

CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-80

Applicant: Thunderboats Unlimited, Inc./San
Diego Bayfair

Agent: Jim Kidrick

Description: Construction of temporary structures, including fencing, tenting, portable toilets, cranes, race course markers (buoys), inflatables, etc. to accommodate a special event (powerboat races) at three Mission Bay Park venues held September 18-20, 1998. Set-up begins at 6:00 p.m. Monday, September 14th and take-down is completed by 8:00 p.m. Monday evening, September 21st. Public access restrictions begin at 6:00 p.m. Wednesday evening, the 16th, at Fiesta Island and East Vacation Isle and at 8:00 a.m. Friday morning, the 17th, at West Vacation Isle and Crown Point Shores. The event charges an admission fee to 100% of the spectators and an additional fee for parking.

Site: Crown Point Shores (staging, viewing and parking), East Vacation Isle (staging, viewing and parking), West Vacation Isle (parking only) and Fiesta Island (staging, viewing and parking), Mission Bay Park, San Diego, San Diego County.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Significant issues raised by the proposal include restrictions on public access within a public park, impacts on traffic circulation, impacts on visual resources and potential biological impacts to nearby sensitive habitats. The issues are all addressed in the special conditions which staff does not believe are acceptable to the applicant. Condition #1 requires any permitted drag boat races to be conducted in a manner fully protective of the Northern Wildlife Preserve; it provides that the drag boat course not be aligned in the direction of the marsh or that drag boat races not be held. Condition #2 requires the

applicant to monitor traffic circulation and the use of public parking areas to assure that public access through Mission Bay Park is maintained and maximized; the report must address the necessity and efficiency of historic parking and access arrangements and determine whether off-site parking and a shuttle service are needed to accommodate ever-increasing attendance. Condition #3 requires submittal of the traffic monitoring data and an analysis of its results in a timely manner. Condition #4 limits the event to a single year to afford the Commission the opportunity to review the results of the 1998 event and analyze the traffic monitoring report before approving future events.

Substantive File Documents: Certified Mission Bay Park Master Plan (LUP)
1997 Park Use and Marine Event Permit
1995 City/Operator Agreement

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Operating Parameters for Drag Boats. No vessels, persons or equipment associated with the subject special event (powerboat races) shall enter, or be placed within, the Northern Wildlife Preserve. To assure compliance with this mandate, the applicant shall choose and implement one of the following options for the 1998 powerboat racing event:

Option A: The applicant shall align/configure the drag boat race course as was done for the 1997 races, such that the drag boats are headed in a southerly direction, away from the Northern Wildlife Preserve; or

Option B: The applicant shall devise an alternative configuration that avoids the Northern Wildlife Preserve and any potential to enter it by a runaway drag boat (i.e., does not face towards the Preserve); or

Option C: Drag boats shall not be part of the 1998 event.

2. Traffic and Parking Monitoring Program. The applicant shall monitor use of on- and off-site parking during the 1998 event, and any shuttle service employed. The applicant shall also monitor traffic circulation and levels of service on all coastal access routes affected by the staging of the subject special event within Mission Bay Park and adjacent beach communities of Mission Beach and Pacific Beach, including Interstate-5, Ingraham Street, Crown Point Drive, Riviera Drive, Pacific Beach Drive, Mission Boulevard, East and West Mission Bay Drive and Sea World Drive.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, for review and written approval, a detailed monitoring program designed to achieve the above requirements. At a minimum, the monitoring program shall include the following components:

- a. A map delineating all public parking areas designated for the exclusive use of event participants and attendees;
- b. Documentation of existing parking facilities as follows:
 1. the number of parking spaces in each parking area
 2. the number of spaces in each lot usurped by structures or barriers other than vehicles
 3. the number utilized for overnight RV camping;
- c. Documentation of the number of tickets sold for each day of the event, counting a three-day pass as three tickets, one for each day.
- d. A description of any shuttle system employed by the applicant, including a map delineating the shuttle route and all pick-up and drop-off points, and indicating the number and type of shuttle vehicles and frequency of operation.
- e. A map showing the locations of any signage posted on Interstate 5 or City streets offering directions to or around the event venues, and examples of all sign copy.
- f. Provisions for monitoring the on-site parking adequacy, which shall include parking counts in each lot, or parking area, at least once mid-morning (between

10:00 and 11:00) and once mid-afternoon (between 2:00 and 4:00) for each day of the three-day event; data may present the number of spaces full compared to the number of spaces available, or express the data as a percentage full or empty.

g. Provisions for monitoring traffic circulation, which shall include 24-hour directional traffic counts that cover the duration of the three-day event on all major coastal access routes serving Mission Bay Park and the Mission Beach and Pacific Beach communities, including, but not limited to, Interstate 8 approaching and west of Interstate 5, Interstate-5 between Interstate 8 and Grand Avenue, Ingraham Street, Crown Point Drive, Riviera Drive, Pacific Beach Drive, Mission Boulevard, East and West Mission Bay Drive and Sea World Drive, and at all key intersections including, at a minimum, I-5/Grand Avenue, I-5/Sea World Drive, East Mission Bay Drive/Sea World Drive, Sea World Drive/Ingraham Street, Ingraham Street/West Mission Bay Drive, Ingraham Street/Vacation Road and Ingraham Street/Crown Point Drive. Traffic monitoring shall include:

1. identification of the levels of service at the identified intersections/street segments
2. establishment of baseline data through the same process described above conducted outside the event dates (either the weekend of September 11-13 or the weekend of September 25-27).

