

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
301 E. Ocean Blvd., Suite 300  
Long Beach, CA 90802  
(562) 590-5071



# W16d

Filed: 04/23/2019  
180th Day: 10/21/2019  
Staff: D. Ziff-LB  
Staff Report: 04/26/2019  
Hearing Date: 05/08/2019

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-19-0246

**Applicants:** Live Nation Worldwide, Inc.; Diversified Production Services, LLC; and City of Long Beach

**Agents:** Courtney Eusebio, Diversified Production Services, LLC  
Tasha Day, Office of Special Events and Filming, City of Long Beach, and Tom Modica, Assistant City Manager, 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 seven (7) days of free community events open to the public and to youth summer camps (Monday 7/8/19 through Sunday 7/14/19), including professional and amateur sand-sculpting, skateboarding events and clinics, beach volleyball clinics and games, beach yoga, and water safety demonstrations; two (2) days of live music (Sun Soaked Festival, Saturday 7/13/19 and Sunday 7/14/19); and three (3) days of takedown activities. The project includes temporary use of approximately 600,000 sq. ft. of sandy beach for construction of a 491,385 sq. ft. temporary stadium, 84,235 sq. ft. entry cue, and a 25,788 sq. ft. skate park, and deposition of \$150,000 into a fund managed in coordination with the City of Long Beach for activities to engage underserved youth in coastal access and recreation opportunities, including free swim and sailing lessons, Junior Lifeguard scholarships, and the All City Beach Day.

**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 8 through Wednesday, July 17, 2019. The event includes seven days when free community events are provided, Monday July 8 through Sunday July 14, 2019, and a two-day paid live music event from 2 pm to 10 pm on Saturday and Sunday July 13 and 14, 2019. An additional three days is required for takedown activities. The organizers, Live Nation Worldwide and Diversified Production Services, are co-applicants with the City of Long Beach, which supports the project.

The project involves construction of a temporary 491,385 square foot stadium containing a stage, VIP and ADA seating, a beverage bar, medical tents, water stations, portable restrooms, handwashing stations, a waterslide, and other ancillary developments. This area will be inaccessible to the general public throughout the proposed event. In addition, the project includes the installation of an 84,235 square foot sand-sculpture exhibit that would be open to the public free of charge for the seven days of public events and which would be used as the queuing area on the day of the live music event. The project also includes the construction of a 25,788 square foot skate park on the sandy beach landward of the regional public pedestrian and bike path. Project staging uses additional public parkland adjacent to the beach. In total, approximately 601,408 square feet of sandy beach and 25,446 square feet of Marina Green Park will be used for the proposed 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.

The free community events proposed here (7 am to 5 pm Monday July 8 through Friday July 12 and 10 am to 2 pm Saturday and Sunday July 13 & 14, 2019), include professional and amateur sand-sculpting, amateur skateboarding clinics, beach volleyball clinics and games, beach yoga, water safety demonstrations, a Welcome Party, and professional skate exhibitions and shows. Kids Beach Days providing sunrise and sunset yoga, beach volleyball clinics, and sand-sculpting activities are scheduled from 10 am to 3:30 pm Monday through Friday July 8-12, 2019 and are available to City-run summer camps in Long Beach and Drop-In participants. The applicants expect between 100 and 150 different campers to attend each of the five Kids Beach Days. The free community events will be held on the beach adjacent to the temporary stadium. The applicants are also proposing to provide transportation and meals for youth camp participants attending each free community event day, prioritizing camps located in communities where barriers to coastal access exist.

The live music event, with a stadium capacity of approximately 31,000 people, is proposed as a primarily a paid event with admission costs for the two-day festival ranging from \$125-\$450 with 5,000 tickets given away for free to the general public per day. The applicants have also proposed deposition of \$150,000 into a fund held by the non-profit Partners of Parks in coordination with the City of Long Beach for sponsorship of activities directed at engaging underserved youth in coastal access and recreation including the proposed community events detailed above, as well as the City's All City Beach Day, swim lessons at Long Beach public pools, sailing lessons, coastal tours (including educational wetland tours , admission to the Queen Mary and Long Beach Aquarium, and field trips to Leeway Sailing Center), and scholarships for the Long Beach Junior Lifeguard programs.

A permit is required for this year's event because it includes erection of a fence and construction of a temporary stadium, skate park, and other development on the public beach and a general admission fee for a portion of the event during peak beach use season. The proposed live music portion of the event temporarily precludes non-attending members of the public from using an approximately 14 acre portion of the sandy beach where the temporary stadium is located; therefore, special conditions are necessary to protect public access and recreation for all people. As conditioned, the proposed temporary ten-day event (including setup and takedown) protects and encourages public access to the sea, especially for segments of the greater Los Angeles population that have disproportionate barriers to accessing the coast.

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 actions, 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.

In this case, the applicants have indicated that the provision of 75% free seating for the two days of concerts would not be feasible; however, the applicants and Commission staff have coordinated closely to develop an alternative mitigation strategy. Public access opportunities include recreational events and activities free to the public during the event days, as well as the deposition of \$150,000 by the concert promoters to the fund dedicated to public coastal access and recreational opportunities throughout the year. As conditioned, substantial investment in public access and recreation programs geared toward providing underserved populations in Long Beach and surrounding areas with free coastal access and outdoor education outweighs the temporary impacts to coastal access and recreation on the portion of public beach within the project vicinity. The City is in the process of developing an LCP amendment for temporary events on public beaches and tidelands in the subject area; the Commission's approval of the subject project will not prejudice the City's ability to prepare the LCP amendment, and likewise it should not be used as precedent for temporary events citywide or statewide.

On June 7, 2018, the Commission approved with conditions a similar project (CDP Application No. 5-18-0142) for a temporary community and live music event held on Alamitos Beach in downtown Long Beach with five 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-day live music event (Saturday 7/21/18), and four days of takedown activities. The project included temporary use of approximately 400,000 square feet of sandy beach and construction of a 300,000 square foot temporary stadium, and contribution of \$35,000 to a mitigation fund which would be used to engage underserved youth in coastal access and recreation opportunities, including the All City Beach Day, Junior Lifeguard scholarships, and free swim lessons.

