

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-18-0830

Applicant: San Diego Exploratory Foundation

Agent: Sylvia Gonzales

Location: South Mission Beach Park and Mission Beach Park, Mission Beach, San Diego, San Diego County (APNs: 423-630-01, 423-680-12, 423-750-01, 760-030-1, 760-217-74)

Project Description: Operate the inaugural Association of National Olympic Committees (ANOC) World Beach Games, consisting of six days of ticketed aquatic and terrestrial athletic competitions and concert events, free athletic demonstrations and clinics, a shuttle program, and fenced habitat area, requiring occupation of approximately fifty acres of public beach, parking, and parkland for up to twenty-nine days, including for set-up and take-down.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Approximately 5,000 athletes, staff, and press will travel to San Diego from around the world to participate in the inaugural ANOC World Beach Games, with the applicant expecting up to an additional 27,000 daily spectators at peak times each of the six event day. The athletic portion of the event will comprise multi-round competitions of fifteen

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different sports over the course of the six days: aquathlon, wakeboarding, waterski jump, basketball, bouldering, skateboarding, kite foil racing, five-kilometer open water swim, handball, karate, soccer, surfing, tennis, volleyball, and wrestling, many of them requiring a paid daily ticket to attend. In addition, a ticketed nightly cultural music festival would take place on public park space in Mission Bay Park. Set-up and take down of event venues, support facilities, and fencing will require occupation of public beach, parkland, and parking for up to twenty-nine days

Mission Beach and Mission Bay Park, where the proposed ANOC World Beach Games will be located, are popular coastal destinations that provide the public with excellent coastal access opportunities and myriad free and low-cost recreational activities. Throughout the year, visitors to Mission Beach and Mission Bay Park take advantage of swimming, sailing, fishing, walking and biking the boardwalk, relaxing on sandy beach or grassy parkland, and frequenting the entertainment and eateries in Belmont Park and along Mission Boulevard. Due to San Diego's perennially favorable weather, the high visitation extends beyond the summer months. During its monthly counts, the San Diego Lifeguard Service counted 62,050 people in South Mission Beach and 182,500 people in Mission Beach Park for September 2018, and 43,500 people in South Mission Beach and 109,900 people in Mission Beach Park for October, 2018. These counts include people in the open water, sandy beach, and boardwalk, but do not include people who are in the grassy park areas, in Belmont Park, and patronizing the restaurants and shops along Mission Boulevard (though there is likely sizeable overlap among the groups).

Temporary events staged on beaches and park land limit their use by the general public, especially when they commit large areas to special, commercial events on summer weekends. Event structures can also adversely impact public views of the ocean from beaches, boardwalks, and grassy parkland. It is important to ensure that during set up, operation, and take down of the event, the public's physical and visual access to and along main thoroughfares, intertidal areas, and public trust lands is protected. This can be achieved by siting, designing, and timing event structures and operations into the smallest space and time frame feasible. Public access signage is an important complement to these efforts, as signs inform the public of the nature of the event, their ability to attend it, and the amenities available if they do not wish to attend.

Additionally, both federal and state resource agencies have identified South Mission Beach as important non-breeding season foraging area for the federally-listed western snowy plover, which would be displaced by the occupation of approximately a mile of beach by the proposed event. Furthermore, due to Mission Beach's configuration as a long, narrow coastal peninsula bordered by coastal waters on three sides, the operation of a fifty-acre event attracting tens of thousands of spectators increased the risk of event operations adversely impacting water quality through improper refuse and wastewater disposal.

Given the scope and scale of the proposed event, the project raises significant concerns regarding the displacement of the general public from the beach due to the exclusivity of the proposed event on a public recreational area and adverse impacts to coastal water quality and habitat resources.

To address these potential adverse impacts the Commission staff is recommending **Special Conditions No. 1** require revised final project plans that site the event area back from the intertidal area to allow public access to and along the coast and revised final ticket plans to grant seventy-five percent free to the public for each day of the event. **Special Condition No. 2** clearly states the duration of the authorized event and its related set-up and take down activity. **Special Condition No. 3** requires that the event and its set up and take down operations not prohibit public access to or along coastal waters or the Mission Bay Park entrance jetty. **Special Condition No. 4** requires the event to implement an approved final traffic demand management plan to institute a free shuttle program for the general public and promote the use of alternate transit methods for reaching the event. **Special Condition No. 5** requires a final water quality plan detailing the siting and disposal of food and comfort station operations and their related fuel, cooking, and wastewater. **Special Condition No. 6** requires the event implement a final lighting plan that will prohibit artificial lighting of the sandy beach area and ensure that artificial lighting used elsewhere in the event is shielded and aimed to avoid light encroachment into surrounding areas. **Special Condition No. 7** requires the event to implement a final signage and advertising plan detailing how the permittee will inform the public, before and during the event, of their ability to attend the event for free and of the alternate transit options available. Because many of the athletic competitions will be in coastal waters, **Special Condition No. 8** requires an eel grass monitoring plan be done to detail any impacts from the event to existing eel grass and the subsequent actions, if required, that will be taken to mitigate them. Because the federally-listed western snowy plover, among other shorebirds, forages in Mission Beach, **Special Condition No. 9** requires that an approximately 210,000 sq. ft. Avian Conservation Area be fenced off for the duration of the permit to create a space for shorebirds to utilize separated from the anticipated crowds attending the event.

Commission staff recommends **approval** of coastal development permit application 6-18-0830 as conditioned.

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-18-0830 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 6-18-0830 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 or 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. **Submittal of Revised Final Plans.**

- a) **PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a set of the following revised plans, modified as required below:

- (i) Final revised project site plans that conform with the plans submitted to the Commission, titled "Revised Footprint Projected Attendance," dated April 9, 2019, except that they shall be modified to delineate a fifty-foot space between the mean high tide line and the security fencing; indicate where structures over thirty (30) feet in height are located, along with which anti-perching measures will be placed on them.
- (ii) Final revised pricing plans for the daytime athletic competitions and evening cultural music festival, except that they shall be modified to identify that seventy-five (75) percent of available tickets each day and evening of the event shall be free to the general public or third-parties approved by the Executive Director. Free admission given to residents of the Mission Beach community will not count toward the seventy-five percent.

- b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Duration of Permit.** Coastal Development Permit 6-18-0830 shall be valid for the duration of:

- (a) Association of National Olympic Committees (ANOC) World Beach Games and associated events held from Wednesday, October 9 through Monday, October 14, 2019.
- (b) Set-up and take down of those temporary facilities necessary to stage the event. Set-up will begin Monday, September 23, 2019 and continue until

Wednesday, October 14, 2019. Take-down will begin Tuesday, October 15, 2019 and continue October 21, 2019.

The permittee 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 or Commission regulations (Cal. Code Reg. tit. 14, 13001 et seq.). 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.