The applicant shall undertake the development in accordance with the approved parking and traffic circulation monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

3. Submittal of Monitoring Report. On or before December 31, 1998, the applicant shall submit to the Executive Director for review and written acceptance, a detailed report prepared by a licensed traffic engineer registered in the state of California which includes and analyzes the results of all parking and traffic monitoring conducted pursuant to the approved monitoring program required under Special Condition #2. The report shall include raw data gathered as well as an analysis of the adequacy of parking and traffic flow (as reflected in levels of service) and all information required by the approved monitoring program.

4. Term of Permitted Activity. This permit authorizes the 1998 Thunderboat Races only. All future events require a separate coastal development permit, unless exempt from permit requirements. The permittee shall contact the San Diego District Office to determine whether any future event is exempt from permit requirements.

5. Removal of Temporary Improvements/Restoration of Site. All temporary improvements shall be removed from the three site venues by 8:00 p.m. on Monday, September 21, 1998, and the sites restored fully to pre-event conditions.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing powerboat racing on Mission Bay in mid-September, 1998. Except for a four-year hiatus in the early 70's, these races have been an annual event since 1964. The hydroplane race course has been in the same location since the beginning, but additional viewing areas and events have been added over the years. Fees are charged for both admission and parking at all three venues through a variety of one- to three-day packages. Proposed temporary improvements to stage the event include perimeter fencing with admission gates at the three viewing venues (Crown Point Shores, East Vacation Isle, and Fiesta Island) and directional signage within and approaching the three sites. A fee for parking will also be required at West Vacation Isle, which is within walking distance of the East Vacation Isle site, and shuttle service is provided to move ticketed spectators between the three venues.

Other proposed temporary improvements include, but are not limited to, vendor booths, advertising inflatables, corporate hospitality areas, a concert stage and awards areas, mobile office trailers, chemical toilets and dumpsters. These are the same types of portable structures which have been used throughout the history of the event, although a greater number of the public amenity items are required as event attendance has grown to approximately 150,000 a year for the three-day event. The proposed event itself will run from September 18th through the 20th, but set-up will begin at 6:00 p.m. Monday, September 14th and take-down is completed by 8:00 p.m. Monday evening, September 21st. Public access restrictions begin at 6:00 p.m. Wednesday evening, the 16th, at Fiesta Island and East Vacation Isle and at 8:00 a.m. Friday morning, the 17th, at West Vacation Isle and Crown Point Shores. The City will conduct a pre-event walkthrough before setup begins on Monday the 14th, and a post-event walkthrough on Tuesday, the 22nd to determine if any site damages have occurred requiring restoration by the applicant. Restrictions on public access to the various venues will begin on Wednesday evening of the event week at Fiesta Island and East Vacation Isle and on Friday morning at West Vacation Isle and Crown Point Shores; said restrictions will continue round-the-clock for the duration of the event.

Although the proposed activity does not occur during the regular summer beach season (i.e., between Memorial Day and Labor Day), September is generally one of the hottest months in San Diego, and thus beach attendance remains high. The event results in exclusive use of public sandy beach at several popular visitor destinations within Mission Bay Park, encompassing approximately five miles of shoreline altogether. It also requires the public to pay to park in otherwise free public parking lots, and charges admission to all of the races and associated events. The overall event has changed and grown over the years and now includes many "extras" not contemplated when the event began thirty-four years ago. The Crown Point Shores site was added as a viewing venue in 1988 and became a staging venue as well in 1995 when drag boat races were added to the event.

Last year, the Navy staged demonstrations of some of its vessels and lifeguard operations and water-skiing events were part of the program. It is expected that all these elements will be part of the 1998 event. Concerts were added to the entertainment a few years back; the 1998 event is proposed to include a concert by the Marine Corps Band on Saturday evening, September 19th. A fireworks display is also now a regular feature of the three-day event.

2. Past Commission Actions. The Commission has reviewed the thunderboats in 1992, and prior to that in 1981. The Commission's 1981 action determined that the event, as it was staged in 1981, could be exempted from permit requirements. The exemption addressed a number of special aquatic events, including the subject powerboat races, and was intended as a means to expeditiously process events which were not identified as raising significant impacts regarding consistency with the Coastal Act. The exemption was not intended to accommodate changes or additions to the events in the future. Although several changes, and significant increases in both attendance and admission fees, occurred during the following eleven years, the applicant did not apply to the Commission for a permit to address those changes and the Commission, which perhaps was not aware that significant changes had occurred, did not object. In 1992, the Commission became aware that Crown Point Shores had been added as a spectator venue (actually starting in 1988), and refused to exempt the 1992 event from the requirement for a coastal development permit. The Commission's concern centered on the exclusion of the general public from the Crown Point shoreline and adjacent public recreational areas.

