

CALIFORNIA COASTAL COMMISSION

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Th10b

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-18-0142

Applicants: Live Nation Worldwide, Inc., City of Long Beach Office of Special Events and Filming, and Diversified Production Services, LLC

Agents: Courtney Eusebio, Diversified Production Services, LLC
Tasha Day and Tom Modica, Office of Special Events and Filming, City of Long Beach

Location: Alamitos Beach, on the public beach near 700 Shoreline Drive, City of Long Beach (Los Angeles County)

Project Description: Temporary community and live music event held on Alamitos Beach in downtown Long Beach with five (5) days of free community events open to the public (Monday 7/16/18 through Friday 7/20/18), including professional and amateur sand-sculpting, sunrise and sunset yoga and meditation, beach volleyball clinics and games, and CPR and beach safety demonstrations, a one (1)-day live music event (Saturday 7/21/18), and four (4) days of takedown activities. The project includes temporary use of approximately 400,000 sq. ft. of sandy beach and construction of a 300,000 sq. ft. temporary stadium, and provision of an in lieu fee of \$35,000 for activities to engage underserved youth in coastal access and recreation opportunities, including the “All City Beach Day”, Junior Lifeguard scholarships, and free swim lessons.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project is a temporary community and live music event to be held on the west end of Alamitos Beach in the Downtown Shoreline area of Long Beach from Monday, July 16 through Wednesday, July 25, 2018. The event includes five days of free community events, Monday July 16 through Friday July 20, 2018, and a one-day paid live music event on July 21, 2018 concluding with in-stadium pyrotechnics. An additional four days would be required for takedown activities. The organizers, Live Nation Worldwide and Diversified Production Services, are co-applicants with the City of Long Beach which supports this project.

The free community events, including professional and amateur sand-sculpting, sunrise and sunset yoga and meditation, beach volleyball clinics and games, and CPR and beach safety demonstrations, will be held within and adjacent to the temporary stadium from 8 am to 7 pm each of the five days preceding the live music event. The applicants expect approximately 5,000 individuals to attend the community events each day. The live music event, with a stadium capacity of approximately 31,000 people, is primarily a paid event with 25,000 tickets that have been previously sold by the organizer, with admission costs starting at \$55. Pursuant to subsequent coordination with Commission staff, the organizers and the City have revised the project to offer the approximately 5,000 remaining tickets to the public free of charge through promotions. In addition to the above referenced five days of free public community events, the organizers, in coordination with Commission staff and the City, have also incorporated the proposal to provide an in lieu fee of \$35,000 to the City of Long Beach for sponsorship of activities directed at engaging underserved youth in coastal access and recreation including the proposed community events, the City's All City Beach Day, swim lessons at Long Beach public pools, and scholarships for the Long Beach Junior Lifeguard programs.

The project involves construction of a temporary 300,000 square foot stadium containing a stage, VIP and ADA seating, a beverage bar, medical tents, water stations, port-o-johns, handwashing stations, a waterslide, and other ancillary developments. In addition, the project includes the installation of a 100,000 square foot sand-sculpture exhibit that would be open to the public free of charge for the five days of public events and which would be used as the queuing area on the day of the live music event. Approximately 50 feet of dry sandy beach between the mean high tide line and the project site will remain open to the public to ensure public lateral access along the beach is maintained at all times during the event. Public vertical access to the beach will be maintained at all times.

Although the City of Long Beach has a certified Local Coastal Program, the proposed event area is located on state tidelands; thus, it falls within the Commission's area of original jurisdiction and the applicants must obtain a coastal development permit from the Commission. A permit is required for this year's event because it involves erection of a fence on the public beach and a general admission fee for a portion of the event. The proposed live music portion of the event temporarily precludes some individuals from using a portion of the sandy beach where the temporary stadium is located; therefore, special conditions are necessary to protect public access and recreation. As conditioned, the proposed temporary ten-day event (including setup and takedown) protects and encourages public access to the sea and provides free opportunities for underserved youth throughout the greater Los Angeles region to travel to Long Beach for free coastal recreation activities.

As conditioned, the Commission finds that the development will not have any new long-term adverse impacts on public access and recreation and is consistent with the public access and recreation policies of the Coastal Act. Staff is recommending **approval** of the coastal development permit with **nine (9)** special conditions. The special conditions include: **1) Duration of Permit; 2) Temporary Volleyball Court Relocation; 3) Shoreline Access Management Plan; 4) Admission Fees and Signage; 5) Implementation of Proposed Public Access Improvements; 6) Marketing and Media Plan; 7) Water Quality; 8) Lighting Design; and 9) Sound Design.**

The motion to carry out the staff recommendation is on page five. The applicants agree with the recommendation.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Production Schedule
- Exhibit 3 – Site Plan
- Exhibit 4 – Community Programming Details
- Exhibit 5 – Transportation Estimates
- Exhibit 6 – Traffic Vendors
- Exhibit 7 – Predicted Budget

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-18-0142 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit Application No. 5-18-0142 for the proposed development 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.

