

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200



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Date: October 21, 1997

To: Coastal Commissioners and Interested Persons

From: Peter Douglas, Executive Director
Sherilyn Sarb, Temporary Events Coordinator

Report to Commission on Temporary Events in the Coastal Zone

Based on the public testimony and Commission discussion at the Workshop on Temporary Events held on October 10, 1997, staff is not recommending any amendments or modifications to the Guidelines on Exclusion of Temporary Events from Coastal Development Permit Requirements (adopted 5/93) at this time.

However, attached is a draft letter for Commission discussion, to local governments, urging them to incorporate into their Local Coastal Programs provisions which address Coastal Act concerns relating to temporary events.

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DRAFT PROPOSED LETTER TO LOCAL COASTAL GOVERNMENTS

October 21, 1997

To: Local Coastal Jurisdiction

Re: Regulation of Temporary Events in the Coastal Zone

Dear [Local Coastal Jurisdiction]

Over the past several years, temporary events on California's beaches and adjacent areas have become a subject of substantial concern. The concerns relate to the nature and frequency of such events, their impact on coastal resources and nearby residential neighborhoods, and the general public's ability to get to and utilize coastal recreational lands during such events. Temporary events, such as volleyball tournaments, visual arts and music festivals, surfing contests, boat and auto races, farmers markets, etc. have a long-standing tradition and history in California's coastal communities. As the State's population grows and competition for limited coastal space intensifies and fiscally strapped local governments search for supplemental sources of revenue, conflicts among different coastal users and uses become more significant. Exacerbating the problem is the fact that many event sponsors, whether for profit or charitable purposes, seek to charge entrance fees that, by their nature, result in the exclusion from the event site non-paying members of the public. The Commission recently denied approval of a volleyball tournament that proposed 100% paid seating on the beach in the summer.

While some temporary events raise substantial concerns about adverse impacts on coastal resources, most events of this type are de minimis and raise no such concerns. In order to minimize permitting burdens for the vast majority of temporary events that do not raise Coastal Act concerns, the Commission sought and received legislative approval to utilize procedures to exclude such events from coastal permit requirements. The attached guidelines were adopted by the Commission in 1993 to identify those types of temporary events which have the potential for significant adverse effect on public access and/or coastal resources and which, as a result, require a coastal development permit.

The Commission recently held a workshop and received public testimony on whether the guidelines should be changed. Subsequent to the hearing, Commission staff determined not to amend the guidelines at this time. However, testimony at the hearing did suggest that the guidelines fail to address the cumulative impacts these kinds of events are having on public access to and recreational use of the shoreline. Concerns were raised about the number and size of events, impacts on public parking, noise, advertising, etc. The Commission heard from citizens that these concerns are not being adequately addressed at the local level and that there may be inadequate opportunities for the public to raise these concerns through a public hearing process.

The Coastal Act gives both the Coastal Commission and local governments the responsibility to implement coastal protection policies through the planning and regulatory processes established by the Act. The Commission believes that most of the concerns raised in connection with the impacts of temporary events can best be addressed at the local government level. Obviously in doing so, Coastal Act policies designed to protect coastal resources need to be addressed. The Commission-adopted guidelines relative to temporary events only apply to areas where the Coastal Commission retains permit authority, including public trust lands and areas for which there is no certified Local Coastal Program (LCP).

The Commission has asked that staff contact its local government partners in coastal stewardship to request that you review your local regulations affecting temporary events. The intent is to ensure that every LCP contains implementable land use policies that specifically address the protection of coastal resources consistent with Coastal Act policies. These policies should, for example, deal with potential impacts on parking and traffic affecting public beach access, visual amenities, the recreational and free use of public beaches, impacts on environmentally sensitive habitat, and the cumulative affects of multiple events, especially during the high-use summer season. Coastal development permits should be required for those temporary events having the potential of significant adverse effects on coastal resources. In addition to the range of issues your jurisdiction deals with as a matter of primarily local concern, Coastal Act policies and the Commission's guidelines should be used to help shape your approach.

We realize that many local governments have dealt with temporary events long before the Coastal Act was enacted. It is our intent to work in cooperation and coordination with you so as to avoid duplication of effort, to reduce regulatory burdens for event sponsors, and to minimize conflicts in policy direction. As you consider our request, we would also appreciate it if you would assist the Commission in meeting its responsibilities by notifying promoters of temporary events that a coastal development permit may be required from the Commission for certain types of events, and that they should contact the appropriate Commission office for guidance on whether a coastal permit or permit exemption is required. To the extent possible, Commission staff is available to provide any assistance you may deem helpful and appropriate. If you have any further questions, please don't hesitate to contact either myself at the above number or Sherilyn Sarb in our San Diego office at (619) 521-8036.

Sincerely,

Peter M. Douglas
Executive Director

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VOICE AND TDD (415) 904-5200



TO: Local Governments and Interested Persons

FROM: Coastal Commission Staff

SUBJECT: Guidelines For the Exclusion of Temporary Events from Coastal
Commission Permit Requirements - Adopted 5/12/93

I. Purpose and Authority.

The purpose of these guidelines is to identify the standards the Coastal Commission staff, under the direction of the Executive Director, will use in determining whether a temporary event is excluded from coastal development permit requirements pursuant to Public Resources Code Section 30610 (i) (as amended by SB 1578, Ch. 1088, Stats. 1992). The guidelines are for use in areas where the Coastal Commission retains coastal development permit authority. These guidelines may be utilized by local governments for reference in developing Local Coastal Programs or in processing LCP amendments, if required, to address coastal development permit jurisdiction over temporary events.

II. Criteria for Exclusion from Permit Requirements.

Except as provided in Section III. below, the Executive Director shall exclude from coastal development permit requirements all temporary events except those which meet all of the following criteria:

- a) Are held between Memorial Day weekend and Labor Day; and,
- b) Occupy all or a portion of a sandy beach area; and,
- c) Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

Only temporary events meeting all of the above criteria shall require coastal development permit review, however,

The Executive Director may also exclude from permit requirements temporary events meeting all of the above criteria when:

- d) The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or,

e) The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or,

f) The event is less than one day in duration; or,

g) The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.

III. Executive Director or Commission Discretion to Require a Permit.

The Executive Director, or the Commission through direction to the Executive Director, may determine that a temporary event shall be subject to Commission coastal development permit review, even if the criteria in Section II. are not met, if the Executive Director or the Commission determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Section V. of these guidelines;

c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;

d) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

IV. Modifications to Guidelines by the Commission.

The Commission may amend these guidelines at any time if it is determined such modification is necessary to more effectively implement Section 30610(i) of the Coastal Act, and provide Coastal Commission coastal development permit review of any category of temporary events having the potential for significant impacts to coastal resources; or, eliminate such review of any category of temporary events having no such potential.

V. Definitions.

For purposes of these guidelines, the following definitions shall apply:

a) "Temporary event(s)" means an activity or use that constitutes development as defined in Section 30106 of the Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use;

b) "Limited duration" means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis;

c) "Non-permanent structures" include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, movie/film sets, etc., which do not involve grading or landform alteration for installation.

d) "Exclusive use" means a use that precludes use in the area of the event for public recreation, beach access or access to coastal waters other than for or through the event itself.

e) "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

f) "Sandy beach area" includes publicly owned and privately owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.