The Commission approved a permit for the 1992 event but included a number of special conditions. The applicant complied with all conditions except the one requiring documentation of use of parking areas within thirty days of the event as required. The applicant submitted the information in 1997. During the interim years, the event has been determined exempt pursuant to the Guidelines for the Exclusion of Temporary Events, under the assumption that the event remained essentially the same as in 1992. Last year, the applicants did not approach the Commission for an exemption until past time for a permit application to be processed, and again maintained that the event was the same as before. After the initial letter of exemption was transmitted to the applicant, the applicant informed staff that a demonstration by the U.S. Navy was also planned as part of the 1997 event. This information was received the week of the event, and, on assurances that the "demonstration" was not a race and did not change the overall context of the event, an adjusted letter of exemption was issued. However, that letter advised the applicant that such exemptions were always discretionary, that the powerboat races (and associated temporary improvements and public access restrictions) are development under the Coastal Act, and that, in the future, application for an exemption or permit should be made well in advance (three months minimum), to accommodate regular processing time in case it is determined that an exemption could not be granted.

A copy of the 1997 City-issued Park Use and Marine Event Permit was submitted as part of the current application. It includes a complete schedule of activities for the 1997 event and demonstrates that the event has grown considerably since the Commission's last

formal review in 1992. Attendance alone has increased by 50%, from an estimated 100,000 people over three days in 1992 to 150,000 people in 1997. The applicant, however, continues to utilize the same location and amount of parking areas and has not implemented any form of off-site parking/shuttle operation. In addition, the applicant acknowledges that concerts, drag boat races, and fireworks, in addition to the Naval craft demonstrations, are all new additions since 1992. Moreover, as will be discussed in a later finding, one of these additions, the drag boats, has resulted in adverse, though accidental, impacts on two occasions. Therefore, it has been determined that the 1998 event is not exempt from coastal development permit requirements.

3. Environmentally Sensitive Habitats/Marine Resources. The following Coastal Act policies, which address the protection of sensitive habitats, are most applicable to the subject development proposal and state, in part:

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored

....

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Northern Wildlife Preserve (also referred to as the Kendall-Frost Marsh) is an existing environmentally-sensitive habitat located along the north shore of Mission Bay, immediately northeast of Crown Point Shores. The Preserve hosts several sensitive and endangered species, and has been recently expanded by the City of San Diego, both as

mitigation for past projects and to operate as a mitigation bank for future proposals. Existing habitats consist of a number of salt marsh and upland communities, as well as eelgrass resources. The regular hydroplane course is located south/southeast of the Preserve and there is no indication that the original, and continuing, thunderboat races have had any significant adverse impact on the habitat. The races occur after the end of normal bird breeding seasons, so nesting and fledging activities are not ongoing at the time of the races. Moreover, wildlife agencies have not indicated that noise impacts have adversely impacted normal marsh activities, so it would appear that the original thunderboat races are a compatible activity to date.

However, the drag boat race course is located east of, and parallel to, the shoreline of Crown Point Shores, and, when the boats travel in a northeasterly direction, the boats aim toward the Preserve. The drag boats run in a straight line and do not have brakes; they stop when they run out of fuel and/or a parachute deploys. In 1995, the first year the event was held, a parachute failed to deploy, and a drag boat entered the Preserve, cutting a long, narrow swath through sensitive vegetation. The incident was well documented and the applicant was required to restore the damaged areas, although mitigation at a greater than 1:1 ratio was not required. Although not so publicly reported, the same type of accident occurred the following year; there was apparently less damage than in the first incident. To prevent the same thing from occurring again, the applicant reversed the race course in 1997, such that the boats were running southwesterly, away from the Preserve. However, this resulted in the boats engine noise being directed towards residential areas on Crown Point, and a significant number of complaints were received by the City and/or applicant. Thus, the applicant is proposing to reverse the course to its 1995 and 1996 orientation, again putting the Preserve at risk.

The submitted plans show the race course in the same location as past years, but the applicant has advised verbally that the course is being shortened by over 300 feet and pulled southwestward 400 feet, such that an additional buffer of more than 700 feet will exist between the race course and Preserve. There had been discussion of also installing some sort of net or barrier to stop (or significantly slow down) any runaway boats, but the idea has been dismissed by the applicant as too hazardous for the boats.

