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Staff: R.T. Ananda - SF
Staff Report: 10/22/2015
Hearing Date: 11/05/2015

STAFF REPORT: CDP APPLICATION

Application Number: 2-15-1458

Applicant: Cartel Management, Inc.

Project Location: Pillar Point Marsh parking lot, West Trail, Mavericks Beach and designated locations within Pillar Point Harbor and Princeton-by-the Sea, San Mateo County.

Project Description: Application to authorize activities related to the one-day 'Titans of Mavericks' surf contest (to be held sometime between November 1, 2015 and March 31, 2016) near Pillar Point Harbor, including to have exclusive use of the offshore surfing area, to close a portion of the West Trail and the Pillar Point Marsh parking lot, to limit use of Harbor shoreline areas, and to implement traffic and parking controls throughout the Princeton-by-the-Sea in San Mateo County.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

Cartel Management, Inc., the Applicant, is requesting authorization to: 1) have exclusive use of the Mavericks offshore surfing area near Pillar Point Harbor; 2) close the West Trail; 3) close and use the Pillar Point Marsh parking lot and Mavericks Beach; 4) limit public access use along the Harbor shoreline southeasterly of the West Trail toward Romeo Pier and the Pillar Point upper bluff trails; 5) designate for private use only Harbor locations that include floating dock

finger “H” on Johnson Pier, 25 to 40 parking stalls within the Pillar Point Harbor District parking lot as well as six long spaces located westerly of the Harbormaster’s Office, and one lane of the two-lane public boat launch ramp; and 6) implement traffic and parking controls throughout Princeton-by-the-Sea (i.e., the area that is located inland of the Harbor in San Mateo County). All of these requests would apply to a one-day, invitation-only big wave surf contest that would take place on a single day between November 1, 2015 and March 31, 2016, where the day would be chosen by event organizers 24 hours before the event day itself based on surf conditions.

The Mavericks Surf Contest started as an informal surfing contest by and between surfers in the local surfing community, and it has morphed over the years into a larger event, including with respect to the current request. Over the years, event organizers have “fine-tuned” the event to protect the public and participants, as well as to protect coastal resources. Because event activities straddle coastal development permit (CDP) jurisdictions of San Mateo County and the Commission, the County has requested and the Applicant and the Executive Director have agreed to treat this application as a consolidated CDP application.

The proposed project is a popular, water-oriented, recreational event that brings visitors and global interest to the community and California, and there is a great deal of public support for the contest. At the same time, though, it is not without its impacts. For example, public access within Pillar Point Harbor and at Mavericks Beach would be off limits in some cases, and would overall reduce the amount of public access provided on the day of the event. In addition, the event has the potential to create public access and parking difficulties, both due to limiting parking and the intensification of traffic associated with the event. However, Staff believes that the impacts will only be temporary in nature, and can be managed in such a way as to provide as much access as possible while still providing for the event, and that other potential impacts (e.g., to habitat areas, eroding bluffs, etc.) can be appropriately avoided with the proper direction to visitors.

Thus, Staff recommends approval of the CDP for the proposed project. That approval includes conditions requiring the Applicant to implement certain BMPs to protect coastal resources, to submit traffic and parking plans for the Princeton area, and to monitor event impacts so as to allow changes to be made as necessary for future events. As conditioned, staff believes that the project can be found consistent with the Coastal Act and recommends that the Commission approve the CDP. The motion is found on page 4 below.

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I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission approve Coastal Development Permit Number 2-15-1458 pursuant to the staff recommendation, and I recommend a yes vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number 2-15-1458 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following 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. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
3. **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.
4. **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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Approved Project.** This CDP authorizes development associated with the Mavericks Surf Contest as described in the proposed project description (titled *Coastal Development Permit Application 2-15-1458, Cartel Management, Titans of Mavericks, Response to September 23, 2015 CCC Incomplete Letter* dated and received in the Commission's North Central District

Office on September 28, 2015) as modified by these conditions for a single day between November 1, 2015 and March 31, 2016 only.

- 2. Other Agency Approvals.** PRIOR TO THE DAY OF THE EVENT, AND IN ANY CASE PRIOR TO EXERCISING THIS CDP, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted, or are not required, by all applicable agencies (including the San Mateo County Harbor District, the Monterey Bay National Marine Sanctuary, and the United States Coast Guard). Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the Commission-approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.
- 3. Traffic and Parking Plan.** PRIOR TO THE DAY OF THE EVENT, AND IN ANY CASE PRIOR TO EXERCISING THIS CDP, the Permittee shall submit two copies of a Traffic and Parking Plan to the Executive Director for review and approval. The Plan shall identify all measures to be taken to control and direct traffic, and to provide the public with adequate parking in the area of the event on the event day. The Plan shall be premised on minimizing traffic and parking impacts to the public, shall identify all measures and methods to be used to control traffic and parking (including in terms of personnel, signs, barriers, web alerts and other notifications, etc.), and shall be submitted with evidence of San Mateo County Harbor District, San Mateo County Sheriff's Office, California Department of Transportation, and California Highway Patrol review and approval.
- 4. Event Notification.** AT LEAST TWO DAYS PRIOR TO THE DAY OF THE EVENT, AND EARLIER IF POSSIBLE, the Permittee shall identify the day of the event for planning staff of the Commission's North Central District Office.
- 5. Best Management Practices.** The Permittee shall place trash and recycling receptacles and containers at appropriate locations throughout the event area during the event, and shall properly service said receptacles to avoid overflowing and discharge of debris and other materials. Rinsing of water vessels shall be conducted at appropriate locations as designated by the San Mateo County Harbor District. Debris and other potential water pollutants shall be prohibited from discharging into Pillar Point Marsh, on access trails, and into adjacent coastal waters of the Harbor and ocean. Debris and trash shall be contained and disposed of in a proper manner to avoid environmental impacts. The Permittee shall ensure that all areas affected by the event are returned to their pre-event condition or better within one day of the event day.
- 6. Monitoring and Post-event Reporting.** The Permittee shall monitor all event activities, and shall submit two copies of a monitoring report to the Executive Director for review and approval within 60 days of the event's conclusion. The monitoring report shall document any and all impacts associated with the event, including but not limited to identifying any observed impacts to Pillar Point Marsh, any observed marine wildlife in the area, and any documented disturbances to marine wildlife from event activities. The monitoring report shall contain written and photographic documentation of the condition of the affected project areas prior to, during, and after the event. The Permittee shall also consult with other event-support agencies, such as the San Mateo County Harbor District, the California Highway

Patrol and the County Sheriff's Department, after the event to obtain data, information and observations from these agencies regarding traffic conditions and public access flow throughout the event area and transportation routes in the vicinity during the event, and shall include such information in the submitted monitoring report. The monitoring report shall also include an assessment of traffic and parking control measures effectiveness. The monitoring report shall document all measures taken to restore the affected project area to pre-event conditions or better. The monitoring report shall include a site map annotated with points that refer to photographs or other visual documentation.

7. **CDP Expiration and Extension.** This CDP shall expire on October 31, 2016 unless prior to that time the Permittee requests an extension of the expiration date of this CDP via a CDP amendment. Any such extension request must be accompanied by the appropriate application fee, may request up to four additional years of authorization, and must include information regarding event as required in Special Condition 6.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION

The proposed project is located within and adjacent to Pillar Point Harbor, including offshore waters adjacent to the Harbor, in Princeton-by-the-Sea, an unincorporated community of San Mateo County (**Exhibit 1**). The proposed project is a one-day event that would utilize several locations within and adjacent to the Pillar Point Harbor area, including the Mavericks surfing area offshore, the Harbor District's West Trail and the access point to Mavericks Beach located from the West Trail, Mavericks Beach itself, the Pillar Point Marsh parking lot, and the shoreline adjacent to Pillar Point Marsh. Project activities located within the inner harbor area include Johnson Pier (specifically exclusive use of floating dock finger "H"), portions of the harbor parking area, and exclusive use of one of the two public ramps at the public boat launch within the Harbor (**Exhibit 2**). Events proposed on land locations within the coastal zone are owned and operated by the San Mateo County Harbor District (SMCHD), San Mateo County Parks, and the U. S. Air Force. Street and parking areas affected by the proposed project are owned by SMCHD, San Mateo County, and Caltrans. The focal point of the proposed event will occur offshore at the Mavericks surf break, sited in waters off-shore of Pillar Point Harbor. Activities occurring in offshore waters are located within the Monterey Bay National Marine Sanctuary (MBNMS).

Mavericks Beach is a public recreational destination used by a broad spectrum of the public as it can easily be accessed by individuals with varying levels of physical capabilities by using the West Trail. The West Trail is a public access trail that extends between the Harbor's outer breakwater, Mavericks Beach and the Pillar Point Marsh parking lot. The trail is approximately 1.2 miles long, 15 feet wide, and fairly level. Public recreational activities that occur here include predominately passive recreational opportunities such as walking, dog-walking, watching the sun set, and bird watching. Mavericks Beach is a sandy beach located outside of the Pillar Point Breakwater. The beach becomes narrow at high tides and vulnerable to wave run-up. Additional public access trails can be found at Pillar Point Bluff County Park, located to the north of Mavericks Beach, and on the upper bluff uplands located landward of the West Trail, which

includes SMCHD and Air Force property. A large portion of the Pillar Point blufftop is located within Air Force property and is excluded from public use.

Pillar Point Marsh is a fresh water stream marsh that drains into a brackish water marsh. It serves as important bird habitat for local and migrant species and may support state and federally-protected California red-legged frog and San Francisco garter snake. South of Pillar Point Marsh parking lot and adjacent to Pillar Point Marsh is a shoreline beach that provides access along the waterfront from the West Trail to Princeton-by-the-Sea. Pillar Point Harbor is a very active harbor that is open to both commercial fishermen and the public. Johnson Pier provides berths for both commercial and recreational vessels. Johnson Pier is a commercial fishing hub and is a base for one of California's top operating commercial fishing fleets. Johnson Pier also accommodates a fueling dock and pump-out station (**Exhibit 2**).

B. PROJECT DESCRIPTION

The proposed project is a one-day, big-wave surfing-by-invitation-only event called the "Titans of Mavericks" surf contest. The event would occur on one day between November 1, 2015 and March 31, 2016, with the actual day of the event chosen when surf conditions are best. The Applicant indicates that there would be about 48 hours advance notice of the actual contest. Ideal wave conditions for the event call for waves that reach heights in excess of 25 feet. The event would span a total time period of 18 hours, from 5:00 AM to 11:00 PM; this includes time allotted to set-up and shut-down activities. The actual surfing portion of the contest would take place from between approximately 8:00 AM and 4:00 PM. There will be 24 athletes participating in the event. Event set-up activities include the California Highway Patrol (CHP) and County Sheriff's Department installing electronic traffic control signs along Highway One that alert the travelling public to traffic changes, posting "No Parking" signs along Highway 1 that extend from the Half Moon Bay Airport to just north of Sam's Chowder House property at 4210 Highway 1 for the duration of the event to ensure pedestrian safety, stationing law and traffic enforcement personnel at the intersection of Highway 1 and Capistrano Road, and staging safety, emergency, and production personnel at temporary closure points within Princeton-by-the-Sea and the Harbor and at certain access areas during the event (e.g., at Mavericks Beach, West Trail, Pillar Point Marsh parking lot, and the shoreline beach adjacent to Romeo Pier).

West Trail, the trail extending from the Pillar Point Marsh parking lot to Mavericks Beach, would be closed from 5:00 AM to 4:00 PM, and the other specified areas patrolled by County public safety teams would close between the hours of 7:00 AM and 3:00 PM on the day of the event. The public would be allowed to hike on the County/Air Force upper bluff trails, but would not be allowed to stop and watch the surfing event from those locations. The Pillar Point Marsh parking lot would also be closed to the public and used exclusively for emergency services and staging by event personnel, including American Medical Response and the California Department of Forestry and Fire Protection (CalFire), law enforcement mounted horse patrol trailers, beach marshals, security, and also for porta-potties for use by personnel and event contestants. Event security personnel would be stationed along the shoreline and beach west of Romeo Pier. Public use of this area during the event would be limited to allowing the public to pass and repass along the strand but no assembling or congregating would be allowed. The surfing event may include a small check-in station located at Perched Beach. One of the two

public launch ramps and the shoreline to the west of the boat launch and along Perched Beach would remain open and accessible to the public.

The proposed event's off-shore water activities include the operation of motorized personal water craft (MPWC) for emergency rescue and safety purposes, as well as monitoring and filming the event. Johnson Pier, specifically dock finger "H", will be used for MPWCs during this event. Competitors and support and production teams will load in and out from this location. The Applicant will be coordinating with SMCHD to minimize potential impacts on SMCHD's other operations. See detail of activities at each location shown on **Exhibit 2**.

