would address the significant unmitigated visual impacts associated with the hotel expansion; the significant unmitigable traffic and circulation impacts; and the significant mitigable impacts from marina expansion to eelgrass beds in Perez Cove.

Facts in Support of Finding: This alternative would result in a considerable reduction in trip generation (48 percent or 7,300 ADT). As a result, significant impacts identified for the 2020 scenario, which are listed below, would be lessened. Significant and mitigable traffic impacts that would be lessened include the following:

Street Segments

1. Sea World Drive (4 lanes), between Pacific Highway and I-5;
2. Sea World Drive (4 lanes), between Friars Road and Pacific Highway;
3. Sea World Drive (4 lanes), between Sea World Way and Friars Road;
4. Sea World Drive (6 lanes), between Sea World Way and Friars Road; and
5. West Mission Bay Drive, between I-8 and Sea World Drive.

Key Intersections

1. Sea World Drive and I-5 northbound ramps (AM and PM peak hours);
2. Sea World Drive and Pacific Highway (PM peak hour);
3. Ingraham Street and Perez Cove Way (PM peak hour); and
4. West Mission Bay Drive and I-8 westbound off ramp (AM and PM peak hours).

Freeway Ramps

1. Sea World Drive and northbound I-5 (AM and PM peak hours);
2. Sea World Drive and southbound I-5 (AM and PM peak hours); and
3. West Mission Bay Drive and westbound I-8 (AM and PM peak hours).

However, the impact would not be lessened to a level below significance because the existing Master Plan already permits a 300-room hotel on the site. This alternative would also eliminate the significant and unmitigated Project impacts to CMP I-5 freeway segments: Northbound I-5, north of Sea World Drive and Southbound I-5, north of Sea World Drive. However, Section 4.4 of the FEIR indicates that projected traffic levels will be unacceptable regardless of whether or not the Project is allowed to move forward.

This alternative would lessen the significant unmitigable visual impact associated with the 90-foot-high hotel. By eliminating the hotel structure, the visual impact associated with the SeaWorld Master Plan Update would be reduced. However, the City has required and SeaWorld has agreed to reduce the height of the initially proposed hotel from 90 to 30 feet. This would eliminate the future hotel project as a visual impact. Other Tier 1 and future Tier 2 projects (four of which could be 160-foot high), however, would contribute to the significant unmitigable visual impact associated with the project. Therefore, although lessened, the neighborhood character/aesthetics would remain significant and unmitigable under this alternative.

This alternative would eliminate the significant and mitigable impact to eelgrass beds from the marina in Perez Cove, because the SeaWorld Marina would not expand over existing eelgrass beds, a sensitive biological resource.

The No Hotel and Marina Alternative is not considered feasible because the following Project objectives would not be met:

(a) Continuing to operate and improve on an economically-feasible, high quality theme park environment;

- (b) Increasing revenues to the City of San Diego (including TOT revenue);
- (c) Renovating older areas of the park;
- (d) Continuing to create permanent and part-time, local employment opportunities; and
- (e) Providing an updated Master Plan that reflects the policies of Chapter 3 of the California Coastal Act and the Mission Bay Park Master Plan.

5. Underground Parking Garage Alternative.

The Underground Parking Garage Alternative assumes that the proposed parking facility will be located below ground to address potential visual impacts associated with the Project's proposed above-ground parking garage.

The Underground Parking Garage Alternative does not significantly reduce the potential visual impacts of the Project's proposed above-ground parking garage. The neighborhood character/aesthetics analysis of Section 4.2 of the FEIR determined that the above-ground parking garage would not contribute to the significant unmitigated visual impacts of the Project. Figure 4.2-32 in the FEIR provides a visual representation of the worst-case development envelope for the parking garage allowed by the SeaWorld Master Plan Update. The representation illustrates a 45-foot above-ground parking garage. The above-ground parking garage, however, would be obscured by existing landscape, which would consequently limit the structure's visibility from offsite locations to only the very upper portions of the structure.

Facts in Support of Finding: Placing the parking garage underground would create significant design engineering constraints because of the high ground water table underlying the Project site. The geology/soils analysis of Section 4.8 of the FEIR states that groundwater was encountered in previous exploratory borings at depths ranging from approximately seven to seventeen feet below site grades. Groundwater depths must be taken into account when establishing the site development plan for an underground parking garage. Consequently, constructing the parking garage underground would require permanent dewatering and discharge into Mission Bay. Discharge of groundwater directly into Mission Bay, however, is prohibited by the Regional Water Quality Control Board, unless a discharge permit is approved by the Board. A discharge permit would require treatment of the groundwater effluent. This alternative could result in new significant water quality impacts.

An additional engineering constraint involves the hydrostatic pressure on an underground parking structure. This pressure would push the underground parking structure out of the ground. To overcome this pressure, the parking garage would require an extensive system of subsurface piles.

These major engineering and technical design issues and regulatory constraints to constructing the parking garage underground would make this facility technologically infeasible and unbuildable. Assuming that the underground parking garage is possible from a design perspective, the construction of such a structure would alternatively pose a major and prohibitive cost to the applicant relative to the costs of constructing the above-ground parking garage.

Furthermore, with the exception of potential visual impacts, this alternative would not lessen any identified significant environmental impacts.

Further, the Underground Parking Garage Alternative is not considered feasible because it would not fully meet the following Project objectives:

(a) Continuing to operate and improve on an economically-feasible, high quality theme park environment; and

(b) Increasing revenue to the City of San Diego.

6. No Parking Structure or Hotel Over 30 Feet High Alternative.

This alternative is primarily designed to address potential visual impacts associated with the proposed 45-foot parking garage and initially proposed 90-foot future hotel project, by limiting the height of such structures to 30 feet. The reduction in height of the parking garage from 45 to 30 feet assumes that the garage footprint would remain the same. The number of parking spaces, therefore, would be reduced by about one-third of that which is proposed under the Project. Because the existing SeaWorld Master Plan allows for a hotel with 300 rooms within the 30-foot height limit, this alternative assumes a maximum of 300 hotel rooms.

Facts in Support of Finding: The No Parking Structure or Hotel Over 30 Feet Alternative would not result in a noticeable lessening of the visual impacts of the Project's proposed 45-foot parking garage. The neighborhood character/aesthetics analysis of Section 4.2 of the FEIR determined that a 45-foot parking garage would not contribute to the significant unmitigated visual impacts of the Project. Figure 4.2-32 in the FEIR provides a visual representation of the worst-case development envelope for the parking garage allowed by the SeaWorld Master Plan Update. The representation illustrates a 45-foot parking garage. The parking garage, however, would be obscured by existing landscape, which would consequently limit the structure's visibility from outside the SeaWorld leasehold to only a small part of the very upper portions of the structure. Furthermore, reducing the height of the parking structure would significantly reduce the parking supply. As a result, this alternative is economically infeasible because it would compromise the economic viability of SeaWorld. By failing to provide sufficient parking for future SeaWorld guests, this alternative in effect would limit the number of guests who can be accommodated at SeaWorld and thereby reduce the associated revenue of the increased number of guests. Also, this alternative is not feasible because the reduction in parking could result in a significant parking supply impact. Unlike this alternative, the Project's proposed parking structure is designed to accommodate expected increases in attendance over the next 20 years.

Reducing the height of the future hotel from up to 90 feet to 30 feet would lessen the visual impact of the SeaWorld Master Plan Update. The hotel component of the Project would contribute to the significant visual impact of the proposed Project. Therefore, reducing the height of this Project component would result in a lessening of visual impacts as such reduction would reduce the structure's visibility outside the SeaWorld leasehold. From nearly all locations outside the leasehold, existing trees and park improvements would screen a hotel 30 feet in height. The City has required and SeaWorld has agreed to reduce the height of the proposed hotel to 30 feet. This modification to the SeaWorld Master Plan Update incorporates this component of the alternative. Nonetheless, although the Project's visual impact would be

lessened, it is still considered significant because other components of the Master Plan proposed in Area 1 of the Theme Park would result in a significant visual impact.