The Commission finds the potential risks to salt marsh and eelgrass habitats in the Preserve are inconsistent with the above-cited Coastal Act policies. Accidents have occurred on two out of two occasions when the race course was oriented towards the Preserve. Both accidents caused significant harm to this environmentally sensitive habitat area. Therefore, Special Condition #1 provides the applicant with three options for the 1998 races. The first option requires that the course be oriented as in 1997, with the boats running southwesterly away from the Preserve. The second option requires the applicant to design some other alternative configuration that avoids the Preserve and any potential impact to the Preserve. If the applicant does not wish to reconfigure the course in either of these manners, either because of the noise impacts on nearby residences or some other reason, the third option provides that drag boat races be eliminated from the

proposed 1998 event. Only as conditioned, can the Commission find that adequate protection is afforded the Preserve.

4. Public Access and Recreation/Parking. The Coastal Act contains many policies addressing the issue of public access to and along the shoreline. The following are most applicable to the proposed development and state, in part:

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or
- (3) agriculture would be adversely affected. ...

Section 30212.5.

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Additionally, pursuant to Section 30604(c), every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200). The area to be occupied by the temporary improvements associated with the proposed hydroplane races is currently both improved (East and West Vacation Isle and Crown Point Shores) and unimproved (Fiesta Island)

and includes off-road parking, a public boat launching ramp and dock, and sandy beach normally available for general public use. The types of public activity in these areas are primarily water-oriented, such as swimming, fishing, water-skiing and other boating on Fiesta Island and East Vacation Isle, as well as picnic, shoreline and playground activities at Crown Point Shores and Vacation Isle.

Beyond the undeveloped western shoreline of Fiesta Island, where many of the spectator improvements will occur, much of the remainder of Fiesta Island has few permanent public improvements, those being limited to fire rings, trash cans and a few chemical toilets. However, the island is very popular for walking dogs, jogging, fishing and similar informal recreational activities. The area south of the entrance to Fiesta Island is designated for personal watercraft activities and water-skiing. Until a few months ago, the southwestern and south central portion of the island was occupied by the municipal sludge beds. Although these have now vacated, the site has not yet been improved for general public use. Finally, group camping facilities for youth and the Youth Aquatic Center occupy a portion of the Island in the Enchanted Cove area. The mostly barren central portion of Fiesta Island is used for the Over-the-Line tournament each year, but includes no permanent improvements at this time; it is immediately east of the area proposed for temporary improvements and parking associated with the powerboat races.

The Ski Beach area of East Vacation Isle is a popular water-ski take-off and landing area. There is also a public boat launch ramp, stretches of sandy beach, grassy uplands, picnic tables, a tot lot and public restrooms. This area of the park generally sees a much higher level of public use than Fiesta Island, although typically still less use than Crown Point Shores, which has more amenities for family and group outings. Crown Point Shores includes a long stretch of sandy beach, with lifeguard service, picnic tables and a group picnic ramada, a tot lot, basketball courts, a volleyball area, public restrooms and wide expanses of grass. During the fall, this area is heavily utilized for group and company picnics, since summerlike weather typically lasts well into October and local organizations tend to avoid competition with tourists during the summer season.

The proposed development will restrict public access to all three sites for more than four days, including over a weekend, when public attendance at beaches is highest. The applicant will allow persons using the Youth Aquatic Center and group camp area to enter Fiesta Island, provided such persons can identify themselves pursuant to a list provided the applicant by the City. Likewise, the applicant states that jet-skiers will be allowed on the island. Otherwise, no members of the public can enter the island from Wednesday evening of the event week until the following Monday. This will prohibit access to many areas of the island that are not actually usurped by temporary race improvements or that provide views of the races. Proposed fencing and admission gates at the other two venues will prevent the general public from utilizing the amenities described above from Wednesday evening at East Vacation Isle and Friday morning at West Vacation Isle and Crown Point Shores till the Monday evening following the event.

Staff had questioned the need to restrict such large areas for days at a time, particularly blocking off the three large public parking lots at Crown Point Shores. The applicant maintains that 24-hour restrictions (i.e., including times when no racing activities are occurring) are necessary to keep unticketed people from entering the venues and to keep the powerboats and temporary improvements secure. Fiesta Island is served by a single, one-way road which circles the island, making the venue somewhat difficult to avoid for persons wishing to use other portions of the island. The submitted site plans (sketches) do, however, indicate a temporary fence all along the western perimeter of the access road, separating the road from the venue such that it appears possible that entrance gates could be installed along that fence rather than at the island's only point of entry.

An additional feature of the event is that the City and the event promoters allow overnight RV camping in some parking lots. Generally, the parking lots at all City parks are closed between 2:00 and 4:00 a.m. to prevent overnight camping. In recent years, the Commission has approved additional restrictions at some parking lots during nighttime hours. Vehicular access to Fiesta Island, for example, is currently prohibited between 10:00 p.m. and 4:00 a.m. on weekends all year long and on weekdays during the summer season, including through September. Thus, with event functions lasting until past 9:00 p.m. (according to the 1997 City permit) on Friday and Saturday nights, the public is really only excluded during non-event hours between 4:00 a.m. and 7:00 a.m. when the admission gates open for the next days events. However, the public parking lots at Crown Point Shores and on Vacation Isle are not currently restricted at all, except for the City-wide 2:00-4:00 a.m. closure.

