

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

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Permit Application No. 6-96-12/GDC

Date February 15, 1996

ADMINISTRATIVE PERMIT**F4e**

APPLICANT: San Diego Symphony Orchestra Association

PROJECT DESCRIPTION: Construction of temporary improvements for "Summer Pops Concerts" to include an outdoor theatre to accommodate up to 5,000 patrons, fencing, vendor booths, and stage. Improvements will be in place from May 15, 1996 through October 15, 1996, and will be removed following the last concert of the season. Following the final concert the site will be restored to its pre-project condition.

PROJECT LOCATION: 2510 Quivira Court (Hospitality Point), Mission Bay Park, San Diego, San Diego County.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, 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:

DATE and TIME: March 15, 1996
9:00 a.m., Friday

LOCATION: Radisson Hotel - Santa Barbara
1111 East Cabrillo Boulevard
Santa Barbara, Ca

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

For this permit to become effective 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 acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By:

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The subject proposal involves the temporary use of Hospitality Point in Mission Bay Park for an outdoor concert series. Improvements will be in place from May 15, 1996 until October 15, 1996, and will include the stage, table and chair seating, vendor booths, support uses and fencing. The proposal will necessitate the closure of the Point after 4:00 p.m. to the general public on any event day. Concert events will occur up to six nights per week but will not occur on Memorial Day, 4th of July or Labor Day weekends. Attendance is anticipated not to exceed 5,000 people. When the series ends, the improvements will be removed and the area restored to pre-existing conditions, including replacement of any disturbed landscaping.

The traffic management and parking plans submitted with the application have identified approximately 1700 available on and off-site spaces. These include 94 spaces on-site, 1150 adjacent street and dirt lot spaces and 460 spaces at the nearby Marina Village. A daily shuttle bus service will be provided for each event to transport concert personnel to and from various off-site parking sites. In addition, when concert ticket sales exceed 4,000, a shuttle bus service will operate from the Sea World parking lot or other appropriate location for use by concert patrons.

The proposed project is located between the sea and the first public roadway, and the Commission acknowledges that public access in the immediate area of the project site may be somewhat diminished during the term of the permitted development. The general site is one of the few underutilized areas of Mission Bay Park, used primarily by walkers, joggers and fishermen. The site includes grassy areas, picnic tables, and a volleyball court, but the shoreline is riprapped such that there is no sandy beach. In addition, a picnic shelter with 12 tables and several barbecues was recently installed (CDP# 6-92-223). Because of its limited recreational resources, and the lack of sandy beach, it is unlikely that this segment of Mission Bay Park will ever attain a high degree of public use. However, the events associated with the proposed temporary development will offer a passive recreational activity for many members of the public, and may introduce many long-time residents to this area of the park.

In May of 1993 the Commission adopted guidelines for the exclusion of certain temporary events from coastal development permit requirements pursuant to Public Resources Code 30610 (i) (1). The Commission guidelines defined temporary event(s) as "... an activity or function of limited duration." Furthermore, the Commission defined "limited duration" as "a period of time which does not exceed a two week period on a continual basis, and does not exceed a consecutive four month period on an intermittent basis." The proposed development does not, therefore, qualify as a temporary event since it is proposed as an almost daily operation over a five month period.

The Summer Pops concert series was previously held at this location during the late spring and early fall from 1985 through 1990. The previous concert series involved a five-year lease from the City of San Diego but required a yearly use permit from the City's Park and Recreation Department and from the Coastal Commission. Consistent with previous Commission action, the attached Special Condition No. 1 has been included to document the permit's limited authorization for one year only. The condition also extends the permit through November 15, 1996 to permit the applicant 30 days to restore the site to its pre-project condition following the last concert of the season. Although the Commission may approve the subject proposal on a one-year, temporary basis, there is potential concern about long-term parking or traffic impacts and park use conflicts associated with a long-term agreement. Therefore, while a one-year permit may be found consistent with applicable coastal policies, any extended proposal should be accompanied by a detailed parking and traffic study, as well as documentation of the historic and current use levels and activities of Hospitality Point.

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. During previous Summer Pops concerts at this site there were citizen complaints about the visual appearance of the temporary improvements, particularly the perimeter fencing, during non-concert hours, when Hospitality Point is open to

all members of the public. The proposed Summer Pops improvements will eliminate the perimeter fencing and replace it with portable day-of-event fencing. The only fencing to remain during non-event hours will be a chain-link fence surrounding a grassy area to enclose the stage, picnic shelter and a 24 space parking area. Consistent with previous Commission action, Special Condition No. 2 has been attached to require temporary landscaping to screen the outer perimeter of the chain-link fence.

As conditioned, the project is limited to a one-year term, consistent with long-term traffic and parking concerns, and is consistent with Section 30251 of the Coastal Act, which provides for the protection and enhancement of scenic coastal resources. Therefore, project approval, with the attached special conditions, should not result in adverse impacts to any coastal resources.

Mission Bay is one of several segments of the City of San Diego's Local Coastal Program. The Mission Bay Park Master Plan was certified by the Commission in May of 1995. However, no implementing ordinances have been certified for Mission Bay yet, so this LCP segment remains an area of deferred certification. Thus, approval of the subject development is based solely on its consistency with Chapter 3 policies of the Coastal Act. In addition, as a temporary use the development is also consistent with the certified Mission Bay Park Master Plan. Therefore, the Commission finds that approval of the proposed project, as conditioned, will not prejudice the ability of the City of San Diego to implement its certified LCP for the Mission Bay community.

SPECIAL CONDITIONS:

1. Temporary Use. The subject permit shall be limited to the temporary use of Hospitality Point for the 1996 Summer Pops Concerts (May 15 - November 15, 1996). Any future use of the site for similar purposes will require a separate coastal development permit.

2. Landscaping/Screening. Prior to the authorization to proceed with development, the applicant shall submit a landscaping/screening plan documenting the provision of a visual buffer for the fenced perimeter of the temporary concert stage, picnic shelter and parking area. The plan may consist of potted plants, vines, or other materials, which will accomplish the objective of screening and enhancing the appearance of the project site from public visitors to the area during non-performance times. Said plan shall be submitted to, reviewed and approved by the Executive Director. The landscaping/screening shall be installed prior to the first concert event and shall be maintained until the final event of the season.

ACKNOWLEDGEMENT 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