3. Public Shoreline Access.

Public access to and along the intertidal area of the shore will be maintained during the entire event. The entire extent of the boardwalk and jetty shall be unobstructed and remain open to the general public. Although temporary fencing will be installed around certain competition, venues concert areas, and the Avian Conservation Area, the fencing shall not extend into the intertidal areas, and public shall be allowed to access the beach and shoreline, except for the portions of the shoreline immediately west of the Avian Conservation Area, as described in Special Condition No. 9.

4. Traffic Demand Management and Monitoring Plan.

- a) **PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a Traffic Demand Management and Monitoring Plan, that shall substantially conform with the “Spectator Mobility Plan” submitted to the Commission on March 7, 2019 and April 4, 2019, and shall include the following:
- i. A free shuttle program available each day of the event to the general public, regardless of whether they have obtained a ticket, serving a network of satellite parking lots in the vicinity of the event, including, but not limited to, SeaWorld San Diego, South Shores boat launch, Fiesta Island, the Sun Runner Lot, City Parking Lot A on Quivira Road, and the San Diego Sports Arena.
 - ii. Electronic information displays shall be placed along the main roads within Mission Beach, Mission Bay Park, and Interstate-8 informing the public of the shuttle program and up-to-date information regarding parking availability and traffic conditions.
 - iii. Free bicycle valet at the main satellite parking lot at SeaWorld San Diego and at the event space itself.

- iv. A geofence shall be placed over Mission Beach south of West Mission Bay Drive except for Belmont Park and the Bonita Cove Park parking lot so as to prevent ride share services from dropping off or picking up passengers within the boundaries of the geofence.
 - v. A monitoring plan shall be implemented that records the number of vehicles utilizing the satellite lots, the number of passengers utilizing the free shuttle, the number of attendees utilizing the bike and valet, and the number of ride share passengers going to the event.
- b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

5. Final Water Quality Plan.

- a) **PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a water quality plan that shall conform to the plan submitted to the Commission on August 21, 2018, and that shall include the following:
- (i) All fuel or cooking supplies must be transported from the event area at the end of each day the permit is in effect. There shall be no disposal of fuel or cooking supplies or wastewater in the event area.
 - (ii) Trash, recycling, and composting bins shall be provided in equal numbers throughout the event, with all collected materials transported from the event area at the end of each day of the event.
 - (iii) Any fuel storage areas shall be surrounded by a double layer of sand or gravel bags to contain any incidental spills.
 - (iv) All portable restroom facilities shall be located at least 150 feet from storm drain inlets and have secondary containment systems.
- b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

6. Final Lighting Plan.

- a) **PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval

of the Executive Director, a final lighting plan that shall include, at a minimum, the following:

- (i) Artificial lighting of any part of the beach area after sunset is prohibited during set up, operation, and take down of the event.
 - (ii) All artificial lighting utilized for the event must be sited, shielded, and aimed down so as to decrease the amount of artificial lighting needed to the minimum necessary to ensure public safety. Light encroachment into adjacent park and beach areas shall be minimized to the greatest extent feasible.
 - (iii) All vendor and food areas must be sited and designed to limit light encroachment into adjacent areas.
 - (iv) Uplighting, spotlighting, and pyrotechnics are prohibited.
- b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

7. Event Signage and Advertising Plan.

- a) **PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a final signage and advertising plan that shall include the following:
- (i) A description of the advertising campaign that will be used to inform the public of the event and the alternate transit options available to attend the event.
 - (ii) A description of how the free tickets will be advertised and distributed to the general public.
 - (iii) A signage plan for the event including signage informing the public of the location of the non-ticket and ticketed areas, that they are still able to access the intertidal area and jetty, and where to inquire for more information regarding entry into the event.
- b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

8. Eel Grass Monitoring Plan.

- a) **PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, an eel grass monitoring plan that substantially conforms to the plan submitted to the Commission on August 21, 2018, and that shall include:
- (i) A post-event eel grass survey within Mariner’s Basin and Mission Bay Channel shall be conducted with seven (7) days of the conclusion of athletic events.
 - (ii) A second eel grass survey shall be conducted thirty (30) days after the conclusion of athletic events.
 - (iii) The two post-event surveys shall be compared to the August 10, 2018 eel grass survey and submitted to the Commission within thirty (30) days of the final eel grass survey.
 - (iv) If the findings of the post-event surveys indicate that the event had adverse impacts on the extent and quality of the eel grass, the permittee shall submit to the Commission within thirty (30) days a restoration and enhancement plan for the impacted eel grass areas. The plan shall conform to the NOAA Fisheries “California Eelgrass Mitigation Policy and Implementing Guidelines” (October 2014 or any succeeding version).
- b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

9. Avian Conservation Area Plan.

- a) **PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a plan for the Avian Conservation Area, and shall include:
- i. The Avian Conservation Area (ACA) shall encompass a stretch of sandy beach of at least 210,000 sq. ft. between Brighton Court on the south and Deal Court on the north, between the boardwalk on the east and the Mean High Tide Line (MHTL) on the west [\[Exhibit 3\]](#).

- ii. The ACA shall be erected concurrently with the initiation of set up for the ANOC Beach Games and remain until take down of the event commences.
 - iii. The ACA shall be bordered by visually permeable fencing on the north, east, and south sides, with signage informing the public of its purpose and directing them around it along the east side.
 - iv. No passage by pedestrians or vehicles shall be allowed in the intertidal zone west of the ACA.
 - v. Beach grooming activities will be prohibited within the ACA for the duration of its operation.
- b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The San Diego Exploratory Foundation is proposing to operate the inaugural Association of National Olympic Committees (ANOC) World Beach Games on approximately fifty acres of public beach, parking lots, parkland, and open water over the course of six days: October 9, 2019 through October 14, 2019. The event will be comprised of three main components: daytime athletic competitions, a daytime athletic practice and sports clinic area (ANOC Experience), and an evening cultural musical festival. Approximately 5,000 athletes, staff, and press will travel to San Diego from around the world to participate in the event, with the applicant expecting up to an additional 27,000 daily spectators at peak times each day. The athletic portion of the event will comprise multi-round competitions of fifteen different sports over the course of the six days: aquathlon, wakeboarding, waterski jump, basketball, bouldering, skateboarding, kite foil racing, five-kilometer open water swim, handball, karate, soccer, surfing, tennis, volleyball, and wrestling.

