

RESOLUTION NUMBER R- 295139

ADOPTED ON JUL 10 2001

WHEREAS, on November 3, 1998, the voters of the City of San Diego approved the SeaWorld Initiative (Prop. D) which amended the San Diego Municipal Code to allow development up to a maximum of 160 feet on the SeaWorld leasehold; and

WHEREAS, on July 10, 2001, the Council of the City of San Diego held a public hearing for the purpose of considering the SeaWorld Master Plan Update, including associated amendments to the Progress Guide and General Plan, Mission Bay Park Master Plan, and Local Coastal Program; and

WHEREAS, SeaWorld requested these amendments for the purpose of adopting the SeaWorld Master Plan Update, which sets forth a long-range conceptual development program, development parameters, and project review procedures for the future renovation of SeaWorld, including revising the height limit to allow not more than 25 percent of the leasehold to be developed with structures ranging in height from 30 feet to 160 feet; and

WHEREAS, the Council of the City of San Diego in considering the SeaWorld Master Plan Update, reviewed four specific Tier 1 projects identified in the SeaWorld Master Plan Update as the Educational Facility, Splashdown Ride, Front Gate Renovation, and Special Events Center Expansion; and

WHEREAS, City and SeaWorld will amend Article XXXII of the SeaWorld lease regarding rent credits prior to the issuance of building permits since no taxpayer funds may be

spent for any improvements in connection with a building or structure or addition to a building or structure that exceeds the thirty foot (30') height limit; and

WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the Progress Guide and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed plans in order to retain consistency between said plans and the City Council has held such concurrent public hearings; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it approves the SeaWorld Master Plan Update, including associated amendments to the Progress Guide and General Plan, Mission Bay Park Master Plan, and Local Coastal Program, as recommended by the City Manager, with the following modifications, to become effective upon California Coastal Commission's unconditional certification of the Local Coastal Program amendment. The SeaWorld Master Plan Update is on file in the office of the City Clerk as Document No.

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1. No additional hotel expansion, including an increase in the hotel's height or number of rooms. The hotel shall not exceed 300 rooms nor shall the height exceed 30 feet. Per agreement by SeaWorld, City Manager shall include a lease provision restricting SeaWorld from proceeding with construction of a hotel for a minimum of ten years.

2. All projects exceeding 30 feet in height shall be subject to a Level Two review and approval process which requires a Public Notice of Application.

3. A minimum of 75 percent of SeaWorld's total attractions (excluding the hotel) shall include significant education and/or animal conservation related elements.

4. SeaWorld shall work with the Metropolitan Transit District Board to implement an Automated People Mover/Guideway or other transit technology and assure that a Transit Station is provided in the same proximity to SeaWorld's front gate as parking, with the exception of designated disabled parking, or closer.

a. If the City of San Diego proceeds with construction of a transit link to the beach, SeaWorld shall provide adequate right-of-way on its leasehold for construction of the transit link and participate in the design and construction of the transit station

5. The maximum number of fireworks displays shall be limited to 150 nights per year. Each category of display types shall be reduced proportionately from the proposed maximum (Typical--217; Special--25; Major--11).

6. SeaWorld agrees to move the "fireworks barge" eastwardly approximately three-quarters (3/4) of a mile from its current location towards South Shores during the Least Tern breeding season of April 1 to September 15.

BE IT FURTHER RESOLVED, that the Council approves the Tier 1 projects identified in the SeaWorld Master Plan.

BE IT FURTHER RESOLVED, that the Council adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plans.

BE IT FURTHER RESOLVED, that SeaWorld is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, these amendments will not become effective in the Coastal Zone until the Coastal Commission unconditionally certifies the Local Coastal Program amendment.

BE IT FURTHER RESOLVED, that these amendments will not become effective until the City and SeaWorld have renegotiated the lease to address issues related to construction of the hotel, as set forth in paragraph one above, and transit, as set forth in paragraph four above.

BE IT FURTHER RESOLVED, that the effective date of these amendments shall be the later of either the unconditional certification by the Coastal Commission or approval by the City Council of the amendments to the SeaWorld Lease described herein.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

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07/09/01 COR.COPY
08/21/01 REV.
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