5. **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. **Duration of Permit.** Coastal Development Permit 5-18-0142 shall only extend to:
 - a. The proposed events to be held from Monday, July 16 through Wednesday, July 25, 2018;
 - b. Set-up and timely removal of those temporary facilities necessary to stage the event. Set-up will begin Monday, July 16 and continue until Saturday, July 21. Removal of facilities will begin Sunday, July 22. All facilities will be entirely removed from the beach and Marina Green by 7 pm on Wednesday, July 25, 2018.

The permittees shall undertake and maintain the development in conformance with the special conditions of the permit and the final plans approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.

2. **Temporary Volleyball Court Relocation.** The permittees shall work with the City of Long Beach to temporarily relocate all volleyball courts within the project area to a location, to be determined by the City of Long Beach, immediately east of the project site for the duration of the event. The volleyball courts shall be returned to their previous location by 7 pm on Wednesday, July 25, 2018.

3. **Shoreline Access Management Plan.**

- A. Public access to and along the beach will be maintained during the entire event. Although a temporary fence will be installed around approximately 10 acres of public beach on state tidelands, the public will be able to attend the community events for free and approximately 5,000 members of the public will be able to attend the concert for free. The fence surrounding the event site will be located at least 50 feet inland of the high tide line. Lateral access along the shoreline shall not be impeded by the event. Public and private security will patrol the perimeter of the project area for the entire duration of the event and ensure access to the sea is not impeded.
- B. The permittees shall develop and implement a Parking Management Plan in cooperation with the City of Long Beach and Long Beach Transit.
- C. The permittees shall develop and implement a Traffic Management Plan in cooperation with the City of Long Beach. The permittees may select a traffic consultant(s) from the list of vendors provided by the City of Long Beach (**Exhibit 6**).

- D. The temporary event facilities (i.e., stadium, tents, fencing, etc.) shall be sited so as not to interfere with the public's use of the east-west regional bicycle and pedestrian route that crosses the Downtown Shoreline area (connecting the Los Angeles River Bike Trail to the Beach Bike Path). If temporary closure of the bicycle and pedestrian path is necessary during installation or tear-down of equipment, a 5-minute interruption of traffic on the pedestrian and bicycle route is authorized with a flagman or woman to stop bicycle and pedestrian traffic.
- E. A free valet bicycle parking program shall be in operation adjacent to the event site during event activities from Monday, July 16, 2018 through Saturday, July 21, 2018.

4. Admission Fees and Signage.

- A. The permittees shall use the Box Office to educate attendees about the event. The permittees shall post signs on Monday, July 16, 2018 at key visible locations on the exterior of the proposed 8-foot stadium fencing with the community event schedule for Monday, July 16, 2018 through Friday, July 20, 2018 clearly stating that the activities are free to all members of the public. The permittees shall also post a "Free General Admission" sign on the fence line at the entrance to the sand-sculpture exhibit. The sand-sculpture exhibit shall remain free and open to the public for the duration of the event.
- B. No further ticket sales for the live music event are permitted. A plan to give away approximately 5,000 tickets for free to the general public shall be developed in coordination with the City of Long Beach and shall be submitted to the Executive Director. Upon written approval from the Executive Director, the permittees shall implement the approved plan.
- C. The permittees shall count and record the number of persons participating in the free community events Monday, July 16, 2018 through Friday, July 20, 2018, and shall provide the Commission with the data by August 25, 2018.

5. Implementation of Proposed Public Access Improvements.

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall deposit \$35,000 (herein 'fund') into an interest-bearing account, to be established and managed by the City of Long Beach in support of the following activities, as proposed by the permittees and as described below. The fund shall be used in its entirety within one year of being deposited into the interest-bearing account established and managed by the City of Long Beach. If any portion of the fund remains in the account after one year and the Executive Director determines the funds should be reassigned, those funds shall be transferred to an agency or nonprofit entity to be selected by the Executive Director, for the purpose of providing increased public access and recreation opportunities to the Coastal Zone in Long Beach. The entire fund shall be directed towards programs providing underserved youth in need of financial aid or not otherwise able to regularly access the beach opportunities for coastal access and recreation. Specifically, it shall be used to support the activities identified below, in consultation with the Executive Director.