C. PROJECT BACKGROUND

The Mavericks surf event and the public's interest in the event has grown each year the event has taken place. Historically, the proposed event vicinity, including West Beach Trail, adjacent lower bluffs, and the upper bluff hillside trails, was heavily used by the public trying to view the offshore event during the annual surf competition. During at least one year, visitors that came to Princeton-by-the-Sea and Pillar Point Harbor for the surf competition attended a festival held outside of the Oceano Hotel where a big screen was set up for live-streaming the contest, and food was sold, music played, and an awards ceremony was conducted. Historically, large crowds of spectators also gathered for the event and groups would station themselves on the cliffs and bluffs overlooking Mavericks Beach, on trails, the Harbor inner beach, and the marsh area adjacent to the harbor waters (**Exhibit 4**). The large mass of people created unsafe conditions and caused damage to the bluffs and associated habitats, overburdening and crushing vegetation, and exacerbating some erosion of the hillside and upper bluff. In 2010 spectators who had stationed themselves on the outer breakwater and on the nearshore of Mavericks Beach were hit with unexpected, large, rogue waves that knocked them down and . caused multiple injuries to observers and the loss of equipment. The unsafe conditions caused the Harbor District, the County and the event organizers to consider additional safety additions for the event going forward (**Exhibit 3**).

In recent years, organizers have gained experience in handling the crowds, and the Applicant has proposed additional safety closures for the day of the event. This year, the event does not include a festival and proposes to focus on the surf contest itself to showcase the skills of the 24 elite surfers. The Applicant has coordinated with many agencies, including, but not limited to, the U. S. Coast Guard, Cal Fire, San Mateo County Emergency Services, California Highway Patrol, California State Parks, San Mateo County Sheriff, San Mateo County Parks, San Mateo County Harbor District, and the Monterey Bay National Marine Sanctuary. To protect public safety and sensitive resources, several of these agencies (SMCHD, County Parks, and MBNMS) have required temporary closures to public use and the public access restrictions in the project area being requested by the Applicant in this CDP application, and respective authorizations have been conditioned upon these closures.¹

¹ Since 2010, SMCHD has required that access to its parking lot, the West Trail, and Mavericks Beach be closed in order to protect the sensitive resources, including Pillar Point Marsh, and the safety of the public. Pillar Point Bluff County Park will allow recreational use of the trails during the event; however, the County explicitly states on its website that no viewing or spectating will be allowed from Pillar Point Bluff during the Mavericks Surf Competition. The MBNMS permit, additionally, does not allow spectators on Mavericks Beach.

D. STANDARD OF REVIEW

The project is located in both the Commission's and San Mateo County's CDP jurisdictions. The County, the Applicant, and the Executive Director have all agreed to a consolidated CDP review for the project, as allowed by Coastal Act Section 30610.3. As such, the standard of review for a consolidated CDP application is the Chapter 3 policies of the Coastal Act with the San Mateo County certified LCP providing non-binding guidance.

E. PUBLIC ACCESS AND RECREATION

Applicable Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road, State Highway 1. Coastal Act Sections 30210 through 30224 specifically protect public access and recreation opportunities that exist along the coast and in coastal waters. These overlapping policies are for the protection of access to and along the shoreline and protection of offshore waters for the public's recreational use. In particular:

§ 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.

§ 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

§ 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 ...

§ 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.

§ 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

§ 30214. (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access

depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access are to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter...*

§ 30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

§ 30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

§ 30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

§ 30224. *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division by...increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities...*

Coastal Act section 30240(b) also protects park and recreational areas, stating in applicable part:

§ 30240 (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*

Analysis

Section 30210, as cited above, requires that maximum access and recreational opportunities shall be provided to all people consistent with public safety needs while still protecting natural resources from overuse. Section 30212(a)(1) in particular provides that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety or the protection of fragile coastal resources.

The public beaches and access trails located along the Pillar Point and Princeton-by-the Sea shoreline, and trails on adjacent bluffs within the project area, provide the public with a variety of recreational opportunities such as walking, watching the sun set, and bird watching. The West Beach Trail serves as an easily accessible pedestrian pathway and also as an important emergency services access route to the outer breakwater and Mavericks Beach. There are less

formalized public access trails located upon the bluff areas above the West Beach Trail. Individuals looking for more strenuous hiking opportunities can also enjoy these upper bluff trails above the Harbor and Mavericks Beach. Mavericks Beach also provides access to the offshore Mavericks surfing area. The Pillar Point Marsh parking lot provides support facilities for public access in this area, as the public can conveniently park in this lot while using the trails and beach areas. The Pillar Point Marsh parking lot, West Trail, and the various upper bluff trails are also a valued public benefit as they are available free of cost (**Exhibits 1 and 2**). Further north of the project site on approximately 140 acres is the Pillar Point Bluff County Park. There are blufftop trails along this section of the coast which look out onto the offshore waters of Pillar Point.

The Mavericks surf break occurs far out in the ocean and is further obscured by a large rock formation; therefore the competitors in the event cannot be easily seen by the public from any vantage point on Mavericks Beach or the Pillar Point bluffs. Mavericks Beach access is dangerous during ideal event conditions, as it becomes narrow at high tides and the coastline is more vulnerable to wave run-up. Any members of the public stationed at the beach, on the outer breakwater or on the bluffs above the beach are at risk from dangerous rogue waves, (i.e., unpredictable waves that are larger than average height).² The event itself takes place during the winter storm season along the coast. As such, the surf conditions found to be ideal for this competition also can result in a very dangerous setting for those who may wish to view the contest from the near shore environment. The large surf, cold temperatures of the water, and wave run-up can be hazards to public safety along shoreline locations. Individuals standing and or climbing on rocks on the breakwater and in the nearshore, as documented in 2010, have been victims of rogue waves.

New development proposals must provide maximum access and recreational opportunities to the public consistent with public safety needs, in addition to the protection of natural resources, as provided by Sections 30210, 30212(a)(1), and 30214 cited above. Also as mentioned above, during past events, large crowds of spectators gathered upon the cliffs and bluffs above Mavericks Beach and along the trails, beach, and marsh area adjacent to Pillar Point Harbor (**Exhibit 4**). The large crowds congregating in the project area created unsafe conditions, strained the site's capacity, and caused resource damage. In essence, coastal resource areas were overburdened by the public use and resulted in the removal of existing vegetation and further erosion occurring on the bluffs above Mavericks Beach.

The proposed 2015-16 event would restrict public access in the area of the contest for one day by closing the parking lot, West Beach Trail, and Mavericks Beach and by limiting public congregation along the adjacent upper bluff and shoreline areas. These access restrictions, however, will provide protection for both the event contestants and the general public. The closures will additionally provide protection of natural resources within the area that include Pillar Point Marsh habitat and its associated coastal bluff. In addition, public access limitations will be temporary, limited to less than 24 hours, and public access in the form of pass and repass will still be allowed along the upper bluff trails, throughout Pillar Point Bluff County Park, and

² According the Titans of the Mavericks Incident Action Plan, rogue waves can occur when the surf appears small; and have been known to cause injuries and the drowning of individuals standing or climbing on rock out-crops and bluffs located immediately adjacent to and along the shoreline.

along the shoreline south of Pillar Point Marsh throughout the duration of the event. Therefore, while the event does propose to limit some public access, it is only for a limited duration during winter conditions, and it does still provide access in the project vicinity. The project can be found consistent with Sections 30210 and 30212(a)(1) of the Coastal Act, and appropriately regulates the time, place and manner of access as required by Section 30214.

Section 30220 of the Act states that coastal areas suitable for water-oriented activities that cannot readily be provided at inland water areas shall be protected for such uses. California surf areas benefit from the protections afforded under this section of the Coastal Act. The Mavericks surf event is a premier, world-class competition that is free to the public. The water-oriented activity depends on the unique ocean conditions available at the offshore Mavericks break, particularly wave heights in excess of 25 feet, which are created in part by an unusually-shaped underwater rock formations located off-shore. Holding a contest within offshore waters requires use of on-shore support facilities and staging. The dangerous nature of the contest requires that emergency support be easily and quickly deployed. As described above, the temporary closures of various public access amenities normally open to public use will enable contest purveyors to adequately protect contestants and the general public, as well as coastal resources such as the habitat of Pillar Point Marsh, erodible shoreline bluffs above the West Trail, Mavericks Beach, and at Pillar Point. Further, the conditions and terms of permits issued by other relevant entities, in particular the NOAA, Office of National Marine Sanctuaries (ONMS), make certain the marine resources in offshore waters (**Exhibit 3**) are protected. The Mavericks surf competition is clearly a recreational, water-oriented activity that cannot occur at any inland water area. As conditioned and as permitted this proposed development can be found consistent with the intent of Coastal Act Section 30220.

Section 30212.5 requires that coastal access facilities, such as associated parking lots and trails, be distributed throughout the respective coastal locations and not be overly concentrated in one geographic area. This ensures that impacts to fragile coastal resources are avoided, minimized, or mitigated, and that the available coastal resources are not overburdened by public use. This year's proposed event does not involve a public festival or central viewing screen of the contest as was done in past seasons. This year, the public will be able to view the event live via personal phones and computers so that viewing will be widely distributed and can occur well away from the Pillar Point area. The Applicant has anticipated the potential for the public to come to the area in hopes of watching the event as in the past and has taken measures to direct people to alternative viewing locations available in Half Moon Bay and in Pillar Point. In particular, the Applicant has coordinated with the CHP and the San Mateo County Sheriff, who will be stationed at the intersection of Highway 1 and Capistrano Road, to direct the general public coming to the area to various appropriate viewing venues in the local areas. Currently, these venues include Mavericks Brewing Company (at 390 Capistrano Road in Princeton-by-the-Sea,); Old Princeton Landing (at 460 Capistrano Road in Princeton-by-the-Sea); Miramar Beach Restaurant (at 131 Mirada Road in Half Moon Bay, about three miles away from Pillar Point); Cameron's Pub (at 1410 Cabrillo Highway in Half Moon Bay, less than one mile from Pillar Point); and at the East Side Eatery/Pleasure Pizza (at 800 41st Avenue in Santa Cruz, more than 50 miles away from the event site). These alternative viewing venues will give the public the opportunity to safely view the event without being at risk in the event's proximity, which will also help to reduce traffic and potential impacts on parking and public access to the coast in the Pillar Point Harbor Area.

Additional access concerns associated with the proposed project include impacts on vehicular access to the area via State Routes/Highways 1 and 92, and surface streets including Capistrano Road and Prospect Way, as there could be impacts on the major coastal travel routes during the event and associated potential impacts to public access to and from the coast. The proposed project includes a general prohibition on parallel parking along Highway 1 between the Half Moon Bay Airport to just north of Sam's Chowder House property that will be enforced by the CHP, to ensure pedestrian safety in the area during the event. One-way traffic will also be in effect along Capistrano Road beginning at the Harbor entrance and continuing to Prospect Road within Princeton-By-the-Sea. CHP officers and San Mateo County Sheriff deputies will be located at the intersection of Highway 1 and Capistrano Road to monitor traffic to and from Princeton-by-the-Sea, directing people to alternative viewing locations or to alternative public parking and access areas if they are trying to access coastal recreational areas. To ensure that the traffic control measures proposed are effective, **Special Condition 3** requires the Permittee to submit a traffic and parking plan, and **Special Condition 6** requires the Applicant to obtain data and information regarding traffic conditions and public access flow throughout the event area and transportation routes in the vicinity during the event and submit a post-event report to the Commission evaluating traffic control effectiveness. As required by **Special Condition 7**, any future authorization of the event will depend on the results of the post-event report. Thus, the proposed project activities as conditioned include measures to mitigate impacts to public access and traffic in the immediate coastal area.

Public parking normally available to the general public within the proposed project area includes the gravel-covered Pillar Point Marsh parking lot that has room for 40 vehicles and parking at Pillar Point Harbor that has a total of 653 spaces. The Oceano Hotel and shopping area which is located very close by has a large parking lot with an approximate total of 570 to 620 spaces (120 underground and 450 to 500 in the surface lot behind the hotel). The SMCHD permit issued for the event authorizes the Applicant to temporarily restrict the use of Pillar Point Marsh parking lot during the event. The Applicant will also exclusively use six long stalls located westerly of the Harbor Master office, and is authorized to use 25 to 40 parking stalls at "C" lot for competitor support, production equipment, and safety teams before, during and after the event. The majority of parking associated with the event would be at the Pillar Point Air Force Base Radar Tracking Station, where parking is always restricted to the public, and where event judging and production will be staged (**Exhibit 2**). The Applicant will be working with the SMCHD to encourage a reduced level of automobile use and the need for parking within the harbor area.

