

CALIFORNIA COASTAL COMMISSION

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W14a

Filed: 06/29/21
180th Day: 12/26/21
Staff: D.Ziff-LB
Staff Report: 07/22/21
Hearing Date: 08/11/21

STAFF REPORT: REGULAR CALENDAR

Application Number: 5-19-0953

Applicants: Bridge Street and Los Angeles County
Department of Beaches & Harbors

Agents: Martin Ludlow & Monica Hajar, Bridge Street
Anne Blemker & Susan McCabe, McCabe & Company
Michael Tripp, LA County Beaches & Harbors

Location: Dockweiler State Beach, City of Los Angeles, Los Angeles County

Project Description: Three-year authorization for annual temporary live music and community events held on Dockweiler State Beach with two days of live music (Saturday and Sunday 8/27-28/2022, 8/26-27/2023, 8/24-25/2024) and three days of set-up, take-down, and clean-up activities, a one-day music and ocean education youth camp, and a celebrity-led beach clean-up. The events are associated with the Los Angeles Jazz Festival, which includes additional free community events within and outside of the coastal zone. The project includes temporary use of approximately 477,358 sq. ft. of sandy beach for construction of a temporary concert venue, approximately 80,122 sq. ft. of sandy beach for the one-day youth camp, and exclusive use of public parking spaces within the Bluff, RV, and Grand Avenue parking lots.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed development is a three-year authorization—2022, 2023, and 2024—for temporary community and live music events held on Dockweiler Beach that are associated with the Los Angeles Jazz Festival (LA Jazz Fest). The Jazz music festival is a month-long zero-waste series of events occurring inside and outside of the coastal zone, often in underserved communities, with live music and cultural, educational, and African American community empowerment programming. The events proposed to occur on the sandy beach at Dockweiler, include two days of live music with three days of set-up and take-down/clean-up activities (8/25-29/2022, 8/24-28/2023, 8/22-26/2024), a free one-day youth camp (8/20/22, 8/19/23, 8/17/24), and a celebrity-led beach clean-up (8/30/22, 8/29/23, 8/27/24). The “On the Beach” concert event is a mostly paid event with a capacity of 20,000 people a day. The Summer Youth Jazz Camp is entirely free, including transportation, food, and participation items, for 2,000 participants ages 12-19 that will be recruited from lower income census tracts within Los Angeles with the goal of using music and coastal education to recognize and address environmental injustices. The development necessary to stage the concert and camp includes the installation and removal of temporary fencing, signs, canopies, portable restrooms, seating, and stages. Pursuant to the Commission’s 1993 Temporary Event Guidelines, a permit is required because the event is scheduled during peak beach use season, temporary fences and other structures are proposed to be erected on the public beach, and there would be fees for admission to the fenced-in concert area.

Dockweiler State Beach is in Playa del Rey, immediately upcoast of El Segundo Beach, and is directly west of the Los Angeles International Airport. This area offers wide sandy beaches, surf, firepits, a market and picnic areas, public restrooms, long- and short-term public vehicle parking, and a meandering segment of the regional bike path that runs along the Santa Monica Bay coastline. The proposed project area is located at the southern end of Dockweiler State Beach, which has a blufftop youth center but is less heavily used than the stretch of beach to the north where there are more parking and public amenities. The majority of the proposed temporary development takes place within the Commission's area of original jurisdiction, where the Chapter 3 policies of the Coastal Act are the Commission’s standard of review.

Free or lower cost visitor and recreational opportunities are protected by Section 30213 of the Coastal Act. 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 1993 Temporary Event 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 applicants have indicated that the provision of 75% free seating for the two days of concerts would not be feasible given that the funds from the paid concert support other events (many of which are located in low-income areas of the City) that are free; however, the applicants and Commission staff have coordinated closely to develop an alternative equivalent mitigation strategy. While the two-day live music event involves an

admission fee for the general public with higher fees for other seating options, and temporarily precludes non-attending members of the public from using an approximately eleven-acre portion of the sandy beach where the temporary stadium would be located, 7,500 of the 40,000 tickets will be distributed to the general public free of charge; and members of the public will be able to experience the music from areas of the public beach that are around the perimeter of the fenced-in area. In addition, the applicants have proposed to provide the free summer youth camp, 50 full scholarships for the Junior Lifeguard Program each year of the event, and several other free temporary events associated with the Jazz Festival held throughout the coastal zone, including two days of free African American Coastal Cultural History Tours along the LA County coastline, a two-day Jazz music conference in Marina del Rey, and Jazz in the Parks events in Long Beach, San Pedro, Venice, and Manhattan Beach. Furthermore, there are additional free elements of the LA Jazz Festival that will be held within one mile of the coastal zone. These include a street carnival in El Segundo, a park event in Santa Monica, and Jazz After Dark events, which are located within a mile of the coastal zone and are expected to bring over 30,000 people to the coast.