Special Condition 5 of the permit for last year's event required documentation of the applicants' contribution to the mitigation fund prior to issuance of the permit and implementation of the proposed public access improvements during the event. The first part of the condition was not complied with prior to the date of the approved event; thus, CDP No. 5-18-0142 was not issued

prior to the event. The City states that most of the \$35,000 mitigation fund has been used to support public access and recreation opportunities, including 672 swim lessons and 10 Junior Lifeguard scholarships and approximately 2,400 youth participants at the All City Beach Day; however these opportunities were provided separate from the community event days specified in the approved permit, which were also required to include public access and recreation opportunities. The applicants provided most of the planned amenities as proposed during the community event days, but the events were not well attended because transportation to Alamitos Beach and provision of meals for underserved youth in the greater Los Angeles area to attend the free community events were not provided. The applicants and City staff state that failure to provide the required transportation and meals occurred, in part, because in the short time between the Commission's approval of the project and the event, there was not enough time to do outreach to potential participants. Therefore, the applicant undertook the development in non-compliance with the CDP.

The temporary event currently before the Commission, as proposed, includes two additional days of community elements (seven days total) as well as a two-day paid music festival. The public access and recreation mitigation contribution has been increased to \$150,000 and the City has already begun marketing opportunities for youth to participate in the community event days through its summer camp catalog. Additionally, the timing of the Commission's hearing (one month earlier than last year), as well as the renewed commitment by the event promoters and the City to hold an event benefiting all members of the community, provides the applicants greater opportunity to implement the public access and recreation improvements. The applicants will prepare a Public Engagement Plan including outreach methods and language access policies for underserved communities. The applicants will prepare a Marketing and Media Plan specifically for the free community events, and distribute marketing media materials beyond the City of Long Beach to neighboring underserved communities in the greater Los Angeles area. Marketing efforts for the free community events will include posting of marketing materials at relevant transit stops. The permittees will highlight the free community events and strongly encourage attendees to walk, scoot, bike, or take public transit to the events.

Staff is recommending **approval** of the coastal development permit with **ten special conditions**. If the recommended conditions are fully complied with consistent with the applicants' renewed commitment, 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. The special conditions include: **1) Duration of Permit and Permit Compliance; 2) Temporary Volleyball Court Relocation; 3) Temporary Shoreline Access Management Plan; 4) Admission Fees and Signage; 5) Implementation of Proposed Public Access Improvements; 6) Implementation of Marketing and Media Plan; 7) Water Quality; 8) Lighting Design; 9) Sound Design; and 10) Nesting Bird Surveys.**

The motion to carry out the staff recommendation is on page six of this report.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION.....</b>	<b>6</b>
<b>II. STANDARD CONDITIONS .....</b>	<b>6</b>
<b>III. SPECIAL CONDITIONS.....</b>	<b>7</b>
<b>IV. FINDINGS AND DECLARATIONS .....</b>	<b>13</b>
A. PROJECT LOCATION & DESCRIPTION .....	13
B. PUBLIC ACCESS & RECREATION .....	16
C. MARINE RESOURCES .....	24
D. LAND RESOURCES .....	25
E. DEVELOPMENT .....	26
F. UNPERMITTED DEVELOPMENT.....	28
G. LOCAL COASTAL PROGRAM.....	29
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	29

### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Site Plans

Exhibit 3 – Community Event Schedule

Exhibit 4 – Marketing and Media Plan

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-19-0246 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. 5-19-0246 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 and Permit Compliance.** Coastal Development Permit 5-19-0246 shall only extend to:
  - A. The proposed events to be held from Monday, July 8 through Wednesday, July 17, 2019;
  - B. Set-up and timely removal of those temporary facilities necessary to stage the event. Set-up will begin Monday, July 8 and continue until Saturday, July 13. Removal of facilities will begin Monday, July 15. All facilities will be entirely removed from the beach and Marina Green by 7 pm on Wednesday, July 17, 2019.

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. The permittees shall submit evidence of compliance with all imposed special conditions to the Executive Director by July 8, 2020 or at the time of submittal of a future application for the Sun Soaked event, whichever comes first. 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 stadium 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 17, 2019.
3. **Temporary 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 14 acres of public beach and state tidelands, the public will be able to attend the community events for free and approximately 10,000 members of the public will be able to attend the concert for free (5,000 each concert day). The fence surrounding the temporary stadium will be located at least 50 feet inland of the mean high tide line. Lateral access along the shoreline shall not be impeded by the event. Event staff with ability to respond to persons in Spanish, Tagalog or Khmer, which are the languages designated in the City of Long Beach's Language Access Policy, will patrol the perimeter of the project area for the entire duration of the event and ensure access to the coastline 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. The Parking Management Plan shall not include (and this permit does not authorize) restrictions within public beach parking lots.
- 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.
- D. The temporary event facilities (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. The permittees shall develop and implement a free valet bicycle and scooter parking program in cooperation with the City of Long Beach that shall be in operation adjacent to the event site during event activities from Monday, July 8, 2019 through Sunday, July 14, 2019. No changes to the valet program operation schedule shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.

**4. Admission Fees and Signage.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director proof that at least 5,000 tickets for each day of the live music event have been distributed to the general public free of charge.
- B. The permittees shall use the Box Office to educate attendees about the event. The permittees shall post signs on Monday, July 8, 2019 at key visible locations on the exterior of the proposed 8-foot stadium fencing with the community event schedule for Monday, July 8, 2019 through Sunday, July 14, 2019 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. Signage shall acknowledge the California Coastal Commission's role in providing public access at this location by including the agency name and logo.
- C. The sand-sculpture exhibit shall remain free and open to the public for the duration of the event.
- D. The permittees shall record the number of persons participating in the free Kids Beach Day events and provide an estimate of the number of persons participating in the free community events Monday, July 8, 2019 through Sunday, July 14, 2019. As feasible, the permittees shall collect demographic data on individuals participating to determine whether individuals from underserved communities (specifically including low-income communities and communities of color) are being adequately



reached through the marketing strategy. The permittees shall provide the Commission with a written report including this data by August 14, 2019.