Also, the reduction in the height of the parking garage would ultimately reduce both short-term construction, and long-term employment opportunities for the SeaWorld leasehold.

Further, this alternative is not considered feasible because it would compromise the following Project objectives, as follows:

(a) Continuing to operate and improve on an economically-feasible, high quality theme park environment;

(b) Continuing to create permanent and part-time, local employment opportunities; and

(c) Providing an updated Master Plan that reflects the policies of Chapter 3 of the California Coastal Act and the Mission Bay Park Master Plan Update; and

(d) Remaining competitive with other theme parks.

7. Less Visually Intrusive Alternative.

The Less Visually Intrusive Alternative is designed to lessen the significant unmitigable visual impact associated with the proposed Project by imposing (i) more restrictive design guidelines that focus on maximum bulk for various heights of future structures and (ii) restrictions on the maximum heights of future structures from visually sensitive areas. This alternative assumes that future structures would be 75 percent transparent above 60 feet. It also assumes that the height of structures at the eastern end of the theme park would be limited to 100 feet because views to this part of the park from the east are openly visible. This alternative would reduce the visibility of future Tier 2 projects by making the upper parts of future attractions more transparent such that they tend to “blend” better with the visual background. In addition, by limiting the height of future Tier 2 projects along the eastern project boundary to 100 feet, these future attractions would be less visible in an area where future development will be openly visible from some areas to the east of the Project site.

Facts in Support of Finding: The Less Visually Intrusive Alternative would lessen, but not fully mitigate, the significant visual impact associated with the Project. This alternative would be economically infeasible because it would compromise SeaWorld’s ability to remain economically viable by severely limiting design flexibility to build future attractions that would enhance theme park attendance and associated revenue. Such restrictions on SeaWorld’s capability of effectively responding to sharp market demands would adversely affect SeaWorld’s competitiveness in a market driven by hard development cycles.

Moreover, this alternative is not considered feasible because it would compromise the following Project objectives, as follows:

(a) Continuing to operate and improve on an economically-feasible, high quality theme park environment;

(b) Providing attractions which appeal to a broader range of family members;

- (c) Increasing revenues to the City of San Diego;
- (d) Continuing to create permanent and part-time, local employment opportunities; and
- (e) Remaining competitive with other theme parks.

8. Combination Alternative.

The Combination Alternative includes elements of the foregoing alternatives to address a variety of environmental issues raised by commentors to the Notice of Preparation. This alternative assumes that all future structures would be limited to 30 feet in height. This alternative also assumes that no new amusement type rides or hotel would be part of the SeaWorld Master Plan Update. Instead, this alternative assumes that the SeaWorld Master Plan would focus future attraction development on marine education and conservation. Also, this alternative requires the SeaWorld Master Plan Update to include enhanced public access along the waterfront.

The foregoing elements of the Combination Alternative are addressed above in the infeasibility analysis of the other project alternatives. Limiting future structures to 30 feet in height is addressed in the No Project Alternative and the No Parking Structure or Hotel Over 30 Feet Alternative. Removing the future hotel from the Master Plan is addressed in the No Hotel and Marina Alternative. Enhanced public access along the waterfront is addressed in the Enhanced Public Access Alternative. Focusing future attraction development on marine education does not address any environmental issue associated with the Project.

Significant impacts associated with transportation and circulation would be lessened because under this alternative less traffic would be generated as compared to the proposed Project. This alternative, however, would not significantly lessen the transportation and circulation impacts to below a level of significance. The neighborhood character/aesthetics impacts determined to be significant unmitigable impacts in Subsection A.3 of this Section VIII would be avoided because no building or structure would be allowed in excess of 30 feet.

The significant mitigable impacts to land use, light, glare and shading, transportation and circulation, water quality, biological resources, as it pertains to potential perching opportunities, noise and air quality under the proposed Project would also be avoided under this alternative.

Facts in Support of Finding: The Combination Alternative would be economically infeasible because it would compromise SeaWorld's ability to remain economically viable by severely limiting design flexibility to build future attractions that would enhance theme park attendance and associated revenue. Such restrictions on SeaWorld's capability of effectively responding to sharp market demands would adversely affect SeaWorld's competitiveness in a market driven by hard development cycles. Also, this alternative would be economically infeasible because it would compromise SeaWorld's ability to remain economically viable by prohibiting the development of a hotel, thereby preventing the City from benefiting from associated TOT and other SeaWorld revenue. The high costs of relocating structures and water treatment infrastructure to provide continuous bayside access would be economically infeasible.

This alternative is further considered infeasible because the following Project objectives would not be fully met:

(a) Implementing the SeaWorld Initiative, Proposition D, approved by the electorate of the City in November 1998. The SeaWorld Initiative allows development up to a maximum height of 160 feet on the entire SeaWorld leasehold;

(b) Providing for an updated comprehensive Master Plan that addresses the entire SeaWorld leasehold;

(c) Continuing to operate and improve on an economically-feasible, high quality theme park;

(d) Providing attractions which appeal to a broader range of family members;

(e) Renovating older areas of the park;

(f) Increasing revenues to the City of San Diego;

(g) Continuing to create permanent and part-time, local employment opportunities;

(h) Providing an updated Master Plan that reflects the policies of Chapter 3 of the California Coastal Act and the Mission Bay Park Master Plan Update;

(i) Remaining competitive with other theme parks;

(j) Eliminating the inconsistency with the Mission Bay Park Master Plan Update caused by the passage of the SeaWorld Initiative; and

(k) Allowing renovation of existing buildings over 30 feet in height.

**STATEMENT OF OVERRIDING CONSIDERATIONS FOR
SEAWORLD MASTER PLAN UPDATE (LDR NO. 99-0618)
CEQA GUIDELINES FOR SECTION 21081(B),
CEQA GUIDELINES SECTION 15093**

The Final EIR for the SeaWorld Master Plan Update (the "FEIR"), Amendment to the Mission Bay Park Master Plan Update and Progress Guide and General Plan, and project approvals for the Tier 1 projects (the "Project") identifies significant environmental effects which would not be mitigated to below a level of significance and which would be allowed to occur as a result of the approval of the Project. Although potential Project impacts have been avoided or substantially mitigated as described in the FEIR and the Findings, the FEIR states that the project would have a significant, unavoidable impact on: land use policy (direct); neighborhood characteristics/aesthetics (direct); and transportation and circulation (direct and cumulative). The City of San Diego, after balancing the specific economic, legal, social, technological or other benefits of the Project, including considerations for the provision of employment opportunities for highly trained workers, determines that the unavoidable adverse environmental effects are considered "acceptable" due to the following specific considerations, each of which independently is sufficient to outweigh the unavoidable adverse environmental impacts of the Project.

SeaWorld is projected to host approximately 3,400,000 visitors in 2001. (FEIR, Table 3.4-3.) Average annual attendance for the last ten years is 3,722,061. (FEIR at p. 3-12.) With the Project, it is predicted annual attendance will increase to approximately 3,600,000 visitors by 2005 (assuming a 1.3% annual growth rate). This attendance increase will create an estimated total economic impact (direct and indirect) of \$1.35 billion. (FEIR Section 3.4.4; Economic and Fiscal Impacts of SeaWorld on the San Diego Regional Economy, prepared January 21, 1998, Table A-5 (the "SeaWorld Economic Impact Report").) By the year 2005, the proposed Project would enhance the following benefits currently provided to the San Diego community by SeaWorld:

1. Employment

- a) SeaWorld is one of the top five employers of youth in San Diego County. The largest percentage of employees are part-time, and many of these are students at area high schools and colleges who finance their education by working at SeaWorld during weekend and holiday periods.
- b) Since 1996, SeaWorld, partnering with Episcopal Community Services' Job Start program, actively has placed over 300 welfare recipients in training programs for positions of employment at SeaWorld.
- c) 40 percent of the jobs generated by SeaWorld are generated in professional, managerial, and technical positions. (SeaWorld Economic Impact Report at p. 9.)

