

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

1 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

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Permit Application No. 6-97-15/EL

Date March 13, 1997

ADMINISTRATIVE PERMIT

APPLICANT: WJS III, Inc. dba Bill Silva Presents

PROJECT DESCRIPTION: Construction of temporary improvements for "Mission Bay Summer Concert Series" on Hospitality Point, to include a temporary theatre shell, stage, concession booths, fencing, signage and seating for up to 5,000 patrons per event. Improvements will be in place from May 1, 1997 through November 15, 1997 (set-up to tear-down). All improvements will be removed following the last concert of the season, and the site 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: April 9, 1997 LOCATION: Waterfront Hilton Beach Resort
9:00 a.m., Wednesday 21100 Pacific Coast Highway
Huntington Beach, CA 92648

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: Ellen Lilly

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 1, 1997 until November 15, 1997, and will include the stage, table and chair seating, vendor booths, support uses and fencing. The proposal will necessitate the closure of the Point to the general public during the concerts, with the entry gates being staffed from 3:00 until the end of the

concert on each event day. Concert events will occur on an average of five nights per week but will not occur on Memorial Day, 4th of July or Labor Day weekends. Paid attendance is anticipated not to exceed 5,000 people, although non-paying members of the public utilize the grassy parkland outside the formal reserved seating areas to listen to the concerts as well. When the series ends, the improvements will be removed and the area restored to pre-existing conditions, including replacement of any disturbed landscaping.

The parking and traffic information submitted with the application identifies approximately 2150 available parking spaces to serve the concerts. These include 400 spaces on the adjacent street and in the Hospitality Point parking lots, 950 parking spaces in the nearby dirt lot on the south side of Quivira Way just east of the portable perimeter fencing/gate, and 800 spaces at Marina Village, approximately half a mile east of the proposed concert venue. In addition, the Security/Traffic Plan indicates that parking/traffic will be managed in the same manner as last year. Thus, shuttle bus service will be provided for each event to transport concert personnel to and from the identified parking sites. In addition, when concert ticket sales exceed 4,000, a shuttle bus service will operate from the Sea World or Dana Landing parking lots (or other appropriate location) for use by concert patrons. These remote parking sites are located approximately one mile from the concert venue (see Exhibit #1 for the concert venue and remote parking locations).

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. A picnic shelter with 12 tables and several barbecues was installed pursuant to Coastal Development Permit# 6-92-223, which enhanced/increased public use of the area to some degree; this facility will be enclosed within the proposed security fencing, so will not be available for general public use throughout the concert season. However, the public restroom and nearly all the public parking on Hospitality Point will remain open and available, along with several scattered picnic tables north of the proposed enclosure, except during the actual hours of the concerts. 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. Moreover, the events associated with the proposed temporary development will offer a passive recreational activity to 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 the improvements will remain in place for more than six months, with concerts scheduled on an average of five days per week.

The Summer Pops concert series was held at this location during the late spring and early fall from 1985 through 1990, and the current applicant ran a similar concert series last summer (1996), in the same location and with the same site layout as proposed herein. The original 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. Likewise, permits from the City and the Coastal Commission for last year's concerts were for one season only. 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. 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. The Commission did not receive any formal complaints regarding parking or traffic problems during the 1996 event, but casual comments indicated that concert-attendees were not always aware of the shuttle locations.

Therefore, while a one-year permit may be found consistent with applicable coastal policies, any proposal for a multi-year permit should be accompanied by a detailed parking and traffic study demonstrating the effectiveness of current parking and traffic management practices, as well as documentation of the historic and current use levels and activities of Hospitality Point. Moreover, even future requests for single-year permits should be accompanied by a summary of the parking and traffic operations of the previous year, and should identify any changes/improvements proposed for the future.

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. During some previous summer 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 fencing improvements are identical to last year's. They do not include perimeter fencing around the entire facility, but only to provide security to the stage and dressing room trailer area. Portable fencing/gates will be used on individual event days to close off the entire point, but 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, which will facilitate frequent review of traffic and parking concerns. Moreover, the project, as conditioned, 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 November of 1996. 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. However, 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 prepare appropriate implementing ordinances for Mission Bay Park and to continue implementation of its certified LCP for the remainder of the City's coastal zone.