The athletic competitions and the ANOC Experience are scheduled to occur each day of the event, between the hours of 7:00 AM and 6:00 PM. Following the conclusion of each day's competitions, a cultural musical festival will begin at 6:00 PM and conclude at midnight, with musical performances occurring between 7:00 PM and 11:00 PM. As configured, all but two of the terrestrial athletic competitions will occur in one of two fenced-off ticketed areas: the "action sports" venue in the parking lot immediately south of Belmont Park, and South Mission Beach Park at the southern tip of the peninsula. The two-day karate and wrestling competitions are proposed to be held outside of the ticketed areas, on a portion of the sandy beach south of the ANOC Experience [\[Exhibit 3\]](#). The ANOC Experience will be a free athletic demonstration and sports clinic area located on the sandy beach immediately west of Belmont Park. The cultural musical festival will be located in Bonita Cove – West Park to the east, by Mariner's Point.

In addition to the above segments, while set-up, operation, and take-down of the event will occur outside of the bird breeding season, both the US Fish and Wildlife Service (USFW) and the California Department of Fish and Wildlife (CDFW) identify South Mission Beach as important non-breeding season foraging habitat for the threatened western snowy plover. At the behest of the resource agencies, in addition to the aforementioned event areas, the applicant is proposing to fence off an approximately 210,000 sq. ft. area of the sandy beach between Brighton Court and Deal Court, immediately north of the South Mission Beach competition area, as an avian conservation area. No public access would be allowed within this area or along the intertidal area between the beach and ocean so as to maximize the protection of the plovers and reduce the risk of human traffic flushing them from the protected area. Public access on the inland side of the conservation area would be permitted along the existing boardwalk, but the fencing would prevent entry into the area from the boardwalk.

The ANOC Experience will consist of regulation-size fields of play for some of the sports occurring at the event – tennis, volleyball, soccer, handball, and karate – on the sandy

beach next to Belmont Park. These areas will be free of charge for the general public to observe demonstration events, speak with athletes and coaches, and participate in athletic clinics to learn more about the different sports occurring at the event.

The event will require the erection of numerous temporary structures to service the athletes, officials, press, vendors, and spectators. These structures include but are not limited to: bleachers, performance stages, platforms, ramps, observational decks, booms, lifts, cranes, trailers, towers, tents, fencing, and scaffolding for electrical, sound, lighting, and telecommunications equipment. All structures assembled for the event are temporary and will not require any type of permanent anchoring, though some will be as tall as thirty feet to allow for filming and telecommunication equipment broadcasting the event. Most of the equipment that will be used for assembly or operation of the event will be set up on a trailer and mobile. All other equipment that will be brought in for the operation of the event that is not mobile will be temporarily stationed, fenced in, and guarded.

While the event will last for six days, due to its size and scope, it will require multiple weeks of set-up and take-down in the periods leading up to and after the event. In the area of Mission Beach where the event is to be held, there are approximately 2,310 public parking spaces (not counting the two parking lots tied to the Belmont Park leasehold). The applicant is proposing to occupy approximately 1053 parking spaces – forty-six percent of the supply in the immediate event area – for a period between six and twenty-nine days, depending on location [Exhibit 6]. Furthermore, the event will need to occupy approximately forty-seven parking spaces at Ski Beach in nearby Vacation Isle in central Mission Bay Park for four days to utilize the public boat ramp there during the waterski jump and wakeboarding competitions.

The occupation of public space by the event will extend to the adjacent sandy beach and grassy parkland areas where the event venues will be located [Exhibit 3]. The portion of the Beach Games occurring on the sandy beach would occupy approximately the southernmost mile of sandy beach in Mission Beach, between Ventura Place along the north of Belmont Park down to the Mission Bay Park entrance jetty, along with small segments of shoreline along Bonita Cove. The portion of the event occupying grassy parkland would occupy the area south of the parking lot south of Belmont Park, between the beach and Mission Boulevard, and the grassy parkland at Bonita Cove, north of Mariners Point.

In order to address the transportation needs and minimize the impacts of up to 27,000 spectators converging on an already popular and geographically constrained peninsula area, the applicant is proposing a multi-modal transportation plan and marketing program to encourage the public to not drive directly to the event but rather utilize alternate transit. The applicant has proposed to secure approximately 15,000 public and commercial parking spaces across several lots in Mission Bay Park and the nearby Pechanga Sports Arena to serve as satellite lots for a free shuttle program that the Beach Games will operate for the general public, regardless of whether they hold an event ticket, with the central hub of the system being located on the SeaWorld parking lot two miles to the east of the Beach Games [Exhibit 8]. To lessen the impact of ride share services in the event area, the applicant proposes to impose a “geofence” such that ride share vehicles will not

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be able to drop off or pick up passengers south of West Mission Bay Drive save for certain designated areas, and the ride share companies (e.g. Uber, Lyft, etc.) will be told to direct their operators to the central SeaWorld hub so that passengers may take the free shuttle for the final leg. Bike and scooter docking facilities are also proposed to be offered at the SeaWorld hub and at the games to encourage spectators to utilize non-vehicular transportation. In addition, marketing campaign will inform the public that existing bus service exists between the Old Town Transit Center, where trolley, bus, and train services converge, and the event location. Due to the mile-long configuration of the event, the applicant also proposes to operate a mini-shuttle that will transport spectators up and down Mission Boulevard between the intersection with West Mission Bay Drive and the southern tip of the peninsula.

The applicant proposes for security reasons that the main segments of the event: the athletic competition areas and the cultural music festival, must be fenced off from the general public and require an admission ticket and security screening to enter. Access to the competitive venues south of Belmont Park and at South Mission Beach will be between the hours of 8:00 AM and 6:00 PM, and will require an admission ticket and security screening. The Beach Games is proposing to charge daily for admission to the athletic competitions and cultural musical festival. The Beach Games would have different tiers of tickets, with the cheapest ticket being a general admission ticket costing \$25 (discounted to \$20 for students, veterans, seniors, and the disabled), with prices increasing to \$100 for reserved grand stand seating, \$200 for reserved grand stand seating at a finals match, \$250 for VIP reserved seating, \$350 for VIP reserved seating at a finals match, \$150 for the cultural music festival, and \$250 for VIP seating at the cultural music festival.

The fenced competition area on the sandy beach at the southern tip of Mission Beach will not encompass the intertidal zone, allowing the public north-south travel between the main competition area and the ocean. Additionally, public access to the revetment and jetty lining the northern boundary of the Mission Bay Park entrance channel will also be open for public traffic. However, for security purposes, the applicant proposes to have security screen all members of the public traversing the intertidal zone between the fenced competition area and the ocean, as well as to pause public traffic when competitors are entering or exiting the water, during the hours of competition (7:00 AM until 6:00 PM).

Because the above admission prices would be charged for each separate day of the event, in order to address issues of public access and exclusivity in a popular public sandy beach and park area, the applicant is offering to make approximately forty percent of any given day's ticket volume free to the public. In addition, of the fifteen sports competing in the event, six will be viewable by the public without a ticket: three on the Mission Beach side - kite foil racing, open water swim, and surfing, and three in the Bonita Cove area - wakeboarding, ski jump, and aquathlon. The applicant is further proposing to hold the karate and wrestling athletic events on the sandy beach outside of the fenced ticketed areas, so that those events will also be freely viewable by the public.