The Project will result in increased jobs, for both part-time and full-time workers, and will result in the provision of highly trained employment opportunities.

- d) County-wide, a total of 110,000 jobs are supported directly and indirectly by visitor spending on all sources of tourism. (The Economic and Fiscal Impacts of Tourism on the City of San Diego and the San Diego Regional Economy, dated March 26, 1999, at p. 21 (the "Tourism Impact Report").) In 1997, SeaWorld employed a total of 9,751 individuals. (SeaWorld Economic Impact Report at p. 9.) This accounts for nearly 9% of all tourism related personnel. With the additional benefits of the Project, SeaWorld employment is expected to significantly increase from approximately 9,751 employees to approximately 11,900 employees by the year 2005. (SeaWorld Economic Impact Report at p. 13.)
- e) SeaWorld's annual payroll currently exceeds \$50 million. The proposed Project is estimated to increase annual payroll to \$63 million by the year 2005.

2. Economic

- a) The annual difference in total economic impact generated by the Project in the year 2005 with and without the Project is forecast at \$165 million. (SeaWorld Economic Impact Report at p. 13.) With the Project, San Diego household incomes in the year 2005 will be \$44 million higher and 1,250 more jobs will be generated. (SeaWorld Economic Impacts Report at p. 18, Appendix Table A-3.)
- b) As a result of the initial impact of spending by SeaWorld visitors, there is additional indirect economic activity generated as the effects of the spending circulate through the regional economy. (Tourism Impact Report at p. 16.) Each additional visitor to San Diego attracted by SeaWorld results in a beneficial annual economic impact of nearly \$300 to the region. This annual amount from each individual visitor includes indirect impacts of almost \$79 in wages and salaries for San Diego residents and approximately \$9 in local government revenue. (SeaWorld Economic Impact Report at p. ii.)
- c) Construction of new Project facilities will generate substantial revenue to the local economy and will provide numerous jobs. Spending on capital improvements by SeaWorld in the year 2005 will be \$8 million higher with the Project than without the Project. (SeaWorld Economic Impact Report, Table 5.) It is projected that SeaWorld Project Capital Spending will be \$21 million in the period between 2002 to 2005.
- d) SeaWorld relies primarily on local non-residential contractors (at a value of \$46 million in 1997) and suppliers (\$50.2 million in 1997), and millions of capital

dollars have been infused into the San Diego community. (San Diego Economic Impact Report at p. 9.)

3. Fiscal

- a) Annual rent payment for the SeaWorld leasehold to the City of San Diego is now approximately \$6.5 million. (SeaWorld Economic Impact Report, Table A-4.) The proposed Project is estimated to further increase annual rent to \$8.5 million. (SeaWorld Economic Impact Report, Table A-4.)
- b) SeaWorld will relinquish the rent credit, currently totaling approximately \$1.16 million, granted to SeaWorld pursuant to Article XXXII of the Lease between the City of San Diego and SeaWorld, Inc. last amended as of June 29, 1998. SeaWorld is entitled to the foregoing rent credit when it is required by any public entity, including the City of San Diego, to make expenditures or payments in lieu of expenditures for permanent capital improvements in, to, or in Mission Bay Park that would normally be the responsibility of the City of San Diego as a condition to obtaining permission to develop, construct, install, or operate improvements, facilities, or equipment in, to or on the SeaWorld leasehold in excess of the expenditures directly required to develop, construct, install, or operate said improvements, facilities, or equipment. As a condition of Project approval, SeaWorld is required to undertake certain street and highway improvements on behalf of the City of San Diego. Relinquishment of this rent credit will save the City of San Diego \$1.16 million.
- c) In 1997, SeaWorld directly and indirectly generated \$35.1 million in state and local tax revenue. (San Diego Economic Impact Report at p. 11.) Of this amount, \$19.1 million is local tax revenue. (San Diego Economic Impact Report at p. 11.) By the year 2005, with the development of the Project, tax revenue generated by SeaWorld will further increase to approximately \$52 million, \$28 million of which will be local tax revenue. (San Diego Economic Impact Report at pp. 13-14.)
- d) SeaWorld is projected to pay property taxes to the County of San Diego in the amount of \$3.1 million if the proposed Project is approved. (SeaWorld Economic Impact Report, Table A-4.) Currently, SeaWorld is one of the top 10 property taxpayers in San Diego County. (SeaWorld's Regional Benefits Fact Sheet.)
- e) Annual rent, property taxes and business license taxes are projected to be nearly \$1 million a year higher with the Project than without the Project. (SeaWorld Economic Impact Report, Table A-4.)
- f) The City of San Diego can optimize the fiscal impact from visitor spending by promoting growth in leisure visitors who stay overnight in hotels. (Tourism

Impact Report at p. ix.) The proposed Project will accommodate this goal because the future hotel will increase transient occupancy tax (TOT) revenue, which is the largest single source of visitor revenue. (Tourism Impact Report at p. ii.)

4. Tourism

- a) Tourism generated employment accounts for approximately 7.4% of the region's jobs and approximately 5.3% of total regional sales, and the City of San Diego captures a large share of visitor industry sales in the region because of the large concentration of visitor infrastructure within the City. (Tourism Impact Report at p. 21-22.)
- b) Thirty-five percent of visitors to San Diego come to the City to primarily go to SeaWorld. (SeaWorld Economic Impact Report at p. 2; SeaWorld's Regional Benefits Fact Sheet.) This accounts for 3.3 million visitor days. In 1997, the number of visitors to San Diego coming to the city primarily to go to SeaWorld had a total economic impact of \$589 million, accounting for nearly seven percent of all visitor spending related to tourism. (SeaWorld Economic Impact Report at p. 10, Tourism Impact Report at p. 21.)
- c) The number of visitors ranking SeaWorld as their primary reason for visiting San Diego will likely rise, and, therefore, so will revenues derived therefrom, because attendance is projected to rise at a rate of 1.3% annually as a result of the Project. (SeaWorld Economic Impacts Report at p. ii.)
- d) SeaWorld's gross sales from the resale of food and merchandise purchased from vendors in 1997 was \$58.2 million. (SeaWorld Economic Impact Report at p. 6.) Gross sales with the Project are expected to reach \$200 million by the year 2005. It is estimated that dollars spent at SeaWorld "turnover" seven times in the community, with a potential economic impact of \$1.35 billion. (SeaWorld Economic Impact Report, Table A-5.) About 70% of SeaWorld's nearly 3.6 million annual guests come from outside the San Diego area, spending approximately \$53.6 million for lodging and approximately \$63.6 million on meals and beverages. The proposed expansion would proportionately increase these figures.
- e) It is predicted that the future hotel element of the Project will generate increased TOT revenue because the demand for additional hotel rooms will increase due to increased visitor attendance at SeaWorld as a result of the Project. The use of rooms at the future hotel project will, therefore, lead to an increase in TOT revenue. Directly and indirectly the proposed Project is forecast to generate a total TOT revenue of \$8.4 million in 2005. (SeaWorld Economic Impact Report, Table A-4). TOT revenue accounts for the single largest source of City revenue

from visitor spending and accounts for \$79.5 million dollars of revenue in 1998. (Tourism Impact Report at p. ii.)