- a. Sun Soaked Parks and Recreation Days: A portion of the fund shall cover transportation and meals for each day of the free community events at Alamitos Beach, including professional and amateur sand-sculpting, sunrise and sunset yoga and meditation, beach volleyball clinics and games, and CPR and beach safety demonstrations, from Monday, July 16, 2018 through Friday, July 20, 2018.
 - b. All City Beach Day: A portion of the fund shall cover transportation and lunch for the City of Long Beach’s All City Beach Day.
 - c. City of Long Beach Swim Lessons: A portion of the fund shall be deposited into a scholarship fund managed by Partners of Parks to cover the cost of swim lessons for low-income applicants at any of the City’s three public pool facilities—Silverado Pool, Belmont Pool, or Martin Luther King Pool.
 - d. Long Beach Junior Lifeguards: A portion of the fund shall be deposited into a scholarship fund managed by the Long Beach Fire Department to cover the \$200 registration fee and required uniform for Junior Lifeguard programs.
 - B. Prior to expenditure of any funds required pursuant to this condition, the Executive Director shall review and approve in writing, the proposed use of the funds as being consistent with the intent and purpose of this condition.
 - C. The permittees shall provide evidence, in a form and content acceptable to the Executive Director, that the fund was distributed within one year of the Commission’s action on CDP Application No. 5-18-0142 in a manner consistent with the requirements of this condition. The City of Long Beach shall submit a report regarding how the funds were dispersed by July 7, 2019. The Executive Director may extend the aforementioned deadlines, in writing, for good cause.
6. **Marketing and Media Plan.** The permittees shall develop and implement a Marketing and Media Plan in cooperation with the City of Long Beach. The permittees shall highlight the free community events and strongly encourage attendees to walk, bike, or take public transit to the event.
7. **Water Quality.** By acceptance of the permit, the permittees agree to remove and legally dispose of all trash, waste, oil, grease, and other materials that may be deposited within the event area incidental to public use of the Marina Green Park, the beach, and adjacent parking facilities. The permittees shall surround all fuel storage areas with a double layer of sand or gravel bags to contain any fuel that is spilled and keep absorbent spill clean-up materials on hand in the event of a spill. The permittees shall develop and implement a program to collect and recycle beverage containers in coordination with the City of Long Beach. All fireworks-related debris shall be recovered and disposed of.
8. **Lighting Design.**
- A. Nighttime lighting may be used on Saturday, July 21, 2018 and shall be minimized to levels necessary to provide pedestrian security. In addition, all nighttime lighting shall be shielded and focused downward and inward toward the event. Up-lighting and “event” searchlights or spotlights are prohibited. Structures, including concession and

merchandise tents, shall be designed to minimize light spillage and maximize light shielding to the maximum extent feasible. Red lights shall be limited to only that necessary for security and safety warning purposes.

B. Use of pyrotechnics shall be limited to the stage and immediate backstage areas on the night of Saturday, July 21, 2018 at 9:45 pm for a maximum of fifteen minutes, as proposed.

9. **Sound Design.** All speakers, including amplified speakers shall be directionalized to focus sound within the stadium and shall be positioned facing out towards the oil island and boat marina at all times.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project is a temporary live music and community event to be held on the west end of Alamitos Beach within a park district in the Downtown Shoreline area of Long Beach from Monday, July 16 through Wednesday, July 25, 2018 (**Exhibit 1**). The event would involve five (5) days of free public events and programming, Monday July 16 through Friday July 20, 2018 from 8:00 am to 7:00 pm, a one (1)-day paid live music event on July 21, 2018 from 2:00 pm to 10:00 pm concluding with in-stadium pyrotechnics, with an additional four (4) days for takedown activities. Setup of the temporary stadium, with a total capacity of 31,084, would begin Monday July 16, 2018. Load out of all project elements would occur Sunday, July 22 through Wednesday, July 25, 2018 (**Exhibit 2**).

The applicants propose to temporarily enclose approximately 300,000 square feet of public beach within an 8-foot high chain-link fence with partial windscreen coverage for the creation of a music stadium and adjacent 100,000 square foot sand-sculpture exhibit and queuing area with 4-foot high perimeter fencing (**Exhibit 3**). The project would involve temporary relocation of volleyball courts from the project area to the beach east of the project site and temporary use of a portion of the Marina Green public parking lot and park. All parking lots in the vicinity would remain open to the public. On the day of the concert, one of three eastbound lanes on Shoreline Drive would be used for rideshare pick-up and drop-off. The proposed project would also involve temporary construction of a box office; activity, giveaway, merchandise, and medical tents; shade structures; a 50-foot by 38-foot stage with a maximum height of approximately 45 feet; audio, video, and lighting structures; and VIP and ADA seating. In addition, 275 port-o-johns, 63 handwash stations, a 51-foot high waterslide, bike racks, water stations, lockers for attendee belongings, and crowd control barricades would be installed within the stadium. Food and merchandise trucks would be parked on the beach within the project footprint.