The proposed event is development occurring on public beach and parkland within both the Mission Beach and Mission Bay Park segments of San Diego. The City of San Diego has a certified Local Coastal Program (LCP) for Mission Beach, but Mission Bay Park is an area of deferred certification, with only a certified Land Use Plan. Within Mission Beach, the proposed event will be located within portion of Mission Beach within the retained jurisdiction of the Coastal Commission and within the jurisdiction of the City of San Diego, appealable to the Coastal Commission. The applicant has requested a consolidated permit from the Coastal Commission, and the City of San Diego has concurred with the Coastal Commission processing the coastal development permit for the entire event. Therefore, Chapter 3 of the Coastal Act is the standard of review, with the City of San Diego's certified LCP as guidance.

B. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirements 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 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 except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

[...]

c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30213 of the Coastal Act states, in part:

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

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreation 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.

Section 30604 of the Coastal Act states, in part:

[...]

- c) *Every coastal development permit issued for any development between the nearest public road and the sea of the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).*

Page 46 of the Mission Beach Precise plan states:

Parks and Recreation

Goals

- *The preservation of all existing open space in Mission Beach, including the beaches and recreational facilities adjacent to the beaches.*
- *The integration of usable public open space into the developed portion of the community.*
- *The accommodation of visitors to the beach without creating an adverse impact upon the residents of Mission Beach.*

Mission Beach and Mission Bay Park, where the proposed event is located, are popular coastal destinations that provides the public with excellent coastal access opportunities and myriad free and low-cost recreational activities. Throughout the year, visitors to Mission Beach and Mission Bay Park take advantage of swimming, sailing, fishing, walking and biking the boardwalk, relaxing on sandy beach or grassy parkland, and frequenting the entertainment and eateries in Belmont Park and along Mission Boulevard. Due to San Diego's perennially favorable weather, the high visitation extends beyond the summer months. During its monthly counts, the San Diego Lifeguard Service counted 62,050 people in South Mission Beach and 182,500 people in Mission Beach Park for

September 2018, and 43,500 people in South Mission Beach and 109,900 people in Mission Beach Park for October, 2018. These counts include people in the open water, sandy beach, and boardwalk, but does not include people who are in the grassy park areas, in Belmont Park, and patronizing the restaurants and shops along Mission Boulevard (though there is likely sizeable overlap among the groups).

In its most recently submitted materials, the applicant anticipates that in addition to the 5,000 athletes, VIPs, support staff, and press, the event will receive a peak of 27,000 visitors daily. Thus, over the course of the six days of the event, the applicant anticipates 192,000 event attendees traveling to Mission Beach, though this number will likely be somewhat lower due to many of the attendees and participants being repeat visitors. Given the scope and scale of the subject event, the project raises significant concerns regarding the displacement of the general public from the beach and the exclusivity of the proposed event on a public recreational area.

Past Commission Action Regarding Temporary Events on the Beach

Temporary events staged on beaches and park land limit their use by the general public, especially when they commit large areas to special, commercial events on summer weekends. It is important to ensure that during set up, operation, and take down of the event, the public's access to and along main thoroughfares, intertidal areas, and public trust lands is protected. This can be achieved by siting, designing, and timing event structures and operations into the smallest space and time frame feasible. Public access signage is an important complement to these efforts. Signs inform the public of the nature of the event, their ability to attend it, and the amenities available if they do not wish to attend.

Due to its miles of coastline, popularity with visitors, and nearby population centers, California's coast hosts several temporary events during a typical calendar year, especially in Southern California. Over the years, the Commission has reviewed and acted upon several large annual temporary events that are wholly or partially located on the beach, approving or exempting them in a manner that makes the event and existing coastal amenities most accessible to the general public. The subject event is significantly larger than past temporary events reviewed by the Commission, both in the amount of public beach and parkland area proposed to be dedicated to the event, and in the length of time during which the public would be precluded. Nevertheless, it is worth reviewing how past events have been reviewed and conditioned in order to minimize impacts to public access and recreation.

The World Series of Beach Volleyball is an annual professional beach volleyball competition held over the course of six summer days on approximately thirty acres of sandy beach at Alamitos Beach in the city of Long Beach. Over the years, the Commission has consistently approved and conditioned each annual event (ref. 5-14-0247, 5-14-1935, 5-16-0246, and 5-17-0255) to require over seventy-five percent of the seating for the professional volleyball competition be free to the general public, not including the free standing room viewing areas within the competition areas, as well as siting the event at least fifty feet from the mean high tide line to allow lateral public

access on the beach, offering bike valet service to encourage alternate transit, and implementing a signage plan to inform the public of their ability to attend the event.

The Manhattan Beach Open is another annual volleyball competition held on several acres of sandy beach over the course of a weekend within the certified LCP of Manhattan Beach. Until 2005, the event did not charge admission fees, and the general public was able to view the event on a first-come, first-serve basis from the sand, temporary bleachers, or the adjacent pier. In 2005, Manhattan Beach submitted, and the Commission certified, a LCP amendment to allow temporary events in its open space to charge a fee so long as at least seventy-five percent of total seating was available to the public free of charge.

LIP Section A.24.030 OS District's Allowable Temporary Use Schedule

Sporting events where more than 75% of the total seating area is available free of charge, including admission fees and memberships, for general public use. The "seating area" includes areas clearly and visibly designated for spectators to use to view the event, including the spectator areas immediately adjacent to the court/field, and cannot include any areas from which the court/field cannot be seen at all.

Local approval of the Manhattan Beach Open has consistently been appealed by some members of the public who take issue with its size. However, the Commission has consistently found no substantial issue with the appeals, largely based on the substantially free nature of the event for the general public and its high popularity.

Mission Bay Park, in which portions of this event and its satellite shuttle parking will be located, also hosts annual sporting events reviewed by the Commission for compliance with the public access and recreation policies of the Coastal Act.

The San Diego Bayfair Thunderboats event is a multi-day powerboat racing event that has been taking place since 1964. It is held in the waters of eastern Mission Bay Park over several days in the month of September. The San Diego Bayfair charges a fee for admission and parking to the eastern half of Vacation Isle in the middle of Mission Bay Park. However, the Commission has found the event to be exempt from permit requirements because the entirety of the main attraction – the powerboat racing – can be freely viewed by the public from other beach areas in Mission Bay Park, such as on Fiesta Island.

Another annual athletic event regularly exempted by the Commission in Mission Bay Park is the San Diego Crew Classic, held in April. With a much smaller footprint than the San Diego Bayfair Thunderboats event, the Crew Classic only uses the Crown Point Park area in northern Mission Bay, charging for parking in the lots there. As with the San Diego Bayfair, the Crew Classic's rowing races occur on the open water between Vacation Island and Fiesta Island, and the general public is able to view every race for free from the shoreline.