**5. Implementation of Public Access Improvements.**

- A. PRIOR TO ISUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittees shall revise the free community event schedule (**Exhibit 3**) to:
1. Add free beach and coastal recreation activities to the free community events scheduled for Saturday and Sunday July 13 and 14, 2019 from, at least, 7am to 5pm.
  2. Identify expected numbers of participants and determine how many staff will be on-site for the free community events.
  3. Provide a final detailed schedule of free community activities with start and end times for each activity.
  4. Modify site plans (Exhibit 2 of this staff report) to reflect the expanded schedule of free community events.
- B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittees shall deposit \$150,000 (herein ‘fund’) into the interest-bearing account held by Partners of Parks and managed by the City of Long Beach in support of the following activities, as proposed by the permittees and described below. The fund shall be used in its entirety within one year of being deposited into the interest-bearing account. 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 in Long Beach. The fund shall be directed towards programs providing underserved communities (identified through compliance with Special Condition 5.H, below) 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.
1. Sun Soaked Parks and Recreation Days: A portion of the fund shall cover transportation and meals for individuals from underserved communities each day of the free community events at Alamitos Beach, including, but not limited to professional and amateur sand-sculpting, beach volleyball clinics and games, beach yoga, and water safety demonstrations from Monday July 8, 2019 through Sunday July 14, 2019.
  2. All City Beach Day: A portion of the fund shall cover transportation and lunch for approximately 2,400 children from underserved communities to the City of Long Beach’s All City Beach Day on Friday August 9, 2019.
  3. Long Beach Junior Lifeguards: A portion of the fund shall cover the registration fee for Junior Lifeguard programs and transportation to Junior Guard Prep classes and to the Junior Guard summer program for the full

duration of the program for youth who are unable to participate in the program without financial aid.

4. City of Long Beach Swim Lessons and Sailing Lessons: A portion of the fund shall cover the cost of swim lessons for low-income seniors and adults and underserved youth and teens at the City's three public pool facilities: Silverado Pool, Belmont Pool, and Martin Luther King Pool, and cover the cost of classes at Leeway Sailing Center.
  5. Waterfront Recreation Programming: a portion of the fund shall bring additional underserved youth and teens and low-income seniors to the beach for activities such as, but not limited to, tours of the Carnival Cruise Line, Queen Mary and Long Beach Aquarium, coastal wetland educational tours at Colorado Lagoon or the Los Cerritos Wetlands, and field trips for day camps to visit the Leeway sailing Center for kayak, sailing, and marine biology lessons.
- C. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittees shall submit to the Executive Director a document identifying the balance remaining in the fund from any unused funds from the \$35,000 deposit made by the organizers as required by Special Condition 5A of CDP No. 5-18-0142. The entire fund shall be directed towards coastal access and recreation, which may include the following program, in consultation with the Executive Director:
- Wibit Day Camp Trip: a portion of the fund shall cover transportation, meals, staffing costs, and other appropriate expenditures to bring underserved youth to the recreational area at Bayshore in Alamitos Bay. The fund shall be used no later than July 14, 2019.
- D. For any activity that includes facilitation of City-run Camp participation, including, but not limited to, the Sun Soaked community events, All City Beach Day, and Wibit Day Camp, the permittees shall allocate a portion of the funds to cover camp registration fees, facilitate attendance of drop-in programs, and/or develop a parallel program that provides direct access for potential participants that may not enroll in camps due to financial or other barriers to entry.
- E. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittees shall submit a final Fund Allocation Plan, for review and approval by the Executive Director, that shall include, at a minimum:
1. Detailed descriptions of any activities proposed to be supported using the fund including, but not limited to, those described in Special Condition 5.B, 5.C, and 5.D (above), with approximate allocations for each funded element of the activity and approximate numbers of people expected to be served, from what programs, organizations, or communities they will be recruited from, and for what period of time.
  2. A Recruitment Plan that details, for each activity, the segment(s) of the population that are proposed to be targeted in outreach efforts, a proposed timeline for outreach, and specific methods of proposed outreach, including copies of marketing materials. Outreach efforts should extend beyond the City of Long Beach to underserved communities in the greater Los Angeles area.

3. A Transportation Plan, if relevant to the activity and/or necessary to facilitate access to the coast, that includes proposed methods of securing adequate transportation facilities, a list of parties accountable for delivering and operating transportation, and details related to pick-up and drop-off locations, dates, and times.

All sections of the Fund Allocation Plan should be consistent with the outreach methods and language access plan outlined in the Public Engagement Plan for underserved communities in Special Condition 5.H. The permittees shall undertake development in accordance with the approved Fund Allocation Plan unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required

- F. PRIOR TO THE 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.
  - G. The permittees shall provide evidence, in a form and content acceptable to the Executive Director, detailing how the funds were dispersed consistent with the requirements of this CDP 5-19-0246, no later than December 31, 2019. The applicants shall also report on the total revenues and expenditures of both the 2018 and 2019 public events and paid concerts. The report shall include a detailed accounting of the specific use of the entire fund and any remaining balance. The Executive Director may extend the aforementioned deadlines, in writing, for good cause.
  - H. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittees shall work with the City of Long Beach and local community based organizations to identify low-income communities, communities of color, and areas with populations of limited English proficiency, referred to as “underserved communities,” both in the City of Long Beach and Greater Los Angeles Area. After identification of underserved communities, permittees shall create a Public Engagement Plan that includes a report of the identified underserved communities and tailored outreach methods and language access policies for these communities with a section on how these methods will be incorporated into to the Fund Allocation Plan required by Special Condition 5.E and the Media and Marketing Plan required Special Condition 6. The Public Engagement Plan shall include consideration of culturally appropriate outreach methods, including digital, paper, and in-person options. The plan shall also include a language access protocol that outlines how materials will be developed in accordance with the City’s Language Access Policy, such as translation into non-English languages including at a minimum Spanish, Tagalog, and Khmer, tailored to be culturally relevant, and written in plain language to prevent educational and cultural barriers from participation in the events’ free programming. The final Public Engagement Plan shall be submitted to the Executive Director for review and written approval.
6. **Marketing and Media Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittees shall submit a revised Marketing and Media Plan, for review and approval by the Executive Director, that is consistent with the