The proposed five free public events and programming includes professional and amateur sand-sculpting, sunrise and sunset yoga and meditation, beach volleyball clinics and games, and CPR and beach safety demonstrations (**Exhibit 4**). The organizers would be partnering with Long Beach Parks, Recreation, and Marine, the Boys and Girls Club, and YMCA to encourage attendance of inner-city youth from the greater Los Angeles area by marketing the events and providing free transportation, meals, t-shirts, and prizes. The applicants expect to facilitate the attendance of approximately 5,000 individuals on each of the five days.

The one-day live music event, with a stadium capacity of approximately 31,000 people, is primarily a paid event with 25,000 tickets that have been previously sold by the organizer, with admission costs starting at \$55. Pursuant to subsequent coordination with Commission staff, the organizers and the City have revised the proposed project to offer the remaining approximately 5,000 tickets to the public free of charge through promotions. In addition to the above referenced five days of free public community events, the organizers, in coordination with Commission staff and the City, have also incorporated the proposal to provide an in lieu fee of \$35,000 to the City of Long Beach for sponsorship of activities directed at engaging underserved youth in coastal access and recreation including the proposed community events, the City's All City Beach Day, swim lessons at Long Beach public pools, and scholarships for the Long Beach Junior Lifeguard programs.

A coastal development permit is required for this event because it involves elements including the erection of a fence on the public beach and a general admission fee. Although the City of Long Beach has a certified Local Coastal Program, because the proposed event area is located on state tidelands, it falls within the Commission's area of original jurisdiction and the applicants must obtain a coastal development permit from the Commission.

The downtown shoreline area of Long Beach, where the proposed event is located, is a popular coastal recreation area easily accessible by public transit and other modes of transportation which provides the public with excellent coastal access opportunities and many different types of free and lower cost recreational activities. Throughout the year, visitors to the downtown shoreline area can take advantage of sailing and boating opportunities, use the coastal bicycle and pedestrian path, go fishing, sightsee, visit coastal parks and the public beach, or shop at Shoreline Village and The Pike. Many of these activities are free or lower cost visitor and recreational opportunities protected by Section 30213 of the Coastal Act.

During the entire 10-day temporary event (including setup/takedown activities), the Long Beach Police Department (LBPD) and private security would patrol the perimeter of the project site and ensure that public access to the adjacent beach and bike and pedestrian paths remains open to the public at all times. For additional security measures, on the day of the music event, security chutes at the entrance of the sand-sculpture exhibit and at the entrance of the stadium would be monitored by security. As proposed, self-powered lighting towers which would focus light toward the event would be located at each of the eleven exit gates to allow attendees to safely navigate the event site during and following the musical performance (**Exhibit 3**).

All speakers, including amplified speakers, would be directionalized to focus sound within the stadium and would be positioned facing out towards the oil island and boat marina at all times.

To reduce vehicle traffic, the applicants are working with City of Long Beach mobility coordinators to provide alternative modes of transportation. In addition, the organizers will provide free valet parking, operated by Pedal Movement, Monday, July 16 through Saturday, July 21, 2018. Cyclists would not have to bring their own bike locks. Pedal Movement staff members will lock all bicycles that are checked in at the valet parking area. Each bicycle may receive a complimentary 15-minute Safety Check. The City also requires the development of a Parking and Shuttle Management Plan that includes the use of carpools, public transportation, and alternative modes of transportation.

Organizers of the event plan to sell alcoholic beverages in a designated area of the site. The City of Long Beach has already approved the sale of alcohol. The California Department of Alcoholic Beverage Control must issue a license for the sale of alcohol to take place. For management of the waste that will be generated by the proposed event, the applicants would hire a third party contractor to maintain a clean project site for the entire 10-day event. In addition, the City of Long Beach requires a recycling plan for any event over 2,000 people.

Power for the proposed lighting and media equipment and other facilities at the event site will be provided by portable generators. The stage would have a redundant power supply. Fuel for the generators would be stored in an area backstage that shall be surrounded by a double layer of sand or gravel bags to contain any fuel that is spilled. Absorbent spill clean-up materials should be on hand in the event of a fuel spill.

The organizers would also implement a media plan including media releases by the City for the free community events, the use of social media outlets, community outreach through City camps, classes, and sport leagues, and advertising on the Long Beach Convention Center's marquee and the Worthington Ford sign on the 405 freeway.

B. PUBLIC ACCESS & RECREATION

The exclusive use of a segment of public beaches by special events, and the associated limitations on public access and recreation, has always been an issue of prime importance to the Commission. The following Coastal Act policies protect the public's right to public access and recreation opportunities:

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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.