5. Education

- a) SeaWorld's education program is endorsed by the San Diego school system. In 2000, SeaWorld's Education Department served more than 350,000 San Diego area students (from pre-school through college levels). SeaWorld also participates in the school system's Partners-In-Education program. SeaWorld has been partners with Clairemont High School since 1981 and runs continuous cooperative programs with the school, including donations of usable equipment and special career education programs. In 2000, SeaWorld also formed partnerships with Crown Point and Barnard Elementary Schools.
- b) Since SeaWorld's opening in 1972, 6.4 million students have participated in SeaWorld education programs. Over 2 million students have participated in the student outreach program, and 2.8 million students participated in formal in-park field trip programs.
- c) Additionally, SeaWorld's Education Department has cooperative agreements with San Diego State University and University of California, San Diego. Pursuant to these agreements, SeaWorld staff teach university level education and biology courses for students planning to be elementary or high school teachers. SeaWorld is currently developing programs to help schools and teachers meet new state requirements for elementary science education. SeaWorld also partners with UCSD to sponsor a summer program on marine science for high school students entering the University of California system. These educational benefits would be continued and expanded upon adoption of the SeaWorld Master Plan.
- d) The SeaWorld/Barnard partnership will include an emphasis on environmental education with a specific focus on Famosa Slough. Crown Point Elementary School and SeaWorld plan to establish The Nature School program on-site.
- e) SeaWorld provides extensive environmental/conservation education programs. In 2000, SeaWorld Educators visited 130 schools with an environmental program. One mission of SeaWorld Educators is to help individuals develop a lifelong appreciation, understanding and stewardship for our environment.
- f) SeaWorld hosts an educational Internet site (www.SeaWorld.org) which provides valuable educational tools for teachers, students and the general public by providing on-line access to colorful SeaWorld photographs, animal information and current marine life research.

- g) SeaWorld provides a toll-free telephone service to answer students' questions about marine animals. This service is staffed 7 days a week and takes calls between the hours of 9:00 AM and 4:30 PM Pacific Time.
- h) SeaWorld sponsors, funds and participates in research projects all over the world.

6. Community Service

- a) More than 3,000 complimentary admissions are given each year to be used as fund raisers by local non-profit groups, a value of nearly \$40,000.
- b) SeaWorld and SeaWorld personnel are active in support of a myriad of community groups and events such as: Junior Achievement, Hire-a-Youth, United Way, March of Dimes, Welfare-to-Work, Mama's Kitchen, Partnership With Industries, Department of Rehabilitation, Center for Blind, Sharp Healthcare Rehabilitation System, United Negro College Fund, and many more. More than \$2,000 a year in coins collected from SeaWorld's ponds are donated to various charities.
- c) SeaWorld provides monetary and in-kind contributions to numerous local charitable and environmental organizations. For instance, every San Diego County library has a complete set of SeaWorld books.

7. Recreation

- a) As a theme park, SeaWorld provides significant recreational benefits to millions of visitors annually. The recreational opportunities for local citizens and tourists would be expanded by up to 33 percent with the full implementation of the proposed SeaWorld Master Plan Update.
- b) To preserve and enhance public coastal access, SeaWorld will construct a lateral coastal access corridor along the Mission Bay waterfront of the 16.5 acre portion of the SeaWorld leasehold near the Splashdown Ride. The 10-foot wide coastal access corridor will traverse a length of 500 feet from a point west of the round-about terminus of South Shores Road (such point being the northeast corner of the SeaWorld leasehold), proceeding westward toward the theme park. SeaWorld will enhance the public enjoyment and aesthetic appeal of the coastal access corridor through the incorporation of landscape elements.
- c) To further enhance public coastal access, SeaWorld will provide a coastal access area on the site designated for the future hotel project. The access area will be compatible with the aesthetic design of the future hotel project and its construction will be synchronized with the construction of the future hotel project.

- d) To enhance the experience and enjoyment of Mission Bay for park patrons, SeaWorld will enhance coastal access within the theme park by providing benches and view platforms along the portions of the park fronting Mission Bay.
- e) To enhance recreational opportunities for the public in Mission Bay, SeaWorld will construct, at its sole cost and expense, a 10 foot wide bike path beginning at the terminus of the existing bike path located at South Shores Park (such point being near the northeast corner of the SeaWorld leasehold) and ending at the Fiesta Island Causeway. This bike path will provide lateral coastal access along a 4,700 foot portion of the Mission Bay waterfront.
- f) To further improve upon existing recreational opportunities for the public in Mission Bay, SeaWorld will upgrade the existing Class I/Class II pedestrian/bike pathway along the southern boundary of the SeaWorld leasehold. This enhanced pedestrian/bike pathway will run approximately 5,000 feet and will be upgraded consistent with the Mission Bay Park Master Plan design guidelines. The existing pedestrian/bike pathway will be upgraded in four phases, with the first phase commencing in 2002 and the fourth and final phase being completed by December 31, 2005.

8. Legal

Proposition D, an ordinance approved by the voters of the City of San Diego in November 1998, would amend the City of San Diego Municipal Code to allow development up to a maximum height of 160 feet on the SeaWorld leasehold in Mission Bay Park. Passage of Proposition D and amendment of the Municipal Code would create an inconsistency between the Municipal Code and the Mission Bay Master Plan Update. The Project would eliminate this inconsistency by amending the Mission Bay Park Master Plan Update and the Progress Guide and General Plan.

9. Environmental

- a) In the last 20 years, SeaWorld has removed thousands of stranded dolphins, whales and pinnipeds from San Diego beaches and treated them medically. As many as 300-400 animals may be treated in a given year. All costs, including costly medications, are borne by SeaWorld.
- b) SeaWorld Animal Rescue and Rehabilitation Program: With an average 200 rescues per year, nearly 65 percent of the animals rescued are successfully rehabilitated and returned to the wild. (SeaWorld's Commitment to Conservation and the Environment Fact Sheet at p. 3.) Marine species treated by the SeaWorld San Diego team include sea turtles, seabirds, whales, dolphins, seals, sea lions and sea otters. (SeaWorld's Commitment to Conservation and the Environment Fact Sheet at p. 3.) SeaWorld works closely with the California Marine Mammal

Stranding Network and the U.S. National Marine Fisheries Service to rescue stranded animals. Through this program, SeaWorld San Diego's animal care and aviculture specialists have rescued, treated, sheltered, rehabilitated and released thousands of ill, injured and stranded animals. The largest and best-known animal ever rescued and rehabilitated by SeaWorld was J.J. the gray whale. (SeaWorld's Commitment to Conservation and the Environment Fact Sheet at p. 2.) Comatose and near death when she arrived at SeaWorld in January 1997, J.J. made an amazing recovery. On March 31, 1998, J.J. was returned to the Pacific Ocean.