The applicant maintains that adequate parking for the powerboat event is still available at the three venues, although the event has grown significantly with regard to the number of attendees; thus, no off-site parking for spectators is proposed. The only shuttle service provided is to transport ticketed spectators from one event venue to another. In 1992, there was talk that the City might require the applicant to use off-site parking and a shuttle service for all spectators. However, this did not occur at that time and is not proposed herein. The applicant in 1992 was to have provided documentation of the use of the on-site parking areas to demonstrate that use of all the lots was necessary. As mentioned previously, this information did not arrive within thirty days of the 1992 event as required, but was submitted with the 1997 exemption request. The documentation consisted of aerial photos showing full parking lots. Therefore, since the 1992 event, which was estimated to have 100,000 spectators, utilized all on-site parking areas, it appears the 1998 event, which is estimated to bring in 150,000 spectators, may result in spillover parking outside the restricted event venues, unless the average number of people per car has increased or additional spectators use public transportation.

Aside from the issue of adequate parking for event attendees, the Commission is also concerned with the number of public beachgoers displaced by the event. Based on the City's 1992 estimates of normal park use at the three venues during September, approximately 1,200 families will be displaced over the course of the event. These families will either avoid Mission Bay Park altogether or seek other beaches within the

park for recreational pursuits, thus potentially overcrowding other areas and contributing to traffic congestion. In 1992, when off-site parking and shuttle service were first discussed, the hope had been that, if off-site event parking occurred, the parking lots on Vacation Isle and Crown Point Shores could remain open and free for public use. However, this makes little sense since the shoreline, turf and picnic areas associated with these lots would be restricted by event improvements anyway.

Over the years, the Commission's San Diego office, as well as the City and applicant, has received complaints about the thunderboat event. For the most part, these have been related to noise only. There has not been, to date, significant concerns from the public regarding parking or traffic inconveniences. This may be because the event has been going on for so many years that San Diegans just avoid Mission Bay Park on the third weekend of September, unless they intend to go to the event. However, the Commission is concerned that the impacts of the event, at its current magnitude, on traffic, public access and recreational opportunities have not been properly analyzed for a number of years. The event is exempted from CEQA review by the City as a temporary event. However, due to the fact that the demand for park and recreational land has also increased, commensurate with attendance of the event, the Commission finds it is appropriate to analyze the specific impacts of this year's event on public use of Mission Bay Park and the adjacent communities to assure that any significant impacts are mitigated in subsequent years. It is not possible to gather this information without allowing the event to go forward; however, any impacts that do occur are not permanent. The Commission finds it can approve the event this year with conditions requiring monitoring of impacts to be used in analysis of subsequent events.

Therefore, Special Condition #2 requires the applicant to prepare and implement a monitoring plan to document use of the parking lots and traffic circulation on the surrounding street system. Special Condition #3 requires the applicant to submit the results of the monitoring in the form of a report on or before December 31, 1998. The information contained in the report is needed to verify that the number of parking lots is adequate and will be used to evaluate the applicant's future proposals for this event. The intent is to thoroughly address all impacts to access associated with the event and help identify appropriate mitigation measures for any future events. Possible mitigation measures could include the provision of off-site parking with a shuttle service for event attendees, the provision of off-site parking with shuttle service to relocate displaced beachgoers during the event to other recreational venues in Mission Bay Park or holding the event at a different time of year when the park is less heavily utilized.

It should be noted that the Commission has identified that charging a fee to the public to use public parklands which are otherwise free is potentially inconsistent with policies of the Act which require that public access be maximized. In the case of recent American Volleyball Professional tournaments, for example, the events were only authorized to charge for 25% of attendees for reserved seating, with the remainder of the public required to be admitted free. However, a fee was approved for the subject thunderboat event in the 1992 Commission approval of CDP #6-92-178. According to a financial

report for the 1996 event, most of the monies received in parking and admission fees are spent in holding the event itself and providing a base for the following year's event. However, approximately \$5,000 is deposited to the Mission Bay Park Endowment Fund each year out of the profits (the City's agreement with the applicant requires 2/3 of the net income for this purpose, but allows retention of some monies for the next event before calculating the 2/3). Out of total income of \$553,614.54, the 1996 event, after expenses, realized a net income of slightly over \$11,000, and \$5,000 went to the Fund. Expenditures from this fund are limited to improvements within Mission Bay Park.

In summary, the Commission is concerned over the loss of public access to approximately five miles of shoreline, turf and picnic areas, boat launching facilities, etc. However, the Commission also recognizes that the event is temporary, and the public access restrictions occur for approximately five days. Moreover, the powerboat races do provide an alternative form of public recreation. The event is open to anyone willing to pay the price of admission, and a portion of the net income each year goes to fund improvements in Mission Bay Park. Therefore, the Commission finds that, as conditioned protect the Northern Wildlife Preserve and to determine if alternative parking arrangements or traffic controls may be needed for future events, the proposed special event is consistent with the cited access and recreation policies of the Coastal Act.