As proposed and conditioned to ensure that the free elements of the Jazz Festival located in close proximity to the beach are provided and attended and to maintain continuous public access around the site, including along the back beach and shoreline at all times, the proposed Jazz Fest events protect and encourage equitable public access to the sea, especially for segments of the greater Los Angeles population that have disproportionate barriers to accessing the coast. In addition, while there are coastal habitats and environmentally sensitive habitat areas (ESHA) adjacent to the event sites and a potential for sensitive species that are protected by the Chapter 3 policies of the Coastal Act to occur in the vicinity of the event, as proposed and conditioned, the applicants will implement water quality and species protection best management practices, install temporary fencing that buffers event activities from ESHA with signs to educate the public, and survey the site ahead of set-up activities for the presence of sensitive species and implement appropriate protection measures if such species are found.

Thus, staff is recommending **approval** of a coastal development permit with **five** special conditions to: **1)** specify which activities are authorized under the permit and require that if the free community events are not held as described herein, the “On the Beach” concert must be cancelled or revised plans must be submitted for review and approval of the Executive Director; **2)** require all other permissions be obtained, including approval from the City of Los Angeles for the portion of the development (parts of the parking lots and public streets) not located within the Commission’s retained jurisdiction area; **3)** ensure the temporary impacts to public access are minimized by providing the free events and tickets, installing appropriate signs clarifying that all areas around the temporary fencing are open to the public, and implementing the proposed Marketing and Outreach, Parking, and Traffic Plans that encourage equitable access to the events, minimize temporary impacts to beach goers, and minimize vehicle energy consumption and vehicle miles traveled; **4)** protect biological resources, including dune habitat and sensitive species, from potential impacts from noise and other event activities; and **5)** implement the proposed pollution prevention plan and additional water quality protection measures. The motion to carry out the staff recommendation is on page five of the staff report.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map with Coastal Events

Exhibit 2 – “On the Beach” Venue and Youth Camp Site Plans

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit Application No. 5-19-0953 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned 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 a coastal development permit 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
3. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
4. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Duration and Scope of Permit.**

- A. Coastal Development Permit No. 5-19-0953 shall only authorize:
1. A one-day Summer Youth Jazz Camp to be held August 20, 2022 and August 19, 2023;
 2. A two-day “On the Beach” concert to be held Saturday and Sunday August 27-28, 2022 and August 26-27, 2023;
 3. A one-day volunteer beach clean-up to be held after “On the Beach” event clean-up and take-down August 30, 2022 and August 29, 2023;
 4. Set-up and timely removal of those facilities necessary to stage the events, as set forth in the Site Plan submitted to the South Coast District office on June 29, 2021. For the youth camp, set-up activities shall begin no earlier than the night before the camp and the de-construction shall conclude the night of the day-camp. For the “On the Beach” event, set-up activities shall begin no earlier than three nights prior to the concert event and de-construction activities shall conclude no later than one day following the conclusion of the concert event.
- B. The permittees shall submit evidence of compliance with the special conditions of this permit (except for conditions that apply exclusively to the “On the Beach” event) to the Executive Director at least two days prior to the set-up of the “On the Beach” concert events. The “On the Beach” concert events shall only proceed, as approved, if all other related free programming (i.e. Summer Youth Jazz Camp, African American Coastal History Tours, distribution of 7,500 free tickets, allocation of Junior Lifeguard scholarships, Jazz After Dark events, Jazz in the Parks Water Conservation events, Jazz Conference, and Street Carnival) is provided and attended at the approximate levels laid out in the Free Tickets document submitted to the South Coast District Office June 29, 2021; or if the programming is not implemented as described herein, the permittee shall submit revised plans for review and approval by the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required.
- C. The permittees shall undertake development in accordance with the approved plans. Any request for a change to the installation, operation, or removal schedule of the facilities shall be reported to the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required.
- D. Within 30 days of the culmination of the 2022 LA Jazz Festival, the permittees shall provide a report that demonstrates compliance with all conditions of the subject coastal development permit (CDP No. 5-19-0953). If there is evidence that conditions of this permit were not complied with, the permittees shall submit revised plans for review and approval by the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required.
- 2. Required Approvals.** By acceptance of this permit, the permittees agree that they shall obtain all other necessary local, state, and federal permits that may be necessary for all aspects of the temporary development, including approvals from the City of Los Angeles, Los Angeles Regional Water Quality Control Board, Los Angeles

County (Beaches & Harbors and/or Sanitation District), City of El Segundo, State Lands Commission, State Parks, and any federal and state agency with jurisdiction over sensitive resources at this location unless confirmation is received from those agencies that such approvals are not required.