Finally, the annual Over the Line Tournament is held in the central sand area of Fiesta Island in July. While the event does not occur right on the beach, it is held in a large sandy area in the center of the island, a popular coastal amenity. While the event does charge for parking along the shore next to the event area, the event itself is completely free for the general public to attend as spectators.

Thus, when reviewing a proposal to operate a temporary event on a sandy beach area, the Commission has consistently addressed the issue of exclusivity by analyzing how accessible the event will be to the general public for no fee, with seventy-five percent free entry to the public being the common threshold that events are directed to meet.

Admission Fees

The event will generally consist of three segments: the fenced-off athletic competition venues, the fenced off cultural musical festival, and a free ANOC Experience with demonstrations and sports clinics. The applicant is proposing to charge daily for admission to the athletic competitions and cultural musical festival, with different tiers of tickets. The cheapest ticket would be a general admission ticket costing \$25 (discounted to \$20 for students, veterans, seniors, and the disabled), with prices increasing to \$100 for reserved grand stand seating, \$200 for reserved grand stand seating at a finals match, \$250 for VIP reserved seating, \$350 for VIP reserved seating at a finals match, \$150 for the cultural music festival, and \$250 for VIP seating at the cultural music festival. Thus, at its least expensive, attending all six days of the athletic events will cost a single person \$150 (\$120 if the attendee qualifies for a discount). The \$150 ticket to attend the cultural music festival would be in addition to this cost. These prices would place attendance at the event out of reach for many members of the public, particularly families who would otherwise have been able to enjoy a free day at Mission Beach or Mission Bay Park.

In response to concerns regarding exclusivity of such a sizeable event in a popular coastal destination, the applicant, who plans to sell 16,000 tickets a day for the athletic competitions, has proposed to offer 6,400 tickets – forty percent – to the public as free general admission tickets each day. In conjunction with non-profit groups in the county, the applicant is proposing to target some of the free tickets to school-age children from underrepresented areas of the city and region, although no specific details on how or where this distribution would occur have been submitted by the applicant. Regarding the cultural music festival, the applicant has proposed offering ten percent of those tickets free to the public.

The applicant argues that the ability of the public to participate in the event is greater than the above ticket numbers would indicate because the applicant is anticipating 11,000 members of the public would attend the event without purchasing a ticket, to participate in the free ANOC Experience area and viewing the seven open water events for free from the beach. To further open up the event to the public, the applicant has also proposed to relocate the two-day wrestling and karate competitions originally planned in the fenced pay area to the free beach area next to the ANOC Experience.

However, while this would result in nine of the fifteen athletic competitions being freely viewable by the public, only forty percent of the seating for the remaining six sports, including popular sports such as beach volleyball, skateboarding, and soccer, would be free to the public, well below the seventy-five percent threshold the Commission has applied to other temporary events on the beach.

As noted, the event will be larger in footprint and attendance than any previously reviewed temporary beach event in the San Diego area. The event will occupy up to fifty acres of public land – sandy beach, public parking lots, and grass park land – for its competition venues, cultural music festival, vendor areas, athlete village, security stations, and other related logistical areas. Organizers are expecting approximately 5,000 athletes, press, and VIPs and a daily peak of 27,000 attendees, in addition to the high volume of visitors that Mission Beach typically experiences, though there may be some overlap between the two groups.

The Mission Beach area currently offers several low-cost and free recreational opportunities for the public, which will be displaced and impeded by the size and duration of this event. As demonstrated in the Commission’s past actions on other events, temporary events on the beach represent a commercialization and privatization of the beach unless specifically designed in such a manner as to make it open to the general public (ref. staff report CDP Nos. A-5-MNB-18-0023, 5-16-0246, and 5-17-0255). The Commission and other local governments have implemented policies requiring that even events as small as just a few acres of sandy beach, such as the Manhattan Beach Open, should offer at least seventy-five percent of their seating free to the general public. While the Commission recognizes that an event the size and duration of the Beach Games likely has notable costs in its planning and operation, its substantial size and duration make it even more important to continue the Commission’s practice of maximizing the public’s access to the event so as to prevent the commercialization of the limited sandy beach space along the coast. As the long history of temporary events along the California coast attest, it is feasible to operate entertaining and successful events while still allowing the majority of public attendees to enter for free.

Thus, **Special Condition No. 1** requires the applicant to submit a revised pricing plan that will detail that seventy-five percent of daily tickets must be made free to the general public. **Special Condition No. 2** specifies the duration of the setup, operation, and take down of the event so as to minimize the occupation of public park space to the greatest extent feasible. **Special Condition No. 7** requires a final signage and advertising plan that will detail how the public will be informed, both before and at the event, as to their ability to attend the event for free. These conditions will ensure that the proposed event does not substantially privatize public park land and exclude the public.

Parking and Traffic

Mission Beach’s configuration as a long, narrow peninsula with only two main vehicular arteries – Mission Boulevard and West Mission Bay Drive – and a series of small residential lots connected by narrow alleys and pedestrian paths contributes to the community’s chronic issues with public access, namely traffic and parking, during even

moderate levels of public visitation. The amount of available street parking is frequently inadequate to serve the visitor volumes the community experiences during the weekend, especially during the warmer months, which include September and October.

The majority of the public parking demand in Mission Beach is served by the free public parking lots along the peninsula. The vast majority of these public parking lots are located along or south of West Mission Bay Drive, where the Beach Games will be held. All of the public parking in Mission Beach is free to the public, and in this portion of the community it consists of the following:

- The Belmont Park leasehold is served by two parking lots on its north and east sides, for a total of approximately 321 parking spaces. Due to the large security presence that the event will require, the applicant has indicated that the eastern lot may be utilized as an emergency services command area, removing approximately seventy public parking spaces from use for at least the six days of the event.
- The Mission Beach lot south of Belmont Park, in which the Beach Games proposes to host its action sports such as skateboarding, contains 463 spaces, all of which will be removed from public use, with 219 spaces occupied for 29 days and 244 spaces occupied for 19 days.
- Across Mission Boulevard to the east, the Bonita Cove West parking lot contains 464 parking spaces, 91 of which will be occupied for 29 days.
- The South Mission Beach parking lot at the southern tip of the peninsula contains 272 parking spaces, with 104 spaces occupied for 29 days, and 168 spaces occupied for six days.
- On the eastern side of the tip, the Mission Point parking lot contains 139 parking spaces that will not be utilized for the event and will remain open to the public.
- Along the south side of West Mission Bay Drive, the Bonita Cove parking lot's 469 parking spaces will be open to the public, though it will also be used as the embarkation and disembarkation point for the event's shuttle system.
- To the east along West Mission Bay Drive, the Bonita Cove East parking lot contains 227 parking spaces that will be occupied six days.
- On the north side of West Mission Bay Drive, the Ventura Cove parking lot has 276 parking spaces that will be open to the public.