- c) SeaWorld is a seven-time recipient of the prestigious State of California Waste Reduction Awards Program (WRAP) recycling award. SeaWorld recycles asphalt, tires, scrap metal, PVC pipe, cooking oil, Clydesdale manure, landscaping green waste, batteries and concrete in addition to more traditional recyclable materials. The City of San Diego has honored SeaWorld with its *Recycler of the Year* award five consecutive years since 1996. (Seaworld's Commitment to Conservation and the Environment Fact Sheet at p. 1.)
- d) The Hubbs-SeaWorld Research Institute ("H-SWRI"): Established in 1963, this private, nonprofit research foundation studies and researches the world's living creatures and natural resources. Its mission encompasses bioacoustics, aquaculture, physiology, conservation and ecology studies with an emphasis on marine and coastal ecosystems. (Seaworld's Commitment to Conservation and the Environment Fact Sheet at p. 1.) Partnering with SeaWorld, H-SWRI provides environmental management decisions, conservation programs and research data to further understand and protect the ocean and its resources. In late 2000, SeaWorld and H-SWRI teamed to return three loggerhead sea turtles to the ocean. (Seaworld's Commitment to Conservation and the Environment Fact Sheet at p. 2.) H-SWRI attached satellite monitoring equipment to the turtles in an effort to learn more about the turtles' migration back to their native Japan. The vital information gathered will help determine the species' migratory routes, travel speed and habitat preferences.
- e) SeaWorld's Oiled Wildlife Care Center opened in July 2000. (Seaworld's Commitment to Conservation and the Environment Fact Sheet at p. 2.) The facility is operated by the adventure park's animal care and aviculture teams, along with the statewide Oiled Wildlife Care Network. The SeaWorld Oiled Wildlife Care Center serves as an excellent example of a private and public partnership dedicated to environmental stewardship. This facility is a testament to the lessons learned from past oil spills and improvements in wildlife rescue, care and rehabilitation. When not used for oil spill response, the 800,000-square-foot state-of-the-art complex houses ill or injured animals in SeaWorld's Animal Rescue and Rehabilitation Program. (SeaWorld's Commitment to Conservation and the Environment Fact Sheet at p. 2.)

- f) Since 1993, Anheuser-Busch's commitment to wildlife conservation, animal care, education and research has earned the company more than 100 environmental awards for waste reduction, conservation, conservation education, recycling, and animal protection. (SeaWorld's Commitment to Conservation and the Environment Fact Sheet at p. 3.)
- g) The Anheuser-Busch Adventure Parks are an official sponsor of National Wildlife Federation's "Keep the Wild Alive" campaign. Through this campaign, park guests learn about some of the world's most critically endangered species and discover ways they can help protect wildlife and habitat in their own backyards. (SeaWorld's Commitment to Conservation and the Environment Fact Sheet at p. 3.)
- h) SeaWorld supports Conservation International's work in Brazil's Cerrado and Pantanal regions. Home to a variety of rare mammals and birds, these rain forest ecosystems are under increasing threat from development. (SeaWorld's Commitment to Conservation and the Environment Fact Sheet at p. 3.)
- i) SeaWorld participates in The Nature Conservancy's "Rescue Reef," a conservation program designed to protect and preserve coral reefs in the Caribbean and Florida Keys. (SeaWorld's Commitment to Conservation and the Environment Fact Sheet at p. 3.) In addition, SeaWorld supports The Nature Conservancy's programs nationwide.

The City of San Diego finds that substantial evidence of benefits in employment, economic effects, fiscal effects, tourism, education, community service and recreation would directly result from approval and implementation of the Project. The City of San Diego finds that the need for these benefits specifically overrides the impacts of the project on land use; neighborhood character/aesthetics; and transportation and circulation.

**MITIGATION, MONITORING AND REPORTING PROGRAM
FOR THE
SEAWORLD MASTER PLAN UPDATE
(LDR NO. 99-0618, SCH NO. 1984030708)**

This Mitigation Monitoring and Reporting Program (MMRP) was prepared for the SeaWorld Master Plan Update to comply with the mitigation monitoring statute (Public Resources Code Section 21081.6). This statute, entitled "*Public agency shall adopt monitoring program of mitigation measures and insure their enforceability*," requires public agencies to "adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." This program shall be made a requirement of project approval. Certain changes or alterations (mitigations measures) are required for the SeaWorld Master Plan Update, as identified in the Environmental Impact Report (EIR) (LDR No. 98-0467, SCH# 99-041004), to reduce significant environmental effects. For each required mitigation measure, a monitoring and/or reporting element is identified below.

As Lead Agency for the project under CEQA, the City of San Diego will administer the MMRP for the SeaWorld Master Plan Update. Information contained within the following MMRP provides a summary of significant project impacts, and identifies the mitigation measures, the entity responsible for ensuring compliance, conditions required to verify compliance, and the monitoring schedule. Tables and figures referred to in this MMRP are found in the EIR.

1.0 Neighborhood Character/Aesthetics

Impact 1.1

Tier 1 Visual Impact: The Splashdown Ride, a Tier 1 Project, would result in a significant visual impact due to the height and combined visual mass of the three towers.

Mitigation 1.1

Mitigation Measure 1.1.1 (DEIR Mitigation Measure 4.2-1): Prior to development the applicant will prepare and implement a site plan for the project, which complies with the Master Plan Update landscape buffer and bulk/plane setbacks. The site plan will also adhere to the Master Plan Update Design Guidelines that pertain to landscaping, lighting, signs, and architectural guidelines.

Impact 1.2

SeaWorld Master Plan Update Visual Impacts: The proposed Master Plan Update, Tier 1, Tier 2, and Special projects would result in a significant visual quality impact because of the potential for extensive visibility of maximum potential building mass above 60 feet in height in Mission Bay Park

Mitigation 1.2

Mitigation Measure 1.2.1 (DEIR Mitigation Measure 4.2-2): Prior to each future development the applicant will prepare and implement a site plan for the project, which complies with the Master Plan Update landscape buffer and bulk/plane setbacks. The site plan will also adhere to the Master Plan Update Design Guidelines that pertain to landscaping, lighting, signs, and architectural guidelines.

2.0 Transportation and Circulation

Timing for project related roadway mitigation measures would be tied to a monitoring program due to the relative uncertainty of future SeaWorld visitors based on the previous ten-year flat attendance record. The monitoring program will commence one year after approval of the Sea World Master Plan Update approval by the California Coastal Commission. SeaWorld Adventure Park agrees to a Roadway and Parking MMRP as outlined below. The monitoring program would involve the following major elements.

1. SeaWorld will conduct annual 24-hour tube counts (ADT's) at all SeaWorld leasehold access points to determine whether there has been an increase in traffic generation. The counts would be done on a Tuesday, Wednesday, and Thursday for two separate non-holiday summer weeks in July or August. The six days of counts should then be averaged to provide documentation of the daily variation and the average peak hour segment and daily volumes. This traffic generation level would be compared to 2000 counts to determine whether there had been an increase in traffic. If no increase in traffic generation has occurred then no mitigation measures would be implemented. Conversely, if a traffic generation increase has occurred then intersection counts would be conducted for key intersections identified in the following measure and the appropriate level of mitigation would be implemented.
2. SeaWorld will conduct 24-hour tube counts (ADT's) on Sea World Drive at two locations (between I-5 and Pacific Highway and between Friars Road and Sea World Way). The counts would be done on a Tuesday, Wednesday, and Thursday for two separate non-holiday summer weeks in July or August. The six days of counts should then be averaged to provide documentation of the daily variation and the average peak hour segment and daily volumes.
3. SeaWorld will conduct peak hour intersection counts at Ingraham Street/Perez Cove Way, Sea World Drive/I-5 NB Ramp, Sea World Drive/I-5 SB Ramp, Sea World Drive/Pacific Highway, and at Sea World Drive/Friars Road. The counts should be done for one day on a Tuesday, Wednesday, or Thursday in July or August, during the period that the tube counts are conducted. These volumes should be used for analysis purposes.
4. Intersections as identified in 3. above, which are operating at LOS E or LOS F will be analyzed to determine if a significant impact is caused by SeaWorld traffic based on the City of San Diego criteria (delay increase of 2.0 seconds or more at LOS E or F). If the analysis determines that SeaWorld traffic causes a significant impact, SeaWorld will be responsible for mitigating such significant impact. Since improvements should be completed

concurrently with impacts, SeaWorld will construct the improvements under a City public improvement permit with bond within one year of identification of the impact unless they are a part of a City of San Diego Capital Improvement Program (CIP).