Section 30212 of the Coastal Act states, in part:

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

Section 30213 of the Coastal Act states:

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

Section 30220 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

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.

Alamitos Beach is unique in that it consists of a particularly wide stretch (ranging between approximately 600 and 1,050 ft. in width from edge of the water to the back of the sandy beach) located directly adjacent to the City's harbor and breakwater, as well as directly seaward of where the majority of visitor-serving, tourist, and event facilities in the City's downtown area are located. Alamitos Beach has accommodated large events and activities in the past, pursuant to coastal development permits approved by the Commission, including beach volleyball events. In addition, a portion of the beach, park, and area immediately landward of the beach is the location where the annual Grand Prix racing event is held. Thus, in previous permit actions, the Commission has found that this general area is appropriate for visitor-serving events with commercial elements that are open to the public.

In this case, the proposed project is a temporary community and music event that will be located on part of the public beach and would likely draw upwards of 50,000 additional visitors to Alamitos Beach. For 10 days, from setup to takedown (July 16-25, 2018), parts of the sandy beach between the beach bike path and the mean high tide line (MHTL) will be developed with temporary fencing and other structures restricting the general public from use of the entire beach. In addition, on the day of the music event (Saturday, July 21, 2018), the general public, with the exception of the concert-goers, will be excluded from approximately 10 acres of Alamitos Beach.

In order to preserve lateral public access along the shoreline, the applicants will maintain a 50-foot wide corridor on the beach between the sea and the event site. This 50-foot wide corridor must be kept clear of event-related structures and other obstructions. **Special Condition 3** requires LBP and private event security to ensure that access to the beach remains open and is not significantly impacted by the event. In addition, the applicants have incorporated a winding queuing area into the project proposal that can accommodate approximately 10,000 people to minimize impacts of a queue on vertical access to the beach. If a queue were to form, **Special Condition 3** requires that security be responsible for establishing breaks in the queue to maintain open pathways to the beach. Members of the public wishing to access the water vertically through the event will be allowed to do so. The bike and pedestrian lanes landward of the stadium will remain open to the public during the entire event, based on the requirements of **Special Condition 3**.

The project requires the use of the area where the volleyball courts are located. To minimize the proposed event's adverse impact on public recreation, **Special Condition 2** mandates the relocation of the volleyball courts to an area adjacent to the project site that is entirely accessible to the public.

The proposed temporary project is consistent with Section 21.53.109(a) of the City's certified LCP, used as guidance in the review of this project, which sets the maximum allowable length of time for temporary events in a Park District at ten days. **Special Condition 1** restricts the event to the proposed timeline detailed in the submitted CDP application.

Parking and Traffic

In regard to the public beach parking supply, the crowds generated by the proposed event would result in some temporary adverse impacts to beach-goers' ability to find a parking space near the beach. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. However, the site of the proposed event is unique in that it is located close to the Long Beach Convention Center, which hosts numerous large events throughout the year, and to several parking facilities, many within walking distance of the beach and event site. Thus, there is a large surplus of public parking within the nearby vicinity and the temporary impacts to parking are not expected to be significant.

Specifically, during the five days of free community events, the applicants expect approximately 5,000 attendees from the public to travel each day to Alamitos Beach specifically for the proposed sand-sculpting, yoga, volleyball, and beach safety activities. Most of the anticipated attendees would be transported by bus from their communities to the project site by the applicants and would, therefore, not require the use of parking spaces. However, the applicants expect that the proposed live music event, which has a capacity of 31,084 people, will necessitate the use of approximately 7,139 parking spaces (**Exhibit 5**). There are 7,585 total available spaces in the Convention Center parking lot, Aquarium Garage, Pike Parking Garage, and Alamitos Beach public parking lot combined. All of these lots will remain open to the public and will be filled on a first come, first served basis at existing costs. Parking for production trucks and guest artists would be accommodated within a portion of the Marina Green public parking lot and park. Drop-off and pickup of kids attending the free community events by the proposed organized buses will also take place within a portion of the Marina Green public parking lot and park and are not expected to temporarily use more than ten parking spaces.

The crowds generated by the event would also adversely impact traffic in the Downtown Shoreline area. The proposed project requires the temporary closure of one of three eastbound lanes for rideshare pickup and drop-off on the day of the proposed concert. Thus, the lane would be closed around 2 pm for attendee drop-off and around 10 pm for pickup. All remaining lanes would be open. To minimize the potential for traffic to impact public access to the beach, the organizers would use a City-recommended traffic control company for traffic management, including posting lane closures. In addition, the City requires a parking and shuttle management plan that includes the use of carpools, public transportation, and alternate modes of non-polluting transportation whenever possible. Thus, **Special Condition 3** requires the development and implementation of parking and traffic management plans to minimize the proposed event's impact on public access to the beach. Additionally, LBPD and the Long Beach Department of Public Works would help direct traffic.