5. Visual Resources. Section 30251 of the Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The subject proposal consists of a number of temporary structural improvements to stage a three-day special event in the highly scenic area of Mission Bay Park. Although the proposed improvements are not compatible with surrounding permanent development, they will only be in place for a week at most. The applicant is required by the park use permit and City agreement to restore the sites to pre-event conditions at the end of the races. Therefore, although the temporary facilities (especially the inflatables) will be highly visible from several areas of the park, including a number of coastal access routes, the Commission finds any adverse impacts acceptable because of their very limited duration. Thus, the Commission finds the development, as a temporary feature, consistent with Section 30251 of the Act.

6. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made for the proposed temporary development, as conditioned.

The proposed improvements are located on existing public parklands which are designated in the certified Mission Bay Park Master Plan as parkland (the upland areas) and open beach (the sand areas). The Master Plan addresses special events in general, and the thunderboat races in particular, identifying the three venues currently in use for staging and viewing the event. Although the Master Plan recognizes "support facilities" for such events, it does not define this term or limit what such facilities can entail. Thus,

the proposed improvements can be found consistent with the Master Plan designations. The applicant is in the fourth year of a five-year contract with the City for staging the event, and has applied for a Park Use and Marine Event Permit from the City's Parks and Recreation Department.

Although the Commission has certified a land use plan (the Mission Bay Park Master Plan) for the Mission Bay segment of the City's LCP, there are no implementing ordinances in place as yet for this area. Thus, the entire park remains an area of deferred certification, and Chapter 3 of the Coastal Act remains the standard of review. Even after an implementation package is certified, much of the park will remain under direct Commission permit jurisdiction, since many areas of the park were built on filled tidelands. The proposed development raised a number of concerns under Chapter 3 policies; these have been resolved through special conditions and addressed in previous findings. Therefore, the Commission finds the proposed development will not prejudice the ability of the City of San Diego to complete an implementation program for Mission Bay Park or to continue implementation of its fully-certified Local Coastal Program for the remainder of the City's coastal zone.

7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the biological resources, public access and recreation policies of the Coastal Act. The applicant must align the drag boat race course in a southwesterly direction or eliminate drag boats entirely from the event to protect the existing Northern Wildlife Preserve and must monitor parking and traffic circulation throughout the event to determine if modifications of parking or traffic controls are needed in future events. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact 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.

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 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.