It is important to remember that this event does not occur during the peak summer beach season for recreational visitors to this part of the coast. The event occurs in the middle of the winter storm season at a time when fewer members of the general public are typically visiting and recreating along the shore. Therefore, while the event will temporarily restrict public parking areas in the Pillar Point Harbor area and may bring in additional visitors to the area, the parking restrictions are relatively limited in light of other available public parking in the area, and traffic control measures will be implemented during the event to assist and redirect the public to those alternate public parking areas to help the public wishing to access the coast. The off-site viewing location options for this surf event will also help to reduce and/or avoid traffic and parking impacts at the project site and by doing so protect coastal resources. The proposed project can therefore be found consistent with Section 30212.5 and 30214 of the Coastal Act.

Section 30223 requires that upland areas necessary to support coastal recreational uses shall be reserved for such uses where feasible. As described above, currently there are hiking opportunities open to the public landward of the Pacific Ocean and Pillar Point Harbor.

Extensive ocean views can be seen from the upper coastal bluffs. The blufftop viewing locations also have the potential to draw interested members of the public to attempt to view the contest held off-shore. However, the existing blufftop is fragile and is not large enough to accommodate large numbers of spectators (**Exhibit 4**). Even though the proposed project includes active patrol of the upland trail areas to ensure that no crowds form upon the blufftop areas and in the upland habitat of Pillar Point, the public will still be able to hike in these locations and pass and repass along the blufftop trails during the event. The public can also still use portions of the Pillar Point harbor frontage along Princeton-by-the Sea, and visit businesses in the area. As such, the proposed project can be found consistent with Section 30223 as upland areas recreationally used by the public for hiking and viewing of the ocean will still be available for such use during the event.

Section 30211 requires that development shall not interfere with the public's right of access to the sea and the use of dry sand and rocky coastal beaches extending landward to the first edge of terrestrial vegetation. Section 30213, in particular, provides for the protection of free and low-cost access. The proposed temporary closures will impact and prevent public use of the surf area offshore as well as a public shoreline trail, parking areas, and access to the beach. The closures will occur only on a single day occurring during the winter months to protect the public from hazardous conditions at Mavericks Beach, specifically during very high tides and waves larger than average. The existing natural conditions at Mavericks and the outer breakwater during the winter can be dangerous to the public with respect to safe use. While the immediate public amenities would be closed, the public can go to other nearby free beaches, if weather and natural site conditions allow at the time. These nearby beaches include Surfer's Beach located to the south of the Harbor, in El Granada; Perched Beach, located westerly of the Harbor District's public boat launch; and the beach at the end of the trail extending seaward from the segment of the California Coastal Trail located along Prospect Way. Event security personnel and volunteers will be stationed at the shoreline/beach west of Romeo Pier. The public use of this stretch of beach during the event would be limited to pass and repass along the strand. The shoreline located to the west of the public boat launch and along Perched Beach will remain open and accessible to the public. As mentioned above, blufftop access trails in the area will remain open for limited public access. The right of access to the sea will not be permanently interfered with as the closure is temporary and there are other beaches and access trails nearby that will be open and available. Therefore, the proposed project can be found consistent with Sections 30211 and 30213.

In conclusion, the proposed project is a popular, water-oriented, recreational event that brings visitors and global interest to the community and California, and there is a great deal of public support for the contest. It should serve to increase awareness of the coast and coastal issues, and provide a means of publicizing the shoreline resources that California is famous for. As such, it includes an inherent public access benefit, especially as regards potential visitors to the California and San Mateo County coasts. At the same time, though, the project is not without its impacts. For example, public access within Pillar Point Harbor and at Mavericks Beach would be off limits in some cases, and would overall reduce the amount of public access provided on the

day of the event. In addition, the event has the potential to create public access and parking difficulties, both due to limiting parking and the intensification of traffic associated with the event. However, the impacts will only be temporary in nature, and can be managed in such a way as to provide as much access as possible while still providing for the event, and that other potential impacts (e.g., to habitat areas, eroding bluffs, etc.) can be appropriately avoided with the proper direction to visitors. The proposed project, therefore, can be found consistent with the Coastal Act access and recreation policies cited above.

F. MARINE RESOURCES

Applicable Policies

The Coastal Act protects the marine resources and wetland habitats adjacent to and within the project area. Coastal Act Sections 30107.5, 30230, 30231, and 30240 provide:

§ 30107.5 "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

§ 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.

§ 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 through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

§ 30240. Environmentally sensitive habitat areas; adjacent developments

(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.

Analysis

Coastal Act Section 30230, as cited above, requires that marine resources be maintained, enhanced, and restored. Coastal Act Section 30231 requires that the biological productivity

and quality of coastal waters and wetlands be maintained and, where feasible, restored. Section 30107.5 defines “Environmentally sensitive areas,” as provided above. Section 30240 requires that environmentally sensitive habitat areas (ESHA) shall be protected against significant disruption of habitat values, allowing only resources-dependent uses within such areas. Further, development in areas adjacent to ESHAs, and parks, and recreation areas shall be sited and designed to prevent impacts which would degrade those areas. As previously discussed, proposed project activities would occur within the offshore waters of Monterey Bay National Marine Sanctuary (MBNMS) and adjacent to sensitive wetland habitat areas including the Pillar Point Marsh. The off-shore waters support an array of marine life that is maintained and protected by MBNMS. Pillar Point Marsh comprises freshwater and brackish marsh and may support the state and federally-protected California red-legged frog (CRLF) and San Francisco garter snake (SFGS).³

This marsh is considered ESHA, as defined by Section 30107.5, because it contains habitat that potentially supports CRLF and SFGS. None of the proposed project activities would occur within Pillar Point Marsh consistent with 30240(a). In addition, the project includes measures to ensure that activities proposed adjacent to the Marsh will not degrade those areas including the temporary area closures and trash and litter removal as required by the San Mateo County Harbor District permit, utilizing designated rinse stations for vessel cleaning, and most importantly patrol of the Pillar Point Marsh area to ensure that the public is not gathering and causing damage to sensitive marsh habitat. Therefore, the project is consistent with Coastal Act Section 30240.

The Mavericks surf competition relies primarily on the marine environment (i.e., the natural surf conditions of off-shore waters). The proposed event’s off-shore water activities include the operation of motorized personal water craft (MPWC) within the MBNMS for emergency rescue and safety purposes, as well as to monitor and record the event. Motorized water craft could impact water quality and marine wildlife due the noise of engines and residues spread by vehicles from fuel and or other substances used for the motorized equipment. MBNMS has authorized the proposed event’s off-shore activities, including certain activities that would otherwise be prohibited, most notably, the use of MPWCs (**Exhibit 3**). As required by the MBNMS authorization, the Applicant is not allowed to disturb marine wildlife, can only use MPWCs in a specified zone, and is required to close Mavericks Beach and monitor for marine wildlife during the event (**Exhibits 3**).

In addition to the project’s proposed protection measures and requirements of MBNMS and Harbor District, the Commission requires special conditions to limit the initial authorization of this temporary event to one year with monitoring before allowing the permit to be extended by additional years, submission of a post-event report to assess potential impacts on coastal resources from event activities, and implementation of best management practices (BMPs). Specifically, **Special Condition 6** requires the permittee to monitor and report on the conditions of the sensitive marsh area, public access, and marine wildlife prior to, during and after the event. **Special Condition 7** allows for a permit time extension to be considered only after post-event review and evaluation of the event’s impact on sensitive coastal

³ Fitzgerald Marine Reserve Master Plan, Part two: Environmental Setting, which was prepared by Sheila Brady/LSA, May 2002.

resources. **Special Condition 5** also requires BMPs to ensure that coastal habitat, water quality, and productivity of the area are not adversely affected. Thus, the proposed project as conditioned can be found consistent with Section 30230 and 30231 as it comprises special protection of the marine environment and sensitive wetland areas.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of 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.

San Mateo County, acting as lead agency, found that the project qualifies for a Class 4 Categorical Exemption, pursuant to CEQA Guidelines (Cal. Code of Regs., Title 14, § 15304 [minor alterations to land]; see also Pub. Resources Code, § 21084)). The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

The Commission finds that as conditioned by this permit, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the Project, as conditioned, would have on the environment within the meaning of CEQA. As so, the Project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. Fitzgerald Marine Reserve Master Plan, Part two: Environmental Setting. Prepared by Sheila Brady/LSA, May 2002



Regional Map



Aerial Photo Pillar Point Vicinity



Aerial Photo Vicinity Pillar Point Harbor

Harbor Parking Areas

Princeton-by-the-Sea

Pillar Point Marsh
Parking Lot

Pillar Point Marsh

Romeo Pier

Johnson Pier

West Trail

Mavericks
Beach

A - First Aid Station.

B - Connector Access for competitors and medical support staff between Romeo Area, Pillar Point Marsh Lot, and West Trail.

C - Marsh Parking Lot—Competitor Support; Harbor Lots: 6 long stalls west of Harbor Master Office and 25 to 40 spaces in "C" lot—Production Support.

D - Public Boat Launch Ramp—use one secure lane for competitors, safety, and production teams

E - Johnson Pier, finger dock "H"

F - Pillar Point Air Force Tracking Station: Staging - judging & production team

SITE PLAN

San Mateo County Harbor District
Physical: 504 Avenue Alhambra, El Granada, CA 94018
Mailing: PO Box 1449, El Granada, CA 94018
Phone Number: (650)583-4400/ Fax Number (650)583-4611

Special Use Permit

Permit Number: 2015-34

1. Special Use Permittee

- | | | |
|------|-----------------------|---|
| 1.1. | Name of Permittee: | Cartel Management, Inc. |
| 1.2. | Contact Person: | Zoe Lee Ahn (Cartel) |
| 1.3. | Address of Permittee: | 25 Johnson Pier, HMB, CA 94019 |
| 1.4. | Phone Number: | Day: (510) 305-6262/ Cell: (310) 480-2577 |

2. Special Use Permit Description

- 2.1. This Special Use Permit is issued only for the purpose of using any portion of the Pillar Point/Mavericks beach controlled by the San Mateo County Harbor District ("District") and/or other District facilities as approved by the General Manager (collectively referred to as "Property") or designate during a Surfing Event at Mavericks surf break (the "Event").
- 2.2. The Event will be a paddle-in event and will take place on one day. The exact date will be determined by Permittee but must be between November 1, 2015 and March 31, 2016 as set forth more fully in Section 4.10.

3. Special Use Permit Fee

- 3.1 Payment by Permittee of the Application Fee of Five thousand dollars (\$5,000), which the District acknowledges was made on May 6, 2015. Payment of a Permit Fee of Eleven thousand six hundred dollars (\$11,600.00), which the District acknowledges has already been paid and deposited pursuant to a permit granted for a similar event in the 2014/2015 season (the 2014/15 Permit), although that event was ultimately cancelled. The parties agree to the following with regard to the Permit Fee already submitted by the Permittee.

3.1.1 The Permit Fee is intended to cover the District's Costs, defined as the sum of the following: (a) the District's reasonable costs pertaining to the administration of this Permit and the Permittee's use of the Property under this Permit, and (b) the District's reasonable costs pertaining to the administration of the 2014/15 Permit and Permittee's use of the Property pursuant to the 2014/15 Permit.

3.1.2 District Costs are those actual administrative costs that the District would not incur but for the Permittee's activities in association with planning for and holding the Event (both under this Permit and the 2014/15 Permit). For avoidance of doubt, District Costs do not include any costs associated with the processing or granting of either this Permit or the 2014/2015 Permit - such costs are covered by the Application Fee - and do not include any legal costs incurred prior to the effective date of this Permit.

3.1.3 To the extent the District Costs are in excess of \$11,600.00, the District shall provide to the Permittee an invoice setting forth the costs incurred and the Permittee agrees to pay any undisputed invoice thirty days from the date of the invoice.

3.1.4 To the Extent the District Costs are less than \$11,600, the District shall reimburse Permittee any remaining amount within 60 days of the Event.

3.1.5 Along with any invoice submitted in accordance with Section 3.1.3, or along with any reimbursement submitted in accordance with Section 3.1.4, the District will provide Permittee an accounting of District Costs. Permittee will notify District within 15 days of receipt of any invoice if it disputes such accounting. In such an event, the parties agree mutually to use best efforts to try and resolve any dispute.

3.2 Payments of undisputed amounts not paid by the due date shall bear interest at 10.00% per annum until paid.

3.3 Permittee shall be charged \$30.00 for each check that is returned to the District for lack of sufficient funds.

4. Terms and Conditions

4.1 Operating Hours: This Permit is in force on the day of the Event from approximately 5 a.m. to approximately 11 p.m.

4.2 Permittee shall provide on-water safety arrangements during the Event that meet all District requirements and any other requirements imposed on Permittee by other regulatory agencies.

