

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Permit Application No. **5-12-073**

April 19, 2012

Page 1 of 6

**W5b****ADMINISTRATIVE PERMIT****APPLICANT:** Red Frog Events**PROJECT DESCRIPTION:** Occupy and modify the public beach between the bike path and the water (from Alamitos Avenue to Cherry Avenue) for a 5K running race and obstacle course (Beach Dash) 3-9 p.m. on Saturday, June 16, 2012.**LOCATION:** Marina Green Park and the public beach between Alamitos Avenue and Cherry Avenue, City of Long Beach, County of Los Angeles.**EXECUTIVE DIRECTOR'S DETERMINATION:** The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, May 9, 2012, 9:00 a.m.
Marin County Civic Center - Board of Supervisors Chambers
3501 Civic Center Drive, Room 330
San Rafael, CA 94903

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER
Executive Director

By: Charles R. Posner
Title: Coastal Program Analyst

SPECIAL CONDITIONS: See Page Five.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The proposed project involves the use of the public beach on Saturday, June 16, 2012 for a 5K (five-kilometer) running race and obstacle course (Beach Dash). The area used for the proposed event includes Marina Green Park and a 1.5-kilometer segment of the public beach situated between the bike path and the water (Exhibit #2). A fenced festival area (a 20' x 40' stage, a beer tent, food and beverage tents, food trucks, first aid, ten portable toilets, dumpsters, etc.) will be located at the east end of the Marina Green, where the race start/finish line is located. In order to avoid conflicts with beachgoers on the day of the event (between the Junipero Avenue public beach parking lot and the sea), the race course does not extend east of the western end of the parking lot where the City of Long Beach Lifeguard station is located (Exhibit #2).

The project includes ten obstacles that are proposed to be placed at regular intervals along the race course. The proposed obstacles include: four-foot high walls, things to crawl under/through, hills of sand, an eighty-foot long pool of ice water, and one-foot high piles of burning logs. The construction of the proposed obstacles includes minor grading and the movement of beach sand. The race course will be marked with yellow caution tape and rebar poles, and race course crossings will be provided every two hundred feet in order to maintain public access to the water during the event. Public access to the water will remain open at all times along the entire beach, even though the race course itself will occupy a part of the sandy beach for the entire day. The beach bike path will remain open, with limited intermittent interruptions at one point where the race course crosses the bike path near the festival area.

The set-up for the event (the festival area and ten obstacles) will commence on Tuesday, June 12, 2012. The obstacles will be pre-constructed in paved areas, and then placed on the dry sand and secured in place by footings put in three-foot deep holes. All of the obstacles will be placed above the high tide line. No wet cement, wet concrete or other construction materials are allowed on the sand. Clean-up and take-down, including removal of the obstacles (in their entirety) will be completed on Monday, June 18, 2012. The applicant (Red Frog Events) will be responsible for cleaning up all trash and debris during and after the event so that the event area remains clean and safe.

Race participants must pay a \$65 fee to compete, but spectators will not be charged any admission fee. The applicant expects approximately three thousand participants. The racers will be timed, with groups of three hundred racers starting every thirty minutes, starting at 4 p.m. The event will end at 9 p.m. The proposed temporary event does not qualify for a temporary event permit exclusion because it occupies part of the sandy beach, occurs during the period between Memorial Day and Labor Day weekends, and could adversely affect public access to the shoreline.

The proposed event has been designed and conditioned to reduce adverse impacts on public access and conflicts with beach goers. The race course turn-around point is located west of the Junipero Avenue public beach parking lot in order to reduce conflicts with public access and use of the shoreline at the public beach parking lot. This popular beach (the sand area situated between the parking lot and the water) is expected to be heavily populated on the day of the event because it is the first Saturday after school ends for the Long Beach School District. The primary parking supply for the proposed event is the Convention Center parking lot, which is inland of Shoreline Drive near the festival area (Exhibit #2). Since the event does not start until the late afternoon (3 p.m.), the parking demand for the proposed event is not expected to conflict with the parking needs of other beach goers as most people will have already arrived at the shoreline hours before the event.