Thus, of the approximately 2,310 parking spaces in the public lots located in vicinity of the event area, 1053 spaces – approximately forty-six percent – will be occupied by the

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Beach Games for periods of six to twenty-nine days, substantially impacting the ability of the public to access this popular coastal area. Some portions of the event will require set up to begin as early as September 23, 2019, over two weeks before the event, and take down in some areas would not be completed until October 21, 2019.

In order to address the substantial use of public parking and lessen traffic volumes in the event area, the applicant is proposing to operate a traffic management program to encourage the public to access the area through alternate transit. As proposed by the applicant, the traffic management program would be centered on a free shuttle system serving approximately 15,000 free public parking spaces spread among several satellite parking lots in Mission Bay Park and at the Pechanga Sports Arena south of Interstate-8. The shuttle will be free to the general public, regardless of whether or not they have purchased an admission ticket.

The central hub of the shuttle system will be located two miles to the east of the event, on a portion of the SeaWorld San Diego parking lot that the applicant would sub-lease. It is to here that the applicant will direct, through pre-event marketing and event-day signage, those who are biking or taking a ride share service so as to travel the final segment by shuttle.

In the event that attendees attempt to have their ride share service take them directly to the event, the applicant proposes to utilize a geofence to limit the traffic impact on the surrounding community. The geofence will be a pre-programmed area in which ride share services will not be able to drop off or pick up passengers. The geofencing of rideshare services will be focused on the portions of Mission Beach south of West Mission Bay Drive so as to minimize interference with the ability of the general public to utilize car sharing services to travel to the portions of Mission Beach and Mission Bay Park that are not being occupied by the event. Furthermore, the geofencing will limit the traffic impact of spectators walking into the adjacent residential areas and summoning a ride sharing vehicle into the general area of the games, which would add to the traffic impact and further hamper public access to this portion of the coast.

The shuttle drop-off area will be the parking lot north of Bonita Cove, on the south side of Mission Bay Park. The applicant will implement a multimedia advertising plan informing the public of the alternate transit options available to the public so as to increase their use and minimize the number of spectators who attempt to drive directly to the event. The applicant will coordinate with local traffic authorities to utilize electronic message boards and variable message boards along surrounding surface streets and freeways to inform the public of access options and direct them to appropriate access routes.

In operating a multi-day international event with over 30,000 daily participants, it will be important to ensure that a thorough and robust traffic management plan is implemented. Thus, **Special Condition No. 5** requires the applicant to implement an approved traffic demand management plan that will utilize an array of alternate transit options and adaptive signage to properly direct and transport attendees. **Special Condition No. 7** requires a final signage and advertising plan detailing the manner in which the applicant

will inform the public before and during the event of their transportation options and ability to utilize the shuttle for free.

Coastal Access

Between Tourmaline Surf Park on the northern boundary of Pacific Beach and the Mission Bay Park entrance jetty at the southern tip of Mission Beach lies approximately 3.5 miles of public sandy beach. The beach generally averages two hundred feet in width, though it is much wider at South Mission Beach. Currently, the public is able to walk directly from the boardwalk to the water along its entire length, and walk along the intertidal area all the way down to the entrance jetty. At the jetty, the public is able walk out to its tip either for views or to fish.

The applicant proposes to occupy approximately the southernmost mile of this stretch of beach – between Ventura Boulevard on the north side of Belmont Park down to the entrance jetty – for the ANOC Experience segment, the avian conservation area, and one of the two main fenced athletic competition areas [Exhibit 3]. The location of such a substantial length of development on the sandy beach between the boardwalk and ocean could adversely impact the public’s ability to access public tide lands.

All event structures will be assembled on site, with staging to begin on September 23, 2019 and continuing until the start of the event. Following the conclusion of the event, disassembly of the venues will process until October 21, 2019. When set up begins, the event organizers will begin occupying sandy beach area, public parking, and grassy park land to erect the competition venues and related event areas.

The event organizers have stated that, due to security concerns inherent in such a large event, the majority of the competition areas, as well as the welcome area and cultural festival area, will be fenced off, with admission requiring a ticket and security screening. In order to limit the congregation of people along the perimeter of the ticket areas, the fencing will also screen views into the event area from the outside.

Related to security’s ability to secure and sweep the competitive venues for any threats, the competition areas would remain fenced off throughout the duration of set-up, operation, and take-down of the event to minimize the risk of someone accessing the fields or seating at night to install a harmful device or cause other disruptions. The applicant has also stated that fencing will help to preserve the field of play for professional competition standards, implement effective crowd control, and protect broadcasting equipment that will be filming the competitions.

The erection of substantial amounts of fencing around acres of sandy beach creates a high risk that the public will not be able to reach or travel along the public tidelands. In response to these concerns, the applicant has agreed to locate all security fencing away from the mean high tide line and the jetty to create a public path of travel along the water’s edge (on the eastern side, the fencing for the cultural music festival will not extend to the beach). However, the applicant has requested that, for operation and security reasons, it be allowed to periodically pause such travel while athletes are

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entering or exiting the water, and screen people crossing between the fenced competition area and the water with a security wand. Because the pause would only be when athletes are transitioning between areas, and the wand would not be a burdensome screening process, the ability of the public to traverse the water will not be substantially impacted.

Relatedly, while the public will be able to walk along the water through most of the event area, for reasons discussed below in the “Habitat” section, such traversal by the public between the water and the approximately 210,000 sq. ft. Avian Conservation Area (ACA) will not be permitted for the duration of the permit so as to prevent accidental flushing of shore birds availing themselves of the ACA.

To maximize access opportunities for the public, the applicant is proposing to implement Americans with Disabilities Act (ADA) paths of travel and amenities, including wheelchair matting on the sandy beach and accessible comfort stations, will be provided in the venues, and all-terrain wheelchairs will be made accessible to attendees. The shuttles used for transporting spectators are also proposed to include ADA accessible vehicles. The applicant will provide a one-to-one replacement for all accessible parking spaces occupied by the event.

Belmont Park, while part of Mission Beach Park area and adjacent to the event, will not be enclosed or used for event activities and will remain open and operational for the general public without need of an event ticket. No portion of the boardwalk will be fenced off during the event, and will be wholly usable by the general public.

Outside of Mission Beach, the event will utilize a portion of the southernmost parking lot at Ski Beach – on the eastern side of Vacation Isle in central Mission Bay Park – as an off-site staging and storage area for boat storing, refueling, and launching related to some of the aquatic competitions. The southern parking lot contains a public boat ramp that the event will utilize, but will be staged in a manner that does not block public access to that boat ramp. There are approximately 104 parking spaces in the southern lot, 47 of which will be reserved by the event. The south parking lot will be utilized two days prior to the event and the two days that the watercraft-dependent competitions – wakeboarding and ski jump – will be occurring. The remainder of Ski Beach’s parking spaces will remain open to the public.