4.3 Public safety for the non-participating public during the Event is of paramount importance. Both Permittee and the District are committed to conducting the Event in a manner that allows for the public to view the Event safely. At the District's direction, Permittee shall prohibit public access (a) to the District's marsh parking lot, (b) to the trail connecting the District's marsh parking lot to the Maverick's beach and (c) to the Maverick's beach, and use of these areas may be limited to use by law enforcement and public safety personnel and equipment.

4.4 Permittee's access (a) to the District's marsh parking lot, and (b) to the trail connecting the District's marsh parking lot to the Maverick's beach shall be limited to access required to comply with the terms of Section 4.3 above, or as may otherwise be permitted in writing by the District's Harbormaster, or for emergency use by Permittee staff with prior notice to District staff.

4.5 Permittee shall not provide for or use the Property for Event vehicles parking, except as required to comply with the terms of Section 4.3 above, or as may otherwise be permitted in writing by the District's Harbormaster.

4.6 Permittee must use reasonable care and may not unreasonably increase the burden on the Property. Permittee shall ensure the immediate area of the Event and all of the Property are kept free of debris, trash, etc., and shall return the Property to its original condition following completion of the Event.

- 4.7 Permittee shall provide an adequate number of portable toilets as determined by the General Manager in consultation with the Harbor Master.
- 4.8 Solicitation of Business and Advertising
- 4.8.1 On-site advertising, including informational and directional signs is allowed in the form prescribed at the discretion of the General Manager in consultation with the Harbor Master. Permittee shall obtain prior approval of the General Manager before placing any advertising or signs on the Property. Other than as set forth above, Permittee shall not alter, modify, remove any portion of, or affix any item to any structure on the Property at any time during the term of this Permit, except as specifically authorized by the District's General Manager or Harbor Master.
- 4.8.2 Companies other than those authorized by Permittee are not permitted to advertise on District property and any such advertising must comply with section 4.8.1.
- 4.9 Permittee shall be required to obtain and/or comply with the following:
- 4.9.1 Permittee shall provide the District with a copy of the Seller's Permit issued from the California State Board of Equalization, which entitles the Permittee to sell products and any other licenses, which may be required by other agencies. Licenses shall be maintained in accordance with law and Permittee must be able to produce licenses when requested to do so by a representative of the District.
- 4.9.2 The District will not grant a Commercial Activity Permit to other vendors for use of the Property for commercial purposes during the Event without prior authorization of the Permittee. The District will grant any such Commercial Activity Permit at its sole discretion, to be exercised in accordance with its policies.
- 4.9.3 A Certificate of Insurance for the Permittee's activities related to the Event described in Section 2.1 attesting to liability coverage consisting of a Comprehensive General Liability policy with a Broad Form Endorsement that provides coverage for bodily injury and property damage in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 per aggregate and a \$5,000,000.00 Umbrella and naming the San Mateo County Harbor District as an Additional Insured. The Certificate of Insurance shall provide evidence that the insurance includes the following endorsements: Additional Insured, Primary and Non-Contributory wording; and Waiver of Subrogation in favor of the District. It is understood that as provided for in Section 4.12 below, Permittee shall defend, indemnify, and hold harmless San Mateo County Harbor District. This certificate shall be maintained in full force and effect during the term of the permit. The Permittee will provide the District a Certificate of Insurance no later than November 1, 2015.
- 4.9.4 Permittee shall obtain and comply with all permits and other approvals, licenses and certifications as required by other government agencies and departments. Permittee shall furnish satisfactory evidence of such compliance upon request of the District.

4.9.5 Permittee shall not sell or permit to be sold alcoholic beverages on the Property.

- 4.10 Term of Permit. This Permit is effective from November 1, 2015, and shall terminate on the earlier of 11:00 pm on the day of the Event, or on March 31, 2016. This Permit becomes immediately null and void should any of the conditions specified in Section 4 not be met, or should any required certificates expire or be revoked or suspended.
- 4.11 This Permit shall be the sole Permit issued for the purpose of using District facilities in connection with holding a Surfing Event at Mavericks surf break during the term of this Permit.
- 4.12 This Permit is for Permittee's exclusive use and is not assignable without the prior consent of the District, which consent shall not be unreasonably withheld
- 4.13 Permittee, as a material part of the consideration to be rendered to the District under this Permit, waives all claims against the District for damages to all personal property in, on or about the District's facilities, and for injuries to persons in or about the District's facilities from any cause arising at any time. Permittee hereby agrees to defend, indemnify, and save harmless the District, its governing board, commissions, officers, employees and agents, from and against any and all claims, suits, actions liability, loss, damage, expense, cost (including, without limitation, costs and fees of litigation) of every nature, kind or description, which may be brought against, or suffered or sustained by, the District, its governing board, commissions, officers, employees or agents arising or resulting from the use of the Property by Permittee, its agents, employees, contractors, subcontractors or invitees or Permittee's breach of this Permit. The duty of the Permittee to indemnify and save harmless, as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code. It is the express intent of the parties that Permittee will indemnify and hold harmless the District from any and all claims, suits or actions arising from any cause whatsoever as set forth above, other than the sole negligence, willful misconduct or criminal acts of the District. Producer waives any and all rights to any type of express or implied indemnity against the JPB arising out of Permittee's use of or activities on the Property. This indemnity shall survive expiration or termination of this Permit.
- 4.14 Should either party to this agreement bring any legal action, dispute, or proceeding arising out of or relating to this permit, the parties shall meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither party shall be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, shall be paid equally by the parties. If a mediated settlement is reached neither party shall be deemed the prevailing party for purposes of settlement and each party shall bear its own legal fees and costs.
- 4.15 The laws of the State of California shall govern this agreement and any suit or action initiated by either party shall be brought in the County of San Mateo, California. In the event of litigation between the parties hereto to enforce any provision of the agreement, the unsuccessful party will pay the reasonable attorney's fees, court costs, discovery costs and expenses of litigation of the successful party.
- 4.16 Permittee shall pay a fee pursuant to Section 1719 of the Civil Code for the State of California for each check that is returned to the District for lack of sufficient funds.

- 4.17 Any person, firm or corporation Permittee authorizes to work upon or enter upon the Property, including any contractor(s) and subcontractor(s), shall be deemed to be Producer's agent and shall be subject to all the applicable terms of this Permit.

5.0 Revocation or Suspension of Permit

This Permit is effective from **November 1, 2015**, and shall terminate on **March 31, 2016**. This Permit becomes immediately null and void should any of the conditions specified in Section 4 above not be met, or should any required certificates expire or be revoked or suspended.


This Permit may be revoked or suspended by the San Mateo County Harbor District at any time and without notice by the District for violation of any Terms or Conditions of the Permit, or for violation of the Ordinances of the District.

PERMITTEE:

**SAN MATEO COUNTY
HARBOR DISTRICT**

Zoe Lee Ahn

Print Name



Cartel Management, Inc. -- Signature

6/29/15

Date

Glenn Lazof

Print Name



SMCHD

6/30/2015

Date



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Greater Farallones National Marine Sanctuary

991 Marine Drive
San Francisco, CA 94129

October 13, 2015

Ms. Zoe Lee
Cartel Management Inc.
c/o Titans of Mavericks
5870 Melrose Avenue
Los Angeles, CA 90038

Dear Ms. Lee:

The National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries Program (ONMS) has approved the issuance of authorization number MBNMS-2015-034 to conduct certain authorized activities within Monterey Bay National Marine Sanctuary (sanctuary) that would otherwise be prohibited. Activities are to be conducted in accordance with the authorization application, received on May 17, 2015, and all supporting materials submitted to the sanctuary, and the terms and conditions of authorization number MBNMS-2015-034 (enclosed).

This permit is not valid until signed and returned to the ONMS. Retain one signed copy and carry it with you while conducting the permitted activities. Additional copies must be signed and returned, by either mail or email, to the following individuals within 30 days of issuance and before commencing any activity authorized by this permit:

Max Delaney
Permit Coordinator
Greater Farallones National Marine Sanctuary
991 Marine Drive
San Francisco, CA 94129
max.delaney@noaa.gov

National Permit Coordinator
NOAA Office of National Marine Sanctuaries
1305 East-West Highway (N/ORM6)
SSMC4, 11th Floor
Silver Spring, MD 20910
nmspermits@noaa.gov

Your permit contains specific terms, conditions and reporting requirements. Review them closely and fully comply with them while undertaking permitted activities. If you have any questions, please contact Max Delaney at (415) 970-5255 or via email at max.delaney@noaa.gov. Thank you for your continued cooperation with the ONMS.

Sincerely,

Maria Brown
Superintendent

Enclosure



Exhibit 3
2-15-1458
6 of 17



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Greater Farallones National Marine Sanctuary
991 Marine Drive
San Francisco, CA 94129

MONTEREY BAY NATIONAL MARINE SANCTUARY
AUTHORIZATION

Permittee:

Ms. Zoe Lee
Cartel Management Inc.
c/o Titans of Mavericks
5870 Melrose Avenue
Los Angeles, CA 90038

Permit Number: MBNMS-2015-034

Effective Date: November 1, 2015

Expiration Date: March 31, 2016

AND

Mr. Griffin Guess
Cartel Management Inc.
c/o Titans of Mavericks
5870 Melrose Avenue
Los Angeles, CA 90038

Project Title: 2015-2016 Titans of Mavericks Surf Contest.

This authorization is issued for activities in accordance with the National Marine Sanctuaries Act (NMSA), 16 USC §1431 *et seq.*, and regulations thereunder (15 CFR Part 922). All activities must be conducted in accordance with those regulations and law. No activity prohibited in 15 CFR Part 922 is allowed except as specified in the activity description below.

Subject to the terms and conditions of this authorization, the National Oceanic and Atmospheric Administration (NOAA), Office of National Marine Sanctuaries (ONMS) hereby authorizes the authorization holder listed above to conduct the below listed activities within the Monterey Bay National Marine Sanctuary (MBNMS or sanctuary). All activities are to be conducted in accordance with this authorization and the authorization application received on May 17, 2015. The authorization application is incorporated into this authorization and made a part hereof; provided, however, that if there are any conflicts between the authorization application and the terms and conditions of this authorization, the terms and conditions of this authorization shall be controlling.

Permitted Activity Description:

The following activities are authorized by this permit:

The authorization holder is hereby authorized to use a maximum of 15 Motorized Personal Watercraft (MPWC) during the Titans of Mavericks surf contest for the purpose of search and rescue, contestant transport, filming, and logistics.



The authorization holder is also hereby authorized to alter the seabed by temporarily installing a traditional anchor on the seafloor within the MBNMS, for a buoy to mark the competitor pickup location for the MPWC shuttle. The authorization holder is also authorized to alter the seabed by temporarily installing buoys and moorings (as described in the USCG MEP) to delineate the contest zone. All buoys and moorings shall be removed with 24 hours of the completion of the contest.

No further violation of sanctuary regulations is allowed.

Permitted Activity Location:

Within the Monterey Bay National Marine Sanctuary (MBNMS), at the Mavericks surf break, offshore Pillar Point, in Half Moon Bay.

Authorized People:

The following people are authorized to work under this permit:

Zoe Lee (Cartel Management)

Griffin Guess (Cartel Management)

The 15 authorized MPWC operators (see Special Conditions)

Special Terms and Conditions:

1. This authorization is valid only if the authorization holder submits to the ONMS a U.S. Coast Guard Marine Events Permit for the 2015-2016 Titans of Mavericks (surf contest) in advance of the surf contest that is valid for the day of the surf contest and only if all of the following Special Terms and Conditions are met. The permittee shall coordinate with Christina Ramirez (at christina.l.ramirez@uscg.com or 415-399-3585) for the USCG Marine Events Permit (MEP). A copy of the final USCG MEP should be submitted to the GFNMS Permit Coordinator, listed in General Condition 1 prior to the date the contest is held.
2. The authorization holder must notify Max Delaney at Max.Delaney@noaa.gov and via cell phone at (650) 678-4943 immediately when the contest is announced. This authorization is only in effect for one day.
3. All MPWC operators associated with the surf contest and authorized under this permit shall be required to wear outerwear or attire that is highly visible and easily identifiable from a distance. Examples of such outerwear include vests, shirts, sleeve covers and helmets or helmet covers in a color such as bright fluorescent blue, pink, or lime green (yellow or orange is **not** acceptable). The final color and design for the outerwear shall be approved by the sanctuary Superintendent in advance of the contest. Each of the 15 MPWC riders authorized by this permit shall wear this approved outerwear at all times while operating MPWC in the waters of the MBNMS during the contest day.
4. Fifteen (15) laminated and numbered "authorized MPWC operator identification cards" will be provided by ONMS staff to the authorization holder prior to the day of the surf contest. These permit cards shall be carried by the operators of each of the fifteen MPWC authorized under this

permit at all times when operating MPWC in the waters of the MBNMS while this permit is valid.