WED 14f

6-98-80

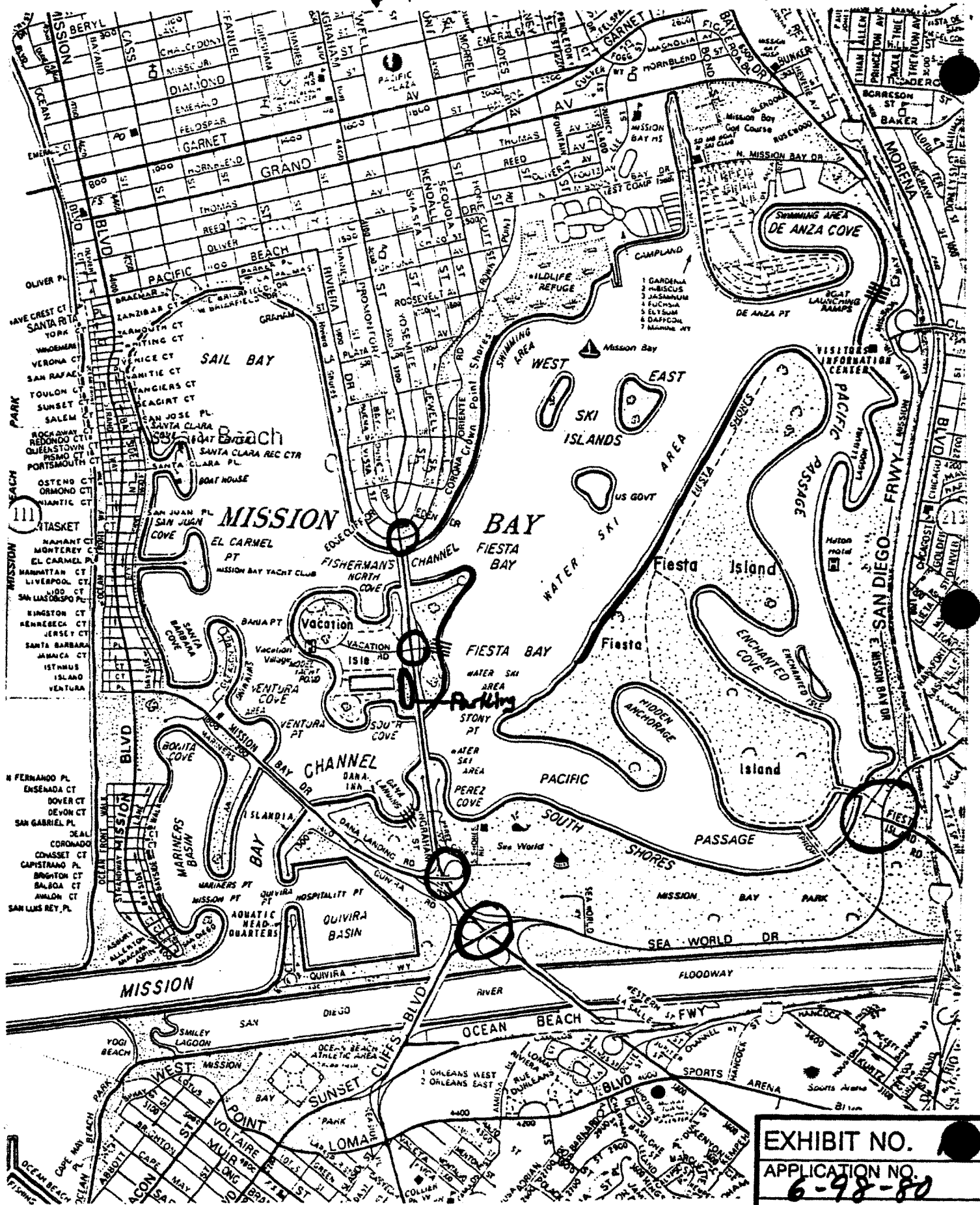


EXHIBIT NO.

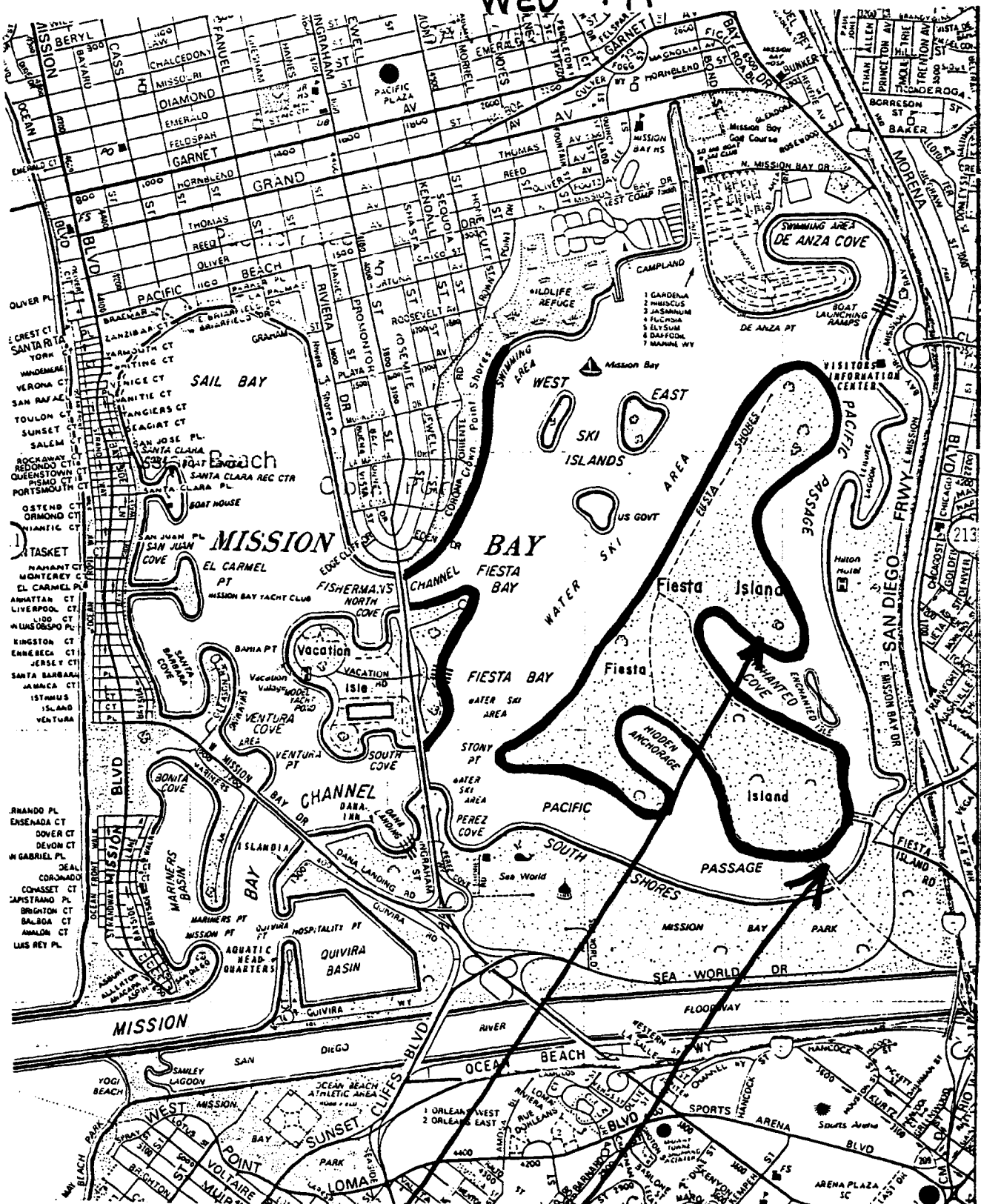
APPLICATION NO.