permittees' Marketing and Media Plan dated 4/17/19 included as **Exhibit 4** of this staff report and with Special Condition 5.H, above. The plan shall include copies of all marketing and media materials already disseminated or proposed to be disseminated. The permittees shall specify any proposed locations of street-level promotions. Marketing and media materials shall be distributed beyond the City of Long Beach to neighboring underserved communities in the greater Los Angeles area and acknowledge the California Coastal Commission's role in providing public access at this location. Marketing efforts shall include posting of marketing materials at relevant transit stops. The permittees shall highlight the free community events and strongly encourage attendees to walk, scoot, bike, or take public transit to the event.

The permittees shall undertake development in conformance with the approved marketing and media plan unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required.

**7. Water Quality.**

- A. BY ACCEPTANCE OF THIS 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.
- B. The permittees shall submit a Waste Management Report to the Executive Director no later than August 14, 2019 that details the amount of waste (including trash, oil, grease, and other materials that may be deposited within the event area) produced by the event and implemented methods of disposal, and provides photographic documentation of the project site before and after the temporary event.

**8. Lighting Design.**

- A. Nighttime lighting may be used only on Saturday July 13 and Sunday July 14, 2019 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 nights of Saturday July 13 and Sunday July 14 during the musical performances, as proposed.

9. **Sound Design.** All speakers, including amplified speakers shall be directionalized to focus sound within the stadium.
10. **Nesting Bird Surveys.** The permittees shall retain the services of a qualified biologist to conduct nesting bird species surveys in order to determine the presence of sensitive bird species including, but not limited to, black-crowned night herons, great blue herons, and snowy egrets. At least 30 calendar days prior to commencement of any project operations, the applicant shall submit the name and qualifications of the environmental resource specialist, for the review and approval of the Executive Director. All project construction and operations shall be carried out consistent with the following:
  - A. The applicant shall ensure that the biologist shall conduct the surveys 30 calendar days prior to the event construction activities, including any tree trimming or relocation, to detect any active bird nests in all trees within 500 feet of the project (including, but not limited to, *Washingtonia robusta* trees within the stadium footprint). A follow-up survey must be conducted 3 calendar days prior to the initiation of clearance/construction and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first. These surveys shall be submitted to the Executive Director within two days of completion.
  - B. If an active nest of any song bird is found within 300 ft. of the project, or an active nest for any raptor species is found within 500 ft. of the project, the applicant's biologist shall monitor bird behavior and construction noise levels. The nest shall not be removed or disturbed. The biological monitor shall be present during all significant event activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The biologist monitor shall monitor birds and noise during event preparation and take-down and during the event. Event-related activities may occur only if noise levels are at or below a peak of 65 dB at the nest site(s). If event-related noise exceeds a peak level of 65 dB at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction shall cease and shall not recommence until either new sound mitigation can be employed.

#### **IV. FINDINGS AND DECLARATIONS**

##### **A. PROJECT LOCATION & 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 8 through Wednesday, July 17, 2019 (**Exhibit 1**). The event involves seven (7) days of free public events and programming, Monday July 8 through Sunday July 14, 2019 from 7:00 am to 5:00 pm, a two (2)-day paid live music event on July 13 and 14, 2019 from 2:00 pm to 10:00 pm, and three (3) days for takedown activities. Setup of the temporary stadium, with a total capacity of 31,084, would begin Monday July 8, 2019. Take down and removal of all project elements would occur Monday, July 15 through Wednesday, July 17, 2019 (**Exhibit 2**).

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.

A coastal development permit is required for this event because it includes erection of a fence and construction of a temporary stadium, skate park, and other development on the public beach and a general admission fee for a portion of the event during peak beach use season. Although the City of Long Beach has a certified Local Coastal Program, because the proposed event area is located within the Commission's area of original jurisdiction and on state tidelands, the applicants must obtain a coastal development permit from the Commission.

On June 7, 2018, the Commission approved with conditions a similar project (CDP Application No. 5-18-0142) for a temporary community and live music event held on Alamitos Beach in downtown Long Beach with five 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-day live music event (Saturday 7/21/18), and four days of takedown activities. The project included temporary use of approximately 400,000 square feet of sandy beach and construction of a 300,000 square foot temporary stadium, and contribution of \$35,000 to a mitigation fund which would be used to engage underserved youth in coastal access and recreation opportunities, including the All City Beach Day, Junior Lifeguard scholarships, and free swim lessons.

In its approval of last year's event, the Commission found that the "project should not be used as precedent for the types of temporary events allowed on sandy beaches in California" (page 16 of the adopted staff report for CDP No. 5-18-0142), in part, due to the unique nature of the project site which makes it ideal for hosting large events. The event footprint is within an approximately 1,000 foot wide segment of Alamitos Beach, laterally accessible from both directions and from the landward side, which minimizes adverse impacts to public beach use. The site is adjacent to City's beachfront commercial area, which is developed with several other commercial tourist and visitor-serving facilities, including the City's events center and the Long Beach Aquarium.

Through the subject project, the applicants propose to temporarily enclose approximately 491,385 square feet of public beach within an 8-foot high chain-link fence with partial windscreens for the creation of a music stadium, adjacent 84,235 square foot sand-sculpture exhibit and queuing area with 4-foot high perimeter fencing, and a 25,788 square foot skate park and temporarily use approximately 25,446 square feet of Marina Green Park (**Exhibit 2**). Construction of the temporary music venue requires temporary relocation of volleyball courts from the project area to the beach east of the project site.