5. The permittee shall arrange a pre-contest briefing with the GFNMS permit coordinator to ensure that all MPWC operators are educated about the conditions of this permit prior to the day of the contest (including wearing outerwear at all times outside lifejackets, attaching placards to each of the 15 skis, and areas to avoid while transiting to and from the contest zone).

6. In order to avoid disturbing harbor seals, rafting seabirds, and other marine resources that may be using the nearshore environment (especially between Sail Rock and Pillar Point Harbor), the 15 MPWC riders authorized under this permit shall avoid operating in the nearshore environment during the contest day and shall remain within the permitted contest zone (shown in green on the map) except when they are conducting actual search and rescue operations around the surf break (see attached map entitled "NOAA 2015-2016 Mavericks MPWC Permit Map").

All MPWC riders transiting to and from the permitted contest zone shall also comply with this condition by traveling outside of the circular zone where vessel traffic is restricted by the USCG until they reach the established year-round access channel (again, see attached map entitled "NOAA 2015-2016 Mavericks MPWC Permit Map"). This circular restricted area (shown in gray on the map) is bounded by an arc extending **approximately 1000 yards from Sail Rock** (37°29'34" N, 122°30'02" W) excluding the waters within Pillar Point Harbor.

7. With the exception of actual search and rescue operations, MPWC may not be used north of Pillar Point (37.49600 N) or south of the bell buoy (identified as G"3") at 37.48154 N, 122.48156 W. MPWC may not be used east of Sail Rock except for actual search and rescue operations and contestant transport from the corner of the breakwater to the contest line-up location. The western boundary of the authorized MPWC use area is 122.51667 W (see attached "NOAA 2015-2016 Mavericks MPWC Permit Map").

8. This authorization does not allow disturbance of marine mammals or seabirds protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NOAA Fisheries, depending upon the species affected.

9. Any aircraft commissioned by the authorization holder (e.g. filming or contest observation) must remain greater than 1,000 feet above sea level when flying over the Fitzgerald Marine Reserve (immediately north of the contest area).

10. The authorization holder is responsible for providing the MBNMS human use and wildlife monitoring data collected on the day of the contest by qualified wildlife monitors (to be approved by the Sanctuary Superintendent). Monitoring information shall be collected a minimum of 30 minutes prior to the surf contest start and 1 hour after the contest end time. The following information is to be recorded at 30-minute intervals:

- a. Number of people
- b. Number of dogs

- c. Number of boats (specify numbers of MPWC, non-motorized vessels, other),
- d. Number of aircraft (helicopters, airplanes, other)
- e. Number of birds (specify numbers of cormorants, pelicans, shorebirds, other seabirds)
- f. Number of marine mammals (specify numbers of harbor seals, whales, sea otters, sea lions, other pinnipeds, other cetaceans)

In addition to tracking the above information, the wildlife monitors shall look for, report, and document any incidents of wildlife disturbance by humans (including marine mammals, cetaceans, and/or birds). If an incident is observed, the monitors should note the following: the human activity that caused the disturbance, type and number of affected animals, approximate distance between animal(s) and human activity causing the disturbance, and any identifying features of vessel and or person(s) causing disturbance (e.g. vessel CF number, vessel color, aircraft tail number, general vessel/person description). Reports shall be made immediately to the ONMS on site coordinator, Max Delaney at (650) 678-4943. The permittee should ensure that each of the wildlife observers has the ONMS on-site coordinators cell phone number prior to the day of the event. The above information should be conducted for the following locations: Ross Cove beach, and offshore waters indicated by areas A, B, F, and G in attached monitoring location map (see attached "Mavericks 2015-2016 Monitoring Map"). Wildlife monitors shall also look for, and document any MPWC operating outside of permitted activities described in Special Conditions 5, 6, 7, and 8.

11. No used equipment such as used batteries, plastic, hydrocarbons, or any other components or materials may be discarded in the sanctuary at any time. In the event that any equipment is damaged or lost due to any cause, the authorization holder shall immediately locate and remove that equipment. The authorization holder may be required to pay any or all expenses associated with the locating of and/or removal by NOAA or its designee of any equipment that is not recovered by the authorization holder.
12. The authorization holder shall complete removal of any debris associated with the contest from affected sanctuary beaches by sunset on the day after the surf contest.
13. Access to Mavericks Beach by spectators will not be allowed during the day of the surf contest, and this authorization is conditioned on the premise that beach access will be closed. If public safety officials are not successful in preventing access to the beach during the contest, then the authorization holder shall be responsible for ensuring that access to the exposed reef and tidepools is closed should the contest occur during periods where predicted tides are less than +0.7 feet.
14. When discussing or conducting outreach about the surf contest with the media or any other audience, the authorization holder shall provide any relevant information about MBNMS regulations regarding the use of MPWC in the sanctuary. A fact sheet (entitled "2015 NOAA MPWC Fact Sheet") is provided as an attachment to this permit.
15. Within **30 days** following the surf contest, the authorization holder must submit a log of all activities conducted under this authorization to the individuals listed in General Condition 1. The log shall include:

- a. Wildlife observer monitoring information described in Special Condition 9.
 - b. A summary of all post-contest clean-up and survey activities.
 - c. A summary of any equipment failure, damage, or loss, discharges, environmental damage, or unforeseen events associated with the authorized activity.
16. The permittee shall contact the US Coast Guard (contact is Alfred Albert at (510) 437-2980 or Alfred.K.Albert@uscg.mil) to inform them about the marker buoy that will be installed at the MPWC competitor shuttle pickup location, and determine whether it is necessary to place a notice in the "Local Notice to Mariners" indicating the location of this buoy.
17. The permittee shall remove the marker buoy at the MPWC competitor shuttle pickup location, the buoys delineating the contest zone by the surf break, and all associated equipment within 24 hours of the end of the contest.
18. No activity authorized by this permit shall disturb or impact any historical or marine archaeological resources of the sanctuary. If historical or marine archaeological resources are encountered at any time, the authorization holder shall cease all further activities under this permit and immediately contact Maria Brown, the Greater Farallones National Marine Sanctuary Superintendent, at 561-6622 ext. 301.
19. This activity may also require permission from other agencies. Failure to obtain all other necessary permits and/or authorizations makes ONMS authorization MBNMS-2015-034 null and void.

General Terms and Conditions:

1. Within 30 (thirty) days of the date of issuance, the permittee must sign and date this permit for it to be considered valid. Once signed, the permittee must send copies, via mail or email, to the following individuals:

Max Delaney
Permit Coordinator
Greater Farallones National Marine Sanctuary
991 Marine Drive
San Francisco, CA 94129
max.delaney@noaa.gov

National Permit Coordinator
NOAA Office of National Marine Sanctuaries
1305 East-West Highway (N/ORM6)
SSMC4, 11th Floor
Silver Spring, MD 20910
nmspermits@noaa.gov

2. It is a violation of this permit to conduct any activity authorized by this permit prior to the ONMS having received a copy signed by the permittee.
3. This permit may only be amended by the ONMS. The permittee may not change or amend any part of this permit at any time. The terms of the permit must be accepted in full, without revision; otherwise, the permittee must return the permit to the sanctuary office unsigned with a written explanation for its rejection. Amendments to this permit must be requested in the same manner the original request was made.

4. All persons participating in the permitted activity must be under the supervision of the permittee, and the permittee is responsible for any violation of this permit, the NMSA, and sanctuary regulations for activities conducted under, or in junction with, this permit. The permittee must assure that all persons performing activities under this permit are fully aware of the conditions herein.
5. This permit is non-transferable and must be carried by the permittee at all times while engaging in any activity authorized by this permit.
6. This permit may be suspended, revoked, or modified for violation of the terms and conditions of this permit, the regulations at 15 CFR Part 922, the NMSA, or for other good cause. Such action will be communicated in writing to the applicant or permittee, and will set forth the reason(s) for the action taken.
7. This permit may be suspended, revoked or modified if requirements from previous ONMS permits or authorizations issued to the permittee are not fulfilled by their due date.
8. Permit applications for any future activities in the sanctuary or any other sanctuary in the system by the permittee might not be considered until all requirements from this permit are fulfilled.
9. This permit does not authorize the conduct of any activity prohibited by 15 CFR § 922, other than those specifically described in the "Permitted Activity Description" section of this permit. If the permittee or any person acting under the permittee's supervision conducts, or causes to be conducted, any activity in the sanctuary not in accordance with the terms and conditions set forth in this permit, or who otherwise violates such terms and conditions, the permittee may be subject to civil penalties, forfeiture, costs, and all other remedies under the NMSA and its implementing regulations at 15 CFR Part 922.
10. Any publications and/or reports resulting from activities conducted under the authority of this permit must include the notation that the activity was conducted under National Marine Sanctuary Permit MBNMS-2015-034 and be sent to the ONMS officials listed in general condition number 1.
11. This permit does not relieve the permittee of responsibility to comply with all other federal, state and local laws and regulations, and this permit is not valid until all other necessary permits, authorizations, and approvals are obtained. Particularly, this permit does not allow disturbance of marine mammals or seabirds protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NOAA Fisheries, depending upon the species affected.
12. The permittee shall indemnify and hold harmless the Office of National Marine Sanctuaries, NOAA, the Department of Commerce and the United States for and against any claims arising from the conduct of any permitted activities.

13. Any question of interpretation of any term or condition of this permit will be resolved by NOAA.

Your signature below, as permittee, indicates that you accept and agree to comply with all terms and conditions of this permit. This permit becomes valid when you, the permittee, countersign and date below. Please note that the expiration date on this permit is already set and will not be extended by a delay in your signing.



October 15/2015

Ms. Zoe Lee
Cartel Management, Inc.

Date

DocuSigned by:



10/15/2015

Mr. Griffin Guess
Cartel Management, Inc.

20451C5A209B4BE...

Date



October 13, 2015

Maria Brown
Superintendent
Greater Farallones National Marine Sanctuary

Date

3 documents are attached:

- (1) NOAA 2015-2016 Mavericks MPWC Permit Map
- (2) Mavericks 2015-2016 Monitoring Map
- (3) 2015 NOAA MPWC Fact Sheet

2015-2016 Titans of
Mavericks Surf Contest

Required Wildlife Observer
Monitoring Locations

Permit No. MBNMS-2015-034

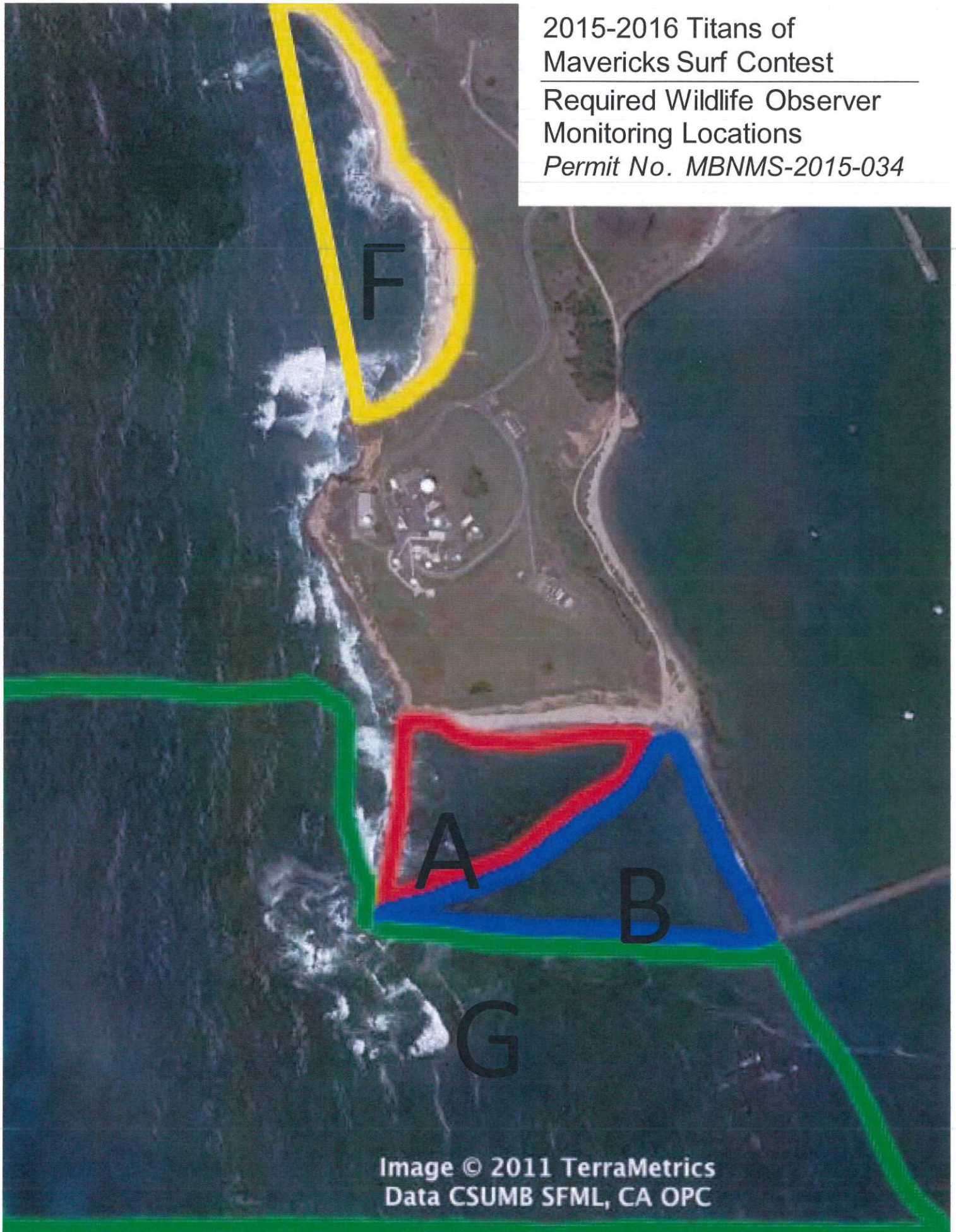


Image © 2011 TerraMetrics
Data CSUMB SFML, CA OPC

Titans of Mavericks 2015-2016 Surf Contest

Motorized Personal Water Craft
Operating Area

Permit MBNMS-2015-034

Operation Area by Permit ONLY

MPWC Zones

Seasonal Access Route

James V. Fitzgerald Marine Reserve



*Zone 5 is accessible December-February only during **high surf warnings** (not advisories) issued by the National Weather Service for San Mateo County.
See www.weather.gov