For an event the size as that currently proposed, it is important to ensure that all segments are designed and sited in the manner that minimizes the footprint and maximizes coastal access opportunities. Thus, **Special Condition No. 1** requires the event to submit and adhere to final approved plans that show all event fencing at least fifty feet away from the mean high tide line so as to ensure lateral public access along the water and the jetty. **Special Condition No. 3** requires the public’s ability to access the aforementioned waterline and jetty areas be maintained, except for the segment adjacent to the Avian Conservation Area.

Thus, as conditioned, the proposed event can be found consistent with the public access policies of the Coastal Act and the City of San Diego’s certified LCP with regards to paid admission, transportation, and coastal access.

C. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in part:

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.

Section 132.0403 of the San Diego Municipal Code states, in relevant part:

(a) If there is an existing or potential public view and the site is designated in the applicable land use plan as a public view to be protected,

(1) The applicant shall design and site the coastal development in such a manner as to preserve, enhance or restore the designated public view, and

(2) The decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced.

[...]

(e) Open fencing and landscaping may be permitted within the view corridors and visual accessways, provided such improvements do not significantly obstruct public views of the ocean. Landscaping shall be planted and maintained to preserve public views.

The event will require the erection of numerous temporary structures to service the athletes, officials, press, vendors, and spectators. These structures include but are not limited to: bleachers, performance stages, platforms, ramps, observational decks, booms, lifts, cranes, trailers, towers, tents, fencing, and scaffolding for electrical, sound, lighting, and telecommunications equipment. All structures assembled for the event are temporary and will not require any type of permanent anchoring, though some will be as tall as thirty feet to allow for filming and telecommunication equipment broadcasting the event. Most of the equipment that will be used for assembly or operation of the Beach Games will be set up on a trailer and mobile. All other equipment that will be brought in for the operation of the Beach Games that is not mobile will be temporarily stationed, fenced in, and guarded.

The entire length of the Mission Beach peninsula is bounded by a boardwalk on the east and west sides. The boardwalks currently provide uninterrupted views of the ocean over the flat beach for members of the public travelling along them. The erection of athletic venues, demonstration areas, music stages, tents, and the avian conservation area would represent short-term obstructions of the existing public views, especially in regards to

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portions of the event located on the sandy beach between the western boardwalk and the ocean. However, the event structures will be temporary in duration and will be removed after the event is over; thus, no significant adverse impacts will result.

Because the athletic events are scheduled to conclude by 6:00 PM of each day of the event, the applicant is not proposing any artificial lighting of the beach area or athletic venues. Regarding the cultural music festival on the other side of the event by Bonita Cove, which will commence starting at 6:00 PM and continue until midnight on event days, it is not located on the sandy beach, and no upward-facing lighting is proposed due to restrictions caused by the close proximity of the San Diego airport. The proposed lighting in the festival will be to illuminate the performance stage and spectator area, with lights directed away and shielded from the open water. Furthermore, no pyrotechnics are proposed to be used in conjunction with the event.

To ensure that only the minimum lighting necessary to ensure public safety is utilized, **Special Condition No. 6** requires the applicant to adhere to an approved lighting plan prohibiting artificial lighting of the beach areas after sunset, and lighting of inland portions of the event to avoid light encroachment into adjacent areas, among other requirements. Thus, as conditioned, the proposed development can be found to be consistent with the visual protection policies of the Coastal Act and the City of San Diego's certified LCP.

D. WATER QUALITY

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 significance. Uses of the marine environment shall be carried out in a manner that will sustain 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.

Section 142.0220 of the San Diego Municipal Code states:

- (a) *All development shall comply with Municipal Code Chapter 4, Article 3, Division 3 (Stormwater Management and Discharge Control).*
- (b) *All development shall be conducted to prevent erosion and stop sediment and pollutants from leaving the property to the maximum extent practicable. The property owner is responsible to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures to the satisfaction of the City Manager, whether or not such measures are a part of approved plans. The property owner shall install, monitor, maintain, and revise these measures, as appropriate, to ensure their effectiveness. Controls shall include the following measures that address the development's potential erosion, sedimentation, and water pollution impacts.*
- (1) Erosion prevention.*
 - (2) Sediment control.*
 - (3) Phased grading.*

The event will have several different areas in addition to the athletic competition areas. Portions of the event will be set aside for a welcome area, an “athletic village,” press, vendors, concert area, and food court areas serviced by food trucks and catering services. The daily presence of up to 27,000 spectators and 5,000 athletes and event staff in addition to the tens of thousands of visitors that Mission Beach normally experiences creates an increased risk of impacts to water quality due to the close proximity to ocean and bay waters.

As proposed, no food or cooking supplies will be stored on site overnight. At no point will there be any disposal of fuel or used cooking supplies or wastewater unless arrangements are made for collection by a licensed recycling service. Due to the size of the event and the anticipated attendance, the existing public restroom facilities in Mission Beach will need to be supplemented with temporary facilities. The applicant anticipates setting up approximately 600 portable toilets and 320 wash stations throughout Mission Beach and Bonita Cove. All portable bathroom clusters will be located at least 150 feet away from the nearest storm drain inlet. The applicant further proposes to provide approximately 800 trash containers, 800 recycling containers, and 800 composting containers in clusters throughout the event, coupled with a janitorial force of approximately 1,500 workers. As with the bathroom cluster, the trash clusters will be located away from storm drains.

Because the event will only utilize temporary structures, no grading will be conducted for setting up the various fields of play, viewing areas, or festival areas. No disturbance of the sub-soil will take place other than weed clearance to achieve even contact with the soil surface or pavement. This greatly reduces the likelihood of soil and runoff adversely impacting water turbidity.

Due to the coastal theme of the event, seven of the athletic competitions will occur partly or wholly within the water: surfing (short and long board), wakeboarding, waterski jump, open water swim, kite foil racing, and aquathlon. However, only two of these events – the wakeboarding and waterski jump – will utilize powered watercraft, and only for two days, with the rest occurring under the competitors own power. Thus, the likelihood of the event introducing high volumes of vehicle emissions into the water is low.

To ensure that the event implements proper water quality measures, **Special Condition No. 5** delineates the required actions on the part of the applicant to avoid introducing pollutants into coastal waters. Thus, as conditioned, the event can be found in conformance with the water quality policies of Chapter 3 of the Coastal Act and the city of San Diego’s certified LCP.