The proposed project also involves temporary construction of a box office; activity, giveaway, merchandise, and medical tents; a 12,000 square foot viewing deck; shade structures with misting stations and picnic tables; an approximately 92-foot by 54-foot stage; audio, video, and

lighting structures; and VIP and ADA seating. In addition, 217 portable restrooms, handwashing stations, a 51-foot high waterslide, water stations, lockers for attendee belongings, and crowd control barricades are proposed within the stadium. The proposed box office, scooter and bike valet, and temporary skate park are sited in the sandy beach area landward of the regional bike and pedestrian path, which is part of the California Coastal Trail. Developments within Marina Green Park include production staging, artist parking, catering trucks, sponsor tents, and a 90-foot radius pyrotechnics area. In total, the proposed event site encompasses approximately 626,854 square feet, or approximately 14.4 acres, of public parkland.

The applicants are proposing to administer free public events and programming including, but not limited to, professional and amateur sand-sculpting, amateur skateboarding clinics, beach volleyball clinics and games, beach yoga, water safety demonstrations, a Welcome Party, and professional skateboard exhibitions and shows. These activities are scheduled for Monday through Sunday July 8-14, 2019, generally, from 7 am until 5 pm (**Exhibit 3**). The applicants, in collaboration with the City of Long Beach Parks, Recreation, and Marine Department, propose to bring City-run summer camps, youth participating in the City's Drop-In program (a program provided at the City's parks that provides free daycare), and low-income seniors to the free community events. The free community events are also open to the general public. The City has a Marketing and Media Plan (**Exhibit 4**) that includes the use of social media outlets, emails, radio, and community outreach through City activity guides, the local press, street-level promotion, camps, classes, and sport leagues by the City, Live Nation, and Kaskade (the proposed headlining artist).

Sun Soaked is a two-day music festival for audiences 18+, with a stadium capacity of 31,084 people, which includes intermittent pyrotechnic displays. Admission costs are \$125 (early bird special), \$150 (general), and \$450 (VIP) for the two-day festival with potential single-day ticket sales. The applicants are also proposing to give away 5,000 tickets (approximately 16% of the venue's seating capacity) to each music event day. The applicants have not indicated how they plan to allocate or distribute the giveaway tickets. In addition, the applicants initially proposed to establish a \$50,000 fund (increased from the previous year's \$35,000 fund), which, subsequent to coordination with Commission staff, was increased to \$150,000 to fund coastal access and recreational activities for underserved populations in the greater Los Angeles area. Such activities include the proposed community events, the All City Beach Day, swim lessons at Long Beach public pools, sailing lessons at Leeway Sailing Center, coastal resource tours, and scholarships for the Long Beach Junior Lifeguard programs. In addition, the applicants propose to develop, fund, and implement a Wubit Day Camp Program to bring underserved youth to the Alamitos Bay recreation area at Bayshore.

During the entire 10-day temporary event (including setup/takedown activities), the Long Beach Police Department 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 focusing light toward the event would be located at each of the eleven exit gates to allow attendees to safely navigate the event site. All speakers, including amplified speakers, would be directionalized to focus sound within the stadium.

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 scooter and bicycle valet parking Monday, July 8 through Sunday, July 14, 2019. 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. On the concert days, one of three eastbound lanes on Shoreline Drive will be used for rideshare pick-up and drop-off. All parking lots in the vicinity will remain open to the public.

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 and use City-licensed haulers to sort and transport the waste off-site. 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 will be on hand in the event of a fuel spill.

## **B. PUBLIC ACCESS & RECREATION**

The exclusive use of a segment of public beaches by the promoters and operators of special events, and the associated limitations on public access and recreation, has long 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 of sand 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. This location is also in close proximity to the Downtown Long Beach Public Transit Center. 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.

The proposed project is a temporary community and music event that will be located on part of the public beach and will draw approximately 30,000 additional visitors to Alamitos Beach. For 10 days, from setup to takedown (July 8-17, 2019), parts of the sandy beach and park open space immediately upland of the sandy beach will be developed with temporary fencing and other structures that will restrict the general public from use of the entire beach and disproportionately impact underserved populations (see Section IV.G, Environmental Justice). During the proposed temporary event, excluding the initiation of set-up and termination of take-down activities, the general public, with the exception of the concert-goers, will be excluded from approximately 500,000 square feet of Alamitos Beach and approximately 25,000 square feet of Marina Green Park for ten days.

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 the Long Beach Police Department and private event security to ensure that access to the beach and shoreline 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 trails (part of the California Coastal Trail) landward of the stadium will remain open to the public during the entire event, pursuant to **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** requires 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**

The crowds generated by the proposed event will temporarily impact some beachgoers' ability to find a parking space near the beach. The Commission has found that in many coastal beach locations 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 caused by the proposed event are not expected to be significant.

Based on the applicants' observations from the event held last year, many attendees travelled via rideshare, bike, scooter, or public transit and did not require the use of parking spaces. In addition, the applicants propose to use busses to transport low-income seniors, City-run summer camp and Drop-In participants, and other underserved populations to the free community events. The applicants, therefore, do not expect the 7,585 total available public parking spaces in the Convention Center parking lot, Aquarium Garage, Pike Parking Garage, and Alamitos Beach public parking lot to be used by the temporary event attendees. 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 Alamitos Beach public parking lot will not be set aside for exclusive use of concertgoers and will be available on a first come first served basis.

The crowds generated by the event will temporarily 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 both Saturday and Sunday, July 13 and 14, 2019. All remaining lanes will be open. To minimize the potential for traffic to impact public access to the beach, the organizers will 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 the Long Beach Police Department and Department of Public Works will help direct traffic.