Titans of Mavericks
2015-2016
Surf Contest
Operation Area
By Permit ONLY

See MBNMS-2015-034 for special conditions

FIG 2.5s GONG

ZONE 5
Limited seasonal access*

ACCESS ROUTE

SEASONAL ACCESS ROUTE

Access route is designed to help boaters avoid sensitive wildlife areas, submerged rock hazards and entanglement in kelp beds.

ZONE 1
Year-round access

G "3"
FIG 4s BELL

SP "PP3"

Monterey Bay National Marine Sanctuary Regulations For Motorized Personal Watercraft (MPWC) (i. Jet-skis→ etc.)



MPWC Definition 15CFR922.131:

The term Motorized Personal Watercraft (MPWC) has been clarified and updated to include all modern jet-ski type and similar craft

"Motorized personal watercraft (MPWC) means:

Any vessel, propelled by machinery, that is designed to be operated by standing, sitting, or kneeling on, astride, or behind the vessel, in contrast to the conventional manner, where the operator stands or sits inside the vessel;

Any vessel less than 20 feet in length overall as manufactured and propelled by machinery and that has been exempted from compliance with the U.S. Coast Guard's Maximum Capacities Marking for Load Capacity regulation found at 33 CFR Parts 181 and 183, except submarines; or

Any other vessel that is less than 20 feet in length overall as manufactured, and is propelled by a water jet pump or drive."

NOTE: These federal regulations apply throughout Monterey Bay National Marine Sanctuary (MBNMS) in effect as of March 9, 2009

MPWC Zone 5 15CFR922.132(a)(7):

NOAA has created a zone for seasonal, conditional MPWC use at Mavericks

Zone Five (at Mavericks) exists only when a National Weather Service-issued High Surf Warning is in effect for San Mateo County and only during December, January, and February.

High Surf Warning (HSW) – National Weather Service

High Surf Warnings are NOT High Surf Advisories. High Surf Warnings predict the most severe surf conditions.

NOAA Weather Radio announcements for a HSW cycle about every 15 minutes and include a tone alert

HSWs are posted on the Internet 24/7 at: <http://www.weather.gov>

See Zone 5 map on reverse

For questions on MPWC use in San Mateo County contact:

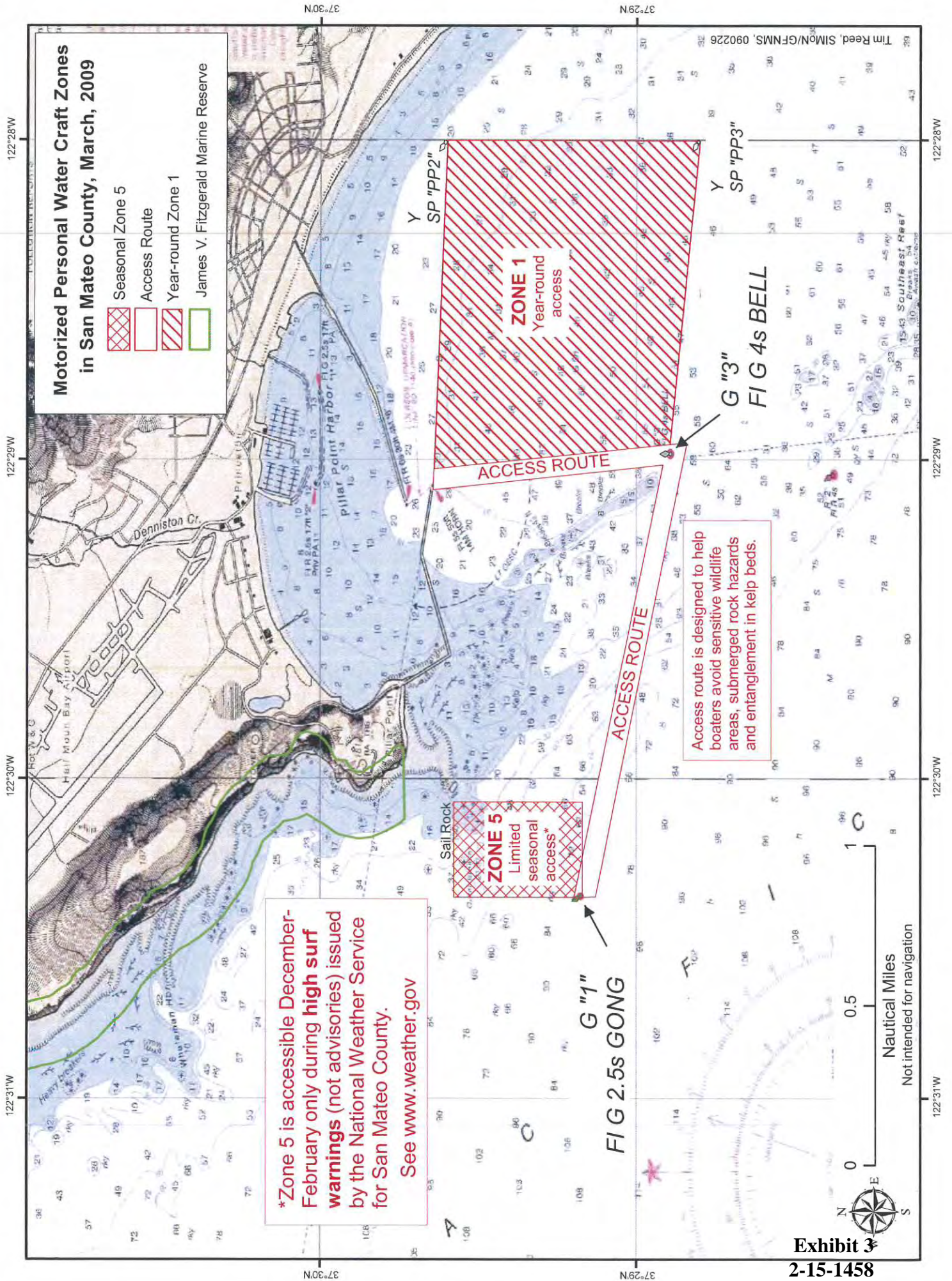
Greater Farallones National Marine Sanctuary at
Farallones@noaa.gov or 415-561-6622

For questions on MPWC use throughout **Monterey Bay National**

Marine Sanctuary see: <http://montereybay.noaa.gov>

or contact 831-647-4201

Among the common types of MPWC are: Jet-skis→ (any passenger capacity), jet bikes, hovercraft, air boats, race boats; some remotely operated craft are also included.





Mavericks Beach



**People at Edge of Bluff
above Mavericks Beach**



**People on Bluff Face
above Mavericks Beach**



Pillar Point Bluff County Park

Sensitive Resources During Past Mavericks Event

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
 45 FREMONT ST, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-5260
 FAX (415) 904-5400
 TDD (415) 597-5885

**Memorandum****November 1, 2015**

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director
 North Central Coast District

Re: ***Additional Information for Commission Meeting
 Thursday, November 5, 2015***

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th12	2-06-017-A2 (Daniel Altman, And Avi Atid Marin Co.)	Correspondence, Scott Miller	1
Th14c	2-15-1458 Cartel Management, Inc.	Email, John Ullom	2-8
		Correspondece, Zachary A. Wormhoudt	9
		Correspondence, Anne LeClair	10
		Email, Judy Taylor	11-12
		Correspondence, Charise Hale McHugh	13
		Correspondence, Mary Oldham	14
		Email, Corrine Bucher	15-16
		Correspondence, Debbie Padilla	17
		Email, Ginger Minoletti	18-19
		Email, Brian Overfelt	20-21
		Email, Dan Littlefield	22
		Correspondence, Jason A. Fruhwirth	23
		Email, Mary Corcoran	24
		Correspondence, William Overfelt	25
	2-11-011 Caltrans	General Comment Letter, Lori Kyle	26-28

Ananda, Renee@Coastal

From: John Ullom <redbonellogic@gmail.com>
Sent: Wednesday, October 28, 2015 4:06 PM
To: Ananda, Renee@Coastal
Cc: Carl, Dan@Coastal; Lester, Charles@Coastal; Cave, Nancy@Coastal; Amanda Winchell; Lucchesi, Jennifer@SLC; Meier, Mark@SLC
Subject: Mavericks Surf Contest CDP -- Exclusive Use Of The Ocean, The Beach, and Harbor District Assets
Attachments: Mavericks-CDP-Questions.pdf

Hello Ms. Ananda,

I hope this email finds you and yours well.

As noted in the staff report, the Mavericks Surf Contest enjoys wide spread community support. Jeff Clark and the Mavericks Wave are part of the Coastside's identity. It is my hope that the Coastal Commission will approve a CDP permit that allows the contest to occur. With that said, I have several concerns regarding the proposed CDP and its conditions.

I have attached a PDF copy of my concerns. Please include this in the Directors Report for Item TH14c of the November 2015 Agenda.

Thank you for your consideration.

John Ullom

Half Moon Bay

john@skygizmo.com

RECEIVED

OCT 28 2015

CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

Greetings Coastal Commission and Staff,

As noted in the staff report, the Mavericks Surf Contest enjoys wide spread community support. Jeff Clark and the Mavericks Wave are part of the Coastsides identity. It is my hope that the Coastal Commission will approve a CDP permit that allows the contest to occur. With that said, I have several concerns regarding the proposed CDP and its conditions.

Thank you for your consideration.

John Ullom
Half Moon Bay
john@skygizmo.com

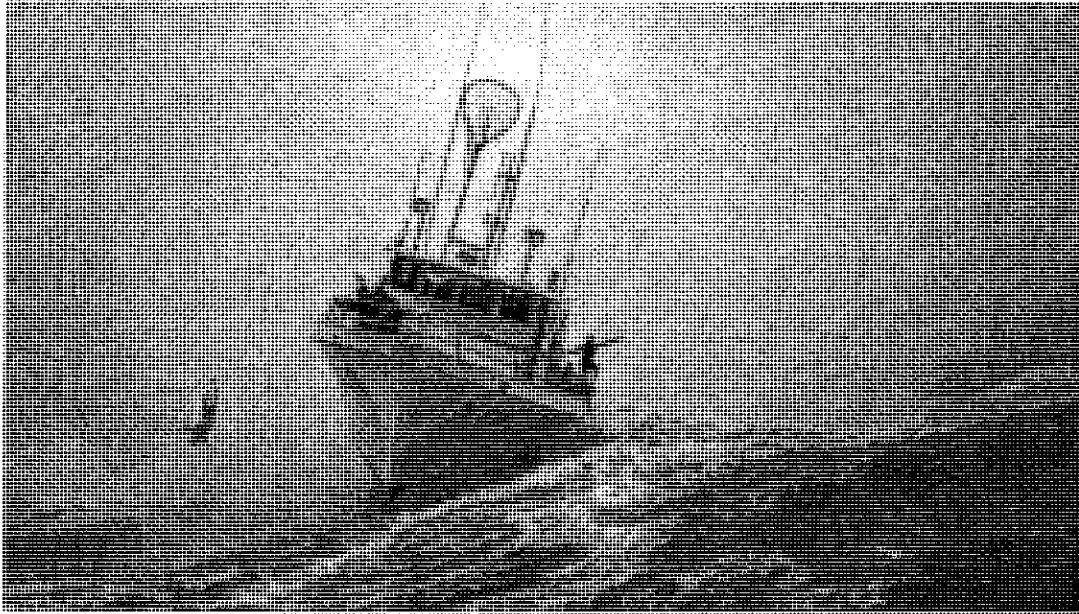
Cartel Management, Inc. Coastal Development Permit Application

Coastal Commission Staff Report Th14c

Hearing date: Thursday, Nov. 5, 2015

Hearing location: Oceano Hotel, Princeton by-the-sea

Big wave surfer jumping ship during High Surf Advisory at Mavericks



Link to video: <http://www.networka.com/big-wave-surfer-mark-healey-launched-off-boat-at-mavericks>

Safety First

A growing number of charter boats, fishing boats, and sports boats bring passengers out to watch the Mavericks surf contest on a high surf advisory day. There have been vessel collisions and boat related injuries during prior Mavericks events.