Special Conditions are imposed on the permit (see Page Five) in order to ensure that the proposed event does not cause any significant adverse impacts to coastal access or coastal resources. As conditioned, the proposed project does not: a) adversely impact public access to and use of the water; b) adversely impact public recreational use of a public park or beach; or c) otherwise adversely affect recreation, access or the visual resources of the coast.

B. Public Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Public Recreation

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. Water Quality

The proposed work will be occurring on or within coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

E. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

F. California Environmental Quality Act (CEQA)

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

SPECIAL CONDITIONS:

1. **Permit Compliance**

The temporary event (Beach Dash) and development approved by Coastal Development Permit 5-12-073 must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. The approved race course is shown on Exhibit #2 of the staff report dated April 19, 2012. Any deviation from the approved plan must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

2. **Public Access**

Public access to the water will remain open at all times. The course shall be clearly marked and race course crossings shall be provided at regular intervals (every 200 feet) along the race course in order to maintain public access to the water during the event. Signs shall be posted at each public access point which clearly designate the race course crossings.

3. **Construction Responsibilities and Debris Removal**

- a) All development, including the race course and obstacles, shall be placed above the high tide line. The placement of obstacles, disturbance of the sand, and any development is prohibited at all times in the subtidal or intertidal zones.
- b) Machinery and construction are prohibited at all times in the subtidal or intertidal zones.
- c) No wet cement, wet concrete or other construction materials are permitted on the sand.
- d) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- e) Any and all construction material shall be removed from the site at completion of the event and stored or disposed of at an appropriate location.
- f) At the end of the event, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the beach, in the park, in the water, or in any parking area.

4. **Assumption of Risk**

By acceptance of this permit, the applicant, on behalf of a) itself; b) its successors and assigns and c) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages,

costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in i through v.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

City of Long Beach



5K Race

COASTAL COMMISSION

5-12-073

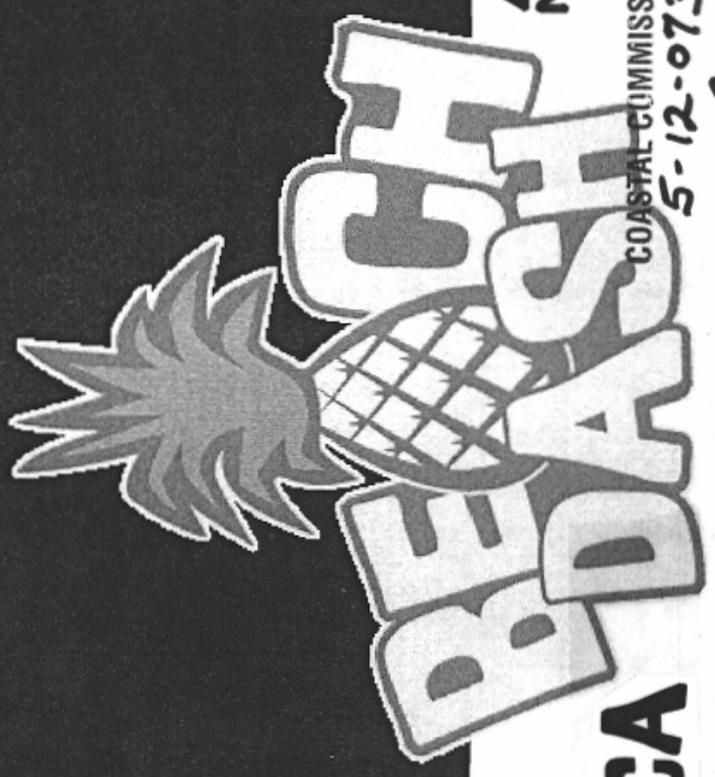
EXHIBIT # 1

PAGE 1 OF 1



June 16, 2012

LONG BEACH, CA



COASTAL COMMISSION
5-12-073

- Start/Finish
- Obstacles
- ☆ Water Check Point
- Course
- | Bike Path

EXHIBIT # 2

PAGE 1 OF 1