3. Temporary Shoreline Access Program.

- A. Admission Fees. The permittees shall submit to the Executive Director proof that at least 7,500 of the “On the Beach” annual live music event tickets have been distributed to the general public free of charge. All other related events—the LA Jazz Fest Summer Youth Jazz Camp, the African American Coastal Cultural History Tours, the State of Jazz conference, the Jazz in the Parks events, the Jazz after Dark events, the Caribbean Street Carnival, and beach clean-up—shall be offered free of charge. The 50 Junior Lifeguard Scholarships shall be given out each year of the events to underserved youth.
- B. Adjacent Access. Public access to and along the beach shall be maintained during the entire duration of the events, including set-up and take-down activities. Although a temporary fence will be installed around approximately eleven acres of public beach and state tidelands, the public shall be able to gather and sit around the exterior of the event areas without charge or harassment, attend the community events for free, and at least 7,500 members of the public shall have the opportunity to attend the concert events for free each year (3,250 each concert day). The fencing surrounding the temporary stadium and summer camp area shall be located at least 50 feet inland of the mean high tide line. Lateral access along the shoreline shall not be impeded by the events.
- C. Public Access Signs. The permittees shall install temporary signs that facilitate, manage, and provide public access to and around the approved event sites and identify any public features that will be provided during set-up, take-down, and event activities. The signs shall be conspicuously sited to maximize visibility from the parking lots, regional bike path, open beach areas, and water and be designed to provide clear information to beach goers and bike path and pedestrian path users without significantly impacting public views and visual resources. All signs shall include translation into languages used commonly in Los Angeles, including but not limited to English and Spanish.
- D. Bike Path. The temporary event facilities (stage, tents, fencing, etc.) shall be sited so as not to interfere with the public’s use of the regional bicycle and pedestrian route that runs through the site and along the beaches of Santa Monica Bay. If temporary closure of the bicycle and pedestrian path is necessary for safety during installation or tear-down of equipment between 5am and 10pm, an interruption of traffic on the pedestrian and bicycle route is authorized with a flagperson to stop bicycle and pedestrian traffic for no longer than 5 minutes at a time. If temporary closure of the bicycle and pedestrian path is necessary for safety during installation or tear-down of equipment between 10pm and 5am, an interruption of traffic on the pedestrian and bicycle route is authorized with a flagperson to stop and redirect bicycle and pedestrian traffic for no longer than one hour at a time.

- E. Marketing and Outreach. Outreach and marketing for the events shall be conducted as described in the materials submitted to the South Coast District office on April 21, 2021.
 - F. Parking Management. The permittees shall offer offsite parking outside of the coastal zone and an electric tram and shuttle system for the “On the Beach” event as described in the materials submitted to the South Coast District office on May 24, 2021. Use of public beach parking lots and parking spaces shall be the minimum necessary for public safety and operation of the electric tram. This permit authorizes temporary use of only the following public beach parking areas (no other exclusive use of parking resources in the coastal zone is authorized):
 - 1. The RV parking lot August 26-28, 2022 and August 25-27, 2023;
 - 2. The El Segundo/Grand Avenue parking lot the evening of August 21-29, 2022 and August 20-28, 2023; and
 - 3. One-third of the parking spaces in the Dockweiler/Bluff parking lot August 20, 2022 and August 19, 2023.
 - G. Traffic Management. The permittees shall develop and implement a Traffic Management Plan, as described in the materials submitted to the South Coast District office on April 21, 2021, in cooperation with the cities of Los Angeles and El Segundo.
 - H. The permittees shall undertake development in accordance with the approved plans. Any request for a change to the installation, operation, or removal schedule of the facilities shall be reported to the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required.
- 4. Biological Resource Protection Program.** The permittees shall carry out development in accordance with the recommendations of the Biological Survey Report submitted to the South Coast District office on June 28, 2021. In addition, the following protection measures shall be implemented:
- A. Sound and Lighting Design. All speakers, including amplified speakers shall be directionalized to focus sound within the stadium and youth camp area. All nighttime lighting shall be shielded and focused downward and inward toward the event areas. Up-lighting and “event” searchlights or spotlights are prohibited. Soft up-lighting for decorative stage and compound elements shall be allowed. Structures, including concession and merchandise tents, shall be designed to minimize light spillage and maximize light shielding to the maximum extent feasible.
 - B. Protection of Dune Habitat. A minimum 25-foot buffer shall be maintained between any project materials and environmentally sensitive habitat areas (ESHA), including dune habitat, during event-related activities. The buffer shall be demarcated with wildlife-permeable fencing that is raised at least 10 inches above the sand. Where 25-foot buffers are infeasible due to existing public amenities, including parking lots, sidewalks, and the bike path, the maximum feasible buffer shall be provided, marked by wildlife-permeable fencing that is raised at least 10

inches above grade. The temporary fencing shall be punctuated with educational signs in English and Spanish informing the public of the sensitive habitat area.

Any temporary fencing shall be installed in a manner that minimizes ground disturbance and landform alteration.

- C. Protection of Special Status Species. The permittees shall coordinate with the Los Angeles Audubon chapter to acquire data on Western snowy plover observations at Dockweiler State Beach no more than two weeks before event activities. The permittees shall retain the services of a qualified biologist with the appropriate recovery permit(s) to conduct biological surveys and submit the name and qualifications of that individual, for the review and approval of the Executive Director, at least two weeks before the events. 72 hours prior to any event activities, the approved biologist shall survey the project site and the area within a 300-foot radius of the project site on foot. The surveys shall be submitted to the Executive Director within two days of completion.