E. HABITAT

Chapter 3 policy, 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 significance. Uses of the marine environment shall be carried out in a manner that will sustain 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 30240 of the Coastal Act states:

- (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.*

Section 143.0144 of the Land Development Code states, in relevant part:

Development Regulations for Coastal Beaches

The following development regulations apply to development proposed on a premises containing a coastal beach, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062, and coastal development is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

- (a) No development is permitted on the portion of the site containing the coastal beach, except as permitted in Section 143.0130(b).*

(b) All development occurring on a site containing coastal beaches must conform with the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(c) Public views shall be preserved pursuant to Section 132.0403.

[...]

The event will take place within portions of South Mission Beach Park, Mission Beach Park, and Mission Bay Park. These park areas consist of coastal waters, sandy beach, paved boardwalks and parking lots, and grassy upland with recreational structures and comfort stations, all frequented by thousands of visitors year round. On the eastern boundary of the proposed event area is Mariner's Point, a short peninsula containing a fenced nesting area for the endangered California least tern that is managed by the City of San Diego in conjunction with USFW. On the west, the USFWS and CDFW have identified South Mission Beach as important non-breeding season foraging area for the federally-listed western snowy plover. Within Bonita Cove, the bay bed contains eel grass, which serves as an important foraging and breeding resource for many aquatic species.

The cultural festival and athletic events scheduled for Bonita Cove – wake boarding, ski jump, and aquathlon – will occur in close proximity to Mariners Point, wherein the City operates a large, successful fenced nesting site for the endangered California least tern. The California least tern nesting season begins approximately April 15th and ends by approximately September 15th of a given year, with the majority of courtship, breeding, and raising of young occurring during the first half of the breeding season. The applicant has coordinated with USFWS and CDFW, and neither agency expressed concern with the location, schedule, or orientation of the cultural music festival with regards to the least tern nesting site at Mariner's Point. Both agencies indicated that least terns mostly leave the Mariners Point nesting site by the end of August, and initiation of set up for the event will occur after the conclusion of the least tern breeding season. Yet while the majority of least tern breeding occurs in the first half of the season, in the event that there are late fledglings, the applicant plans to assemble the tallest structures last and take them down first, and to place anti-perching measures on structures over thirty feet in height, in order to minimize the opportunistic use of tall structures and perches by raptors. Any build-out, camera booms, cranes, or lifts employed by any vendor will be lowered at the end of the day to avoid opportunistic perching.

The western snowy plover is a threatened species that forages in the intertidal and sandy beach areas. Plovers typically forage for small invertebrates in wet or dry beach sand, among tide-cast kelp, and within low dune vegetation. Human activities such as walking, jogging, walking pets, and vehicle use in close proximity of plovers causes them to scatter or flush. Although Mission Beach is, as described above, a very busy, popular recreational beach, plovers do typically forage on the beach in and around the project area. The proposed event represents a substantially greater concentration of people, noise, and structures than typically exist on Mission Beach's beach area during this time. Thus

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increased volume of activity creates the likelihood that shorebirds that typically forage in the area, such as the western snowy plover, would be displaced by the event without some form of mitigation action. Therefore, after consultation with USFW and CDFW, the applicant is proposing to establish a an approximately 210,000 sq. ft. “Avian Conservation Area” (ACA) between Brighton Court and Deal Court, immediately north of the southernmost fenced competition area. The ACA will encompass the entire sandy beach between the boardwalk and the ocean so as to increase the likelihood that the plovers and other shorebirds will feel safe enough to forage in the area while set up and operation of the event is occurring. The Commission’s staff ecologist, Dr. Laurie Koteen, visited the proposed site of the ACA and concurred with its size and location.

In order to maximize the habitat potential of the Avian Protection Area, the Beach Games will coordinate with the City of San Diego to forego their standard beach grooming in the Avian Protection Area for the duration of the set-up, operation, and take-down of the Beach Games. Furthermore, while the intertidal area is public trust land, an area where the Commission has historically ensured that public access is not limited even when upland areas are occupied, after consultation with USFW, it was determined that, due to the foraging activity of the plover and their propensity to flush when a person is present, that due to the high volume of use the remaining beach area will be experience during this time, that it was best for the plovers if human traffic was not allowed in the intertidal zone paralleling the ACA for its duration. Given the sensitivity of the plovers, in this particular case, the restriction on intertidal lateral access just for the length and duration of the ACA will not have a significant long-term impact on public access. The public can traverse the area on the inland side of the ACA on the boardwalk. **Special Condition No. 9** requires the implementation of the ACA and the parameters for its duration and operation. In order to limit artificial lights from impacting adjacent park areas where wildlife may be, **Special Condition No. 6** requires the implementation of an approved lighting plan that prohibits artificial lighting of the sandy beach and shielding and directing all lighting away from non-event areas.

Mission Bay Park contains extensive acreage of eel grass along its bottom, including in Bonita Cove. As part of preparation of the proposed games, an initial eel grass survey was conducted in July 2018. Within the survey area, eel grass consists of scattered fringing beds along the shoreline and isolated plants in the lower depths. Because the aquatic competitions are generally surface uses, they are not expected to cause adverse impacts to the eel grass. However, some of the events will utilize buoys partially anchored to the bottom, so the survey will be used to ensure their placement outside of eel grass beds. To gauge whether adverse impacts do arise, a second eel grass survey is proposed to be done upon conclusion of the competition, and a final survey conducted thirty days following event conclusion in order to determine the presence of any impacts. **Special Condition No. 8** formalizes the above eel grass monitoring plan, and requires that if the post-event surveys indicate that the event contributed to impacts to the eel grass, then a restoration and mitigation plan that conforms to NOAA guidelines will need to be submitted to the Commission within sixty days. Thus, as conditioned, the proposed event can be found in conformance with the habitat protection policies of the Coastal Act and the city of San Diego’s certified LCP.

F. LOCAL COASTAL PLANNING

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

The proposed event is located both in the original jurisdiction of the Coastal Commission and the jurisdiction of the certified LCP for the City of San Diego, appealable to the Coastal Commission. At the request of the applicant, and with the concurrence of the city, the entire development is being processed by the Coastal Commission as a consolidated permit, with Chapter 3 of the Coastal Act as the standard of review and the City of San Diego's certified LCP serving as guidance. As conditioned, all foreseeable impacts to public access and recreation, visual resources, water quality, and habitat are addressed. Thus, the permitted development will not prejudice the ability of the City of San Diego to continue to implement their LCP.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of San Diego found the proposed temporary event categorically exempt under CEQA under classes 1, 4, and 11 ((CEQA Guidelines) Cal. Code of Regs., tit. 14 Sections 15301 [existing facilities], 15304 [minor alterations to land], and 15311 [accessory structures]).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing location, duration, traffic management, lighting, water quality, habitat, and public access will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Baseline Line Eelgrass Survey in Support of the 2019 ANOC World Beach Games Mission Bay, CA by Merkel & Associates, Inc. dated August 10, 2018