In the past the, US Coast Guard has not had a consistent presence during the event. The San Mateo County Harbor District has limited harbor patrol emergency response capabilities.

A Coast Guard vessel should be nearby to provide prompt emergency response in the event of a vessel collision, sinking vessel, fuel spill or vessel fire. The Coast Guard should also help report MBNMS permit violations.

As a condition of the CDP please consider requiring Coast Guard coverage during the full day of the surf contest.

Monterey Bay National Marine Sanctuary

Who will enforce the NOAA/MBNMS permit? The current permit seems to rely on the honor system of self-reporting and lacks enforcement.

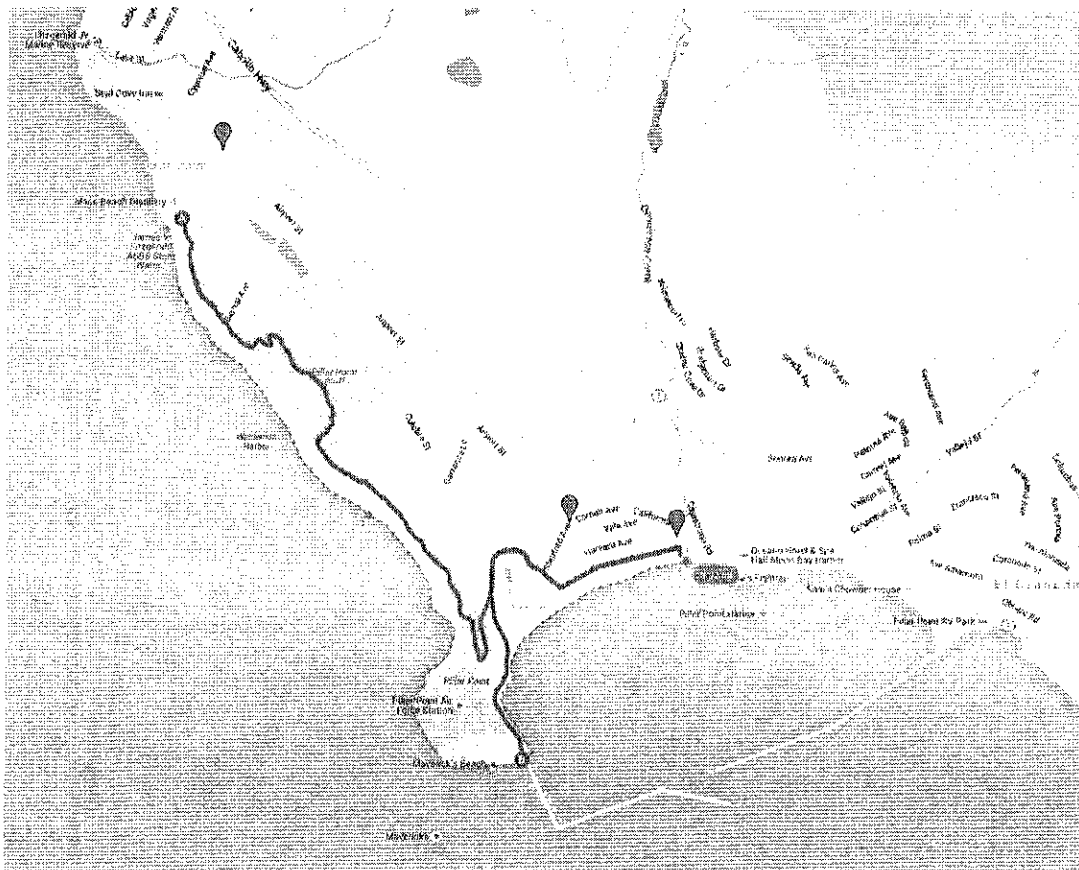
Three Miles of Shoreline

Why isn't a map included in the staff report that depicts the scope of the three miles of shoreline/beach access blocked by the contest? *Please see the map below.*

Roadblocks, Traffic and Parking

A condition of the proposed CDP specifies that parking and traffic control plans are required prior to the day of the event. If the traffic and parking plan are provided 24, 48 or 72 hours in advance of the event how will the permitting agencies have time to review the plans? The event is typically scheduled with only 48 hours notice. Why aren't the traffic and parking plans included with the proposed CDP application to allow for public review and comment? Why does the CDP exclude any mention of the traffic and parking controls (road block) located in Seal Cove, Moss Beach?

In the next map, two roadblocks in Princeton by-the-sea and one roadblock Seal Cove are indicated in red.



The event can be called on a busy weekend or holiday when traffic is already challenging. Why doesn't the CDP require an evacuation plan in the event of the earthquake, tsunami, or fire?

Impact on Local Businesses

Why aren't potential impacts on local businesses, (land-based and vessel-based businesses), considered in the proposed CDP? Exclusive use of the offshore surfing area, traffic and roadblocks prohibit access to some local businesses and residences.

Four-Year Extension

Why does the CDP include a 4-year extension amendment? It appears the proposed CDP allows Cartel Management an advantage over any other entity interested in organizing an event at the Mavericks offshore surfing area.

Cartel Management has claimed that it intends to create a multi-day event that rivals huge festivals such as Coachella and SXSW. Consider these quotes from the owner of Cartel Management:

"We live in a time now that festivals can activate on a moment's notice..."
—Griffin Guess

"Most of our nation's successful events and festivals live by the complexities and speed in being operational on a moment's notice."
—Griffin Guess

TUESDAY, FEB. 24, 2015—GOOD TIMES NEWS PAPER

<http://www.gtweekly.com/index.php/santa-cruz-news/good-times-cover-stories/6345-sea-change.html>

Other businesses such as the World Surf League, have expressed interest in holding a contest in the same "exclusive access" area. Has consideration been given to the precedent that will be set by permitting up to five years of "exclusive access" to Cartel Management?

The public would like to watch the event live online the day of the contest. Free online live-stream access significantly reduces traffic. This was offered during past events as mitigation for restricting public access. The proposed CDP staff report (page 12, paragraph 2) states that the event is "free to the public." What is this assumption based on? Has Cartel Management committed to providing free live online access to the contest? Why isn't this a specific condition of the proposed CDP?

It has been reported that bars and restaurants will be required to pay Cartel Management a fee to broadcast the event. Those businesses may collect a cover charge or require the purchase drinks and food to watch the surf contest.

Prohibition of Media Coverage

It appears that the media is being restricted from accessing the event. The "exclusive access" included in the CDP limits the press from acquiring images and reporting from the event located in the Pacific Ocean.

Have the implications of allowing a private business enterprise to interfere with the rights, guaranteed by the First Amendment been considered?

The screenshot below is from the Titans of Mavericks website regarding press access. A member of the press can request pre-event coverage or post-event coverage but "event coverage" is not an option.

The screenshot shows a web form for requesting media credentials. At the top, there is a navigation bar with links for Home, About, Media, and Contact, along with social media icons for Facebook, Twitter, and YouTube. The form fields include:

- Name * (with sub-labels First and Last)
- Email *
- Cell Phone *
- Coverage Type * (with a dropdown menu showing "Pre-Event" and "Post-Event")
- A "Submit" button.

Below the form, there is a confirmation statement: "By submitting this request I confirm that: I understand the Media Credential Procedures and agree to the terms provided in acquiring official media credentials for the Titans of Mavericks event. Violating any of these policies listed will result in revocation of all credential privileges for the Event by the organizers. Please note your submitted application is NOT a guarantee."

At the bottom of the page, there is a footer with the text: "© 2019 TITANS OF MAVERICKS / CONTACT: MEDIA INQUIRY / CONSERVATION MISSION / BALEN / 408.710.1510 / TITANSOFMAVERICKS.ORG" and social media icons for Facebook, Twitter, and YouTube.

Pillar Point Bluff

In the past San Mateo County Park Rangers have not been able to manage the crowd of "walkers" on Pillar Point Bluff. Crowds will continue to increase as the event gains notoriety from marketing and advertising campaigns. In the past, many of the "walkers" consumed alcoholic beverages. If the public is allowed to "walk" the environmentally sensitive trails on Pillar Point Bluff the day of the Mavericks contest, how will these aspects be dealt with?

Harbor District Assets and the Harbor District Permit

The proposed CDP designates private use of one lane of the public boat launch ramp at Pillar Point Harbor. This private use is not provided for in the Harbor District permit. During certain times of the year, those lanes are congested with recreational fishing traffic. Has Coastal Commission Staff considered the impact on other users of this vital Harbor District resource?

Why does the proposed CDP designate private use of a floating dock (H) at Pillar Point Harbor? Floating dock (H) is currently in use by charter boat operators. This private use is not provided for in the Harbor District permit.

Why does the proposed CDP designate private use of 25 to 40 parking stalls within the Pillar Point Harbor District parking lot as well as six long spaces located westerly of the Harbormaster's Office? This private use is not provided for in the Harbor District permit.

Coastal Act Concerns

The proposed CDP grants exclusive access to a pristine beach. Which provision of the Coastal Act allows granting of exclusive use of a public beach?

Which provision of the Coastal Act allows closure of a public beach for exclusive use by a commercial enterprise?

Which provision of the Coastal Act allows granting of "exclusive use of the offshore surfing area"?

What are the coordinates of the proposed "exclusive" surf area?

How will "exclusive use" be enforced? Will the public be blocked from surfing Ross' Cove and Flat Rock on the day of the Mavericks contest?

Th14c

October 28, 2015

California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, Ca 94105

Re: Application 2-15-1458 by Cartel Management Incorporated

Honorable Commissioners,

I write this letter to encourage the you to approve the Consolidated CDP Application submitted by Cartel Management Incorporated to sanction activities pertaining to the eight (8) hour "Titans of Mavericks" surf contest located on the reefs, commonly referred to as "Mavericks" west of Pillar Point Harbor.

I have been surfing Mavericks since 1993 and have competed in every permitted event that has taken place at this location. It is my opinion that Cartel Management has already established an exceedingly strong precedent for the stewardship and conservation of the waters and coastline around the proposed event site. I submit that the Titans of Mavericks event and its partnership with the Monterey Bay Aquarium is synergistic with the Coastal Commission's mission to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean.

I highly encourage the Commission to not only issue the requested permit, but to also actively seek ways to support Cartel Management Incorporated in further developing an event that will likely benefit the said waters and coastal areas for current and future generations.

Respectfully submitted,

Zachary A. Wormhoudt
Zachary A. Wormhoudt
Titans of Mavericks Competitor

RECEIVED

OCT 29 2015

**CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST**



Th14c SAN MATEO COUNTY



SILICON VALLEY

The best of the
San Francisco Bay Area

October 27, 2015

California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Fax Number: 415-904-5400

Re: Application 2-15-1458 by Cartel Management, Inc.

Dear Commissioners:

I am writing to respectfully request that you approve the Consolidated CDP application submitted by Cartel Management, Inc. to authorize activities related to the one-day 'Titans of Mavericks' surf contest, to be held sometime between November 1, 2015 and March 31, 2016 near Pillar Point Harbor.

As noted in your staff report on the proposed contest, it is an extremely popular recreational event that draws visitors and locals to the area, creating global recognition for our area. There is enormous local support for the event. As also noted in the staff report, organizers have worked hard over the years to ensure the protection of the public, participants and coastal resources during the event.

Thank you for considering our views.