The permittees shall implement the proposed festival contingency plan submitted to the South Coast District office on June 29, 2021, the recommended Western snowy plover protection measures included in the Biological Survey Report submitted to the South Coast District office on June 28, 2021, and the Western snowy plover protection measures included in the U.S. Fish & Wildlife Service letter dated January 19, 2016 and submitted to the South Coast District office on July 14, 2021. If any roosting plovers or plover nests are observed in the project vicinity, then a 500-foot buffer from the roosting or nesting site shall be installed using wildlife-permeable fencing with appropriate educational and warning signs.

- D. Protection of Beach Wrack. Event activities, including set-up and take-down, shall be implemented in a manner that avoids the removal or disturbance of beach wrack to the maximum extent feasible.
- E. The permittees shall undertake development in accordance with the approved plans. Any request for a change to the installation, operation, or removal schedule of the facilities shall be reported to the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required.

- 5. Water Quality.** The permittees shall implement the Pollution Prevention/Protection Plan submitted to the South Coast District office on May 24, 2021. Additionally, the following best management practices shall be implemented:

- A. The permittees shall 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 beach and adjacent parking facilities.
- B. The event sites shall be cleared of trash by the end of each day of event activities, including set-up and take-down.
- C. 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.

- D. The permittees shall install temporary smoke-free signage within and around the exterior of the temporary concert venue.
- E. The permittees shall submit a Waste Management Report to the Executive Director no later than two weeks after the last event on the beach each year 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.

IV. FINDINGS AND DECLARATIONS

A. Project Location and Description

The proposed development is a three-year authorization—2022, 2023, and 2024—for temporary community and live music events held on Dockweiler Beach that are associated with the Los Angeles Jazz Festival (LA Jazz Fest). The Jazz music festival involves approximately 20 days of live music and cultural, educational, and African American community empowerment programming throughout Los Angeles and parts of Orange County during the month of August each year. All the events are intended to be zero-waste and are designed to engage low income and diverse communities that have (historically and presently) disproportionate barriers to coastal access. The Jazz Fest events located within or in close proximity to the coastal zone are mapped in **Exhibit 1**.

Dockweiler State Beach, where the main coastal events are proposed to be located, is immediately upcoast of El Segundo Beach and immediately downcoast of other Playa del Rey beaches. It is also west of the Los Angeles International Airport, which is separated from the beach by Pershing Drive, industrial development (a scattergood generating station and a water reclamation plant), the Los Angeles/El Segundo Dunes, and Vista del Mar. This area offers wide sandy beaches, surf, firepits, market and picnic area, public restrooms, long- and short-term parking, and a meandering segment of the Coastal Trail, which in this area is a regional bike and pedestrian path that extends from Torrance Beach to the Pacific Palisades. The proposed event areas are located at the southern end of Dockweiler State Beach where there is a youth center and public parking lots (**Exhibit 2**). This area is less heavily used than the stretch of beach to the north where the firepits and other public amenities are located.

The events proposed to occur on the sandy beach at Dockweiler, which are the main subject of this permit, are:

- 1) a free Summer Youth Jazz Camp for 2,000 people ages 12-19 from low income census tracts and community service programs that uses music and coastal education to recognize and overcome environmental injustices (8/20/22, 8/19/23, 8/17/24),
- 2) the “On the Beach” concert with two days of live music for a 20,000 person audience and three days (five nights) of set-up, take-down, and clean-up activities (8/25-29/22, 8/24-28/23, 8/22-26/24), and
- 3) a celebrity-led beach clean-up (8/30/22, 8/29/23, 8/27/24)

There are no structures associated with the beach clean-up other than three pop-up tents. The development necessary to stage the camp and concert, however, includes approximately 120 white or blue pop-up canopies, 34 cabanas, 8,123 linear feet of eight-foot high privacy fencing, 9,064 linear feet of picket and beach fencing, three audio/video delay towers, two entrance structures, 3,934 folding chairs, 710 box seats, 1,057 portable restrooms, 28 hand washing stations, five generators, four 192 square foot 2-foot tall stages (camp), and one 1,910 square foot stage (concert) (**Exhibit 2**). For the camp, approximately 80 portable restrooms, four 10 by 20 eight-foot high canopies, four stages, and 2,000 folding chairs are proposed to be used. Four-foot beach fencing will organize the space, but the camp area would not be fully enclosed. On the other hand, the temporary concert venue is proposed as an enclosed area with a marketplace area, standing room for general admission, seating areas, and a large main stage. As proposed, 7,500 (or close to 20%) of the 40,000 tickets to the concert event would be given away to the general public free of charge and paid tickets would range from approximately \$40 per individual to up to \$750 for group seating.

Pursuant to the Commission's 1993 Temporary Event Guidelines, a coastal development permit (CDP) is required because the events are scheduled during peak beach use season, temporary fences and other development are proposed to be erected on the public beach, and there are fees for admission to the fenced-in area for the live concert events. Most of the proposed temporary development takes place within the Commission's area of original jurisdiction, where the Chapter 3 policies of the Coastal Act are the Commission's standard of review. The inland extent of the public parking lots proposed to be used during the events and the roads where traffic improvements are proposed to be made are located within the City of Los Angeles' dual permit jurisdiction area.