SPECIAL CONDITIONS:

1. Temporary Use. The subject permit shall be limited to the temporary use of Hospitality Point for the 1997 Mission Bay Summer Concert Series (May 1 - November 15, 1997). 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 in writing 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, at which time the entire site will be fully restored to pre-existing conditions.

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

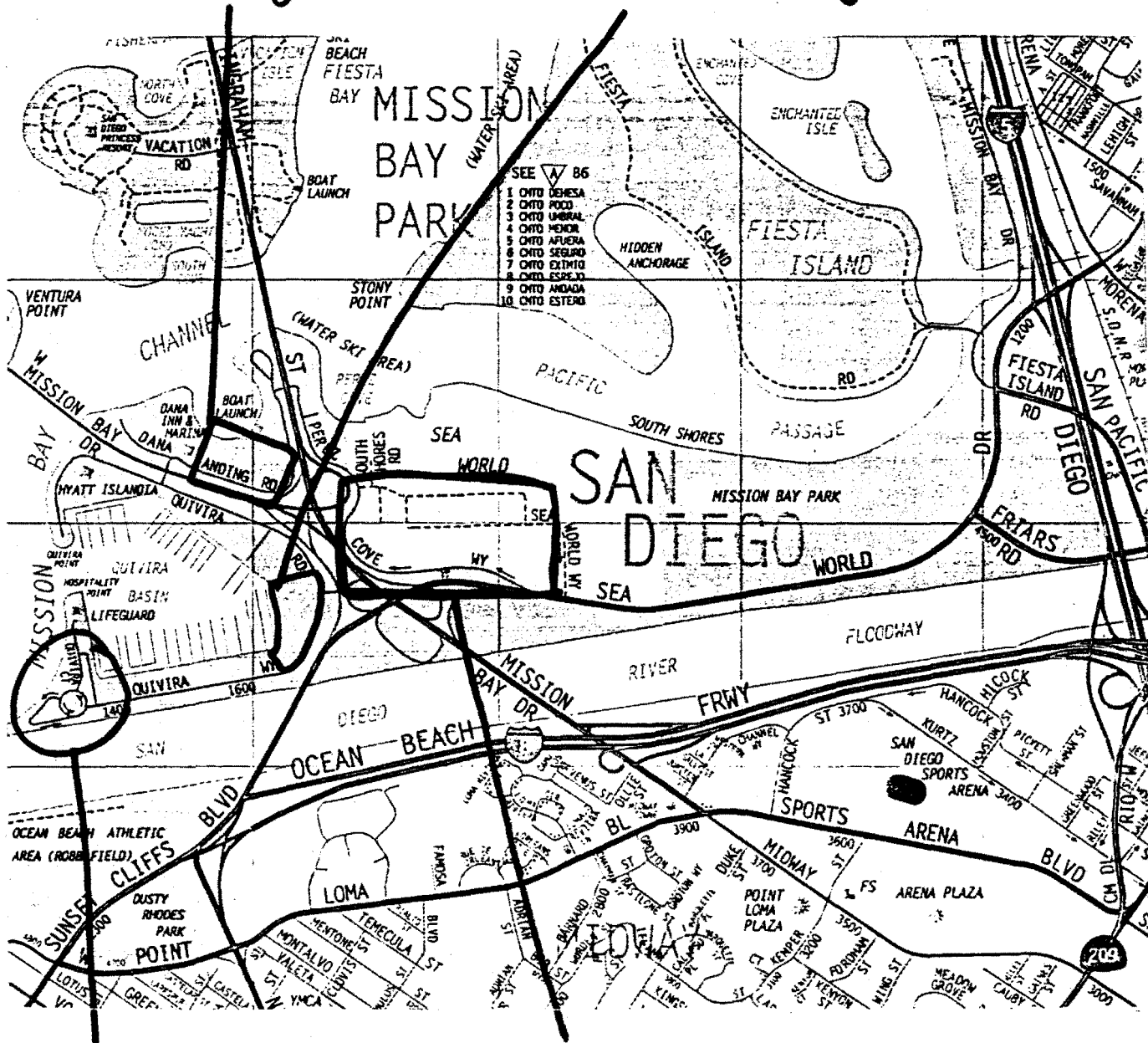
Date of Signing

(7015R)

6-97-15

Dana Landing
Parking Lots

Marina Village



Site/
Hospitality
Point

Sea World
Parking Lots

EXHIBIT NO. 1
APPLICATION NO. 6-97-15
Site x Parking Locations
California Coastal Commission