All analyses in 1. through 4. above must be completed and turned into the City's Transportation Development Section by September 1 of each year. A list of mitigation measures that would achieve a reduction in impact is listed below.

Impact 2.1

2005 Roadway Segments (Weekday): The proposed project would have significant impact on the following roadway segments:

1. Sea World Drive (4 lanes), between Pacific Highway and I-5;
2. Sea World Drive (4 lanes), between Friars Road and Pacific Highway; and
3. Sea World Drive (4 lanes), between Sea World Way and West Mission Bay Drive.

Mitigation 2.1

Mitigation Measure 2.1.1 (DEIR Mitigation Measure 4.4-1): At the time the monitoring program indicates that it is necessary, one of the following measures shall be undertaken by SeaWorld.

1. SeaWorld shall widen Sea World Drive to six lanes between West Mission Bay Drive and Friars Road. SeaWorld shall bear the initial cost of this work but shall be reimbursed by future development based on the City's standard fair-share contribution formula, or
2. If the City has formed a CIP for the combined improvements to Sea World Drive and its interchange with I-5, SeaWorld shall contribute to the CIP an amount which is equivalent to 44 % of the estimated cost of widening Sea World Drive to six lanes between West Mission Bay Drive and Friars Road.

Impact 2.2

2005 Offsite Circulation (Weekday): Lack of signal coordination between signals on Sea World Drive between Friars Road and I-5 northbound ramps.

Non-optimized queue and lane utilization at Sea World Drive/I-5 southbound ramps.

Mitigation 2.2

Mitigation Measure 2.2.1 (DEIR Mitigation Measure 4.4-2): Install signal coordination on Sea World Drive from Friars Road to I-5 Northbound Ramp and construct a 400-foot extension of

the eastbound right-turn lane on Sea World Drive at the I-5 Southbound onramp. SeaWorld's cost participation shall be 100%.

Impact 2.3

2020 Roadway Segments (Weekday): The proposed project would have a significant impact on the following roadway segments:

1. Sea World Drive (6 lanes) between Sea World Way and Friars Road;
2. West Mission Bay Drive, between Sea World Drive and Ingraham Street;
3. West Mission Bay Drive, between Sea World Drive and I-8; and
4. Ingraham Street, between Vacation Road and West Mission Bay Drive.

Mitigation 2.3

Mitigation Measure 2.3.1 (DEIR Mitigation Measure 4.4-7): At the time the monitoring program indicates that it is necessary, widen the West Mission Bay Drive bridge to six lanes and widen southbound West Mission Bay Drive to three lanes between the bridge and the eastbound I-8 onramp. These improvements would be included in the City's CIP No. 52-643. SeaWorld's fair share contribution to the cost of widening the bridge and creating three southbound lanes between the bridge and the eastbound onramp to I-8 shall be 47 percent of the City's cost of these improvements. The City's cost is 20 percent of the total cost.

No mitigation is required for Sea World Drive, if option 1 of Mitigation Measure 2.1-1 described above is implemented, or CIP improvements are made pursuant to option 2.

Intersection improvements included in Mitigation Measure 2.4.1 described below would relieve impacts on Ingraham Street.

Impact 2.4

2020 Key Intersections (Weekday): The project would have a significant impact on the following intersections under the buildout (2020) condition:

1. Ingraham Street and Perez Cove Way (PM peak hours);
2. Sea World Drive and I-5 northbound ramps (AM and PM peak hours);
3. Sea World Drive and Pacific Highway (PM peak hours); and
4. West Mission Bay Drive and I-8 westbound offramp (AM and PM peak hours).

Mitigation 2.4

Mitigation Measure 2.4.1 (DEIR Mitigation Measure 4.4-3): At the time the monitoring program indicates that it is necessary, SeaWorld will reconfigure the Ingraham Street/Perez Cove Way intersection to remove the split east/west signal phasing, by combining the westbound thru movement with the right-turn movement to create dual left-turn lanes and a shared thru/right-turn lane. The only pedestrian crossing across Ingraham Street should remain on the north leg (north side of the intersection). SeaWorld's fair share for this improvement is 100 percent.

Mitigation Measure 2.4.2 (DEIR Mitigation Measure 4.4-4): At the time the monitoring program indicates that it is necessary, SeaWorld shall make fair share contributions for the following interchange improvements at the specified percentages.

Intersection

1. Dual northbound to westbound left-turn lanes on the northbound I-5 offramp and widen the westbound approach to the northbound onramp to provide a separate right-turn lane (29 percent).

Mitigation Measure 2.4.3 (DEIR Mitigation Measure 4.4-5): At the time the monitoring program indicates that it is necessary, reconstruct the Sea World Drive/Pacific Highway intersection to provide six lanes of thru traffic on Sea World Drive. The southbound right-turn movement from Sea World Drive to East Mission Bay Drive (Pacific Highway) would be shared with the thru lane by converting the existing southbound right-turn lane on Sea World Drive to provide three southbound thru lanes and one southbound right turn lane. Sea World Drive south of Pacific Highway shall be widened for about 300 feet plus a 600-foot taper. SeaWorld's fair share of the cost of these improvements shall be 36 percent.

The northbound lane addition shall be carried through the intersection to the Sea World Drive/I-5 SB onramp intersection by widening Sea World Drive to provide a third northbound (eastbound) lane that starts about 300 foot south of (west of) Pacific Highway and traps (ends) as a right-turn lane at the southbound I-5 onramps. Both curb lanes on Sea World Drive at Pacific Highway shall be 20 feet wide to accommodate right-turn sneakers. This measure is 100 percent SeaWorld's responsibility.

Mitigation Measure 2.4.4 (DEIR Mitigation Measure 4.4-6): At the time the monitoring program indicates that it is necessary, a third, westbound right-turn lane shall be added to the westbound I-8 offramp to West Mission Bay Drive intersection to create a configuration which will consist of dual, westbound left-turn and triple, westbound right-turn lanes. SeaWorld's fair share estimate shall be 28 percent. This improvement will only be required in the event the West Mission Bay Drive bridge is widened to six lanes.

Impact 2.5

2020 Freeway Ramps (Weekday): Under buildout condition, project traffic would result in a significant cumulative impact at three freeway ramps already expected to experience delays in excess of 15 minutes:

1. Sea World Drive northbound I-5 (AM peak hours);
2. Sea World Drive southbound I-5 (AM and PM peak hours); and
3. West Mission Bay Drive eastbound I-8 onramp (AM and PM peak hours).

Mitigation 2.5

Mitigation Measure 2.5.1 (DEIR Mitigation Measure 4.4-4): At the time the monitoring program indicates that it is necessary, SeaWorld shall make fair share contributions for the following interchange improvements at the specified percentages.

Ramps

1. Separate right-turn lane on westbound SeaWorld Drive to the northbound I-5 onramp (50 percent),
2. Additional storage lane on southbound I-5 onramp (27 percent).

Ramp improvements included in Mitigation Measure 2.3.1 described above would relieve impacts to the West Mission Bay Drive eastbound I-8 onramp.

Impact 2.6

2005 Key Intersections (Weekend): Significant busy weekend day intersection calculated impacts occur at the Sea World Drive/I-5 Northbound ramp. In addition, busy weekend day significant impacts occur at the SeaWorld entrance.

Mitigation 2.6

Mitigation Measure 2.6.1 (DEIR Mitigation Measure 4.4-8): Provide traffic officers at the I-5/Sea World Drive interchange during busy days to override the traffic signals and respond to traffic conditions, if the City of San Diego and Caltrans concur.