The Commission has received numerous letters in support of the subject temporary event application from musicians, community organizations, unions, public representatives, academics, and local governments, including but not limited to: California Legislative Black Caucus, Inland Empire Labor Council, Dr. Allison Rose Jefferson, Los Angeles Councilmember Mike Bonin, Assemblymember Autumn Burke, Concerts for Causes, El Segundo City Council, and Los Angeles County Department of Sanitation and Environment.

B. Public Access and Recreation

Section 30210, *Access; recreational opportunities; posting*, 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, *Development not to interfere with access*, states:

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

Section 30213, *Lower cost visitor and recreational facilities; encouragement and provision*, states, in part:

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

Section 30252, *Maintenance and enhancement of public areas*, states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

Dockweiler Beach, where the proposed events are located, is a popular coastal recreation area that provides the public with coastal access opportunities and lower cost recreational activities, including use of the coastal bicycle path, firepits, and beach, RV camping, water sports, and hang gliding. Many of these activities are free or lower cost visitor and recreational opportunities protected by Section 30213 of the Coastal Act. In addition, Dockweiler attracts visitors from inland Los Angeles due to its proximity to freeways, numerous day-use parking areas, public facilities like restrooms, showers, firepits, the snack stand, and picnic tables, and lack of adjacent residential development.

The location of the proposed summer youth camp and concert areas are at the southern end of Dockweiler State Beach adjacent to El Segundo Beach, which is less heavily used than the stretch of beach to the north where the firepits and other public amenities are located. This part of the beach is approximately 350 feet wide and is close to the bike path, a youth center, public parking lots, and industrial sites. While the events are scheduled to take place during peak beach use season and will temporarily take up approximately 477,358 square feet of public beach area that would otherwise be available for free public use, the following subsections of this staff report describe measures proposed and conditioned to minimize impacts to general public access and enhance access for populations that have been and are generally excluded from the coastal zone due to social and physical barriers.

Event Timing

The proposed youth camp, concert, and beach clean-up events take place at the very end of August during peak beach use season. However, as proposed, the youth camp and concert only require use of public beach area for six days (eight nights) total, including set-up and take-down. This is less than other temporary summer events in Los Angeles County that have been approved by the Commission such as the "SunSoaked" live music event, which was ten full days, and the Long Beach Grand Prix, which is not located on the sand but involves multiple months of set-up and take-down on State Tidelands. The volunteer beach clean-up event will not exclude the public from use of the beach. **Special Condition 1** limits the authorized activities to those events proposed on Dockweiler State Beach and the associated free activities, and **Special Condition 3.F** limits the applicants' exclusive use of public vehicle parking to that which is proposed, which will ensure the beach areas will not be fenced off longer than necessary to hold the community and live music events.

However, **Special Conditions 1.A and 3.F** also limit the term of the permit to the 2022 and 2023 events rather than three years, as proposed. Given that this is the first CDP application for an event of this kind at this location, a three-year authorization would not account for unexpected impacts or changes to the Jazz Festival in response to the results of the first event. In many cases, the Commission has approved one-year permits for temporary events, but multi-year events have also been permitted (e.g. Long Beach Grand Prix). In this case, as stated by the applicants, if the term of permit were limited to one year (2022), they would not be able to acquire the sponsorships required to hold the event. In addition, if they wanted to hold the events a second year, the applicants would need to obtain another CDP prior to the first event being held in order to get sponsorships in place for the second year and for staff to have time to review required monitoring and reporting documentation. Thus, a two-year permit with post-event reporting is recommended to allow for the 2022 event to move forward and for the temporary event to be re-evaluated once the first event is held. To that end, **Special Condition 1.D** requires the applicants to provide a report that demonstrates compliance with all conditions of the CDP and if there is evidence that conditions of the permit were not complied with, they must submit revised plans for review and approval by the Executive Director who will determine whether the changes are substantial and require a CDP amendment. Thus, temporary impacts to public access and coastal resources will be minimized.

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 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 proposed annual events on Dockweiler Beach include a one-day free summer youth camp, a free celebrity-led volunteer beach clean-up, and a two-day live music private event during peak summertime beach use. The proposed music element is planned for a Saturday and Sunday afternoon during peak beach visitation hours. Admission to the live music event ("On the Beach") proposed to be held in the temporary stadium on the sandy beach is proposed to be largely paid. In addition, the "On the Beach" event, while it incorporates coastal education and themes, is not water-oriented or entirely 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.

The guidelines also allow the Executive Director to exclude from permit requirements temporary events meeting 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...

Free or lower cost visitor and recreational opportunities are protected by Section 30213 of the Coastal Act. 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 this provision in the 1993 Temporary Event 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 on the beach would not be feasible because the funds from the event support other LA Jazz Fest events (many of which are located in low-income inland areas of the City) that are free. The applicant indicates that, taking the number of expected visitors of those free events into consideration, then 76% of LA Jazz Fest event attendance will be free. Additionally, the applicants are making efforts to ensure that the group of events on the beach attract attendees from lower income and more diverse communities than those found along the vast majority of the California coastline, and the applicants and Commission staff have coordinated closely to develop a mitigation strategy that allows for the paid event while ensuring that the other events take place. While the two-day live music event involves an admission fee and temporarily precludes non-attending members of the public from using an approximately eleven-acre portion of the sandy beach where the temporary venue is located, at least 7,500 of the 40,000 tickets (or close to 20% of the stadium capacity) will be distributed to the general public free of charge on a first-come, first-serve basis by means of the event website and registration at other free Jazz Fest community events located at parks that are located mostly in low-income neighborhoods.