Many of the impacts would be incurred on the day of the live music event as approximately 30,000 guests travel to the area. Public and attendee use of alternative transportation methods would reduce the proposed project's impacts to parking availability, and thus, public access to

the beach, during the six activity days of the ten-day event. There are a number of public transit systems that stop in the Downtown Shoreline area. Alamitos Beach is also easily accessible by pedestrian and bike paths that extend along the coastline of Long Beach. As proposed, the applicants would work with City of Long Beach mobility coordinators to provide alternative modes of transportation including free bike valet parking, operated by Pedal Movement, Monday, July 16 through Saturday, July 21, 2018. Therefore, **Special Condition 3** requires the applicants site the event so as not to interfere with the public's use of the east-west regional bicycle and pedestrian route that crosses the Downtown Shoreline area and provides a free valet bicycle parking program will be in operation adjacent to the event site from Monday, July 16 through Saturday, July 21, 2018. In addition, **Special Condition 6** requires the applicants to submit a media plan to the Executive Director that would, in part, encourage attendees to walk, bike, or bus to the proposed event.

Event Admission

In response to several commercial events that were to take place on the beach in a number of coastal communities, the Commission requested the Executive Director to investigate the number of possible events, and ways to assure that a proliferation of commercial and other special events would not displace the general public from the use of the public beach. On January 12, 1993, the Commission adopted guidelines to balance the use of the beach for short-term events, such as filming activities and sporting events and the general public's use of the beach.

The Commission's *Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements* allow the Executive Director to exclude most temporary events from coastal development permit requirements, except for those that meet all of the following criteria:

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

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

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

The proposed event on Alamitos Beach includes five days of free programming available to the public and a one-day live music event during peak summertime beach use. The proposed music element is planned to begin on a Saturday afternoon during peak beach visitation hours. Admission to the live music event proposed to be held in the temporary stadium on the sandy beach is largely paid. In addition, the one-day live music portion of the proposed ten-day event is not water-oriented or low-cost and is a temporary commercial use of public beach which would raise an issue regarding the project's consistency with the public access and recreation policies of the Coastal Act. Thus, the proposed temporary event meets all of the above criteria (a – c) requiring the event to obtain a coastal development permit.

Over the years, the Commission has reviewed and approved temporary events requiring either 100% free admissions or limiting admission fees. If 100% free admissions were determined to be infeasible, the Commission has used the provision in the Guidelines that allows temporary events to be excluded from permit requirements if more than 75% of the seating is available free of charge for general public use as guidance. In past permit action, the Commission has approved temporary events that provide, at a minimum, 75% of the provided capacity free of charge to the public or equivalent public benefit.

Prior to coordination with Commission staff, approximately 25,000 of 31,000 (80%) tickets to the live music event were sold at prices starting at \$55. Subsequently, pursuant to coordination with Commission staff, all ticket sales were interrupted and additional free community elements, ticket giveaways, and an in lieu fee were proposed. If the Commission were to review the live music event independent of the free community components of the proposed project, the music event would not provide for the typically required 75% free admission figure in the guidelines. Thus, the Executive Director believes that waiving the permit requirement, in this instance, is not appropriate.

In order to meet or exceed an equivalent of 75% or more free admission for general public use, in coordination with Commission staff, the applicants revised the proposed project to incorporate a number of public access and recreation benefits. The applicant expanded the activities offered free to the public from professional and amateur sand-sculpting to include five days of free public activities, including sunrise and sunset yoga and meditation, beach volleyball clinics and games, and CPR and beach safety demonstrations. **Special Condition 4** requires appropriate signage on-site to inform the public about the free community events and the sand-sculpture exhibit which would be open to the public during the live music event. The City and the organizers have provided a cost analysis that shows that these activities are expected to cost the organizers approximately \$315,000 (**Exhibit 7**). The applicants also propose to work with the City's Parks, Recreation, and Marine Department, YMCA, Boys and Girls Club, and other community organizations to transport underserved youth to and from the event each day and provide meals, t-shirts, and opportunities to win prizes. The applicants expect 5,000 participants each day of the free community events. In addition, the applicants have revised the proposed project to provide the remaining approximately 5,000 tickets to the live music event for free to members of the public and would work with the City of Long Beach to develop and implement a plan to disseminate the tickets to the public. Assuming 5,000 participants per day in the free activities and approximately 5,000 free tickets to the live music event (for a total of approximately 30,000 free admissions over the course of the entire event and 25,000 paid admissions), 54.5% of event attendees would be attending the event for free.