6-98-80

Vicinity Map
Key Intersections
California Coastal Commission

WED 14f

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Youth Camp

Jet Ski Area

EXHIBIT NO. 2

APPLICATION NO. 6-98-80

Restricted Access to Shoreline
California Coastal Commission

6-98-80

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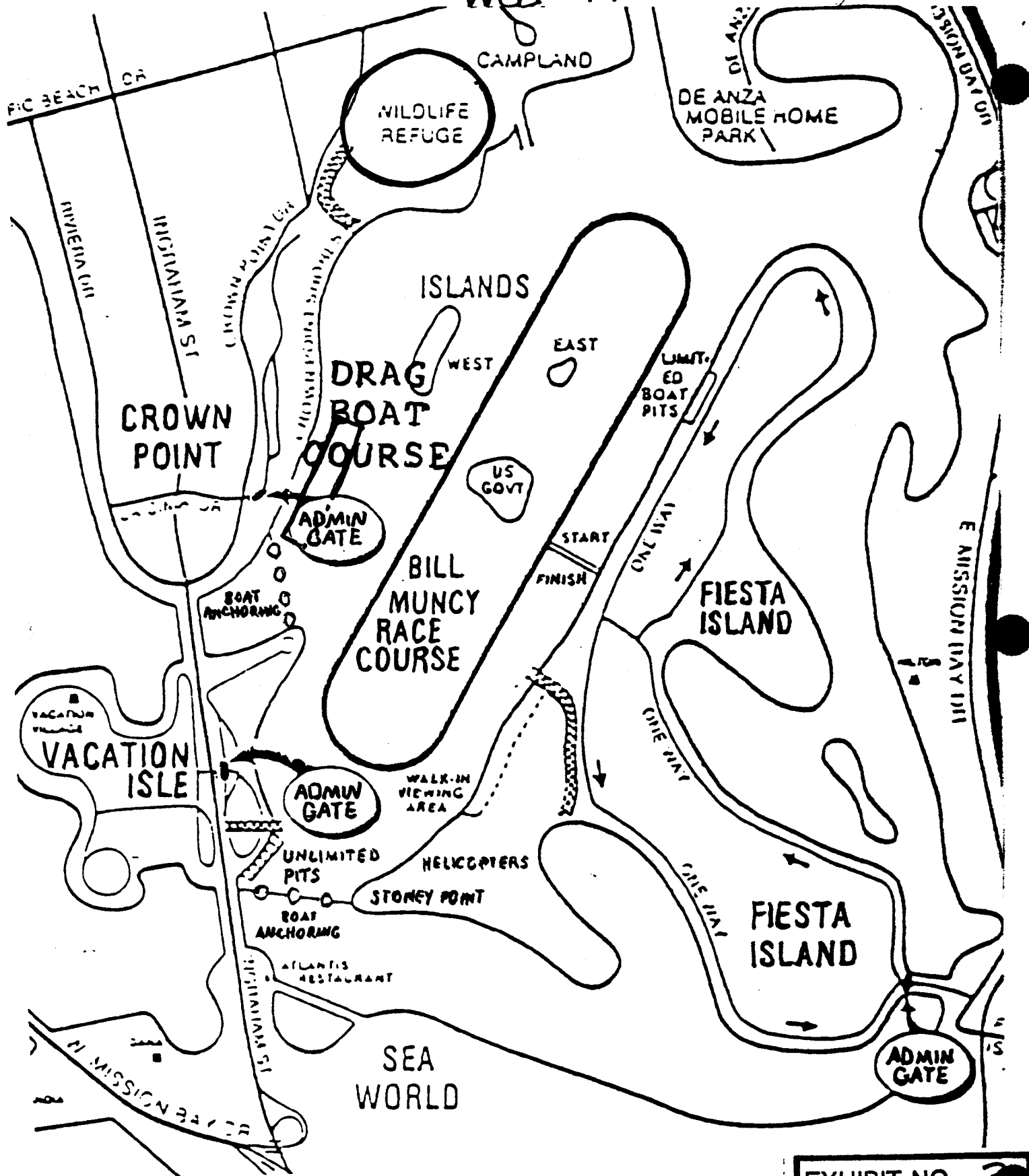


EXHIBIT NO.	3
APPLICATION NO.	6-98-80
Venues and Race Courses	
California Coastal Commission	