In addition, members of the public will be able to experience the music from the public beach areas around the perimeter of the fenced-in area if they do not have tickets.

Special Condition 3.A requires that at least 7,500 of the tickets to the "On the Beach" concert event be distributed to members of the public free of charge each year.

Furthermore, **Special Condition 3.B** ensures that members of the public will not be prohibited or otherwise discouraged from gathering around the fenced in area to hear the music, and **Special Condition 3.C** requires signs be posted in appropriate locations and languages that clearly state that the public has a right to continue to use the public beach area around the event sites while the events are taking place. As conditioned, any changes to the approved development, including changes to the number of lower cost

general admission tickets offered, must be reported to the Executive Director and may require a CDP amendment.

The Summer Youth Jazz Camp, as proposed, is entirely free for the 2,000 anticipated participants and includes roundtrip transportation from community parks, food, a shirt and bookbag, live music, and ocean-based activities. The purpose of the camp is to provide educational programming on jazz music, its history, the environment, and coastal protection to help the participants recognize and overcome environmental injustices. The participants, ages 12-19, will be recruited from low income census tracts throughout Los Angeles County and through partnerships with Los Angeles County Federation of Labor and their labor community services program, Los Angeles Unified School District, and the Los Angeles Dodgers. Guardians and/or individuals can also register at the LA Jazz Fest website (scheduled to be published December 2021) or at the Jazz in the Park events. Registration materials, as proposed, will be in multilingual formats.

Additionally, to help mitigate for the temporary impact to public access during the paid event, the applicants are proposing to sponsor 50 full scholarships for the Junior Lifeguard Program each year of the event and hold other LA Jazz Fest events within the coastal zone and within one mile of the coastal zone (**Exhibit 1**). These other free annual temporary events include:

- **[coastal zone]** two days of free African American Coastal Cultural History Tours for 4,000 people along the Los Angeles County coastline that will involve guided programming relating to the African American experience in coastal LA County with stops and refreshments at Phillips Chapel Christian Methodist Church, The Inkwell, Bruce's Beach, Blue Bird Café, Arkansas Tavern, and LaBonita Bathhouse (8/23-24/22, 8/22-23/23, 8/20-21/24);
- **[coastal zone]** a free two-day Jazz music conference in Marina del Rey (capacity 4,000 people), "The State of Jazz," with workshops, seminars, live performances, and a red carpet event featuring jazz industry leaders (8/25-26/22, 8/24-25/23, 8/22-23/24);
- **[coastal zone]** free Jazz in the Parks events involving live music and water conservation programming at Rainbow Lagoon in Long Beach, John S. Gibson Jr. Park in San Pedro, Oakwood Recreation Center in Venice, and Bruce's Beach in Manhattan Beach with an estimated attendance of 1,200 people at each event;
- **[within one mile]** a free street carnival—the El Segundo Caribbean Night—featuring Afro-Caribbean and Caribbean Jazz and culture, including musical parades with dancelines, four stages for performances, and vendors with a capacity of 20,000 individuals; and
- **[within one mile]** Jazz After Dark events involving free entry to bar and restaurant events (food and drink not included) in El Segundo, Santa Monica, Manhattan Beach, Marina del Rey, and Venice that are expected to bring over 30,000 people to the coast.

Special Condition 3.A requires that all of the aforementioned events be held and remain free to the public. At least two days, before the "On the Beach" event, the permittees are

required to provide a report documenting compliance with the special conditions relating to the free events (**Special Condition 1.B**). If there is evidence that the free events are not offered or attended in the approximate numbers described herein, then **Special Condition 1.B** requires that either the paid “On the Beach” event be cancelled or the permittees submit revised plans for review and approval by the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required (**Special Conditions 1.C and 3.H**). In addition, if there are any changes to the event evidenced in the condition compliance report required by **Special Condition 1.D** to be provided within 30 days of the culmination of each year’s festival, then the permittee must submit revised plans to modify the project for review and approval by the Executive Director. Thus, if considered altogether, the free tickets and programming, in close proximity to the coast, as well as the access improvements discussed in more detail in the Environmental Justice subsection, provide public benefits equivalent to a 75% free beach event.

As conditioned to ensure that the free elements of the LA Jazz Fest located in close proximity to the beach are provided or, if not, to require the paid event to become free to the public, the proposed Jazz Festival events protect and encourage public access to and along the sea, especially for segments of the greater Los Angeles population that have disproportionate barriers to accessing the coast, consistent with the public access policies of the Coastal Act.