In addition, in coordination with both City and Commission staff, the organizers have also revised the proposed project to provide an in lieu fee of \$35,000 to be directed towards underserved youth in need of financial aid or not otherwise able to regularly access the beach to facilitate coastal access and recreation. This fund would be deposited into an interest-bearing account managed by the City of Long Beach designated for four different uses. First, a portion of the fund would cover transportation and meals for each day of the free community events at Alamitos Beach. Second, a portion of the fund would cover transportation and lunch for the City of Long Beach's All City Beach Day that had over 2,500 people in attendance in 2014. A portion of the fund would also be deposited into a scholarship fund managed by Partners of Parks, a City of Long Beach non-profit organization, to cover the cost of swim lessons for low-income

applicants at any of the City's three public pool facilities—Silverado Pool, Belmont Pool, or Martin Luther King Pool. Scholarship applicants provide information on their income levels and would be selected, in part, using that information. Additionally, a portion of the fund shall be deposited into a scholarship fund managed by the Long Beach Fire Department for Junior Lifeguard programs. The \$200 registration fee and required uniform costs can be a barrier to program participation by lower-income community members; thus, the funds would be used to cover scholarship recipients' registration fees and uniforms. Scholarship recipients would also be selected based, in part, on income level information provided by the City Department of Parks, Recreation, and Marine.

Commission staff believes that by providing the remainder of the tickets to the live music event for free to the general public, providing free beach-appropriate activities, and financially supporting coastal access and recreation programs, the proposed temporary event would reach a public benefit equivalent to 75% free admission. **Special Condition 5** binds the applicants to the provision of the \$35,000 in lieu fee for the recreation programs described in this section, dissemination of 5,000 free music event tickets, and implementation of the proposed free community activities.

Although the proposed event is entirely on Coastal Commission retained jurisdiction and, therefore, the standard of review is the Chapter 3 policies of the Coastal Act, the Commission has historically used the City's certified LCP as guidance in reviewing similar coastal development permit applications. In relation to the subject permit, Section 21.53.109 of the City's certified LCP requires special events in park zone districts (which includes Alamitos Beach) to *"not last longer than ten (10) days"* and *"be sponsored by a church, school, educational institution or public or private nonprofit organization, and shall be conducted on the premises of such an organization or approved for use as a City park or other public property"* (Section 21.53.109). While the proposed event is consistent with the time limit for temporary events in park districts, the City's co-applicants are for-profit organizations; however, this policy is not binding within the Commission's retained jurisdiction areas in Long Beach. In addition, the City, as co-applicant, has discussed with Commission staff its intention to submit a local coastal program amendment to clarify the LCP standards for special events in park districts in the future, though the LCP park district provisions will not be binding on the Commission with respect to permit applications for projects on lands in the Commission's retained jurisdiction.

In this case, the subject project raises questions with regards to the types of events that should be allowed on the sandy beach at Alamitos Beach during peak summer recreation times. To avoid over-commercialization of the beach and not adversely impact public access and recreation, it is important that the City develop a management plan for temporary events on Alamitos Beach. The City is already working on a LCP amendment to address special events in park districts. Additionally, the subject project should not be used as precedent for the types of temporary events allowed on sandy beaches in California. Alamitos Beach is unique in that it is currently approximately 1000 feet at its widest points and has accommodated large events and activities, including beach volleyball events.

The subject event is a one-time, temporary event that includes free beach-appropriate activities, financial support of coastal access and recreation programs, and some free admission to the live music event. Commission staff believes that the proposed ten-day event, as a whole and as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. In addition, the City's

certified LCP states that park districts were established “*for active and passive use for recreational, cultural and community service activities...to promote physical and mental health of the community and provide physical and psychological relief from the intense urban development of the City*” (Section 21.35.010). The proposed recreational and community service activities would actively use the public sandy beach to encourage the public and paying attendees, expected to be largely from urban areas, to access the coast for a temporary outdoor event. In addition, the open space and recreation element of the certified LCP also contains policies that encourage the provision of access to recreational resources for all individuals in the community and the recreational resources that the public wants. The proposed community events and live music event would draw guests from a wide range of locations to the beach for recreation and enjoyment of the beach. The event, as proposed, is handicap accessible and the majority of the proposed activities is free and open to the public. Thus, while the proposed event temporarily precludes some individuals from using the sandy beach within the stadium area and temporarily commercializes a portion of the sandy beach, as conditioned, the proposed temporary ten-day event protects public access to the sea and provides free opportunities for people throughout the greater Los Angeles region to travel to Long Beach for engaging in sand art, beach sport, outdoor recreation, and ocean safety activities.

As conditioned, the Commission finds that the development will not have any long-term adverse impacts on public access and recreation and is consistent with the public access and recreation policies of the Coastal Act.