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. As proposed, the applicants would work with City of Long Beach mobility coordinators to provide alternative modes of transportation including free bike and scooter valet parking Monday, July 8 through Sunday, July 14, 2019. **Special Condition 3** requires the applicants to site and operate 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 to provide a free valet bicycle and scooter parking program. In addition, **Special Condition 6** requires the applicants to submit a final Marketing and Media Plan to the Executive Director that would, in part, encourage attendees to use alternative transportation to access 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 seven days of free programming available to the public and a two-day live music private event during peak summertime beach use. The proposed music element is planned to begin on Saturday and Sunday 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 proposed to be largely paid. In addition, the 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 actions, 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.

The proposed event will not meet the 75% free seating threshold; however, as conditioned, considerable investment in public access and recreation programs providing underserved populations in Long Beach and surrounding areas with free coastal access and outdoor education outweighs the temporary impacts to coastal access and recreation on the portion of public beach within the project vicinity. The applicants are proposing seven days of free beach- activities, considerable financial investment into programs supporting equitable coastal access and recreation programs, and approximately 15% free admission for each day of the two-day music festival (approximately 10,000 individuals total). While the general public will not be able to access or use this portion of the beach during the event, public access to and along the remainder of the beach will be maintained consistent with **Special Condition 3**. As proposed, the project will minimize the short-term public access impacts and will support public access and recreation opportunities throughout the year.

The applicant did not implement all of the public access and recreation opportunities required by CDP No. 5-18-0142, and proceeded with last year's event in non-compliance with the CDP. Commission staff and the applicants have worked to avoid a similar problem through early coordination of the applicants' proposal and mutual review of Coastal Act requirements. Compared to last year's event, the proposed project includes two additional days of community elements (seven days total) as well as a two-day paid music festival. The public access and recreation mitigation contribution has been increased to \$150,000 and the City has already begun marketing opportunities for youth to participate in the community event days through its summer camp catalog. Additionally, the timing of the Commission's hearing (one month earlier than last year), as well as the renewed commitment by the event promoters and the City to hold an event benefiting all members of the community, provides the applicants greater opportunity to implement the public access and recreation improvements. The applicants will prepare a Public Engagement Plan including outreach methods and language access policies for underserved communities. The applicants will prepare a Marketing and Media Plan specifically for the free community events, and distribute marketing media materials beyond the City of Long Beach to neighboring underserved communities in the greater Los Angeles area. Marketing efforts for the free community events will include posting of marketing materials at relevant transit stops. The permittees will highlight the free community events and strongly encourage attendees to walk, scoot, bike, or take public transit to the events.

Although the proposed event is entirely within the Coastal Commission's 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’s Special Events staff are working with the City’s Development Services staff and Coastal Commission staff on a local coastal program amendment to clarify the LCP standards for special events in park districts in the future. Any certified LCP park district provisions will not be the standard of review for permit applications for projects on lands in the Commission’s retained jurisdiction; however, they will be used as guidance.

### **Environmental Justice**

Throughout our State’s history, low-income communities, communities of color, and other marginalized populations, referred to as underserved communities in this staff report, have faced disproportionate burdens in accessing the California coastline due to geographic, economic, social, and cultural barriers. Ensuring maximum and equitable public access to the California coastline (as required by Coastal Act Sections 30210 and 30213) is consistent with environmental justice principles reflected in the Coastal Act. Section 30604(h) states: “when acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.”<sup>1</sup> The Commission adopted an environmental justice policy in March 2019, committing to consider environmental justice principles, consistent with Coastal Act policies, in the agency’s decision-making process and ensuring coastal protection benefits are accessible to everyone. In approving the policy, the Commission recognized that equitable coastal access is encompassed in, and protected by, the public access policies of Chapter 3 of the Coastal Act:

*The Coastal Act’s mandates to provide maximum access and recreational opportunities for all, and to protect, encourage, and provide lower-cost visitor and recreational opportunities embody fundamental principles of environmental justice. The Commission reaffirms its long-standing commitment to identifying and eliminating barriers, including those that unlawfully privatize public spaces, in order to provide for those who may be otherwise deterred from going to the beach or coastal zone. The coast belongs to everyone, and access cannot be denied or diminished on the basis of race, ethnicity, income socio-economic status, or place of residence or other factors listed in the Policy Statement.*

*Understanding that even nominal costs can be barriers to access preserving and providing for lower-cost recreational facilities is also an environmental justice imperative. This includes recreational opportunities such as parks, trails, surf spots, beach barbecue and fire pits, safe swimming beaches, fishing piers, campgrounds, and associated free or low-cost parking areas.*

In part, as embodied in the Commission’s adopted environmental justice policy, the term “environmental justice” is currently understood to mean equitable distribution of environmental

---

<sup>1</sup> Government Code Section 65040.12(e) defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”

benefits, including, in this case, equitable opportunities for coastal access and recreation. In California, equitable coastal access and recreation opportunities for all populations has not been realized due to historic and social factors, such as discriminatory land use and economic policies and practices.<sup>2</sup> Spatial analysis of 2010 Census data across demographics groups and proximity to public shoreline access points in California shows that a majority of Californians (79.7%) live within 62 miles of the coast, but populations closest to the coast are disproportionately white, affluent, and older than those who live farther inland.<sup>3</sup> These disparities in proximity to coastal access across income and racial/ethnic groups also held true when the same analysis was conducted for Los Angeles County, which revealed even greater among Hispanic and Latino residents compared to other racial/ethnic groups. Loss of free or low-cost recreation opportunities also disproportionately impact low-income communities. The City of Long Beach identified key indicators to evaluate economic inclusion and inequality, and identified that disparities in income existed across racial/ethnic groups.<sup>4</sup> Thus, throughout this staff report, staff use the term “underserved communities” to reference the low-income and communities of color that face environmental justice impacts of inequitable coastal access and disproportionate burdens of loss of low-cost recreation options.