Beach and Shoreline Access

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. As proposed, the event fencing will be located at least 50 feet inland of the mean high tide line allowing continuous access along the shoreline. **Special Condition 3.B** ensures that such access is provided not only laterally along the shoreline, but on all sides of the event areas. **Special Condition 3.C** requires the permittees to install temporary signs in appropriate languages that facilitate, manage, and maintain such public access and identify any public features that will be provided. This condition applies to all event activities including set-up and take-down activities when it may be unclear to the public that access to the beach, bike path, and shoreline is maintained and they have a right to those features throughout set-up, take-down, and the event itself. As conditioned, the signs must be sited to maximize visibility from the parking lots, regional bike path, open beach areas, and water and designed to provide clear information to beach goers and bike path and pedestrian path users without significantly impacting public views and visual resources.

Thus, as proposed and conditioned to maintain continuous public access around the site, including to the sea, and along the back beach and shoreline at all times, the project will minimize the short-term public access impacts.

Regional Bicycle and Pedestrian Path

The regional bicycle and pedestrian path runs along Santa Monica Bay from Torrance Beach to the Pacific Palisades and is heavily trafficked by tourists, visitors, and residents alike, especially during the summer months. As proposed, event-related activities will not interfere with the bike path except for brief crossings during set-up and take-down of the event structures. **Special Condition 3.D** allows for interruptions of the bike path for short

intervals with a flagperson present to stop bike and pedestrian traffic during set-up and take-down activities.

Parking and Traffic Circulation

The applicants have submitted parking and traffic management plans for the events located at Dockweiler Beach and in downtown El Segundo (within a mile of the coastal zone). The proposed parking and/or traffic limitations are as follows:

- For the summer youth camp, the applicants are proposing to close the northern one-third of the Bluff parking lot for approximately 24 hours to park the camp buses, staff, artists, and sponsors. The applicants will pay full rates for the use of any beach parking spaces.
- For the “On the Beach” event, the applicants are proposing to temporarily close the Grand Avenue parking lot for seven days for event staging, tram drop-off, and emergency vehicles, use offsite parking in combination with a tram for event attendees, and reserve the RV parking lot for three days for artist, sponsor, and VIP parking. In addition, during the two days of the concerts, the northbound left turn lane on Vista del Mar into the El Segundo Beach/Grand Avenue parking lot and the middle westbound lane of Grand Avenue (that crosses Vista del Mar into the Grand Avenue parking lot) would be closed to all vehicles except for public safety vehicles and event trams.

The applicants worked closely with Commission staff to minimize the temporary impacts of the events on public beach parking stock. As proposed, large offsite parking lots in El Segundo that are used by businesses (e.g. Raytheon, Northrop Grumman, Boeing, Mattel, and Chevron) during the work week will be allocated for event parking during the “On the Beach” event weekend. Such lots, combined, have well over ten thousand available parking spaces. The applicants will provide clear maps and messaging directing attendees to these lots where the proposed free electric trams will pick them up and take them to the drop-off location adjacent to the temporary stadium within the Grand Avenue parking lot and vice versa. The applicants also propose to partner with rideshare companies and the Metropolitan Transportation Authority to route attendees to the El Segundo parking lots and expect that hotels will also shuttle guests to the lots. Thus, as proposed, the use of offsite parking for all attendees significantly reduces the number of public beach parking spaces needed and vehicle miles traveled.

As proposed, there are temporary impacts to public access to the beach through the use of beach parking spaces within public beach parking lots for artists, sponsors, and VIPs; however, as proposed and conditioned, the number of spaces and duration of use have been minimized. In addition, the applicants have proposed to use the RV parking lot rather than the day-use lots during the concert weekend to reduce reliance on beach parking. This minimizes impacts to people traveling to the beach for the day that may be unaware of the events and instead impacts RV parking spaces, which can be reserved for the events well ahead of time. Thus, the impacts to public access from use of beach parking areas are minimized. There are still impacts to day-use parking through the temporary closure of the Grand Avenue parking lot; however, the enhanced access to the area because of the events mitigates for this impact. In any case, as proposed, the applicants will pay full rates for the use of any beach parking spaces. Those funds go to

the Los Angeles County Department of Beaches and Harbors, which uses the funds to operate and provide access to public beaches and amenities.

The applicants have also proposed measures to minimize potential temporary impacts to traffic along Vista del Mar and Grand Avenue. Traffic enforcement officers will facilitate the flow of traffic during the weekend of the “On the Beach” event at the intersection of Grand Avenue and Vista del Mar and crossing guards at this location will support safe pedestrian crossing. The applicants have received approvals from the cities of El Segundo and Los Angeles for the traffic management plans; and, in addition, **Special Condition 2** requires the permittees to obtain all necessary approvals including those required for traffic and parking alterations. Furthermore, **Special Conditions 3.F and 3.G** require that the permittees implement the proposed parking and traffic plans and minimize the use of public beach parking spaces.

As conditioned, public access to the area is maximized for all people during the temporary events consistent with Section 30210 of the Coastal Act.

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.”¹ 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.

¹ 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.”

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 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.² 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.³ 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. Loss of free or low-cost recreation opportunities also disproportionately impacts low-income communities. 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.