C. MARINE RESOURCES

The following Coastal Act policies protect marine resources from the effects of polluted runoff:

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

The proposed event would be occurring in a location where there is a potential for a discharge of polluted runoff from the site into coastal waters. The spilling of fuel, debris, or waste onto the beach or in a location where it could be carried into coastal waters would result in an adverse

effect on the marine environment. In order to reduce the potential for adverse impacts on water quality, the Commission imposes **Special Condition 7** requiring the appropriate storage, handling, and disposal of fuel, waste, oil, grease and other materials, including debris from the pyrotechnic display. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

D. DEVELOPMENT

Coastal Act section 30250 states, in part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Coastal Act section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Coastal Act section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Coastal Act section 30253 states:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or*

- surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
 - (d) Minimize energy consumption and vehicle miles traveled.*
 - (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Alamitos Beach is located directly adjacent to the City's harbor and breakwater, as well as directly seaward of where the majority of visitor-serving, tourist, and event facilities in the City's downtown area are located including the Long Beach Convention Center, Aquarium of the Pacific, the Pike Outlets, and Shoreline Village. The project site is also adjacent to high-rise apartment and condo buildings. Adequate public services exist to support the temporary development and there will be no long-term adverse impacts on coastal resources.

No substantial movement of sand is proposed in association with the subject project; thus, the proposed development will not significantly alter the sandy beach. In addition, the proposed project site is set back approximately fifty feet from the mean high tide line. With predicted tides reaching a maximum of 1.57 feet from the mean high water line during the dates of the proposed event¹, the subject site will not be subject to inundation.

The proposed fencing around the sand-sculpture exhibit is proposed to be four feet high and visually permeable. While the 8-foot chain-link fence surrounding the stadium would have a temporary adverse impact to visual resources, views from Shoreline Drive would not be significantly obstructed all structures would be removed from the beach by 7 pm on the last day of the proposed ten-day event. Other views of the water are easily accessed from the bike and pedestrian paths. Therefore, the proposed project would not have a long-term adverse impact on visual resources.

As discussed above in subsection IV.B, and as conditioned through **Special Condition 3**, the organizers are required to develop and implement parking and traffic management plans, offer a free bike valet service, and encourage use of alternative transportation. Thus, energy consumption and vehicle miles traveled are minimized, and parking and traffic would not have a significant adverse impact on public access.

The temporary development is located on Alamitos Beach within an existing developed area that has historically been used for large visitor-serving events. As conditioned, will be compatible with the development in area, and has been designed to assure structural integrity. Therefore, the Commission finds that the development, as conditioned, conforms to Sections 30250, 30251, 30252, 30253 of the Coastal Act.

¹ NOAA/NOS/CO-OPS Tide Predictions for Long Beach, Terminal Island, CA. Accessed 5/24/2018 at: tidesandcurrents.noaa.gov.

E. LAND RESOURCES

Coastal Act section 30240(b) states:

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

The project site is adjacent to a marina, paved parking lots, grassy parklands, large apartment buildings, and other urban development in the Downtown Shoreline area. However, the applicants propose the use of lighting after dark, to ensure that fans can safely navigate the event site during and after the events, amplified sound, and pyrotechnics on Saturday night, July 16, 2018. Coastal Act section 30240(b) requires development that is adjacent to ESHA and parks and recreation areas to be sited and designed to prevent significant degradation of those areas. There are no sensitive species known to be established in the area; however, nighttime lighting and loud noises, including amplified music and firework blasts, can disturb birds and other species in proximity to the project site. The event, as proposed, could impact biota on the beach or in the adjacent parkland – recreation areas that are protected by 30240(b). In order to ensure that the proposed activities do not significantly degrade the beach and ocean and other recreation areas, **Special Condition 8** limits the timing, location, and design of lighting and pyrotechnics used. In addition, **Special Condition 9** requires all speakers, including amplified speakers, would be directionalized to focus sound within the stadium and would be positioned facing out towards the oil island and boat marina at all times. This would minimize the spillage of sound onto the adjacent beach and parkland.

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

F. LOCAL COASTAL PROGRAM (LCP)

A coastal development permit is required from the Commission for the proposed development because it is located on state tidelands within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach LCP, certified by the Commission on July 22, 1980, is advisory in nature and may provide guidance. As conditioned, the proposed temporary development is consistent with Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

The City of Long Beach, the lead agency for CEQA, has determined that the proposed event is categorically exempt from CEQA (Categorical Exemption CE-17-352, dated December 21, 2017). The City made a finding that the proposed ten-day community and live music event constitutes minor temporary use of land with no adverse impacts to the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- *Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements, 1/12/1993*
- *City of Long Beach Local Coastal Program*