Alamitos Beach, where the proposed event is located, is a popular coastal recreation area within a half mile of the Long Beach Transit Mall and the end of the Metro Blue Line, which connects Long Beach to Downtown Los Angeles and passes, almost exclusively, through underserved communities<sup>5</sup>. Thus, the proposed temporary exclusion of the public from approximately 500,000 square feet of public beach at this location disproportionately affects individuals from underserved communities, particularly those who are transit-dependent or may not have access to alternate low-cost modes of transportation to access the coast (and thus may primarily use Alamitos Beach as their principal location for coastal access and recreation). This impact constitutes an environmental justice issue because of consistency issues with both Sections 30210 and 30213 of the Coastal Act. Specifically, exclusion of the public from 500,000 square feet of the beach in order to hold a two-day concert for which admission will be between \$125 and \$450 does not maximize access or recreational opportunities for *all* people (Section 30210), nor does such a pricing structure for this concert event constitute a lower-cost visitor or recreational opportunity (Section 30213).

Although these constitute significant impacts to coastal public access for underserved communities, they are reduced to a less-than-significant level because: (a) the event is temporary – the paid concert event is only two days, whereas, there are seven days of beach-oriented community activities that will be free to the public and are of a unique, special-event nature; and (b) mitigation of said impacts for the benefit of underserved communities (who, again, would constitute the least able to afford the high cost of admission to the paid concert event) is

---

<sup>2</sup> Robert Garcia & Erica Flores Baltodano, *Free the Beach! Public Access, Equal Justice, and the California Coast*, 2 Stanford Journal of Civil Rights and Civil Liberties. 143 (2005)

<sup>3</sup> Reineman, et al., [Coastal Access Equity and the Implementation of the California Coastal Act](#), Stanford Environmental Law Review Journal, v. 36. Pages 96-98 (2016)

<sup>4</sup> City of Long Beach. *Advancing Economic Inclusion in Long Beach*.

<http://www.longbeach.gov/globalassets/economic-development/media-library/images/economic-inclusion-infographics-final-02-07>

<sup>5</sup> Based on results from EPA EJSCREEN’s (2018) demographic index, which is the average of two demographic indicators, percent low-income and percent minority populations. <https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>

proposed by the applicants in the form of 5,000 free concert tickets disseminated to the public and the proposal to fund \$150,000 of programs providing underserved communities in need of financial aid or not otherwise able to regularly access the beach, opportunities for coastal access and recreation (**Special Condition 5**), as discussed in more detail above.

Some of the programs, as proposed by the applicants, do not adequately support equitable access to the coast or opportunities to participate in low-cost recreational opportunities. For example, the applicants proposed that a portion of the fund be used to cover the registration fee for Junior Lifeguard scholarships (as similarly conditioned in CDP 5-18-0142). However, it was difficult for last year's scholarship recipients to get to the location of the Junior Guard program (Peninsula Beach), which is adjacent to relatively affluent residential neighborhoods and is not easily accessible by public transit. Therefore, **Special Condition 5.B** requires the fund to also be used for transportation to and from Junior Guards for the duration of the program and **Special Condition 5.E.3** requires a final Fund Allocation Plan, to be reviewed and approved by the Executive Director, that includes a detailed Transportation Plan to ensure that access is fully facilitated for recipients of the proposed scholarships and targeted populations for the proposed activities. **Special Condition 5.E** also requires the final Fund Allocation Plan to include a Recruitment Plan and **Special Condition 6** requires the applicants to submit a final Marketing and Media Plan for review and approval by the Executive Director, to ensure that outreach efforts are conducted appropriately to reach the applicants' targeted populations, which should extend beyond the City of Long Beach and include the Greater Los Angeles area.

Furthermore, language presents a barrier for many individuals from underserved communities who have limited English language proficiency. Many communities face language isolation in Long Beach and the Greater Los Angeles area. Recognizing that removing language barriers is critical to achieving equitable access to available City services, programs, and resources, in August 2013, the City Council of Long Beach passed a Language Access Policy (LAP)<sup>6</sup>, which establishes standards and procedures for providing equitable access to City resources. **Special Condition 3.A** requires event staff who can communicate in the languages identified in the LAP to minimize barriers to public access for individuals with limited English proficiency. Finally, **Special Condition 5.E** requires the applicant to partner with local community ethnic groups to identify underserved communities and identify appropriate outreach methods and dissemination of information about the event to specific populations.

Additionally, **Special Condition 5.A** is imposed to require the applicants to revise and submit a final free community event schedule for the proposed temporary event that adds coastal-oriented free community activities to the Saturday and Sunday schedules, which are more likely to be heavily attended by the public. **Special Condition 5.D** is imposed because a number of the applicants' proposed programs that are allocated funds include attendance by City-run camps, which require registration fees. Thus, by ensuring that either funds are allocated to the City's scholarship program for camps, Drop-In participants (kids participating in the City's free daycare program) are in attendance, and/or separate programs are developed and funded to reach lower income community members. Furthermore, **Special Conditions 2, 3, and 4** reduce the proposed project's impacts on public access, in part, by requiring bike and pedestrian paths, volleyball courts, vertical and horizontal access to the sea to be maintained throughout the proposed

---

<sup>6</sup> City of Long Beach Language Access Policy - <http://www.longbeach.gov/globalassets/health/media-library/documents/healthy-living/office-of-equity/language-access-resolution-and-policy-update-2018---english>

temporary event, which furthers the Commission's commitment to accessible coastal resources for all people.

The subject event is temporary and includes free beach activities, financial support of coastal access and recreation programs, and some free tickets to the live music events (**Special Condition 5**). 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 temporary event with seven days of publicly accessible community events and a two-day outdoor music event would actively use the public sandy beach to encourage the public and paying attendees to access the coast. In addition, the open space and recreation element of the certified LCP 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 will draw guests from a wide range of locations to the beach for recreation. The event, as proposed, is handicap accessible and most of the proposed activities associated with the event are free and open to the public.