Mitigation Measure 2.6.2 (DEIR Mitigation Measure 4.4-9): Improve lane management at the entrance gates to maximize vehicle storage as well as help visitors waiting in line to determine which lanes are open or shorter.

Mitigation Measure 2.6.3 (DEIR Mitigation Measure 4.4-10): Distribute promotional material to employees and repeat patrons that would promote I-8 or Ingraham Street as alternative routes to SeaWorld.

Impact 2.7

Parking: The supply of existing parking may be exceeded by the year 2010 depending on the attendance patterns.

Mitigation 2.7

Timing for project-related parking mitigation measures would be tied to a monitoring program due to the relative uncertainty of future SeaWorld visitors based on the previous ten-year flat attendance record. The monitoring program will commence one year after project approval by the California Coastal Commission. The monitoring program would involve the following major elements.

1. Generate an annual summer parking demand report using SeaWorld's vehicular toll booth and patron data. The report should include the overall, peak, and overflow parking demands;
2. Identify the encroachment impacts of all planned park attractions upon the existing parking supply. The timing for each planned attraction has not been identified at this time; therefore, the timing will be determined by the parking monitoring program;
3. Identify the parking-design-day when the demand for the available 8,000 parking spaces (paved and unpaved) is exceeded during most summer weekends;
4. Identify the parking structure supply;
5. Identify the parking demand thresholds to trigger the paving of the adjacent overflow lot, provision of alternative/satellite parking, and/or the construction of the parking structure;
6. Explore and implement alternative/satellite parking locations and shuttle/MTDB transit operations as appropriate to meet the parking demand; and
7. Building permits may be withheld if it has been established that additional parking must be provided, and SeaWorld has not provided the needed parking.

Mitigation Measure 2.7.1 (DEIR Mitigation Measure 4.4-11): At the time the monitoring program determines that it is necessary, complete one or more of the following improvements, as dictated by the monitoring program: (1) pave the existing unpaved guest overflow parking area located in the southwest corner of SeaWorld Master Plan Update Area 2; (2) implement offsite parking or shuttle/MTDB transit options; and/or (3) construct the planned parking structure.

3.0 Water Quality

Impact 3.1

Future Expansion: SeaWorld Marina Expansion operational impacts associated with the expanded marina would be the same types as under the current operation and would include the potential release of the following pollutants: fuel, oil, and grease (from boats and fueling); heavy metals, particularly copper (from boat antifouling paints); and litter.

Mitigation 3.1

Mitigation Measure 3.1.1 (DEIR Mitigation Measure 4.5-1): Future expansion activities at SeaWorld Marina shall include the following:

1. Install automatic shutoff on the fuel pump;
2. Regular inspection of the sanitary pumpout on a routine basis; and
3. Prohibit boat hull paint removal and repainting in the marina area.

Impact 3.2

Future Expansion: Future Exhibits projects main sources of water quality impacts would include aquarium water, hose down of animal areas, landscaping, and pedestrian traffic. The incorporation of future exhibits into the existing aquaria water treatment program and the existing ongoing water quality control best management practices (BMP) program would result in a less than significant impact.

Mitigation 3.2

Mitigation Measure 3.2.1 (DEIR Mitigation Measure 4.5-2): Within two years of the approval of the Master Plan Update by the Coastal Commission, install catch basin inserts such as a Fossil Filter, or equivalent, to capture oil and grease in runoff at the point where it enters the storm drain system from parking lots and fueling areas.

Impact 3.3

Future Expansion: Short-term construction impacts could result in the transport of sediment into Mission Bay during High periods of rainfall during grading operations. Rainfall coming into contact with construction materials could also adversely impact Mission Bay.

Mitigation 3.3

Mitigation Measure 3.3.1 (DEIR Mitigation Measure 4.5-3): A Master Stormwater Pollution Prevention Plan (SWPP) shall be prepared and approved by the City Engineer and Regional Water Quality Control Board. This Master SWPP shall include general as well as specific measures which will be implemented to control water pollution related to construction. At a minimum, the Master SWPP shall include the following provisions or their equivalent.

Erosion and Sediment Controls

1. Surface runoff shall be directed to the SeaWorld surface runoff treatment collection system except during times of high rainfall;

2. Perimeter and shoreline controls (e.g., straw bales, silt fences) shall be used;
 3. Street sweeping and dry cleanup shall be completed daily;
-
4. Stockpiles shall be covered;
 5. Gravel construction entrances and/or tire washes shall be used; and
 6. Temporary landscaping shall be used when prolonged exposure may occur.

Oil, Grease, and Lubricants

1. Conduct maintenance, fueling, and washing offsite;
- ~~2. Properly maintain vehicles and equipment;~~
3. Repair leaks promptly;
4. Place drip pans under vehicles or equipment that is parked or stored for long periods;
5. Have spill control kits on the site; and
6. Store fuels, oils, and lubricants in contained storage areas.

Concrete

1. Wash out concrete trucks into earthen pits and remove/dispose of the hardened material;
2. Fill concrete trucks with water and wash them offsite; and
3. Dry and dispose of concrete saw-cut slurry as solid waste.

4.0 Biology

Impact 4.1

Shading of eelgrass beds: While a significant negative impact on eelgrass beds is not anticipated from future development in Area 1 and the future hotel, the potential for an adverse impact cannot be eliminated. It is possible that the projected shading effects in conjunction with the dormant period would have a negative impact on eelgrass growth and productivity resulting in a significant impact. A significant eelgrass impact has been identified for expansion of the SeaWorld Marina. No significant shadow impacts would occur from Tier 1 projects.

Mitigation 4.1

Mitigation Measure 4.1.1 (DEIR Mitigation Measure 4.6-1): Prior to Coastal Permit application the project proponent shall prepare a project-specific shadow analysis for Tier 2 projects located in future development areas F-2, E-2, G-2, and K-2; and the Future Hotel Special Project to determine the extent of shadow impacts on eelgrass on Pacific Passage, Perez

Cove and the Waterfront Stadium lagoon. The shadow analysis shall be performed for the time periods described in Section 4.3 Light, Glare, and Shading, in the EIR. ~~Furthermore, the shadow impact shall exceed a three-hour period between 10:00 AM to 4:00 PM in order to require mitigation.~~ If no shadow impact would occur in these areas as a result of the project specific analysis, no further mitigation would be required. If a shadow impact would occur during this timeframe it would only occur during the eelgrass dormant period as described in the impact analysis in this EIR. For shadow impacts that would occur during the eelgrass dormant period, a project specific monitoring program shall be undertaken that includes the provisions described below under eelgrass monitoring program.

Eelgrass Monitoring Program

Once construction is completed at one of the potentially shade impacted sites, three years of eelgrass monitoring shall be conducted, specifically in the early spring (April) and early fall (October) of the three years. These two times of the year would best track the initial growing phase of the eelgrass, in the spring and the post summer peak, and in the early fall, before the dormant period begins. The area to be monitored would be along the shore and out far enough into the water to cover the area where a shadow would be cast during the majority of the daylight hours in December. The monitoring program would be initiated once development is completed at each of the sites, and the monitoring schedule at each site would be independent of the other. If the monitoring indicates a reduction in the eelgrass bed coverage, then an eelgrass revegetation program shall be implemented in conformance with the Southern California Eelgrass Mitigation Policy as described below in Mitigation Measure 4.1-2.

Mitigation Measure 4.1.2 (DEIR Mitigation Measure 4.6-2): Prior to application for development of the Future Hotel project landing dock and the Marina Expansion project, a project-specific shadow analysis shall be conducted as described above in Mitigation Measure 4.6-1 to determine the exact area of impact resulting from docks and boats. For these impacts eelgrass shall be replaced at a 1.2:1 ratio, which is in conformance with the eelgrass replacement ratios outlined in the Southern California Eelgrass Mitigation Policy. Furthermore, a pre- and post-construction eelgrass survey shall be undertaken to determine the area of eelgrass habitat that would be impacted by the shadows. The proposed projects could require the creation of approximately 1.12 to 1.20 acres of eelgrass. This scenario assumes that all of the shading impacts would occur under the pier, dock, and permanent boat placement.