Sincerely,



Anne LeClair
President & CEO

San Mateo County/Silicon Valley
convention & visitors bureau

111 Anza Boulevard, Suite 410
Burlingame CA 94010
phone 650.348.7600
toll free 800.288.4748
fax 650.348.7687
www.visitsanmateocounty.com

From: [Brian Waters](#)
To: [Ananda.Renee@Coastal](#)
Subject: Fwd: CCC letter
Date: Thursday, October 29, 2015 3:40:40 PM

Another one:

Best regards,

Brian Waters

Cartel Management
Chief Operating Officer
(m) [408-348-5508](#)
(p) [323-790-7333](#)
(w) [cartel-management.com](#)

This e-mail and any attachments contain information that is/may be covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. It is also proprietary and confidential in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing or otherwise disclosing this information in any manner. Instead, please reply to the sender that you received this communication in error, then immediately delete it, and if you have produced a hard copy of this email you must immediately destroy that copy. Thank you in advance for your cooperation. Cartel Inc. 2015

Begin forwarded message:

From: "Judy Taylor" <jt@judytaylor.com>
Date: October 29, 2015 at 11:16:38 AM PDT
To: <brian@cartel-management.com>
Subject: CCC letter

Renee Ananda
Coastal Program Analyst with CA Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

Please approve the Mavericks event with conditions that are doable for the promoters.

Judy Taylor
Alain Pinel Realtors
42 N Cabrillo Hwy
Half Moon Bay, CA 94019
Office: 650.712.1199
Direct: 650.479.1284
BRE: 00603297

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HALF MOON BAY COASTSIDE

CHAMBER OF COMMERCE & VISITORS' BUREAU

It's your connection

235 Main Street
Half Moon Bay, CA 94019
(650) 726-8380
fax (650) 726-8389

www.hmbchamber.com
www.halfmoonbayecotourism.com

October 29, 2015

California Coastal Commission
Northern Central Coast District Office
45 Fremont St., #2000
San Francisco, CA 94105

Fax Number: 415-904-5400

Re: Application 2-15-1458 by Cartel Management, Inc.

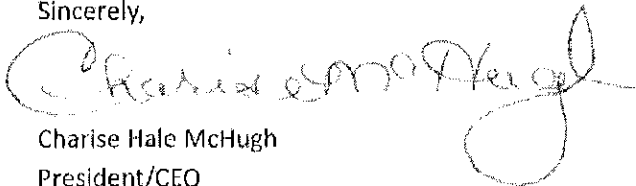
Dear Commissioners:

I am writing to respectfully request that you approve the Consolidated CDP application submitted by Cartel Management, Inc. to authorize activities related to the one-day "Titans of Mavericks" surf contest, to be held sometime between November 1, 2015 and March 31, 2016 near Pillar Point Harbor.

This is an important event for the Coastsides and for all our businesses. This extremely popular recreational event draws visitors and locals to the area, creating global recognition for the Coast. There is enormous local support for the event. Organizers have worked hard over the years to ensure the protection of the public, participants, the habitat, and coastal resources during the event.

Thank you very much for your efforts on this matter.

Sincerely,



Charise Hale McHugh
President/CEO



October 28, 2015

Renee Ananda
Coastal Program Analyst with CA Coastal Commission
45 Fremont St. Suite 2000
San Francisco CA 94105

Dear Ms. Ananda and Commissioners:

The Half Moon Bay Brewing Company and Mavericks Brewing fully supports Cartel Management/Titans of Mavericks surf contest to be held sometime between November 1st 2015 and March 31st 2016, at the Mavericks surf spot near Pillar Point Harbor.

This event brings economic opportunities in many ways to our Coastside, including tourism and recognition worldwide. As the first green-certified business on the San Mateo County coast, we appreciate Cartel Management's commitment to be stewards of our environment.

We appreciate your consideration.

Sincerely,

Mary Oldham
Director of Marketing
Half Moon Bay Brewing Company, Mavericks Brewing
390 Capistrano Rd.
Half Moon Bay CA 94019
650-728-2739 Ext: 204
mailing: POB 879 El Granada CA 94018
www.hmbbrewingco.com
www.maverickseventcenter.com
www.mavericksbeer.com
www.innatmavericks.com

From: [Brian Waters](#)
To: [Ananda.Renee@Coastal](#)
Subject: Fwd: Titans of Mavericks event application
Date: Thursday, October 29, 2015 3:49:28 PM

From community member.

Best regards,

Brian Waters

Cartel Management
Chief Operating Officer
(m) [408-348-5508](#)
(p) [323-790-7333](#)
(w) [cartel-management.com](#)

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Begin forwarded message:

From: [corrine@corrinebucher.com](#)
Date: October 29, 2015 at 1:31:00 PM PDT
To: [brian@cartel-management.com](#)
Subject: **Titans of Mavericks event application**

Renee Ananda
Coastal Program Analyst with CA Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

Hello Coastal Commission -

I urge you to approve the Application 2-15-1458 by Cartel Management, Inc. for The Titans of Mavericks event. As a Coastside resident I am aware of the impact it has on our businesses and I am in support.

Thank you
Corrine Bucher

Th14c

October 29, 2015

Renee Ananda
Coastal Program Analyst
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105

Via email to: brian@cartel-management.com

Dear Madame,

Please accept my communication in support of the Titans of Mavericks event and application number 2-15-1458 Cartel Management Inc.

As a Bed and Breakfast in Montara, California which is situated along the San Mateo coastline, the economic impact to our little coastal community during this much loved, historical and sentimental event is profound to our mainstay. Annually, the world of surfing, love of surfing and admires of the Half Moon Bay coastline await the word that world class surfing is upon us. With an influx of visitors, new and returning descend upon our communities. As a Bed and Breakfast with ocean views, guests watch from towering decks in hopes of seeing competitors brave the huge waves. At night, they slumber to the sound of breaking waves, sea air and peacefulness. We depend greatly upon this event to carry us through the quieter period of the year. It helps us to maintain staff, operational expenses and generate revenue that is essential to our survival.

During the opening season last year, I can attest to the numerous of calls of visitors asking about the event taking place. When left with the uncertainty, you can only hear their disappointment which hurts our ability to generate much needed revenue. Despite the international knowledge of this event, it still remains a grass-root annual event that residents, families and visitors alike look forward to each year. It would be a great loss to not have Mavericks continue annually so that young and old can enjoy the spirit of the event and why it should exist today and forever. Therefore, it's apparent we must do all we can to sustain this important event annually.

Should you require me to speak in person or on behalf the Mavericks event, it will be my absolute pleasure to convey my experience both as an admirer of world class surfing, love for the San Mateo coastline and as a business owner. Thank you for the opportunity to express my position.

Respectfully Submitted,

Debbie Padilla, Innkeeper
Ocean View Inn
8425 Cabrillo Highway
PO Box 371211
Montara, CA 94037
P: 650 728-8200
F: 650 728-8740
e: oceanviewinnhmb@yahoo.com

RECEIVED

OCT 30 2015

CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

From: [Brian Waters](#)
To: [Ananda, Renee@Coastal](#)
Subject: Fwd: Application for the Titans of Mavericks Event
Date: Thursday, October 29, 2015 6:20:52 PM

Renee,

Please see below.

Best regards,

Brian Waters

Cartel Management
Chief Operating Officer
(m) [408-348-5508](#)
(p) [323-790-7333](#)
(w) [cartel-management.com](#)

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Begin forwarded message:

From: "Ginger Minoletti" <ginger@bayworldtravel.com>
Date: October 29, 2015 at 6:09:27 PM PDT
To: <brian@cartel-management.com>
Subject: Application for the Titans of Mavericks Event

Kind Attention Renee Ananda – Coastal Program Analyst with the CA Coastal Commission

I am writing in support of the event known as Titans of Mavericks. It is a world renowned event and brings great economic benefit to the Coastside community. The event's been very successful in the past and continues to bring people and

opportunities to Half Moon Bay throughout the entire year.

Thank you in advance for your consideration.

Ginger Minoletti - Owner

Bay World Travel
225 S. Cabrillo Hwy Ste C-108
Half Moon Bay, CA 94019
(650)726-7345
bayworldtravel.com



Th14c

From: Brian Waters
To: Ananda_Renee@Coastal
Subject: Old Princeton Landing support for Titans of Mavericks
Date: Thursday, October 29, 2015 11:42:13 PM

Please find another letter of support below.

Best regards,

Brian Waters

Cartel Management
Chief Operating Officer
(m) 408-348-5508
(p) 323-790-7333
(w) cartel-management.com

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Subject: Old Princeton Landing support for Titans of Mavericks

Dear Coastal Commission and anyone whom it concerns,

I am writing a letter fully supporting Titans Of Mavericks big wave event at Mavericks. The event creates awesome business on the coast as well as the peninsula. I can say that every Mavericks event we have had my business at the Old Princeton Landing Public House and Grill has been the best day of business for the year. The current gross sales record for a single day at the restaurant and bar is still holding from the last Mavericks event held in 2014. My business partners and all my staff can't wait for the next event; hopefully this season. I also understand that the current Titans Of Mavericks organization (Catel-Management Inc.) running our big wave event is a wonderful group of professional people that have all things in order and are ready to go. This team has

reached out and committed themselves to our community spending money in our local coast-side businesses and donating time and money to many of our charities. It doesn't get any better than that.

Once again, I fully support the Titans Of Mavericks big wave event at Mavericks and wish them all the very best.

sincerely,

Brian Overfelt
owner- Old Princeton Landing Public House and Grill
650 888 4650

From: [Brian Waters](#)
To: [Ananda, Renee@Coastal](#)
Subject: Fwd: Mavericks Letter
Date: Friday, October 30, 2015 12:00:33 AM

Renée,

Here is another letter.

From: Dan <danismaximus@gmail.com>
Date: October 29, 2015 at 11:03:10 PM PDT
Subject: Mavericks Letter

To Whom It May Concern,

On behalf of Hop Dogma Brewing Company, I would like to express our support for the Mavericks event. The event not only brings our community together with its awe-inspiring natural phenomena and incredible feats of athleticism, but it is also the pride of so many people that call the coast home. Many of our customers visit the coast during this event and leave feeling that they have been a part of something truly unique and special. We should be exceptionally proud of this event and support it fully.

Thank you for your time,
Dan Littlefield
Owner of Hop Dogma Brewing

Sent from my iPhone.

JAFCO CONSTRUCTION
CA# 730464
650-726-7965
J.FRUEHWIRTH@COMCAST.NET

As a local business owner and longtime coastal resident I fully support the Titan's of Maverick's event and have no problem with the harbor area being impacted by it. It has been managed in a way that has been considerate to the local residents and with minimal impact on the natural state of the beach area.

JAFCO construction fully supports the efforts of both the management and the various agencies that have cooperated to bring an event of such notoriety and magnitude to our coastal area.

Sincerely,
Jason A. Fruhwirth
JACO
President and owner
10-20-15

RECEIVED

OCT 30 2015

CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

Ananda, Renee@Coastal

From: Brian Waters <brian@cartel-management.com>
Sent: Friday, October 30, 2015 1:40 PM
To: Ananda, Renee@Coastal
Subject: Fwd: Letter in support of Titans of Mavericks

Here is another support letter.

Best regards,

Brian Waters

Cartel Management
Chief Operating Officer
(m) 408-348-5508
(p) 323-790-7333
(w) cartel-management.com

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Begin forwarded message:

From: Mary Corcoran <mary@hmbcoastsidetours.com>
Date: October 30, 2015 at 1:33:25 PM PDT
To: brian@cartel-management.com
Subject: Letter in support of Titans of Mavericks

We support the approval of this application - this is a very important tourism booster for the San Mateo Coastside and part of the fabric of our community - not to mention our local surf culture.

Application 2-15-1458 by Cartel Management, Inc

Best regards, Mary

William H. Overfelt
1798 S. Longspur Lane
Gilbert, AZ 85295

November 1, 2015

CALIFORNIA COASTAL COMMISSION

RE TITANS OF MAVERICKS
BIG WAVE EVENT

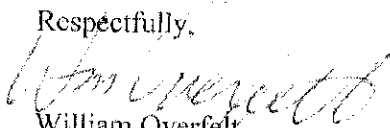
To Whom It May Concern:

As a former resident of Half Moon Bay, CA where I raised my family and had my tax and accounting practice, I have seen the Coastsides thru many economic upsides and downsides. In many cases, the Coastsides (from Montara thru Pescadero) has suffered from lack of county and other services. Accordingly, the residents of the Coast have come up with several events to benefit our community and provide necessary services. To name a few: The Pumpkin Festival, The Chamerita Festival, the Air Show and the world famous Mavericks Big Wave Event.

In order to continue the Big Wave Event, The Titans of Mavericks have sought outside sponsors to continue the Event and help provide funds and entertainment for local businesses and Bay Area and other fans.

As a former resident and veteran, I urge your organization to continue assisting the Titans of Mavericks in maintaining this event in the foreseeable future.

Respectfully,



William Overfelt