In addition, the project involves temporary private use of a portion of the public beach located on State tidelands (approximately the sandy beach area between the bike path and the bluffs and a portion of Marina Green Park), which raises issues under the public trust doctrine. The public trust doctrine provides that all navigable waters, and the land lying beneath them, including tidelands and submerged lands, are owned by the sovereign in trust for the benefit of the people. Public trust uses typically include the right to use navigable waters for navigation, commerce, and to fish, hunt, bathe, swim, and for general recreation purposes. (*See generally Nat'l Audubon Soc'y v. Superior Court* (1983) 33 Cal.3d 419, 435.) Although the State Lands Commission oversees public trust lands throughout the State, the City of Long Beach was granted trustee authority over the tidelands at issue here pursuant to a legislative grant; thus, the applicants are not required to obtain a license from State Lands Commission for the event. While the proposed event temporarily precludes some individuals from using the sandy beach, as conditioned, the investment in public access opportunities and programs providing underserved populations with free coastal access and recreation opportunities outweighs the temporary impacts to coastal access and recreation on the portion of public beach within the public trust.

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 will occur 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 to 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. Special Condition 7 also requires the applicants to submit a Waste Management Report that details the waste generated by the event and any waste management measures implemented. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

#### **D. 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 applicants propose the use of amplified sound, pyrotechnics, and lighting after dark for the proposed music events and to ensure that participants can safely navigate the event site during and after the music events (Saturday and Sunday nights, July 13 and 14, 2019) at the project site, which is adjacent to a marina, paved parking lots, grassy parklands, large apartment buildings, and other urban development in the Downtown Shoreline area. 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. **Special Condition 9** requires all speakers, including amplified speakers, to be directed to focus sound within the stadium. This will minimize the spillage of sound onto the adjacent beach and parkland.

Furthermore, while there are no sensitive species known to occur on-site, there are a number of trees within the proposed stadium foot print and adjacent to the project site that may be suitable habitat for nesting birds. With natural wetlands and native trees being displaced by urban development, many birds have adapted by relocating their nesting colonies to stands of tall non-native trees in highly developed areas, including in areas within a mile of the project site. The subject temporary event, including two days of amplified music and pyrotechnics, is proposed during nesting season, which may adversely impact nesting birds. Therefore, **Special Condition 10** is imposed, which requires the applicants to retain a qualified biologist to conduct surveys 30 days and 3 days prior to the proposed event to determine whether nesting birds are present in the project vicinity. If active nests are found, the applicants shall not disturb the nest(s) or the nesting birds and shall implement sound mitigation measures for any event-related noise above 65 dB (**Special Condition 10**).

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.

## **E. 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, in part:

*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.*
- (d) Minimize energy consumption and vehicle miles traveled.*

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 at least 50 feet from the mean high tide line and is not expected to be subject to inundation given the tide predictions during the proposed event<sup>7</sup>.

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 and lateral access along the shoreline will be maintained pursuant to **Special Condition 3**. Therefore, the project will have no long-term adverse impacts on visual resources.

As conditioned through **Special Condition 3**, the organizers are required to develop and implement parking and traffic management plans, offer a free bike and scooter valet service, and encourage use of alternative transportation. Thus, energy consumption and vehicle miles traveled are minimized and alternative modes are encouraged.

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.

---

<sup>7</sup> NOAA/NOS/CO-OPS Tide Predictions for Long Beach, Inner Harbor, CA. Accessed 4/23/2019: [tidesandcurrents.noaa.gov](https://tidesandcurrents.noaa.gov).

## F. UNPERMITTED DEVELOPMENT

Violations of the Coastal Act associated with the previous year's event undertaken by the applicants on the project site include failure to satisfy special conditions necessary to secure issuance of the coastal development permit for the event in 2018 (CDP No. 5-18-0142). Additionally, even if the coastal development permit had been issued, the applicants failed to comply with all requirements of Special Condition 5, which states, in part (emphasis added):

### **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 registration fee for Junior Lifeguard programs.

On July 20, 2018 Coastal Commission staff conducted a site visit to observe the free community events and confirmed that transportation to the community events and meals at the events for underserved youth were not provided as required by Special Condition 5 of CDP No. 5-18-0142. In addition, per Special Condition 5.A, the co-applicant (event promoter) was required to deposit \$35,000 (the fund) into an interest-bearing account to be established and managed by the City of Long Beach in support of activities, including transportation and meals for each day of the free community events, during the Sun Soaked Parks and Recreation Days. Special Condition 5 also required the City to consult with the Executive Director regarding the expenditure of funds from the account.

Although the applicants did not comply with this condition prior to the 2018 event, after the event had commenced, the City indicated that the event promoter had deposited the fund into a

non-interest bearing, restricted account managed by Partners of Parks, a 501(c)(3) nonprofit, which did not fully comply with the provisions of the special condition. Commission staff worked with City staff to resolve this issue and on September 4, 2018, the City transferred the \$35,000 into an approved interest bearing account. The City states that most of the \$35,000 mitigation fund has been to support public access and recreation opportunities, including 672 swim lessons and 10 Junior Lifeguard scholarships and approximately 2,400 youth participants at the All City Beach Day; however these opportunities were provided separate from the community event days specified in the approved permit, which were also required to include public access and recreation opportunities. The applicants and City staff state that failure to provide the required transportation and meals during the community event days specified in the approved permit occurred, in part, because in the short time between the Commission's approval of the project and the event, there was not enough time to do outreach to potential participants.

The event promoter and the City have indicated that all remaining funds from last year will be spent within one year of the date they were deposited into the account, as required by special condition 5 of CDP No. 5-18-0142. In order to ensure that last year's public access funds are used in their entirety for their intended purpose, Special Condition 5 of the subject coastal development permit is imposed. Special Condition 5 requires to the applicants to provide evidence to the Executive Director that the remaining funds from the above referenced account shall be utilized for programs providing underserved communities in need of financial aid or not otherwise able to regularly access the coast.

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

## **G. LOCAL COASTAL PROGRAM**

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction and on state tidelands. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach local coastal program, 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.

## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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.

On March 4, 2019, the City of Long Beach, the lead agency for CEQA, determined that the proposed event is categorically exempt from CEQA 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*
- *Adopted Findings for CDP No. 5-18-0142*
- *City of Long Beach Local Coastal Program*