Eelgrass mitigation sites do not appear to be readily available within the water area of the SeaWorld leasehold. Further exploration of options and alternatives for eelgrass transplant in the amount needed to offset the impacts would have to be conducted under an eelgrass mitigation plan study, which would be determined when the marina expansion or landing dock would be developed. The eelgrass mitigation plan study and implementation would be conducted in conformance with the Southern California Eelgrass Mitigation Policy.

Impact 4.2

Least Terms (foraging): No significant impact to least tern foraging behavior within or near the SeaWorld leasehold would occur from the proposed SeaWorld Master Plan Update. However a significant impact to least tern nesting activity may occur to the nearby currently uncolonized Stony Point Least Tern Preserve should it be recolonized.

Mitigation 4.2

Mitigation Measure 4.2.1 (DEIR Mitigation Measure 4.6-3): Prior to construction of a new development project on the SeaWorld leasehold a determination shall be made as to whether the Stony Point Preserve has been recolonized by the California least tern. If it has not been recolonized then implementation of the following mitigation measure would not be required. Should the Preserve be recolonized, a determination shall be made as to whether the new development project would provide a clear line-of-sight from perching opportunities on the proposed structure to the Stony Point Preserve. If it would not provide a clear line-of-sight then no mitigation would be necessary. Should a clear line-of-sight be available from perching locations on the new structure, then the structure would be required to include appropriate design features to eliminate the perching opportunity.

5.0 Noise

Impact 5.1

Future Tier 2 Rides and Shows: Future rides and shows may result in insignificant noise impacts.

Mitigation 5.1

Mitigation Measure 5.1.1 (DEIR Mitigation Measure 4.7-1): Prior to issuance of a Coastal Development Permit, a project-specific noise study prepared by a qualified acoustician shall be required for any new ride attraction or performance show and must demonstrate that sensitive receptors would not be exposed to noise levels in excess of applicable standards.

Impact 5.2

Traffic Noise: The future hotel project would be subject to exterior traffic noise levels that may result in a significant noise impact to hotel patrons, depending on the design of the hotel.

Mitigation 5.2

Mitigation Measure 5.2.1 (DEIR Mitigation Measure 4.7-2): Prior to issuance of building permits for the future hotel, verification that guest room interiors will meet the 45 dB CNEL interior standard shall be required through the preparation of an interior noise study by a qualified acoustician. The measures recommended in this study shall be implemented to meet the required 45 dB CNEL interior standard.

6.0 Geology/Soils

Impact 6.1

Liquefaction: The subject site is located in specific Geologic Hazard category Zone 31 and the site is underlain by fill soils and bay deposits that are characterized as relatively loose and cohesionless. Therefore, the impacts associated with liquefaction are considered significant.

Mitigation 6.1

Mitigation Measure 6.1.1 (DEIR Mitigation Measure 4.8-1): Prior to issuance of a Grading Permit for each portion of the redevelopment, a soils investigation shall be approved by the City Engineer. Appropriate remedial measures shall be incorporated into the grading plans. These measures shall include, but not be limited to the following: 1) monitoring of differential settlement during construction; 2) proper compaction of surficial soils; and 3) installation of a well-compacted structural fill mat (with possible inclusion of geotextile reinforcing fabrics) above the water table in building areas, and/or continuous foundation systems for the buildings.

Impact 6.2

Erosion/Slumping: The proposed project would have potentially significant impact associated with soil erosion during construction and shoreline riprap slumping.

Mitigation 6.2

Mitigation Measure 6.2.1 (DEIR Mitigation Measure 4.8-2): Prior to issuance of the grading permits, the applicant shall prepare site-specific erosion control plans for the project in conformance with the City's Grading Ordinance to the satisfaction of the City Engineer. The erosion control plans should be in substantial conformance with the Conceptual Landscape Plan and the Design Guidelines for the Mission Bay Park Master Plan Update and should include temporary and permanent erosion/siltation control measures and/or devices that would be installed both during and after site grading and construction, including, but not limited to, interim and post-development landscaping/hydro-seeding; jute netting (or other approved geotextile material) on manufactured slopes; sandbags, brow ditches, energy dissipaters and desilting detention basins; and any other methods to control short-term and long-term surficial runoff and erosion.

Prior to approval of grading permits, the applicant shall retain a soils engineer to monitor the grading, construction, and installation of runoff control devices and revegetation of the project site. The soils engineer shall submit in writing to the City Engineer and the Environmental Review Manager of the Development Services Department certification that the project has complied with the required notes on the grading plan addressing erosion controls.

Impact 6.3

Unstable geologic or soil conditions: Constraints on development of the site are potentially significant due to potentially poor soil conditions.

Mitigation 6.3

Mitigation Measure 6.3.1 (DEIR Mitigation Measure 4.8-3): Prior to approval of grading permits, a complete subsurface geotechnical investigation shall be performed to evaluate the thickness and/or the in situ condition of the compacted and hydraulic fill materials and the bay deposits. The geotechnical investigation would also provide site-specific remedial grading recommendations, foundation design criteria, and recommendations for the design of surficial improvements. The recommendations shall be implemented as part of project construction.

Mitigation Measure 6.3.2 (DEIR Mitigation Measure 4.8-4): Prior to issuance of a grading permit for the implementation of projects associated with Master Plan Update the disposal of any anticipated construction-related dewatering effluent shall be permitted by either the City of San Diego or the RWQCB. The effluent could either be directed to the Mission Bay or the San Diego sewer system. If the effluent is discharged to Mission Bay, then the discharge shall meet the effluent limits specified by the RWQCB (Order No. 95-25) and Federal National Pollution Discharge Elimination System (NPDES) requirement. Effluent discharged to the City of San Diego sewer system shall meet the City's standards.

7.0 Air Quality

Impact 7.1

Ambient Air Quality: No potentially significant air quality impacts were identified. The following mitigation would reduce adverse but less than significant air quality impacts.

Mitigation 7.1

Mitigation Measure 7.1.1 (DEIR Mitigation Measure 4.9-1): As a condition of any grading or building permit, construction management procedures shall be implemented to clean up dirt and debris spillage from public roads, and route construction traffic through the least sensitive areas. Use of transportation control measures to encourage carpooling among construction workers and to schedule deliveries to non-peak traffic hours is recommended to reduce adverse, but less than significant impacts from construction-related exhaust emissions.

8.0 Energy

Impact 8.1

Energy Conservation: No significant impacts are identified. However, in an effort to continually develop programs to increase energy efficiency, SeaWorld would implement an energy conservation mitigation measure.

Mitigation 8.1

Mitigation Measure 8.1.1 (DEIR Mitigation Measure 4.12-1): Prior to operation of any new attraction, SeaWorld shall apply its existing energy conservation programs and shall consider implementation of project-specific energy conservation programs to minimize electrical fuel, and/or natural gas consumption associated with the new attraction.

9.0 Water Conservation

Impact 9.1

Water consumption: No significant impacts are identified. However, in an effort to continually decrease water consumption, SeaWorld would implement the following mitigation measure.

Mitigation 9.1

Mitigation Measure 9.1.1 (DEIR Mitigation Measure 4.13-1): Prior to operation of any new attraction or facility, SeaWorld shall apply its existing water conservation programs and shall consider implementation of project-specific water conservation programs to minimize water consumption associated with the new attraction or facility.