Dockweiler State Beach, where the proposed event is to be sited, is a popular coastal recreation area located at the terminus of Interstate 105, which is an east-west highway that connects the coast to inland LA County and passes almost exclusively through underserved communities.⁴ Thus, the proposed temporary exclusion of the public from public beach area and public beach parking lots at this location disproportionately affects individuals from underserved communities. However, the Los Angeles Jazz Festival events, including those proposed to be located on the beach, are specifically geared toward audiences from underserved communities and are intended to, in part, celebrate and uplift the contributions of African American artists.

The applicants' marketing and outreach plans for all events associated with the Jazz Festival involve targeted large-scale and one-on-one outreach to California-based organizations to encourage equitable access to the events. Outreach materials, as proposed, will be provided in English, Spanish, Korean, and other languages as the need arises. The community-based organizations include those serving social justice, the arts and music advocacy groups, civic senior programs, churches, colleges, and high schools.

² 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)

³ 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)

⁴ Based on results from EPA EJSCREEN's (2020) demographic index, which is the average of two demographic indicators, percent low-income population and percent people of color. <https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>

High schools throughout LA County will be approached throughout Black History Month to develop partnerships with the festival organizers.

Such partnerships, in addition to partnerships with Los Angeles County Federation of Labor and their labor community services program and the Los Angeles Dodgers, will facilitate registration for free events like the Summer Youth Camp that will recruit participants from low income census tracts throughout Los Angeles County. This summer camp directly addresses equitable access to the beach by providing educational programming that teaches the 2,000 participants to recognize environmental injustices and overcome them through music and coastal recreation. Similarly, the Coastal Tours, which will be organized by a Coastal Cultural Tour Advisory Committee of notable authors, researchers, art creators, and representatives of the California African American History Museum, will provide participants with an enhanced understanding of the history of coastal access for African American communities in Los Angeles.

Thus, although the temporary use of public beach area and parking disproportionately impacts coastal public access for underserved communities, the impacts are reduced to a less-than-significant level because: (a) the event is temporary—the paid concert event is only two days; (b) the events within the coastal zone will encourage equitable access to the coast through implementation of the applicants’ outreach and marketing plans and offer opportunities to participate in low-cost recreation; and (c) mitigation of said impacts is proposed by the applicants in the form of 7,500 free concert tickets disseminated to the public, free Jazz and coastal-related community programming (described in the “Event Admission” subsection above) that is expected to serve approximately 65,000 people throughout the month-long festival, and 50 Junior Lifeguard scholarships to be given to underserved youth each year of the event. **Special Conditions 1 and 3** ensure that the paid concert event cannot occur without the free community elements described in this staff report, require the proposed project elements (including the outreach and marketing plans) are implemented, and require multilingual signage to facilitate public access to and around the site for all people.

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. Biological Resources and Water Quality

Section 30230 of the Coastal Act, *Marine resources; maintenance*, 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, *Biological productivity; water quality*, 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act, *Environmentally sensitive habitat areas; adjacent developments*, states:

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

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

The proposed events will occur in a location adjacent to environmentally sensitive habitat areas (ESHA), other beach habitats, and marine waters. Based on biological surveys conducted by Rincon Consultants, Inc. in June 2021, there is potential for sensitive species to occur in the vicinity of and/or within the project site. In addition, the events are in a location where there is a potential for a discharge of polluted runoff from the site into coastal waters, including on the sandy beach, which is a park and recreation area for the purposes of Coastal Act Section 30240. Section 30240 also protects ESHA from disruption and only allows uses dependent on that habitat in those areas. Section 30230 protects marine resources including biologically significant species, and Section 30231 generally protects water quality. The potential impacts to these resources and the proposed and conditioned mitigation measures to avoid or minimize such impacts are discussed in the following two subsections.

Habitat Areas

There are several habitats found within and adjacent to the project site: intertidal habitats (both sandy and rocky), beach wrack, sandy beach area, and dune ESHA. Numerous coastal organisms were observed during the biological surveys including, but not limited to, Pacific sand crabs, clams, barnacles, algae, limpets, beach hoppers, western gulls, snowy egrets, beach primrose, and sand verbena. In addition, the biological survey reports suggest that there is low to moderate potential for the following sensitive species to occur onsite: Western snowy plover (moderate; Federally Threatened), California brown pelican (moderate; California Department of Fish & Wildlife Fully Protected), Harbor Seal (moderate; Marine Mammal Protection Act), California sea lion (moderate; Marine Mammal Protection Act), Brand's star phacelia (low; Critically imperiled), El Segundo blue butterfly (low; Federally Endangered), Henne's eucosman moth (low; Critically imperiled), Lange's El Segundo Dune weevil (low; Critically imperiled), Dorothy's El Segundo Dune weevil (low; Critically imperiled), Southern California legless lizard (low; Federally Threatened), and California least tern (low; Federally and State Endangered).

While it is unlikely that these species will occur in the project area, in part, due to the separation of the site from the El Segundo Dunes by Vista del Mar, parking lots, and the bike path, the event sites are within Critical Habitat for snowy plovers, and there is also

moderate potential for California least terns to be present. According to resource professionals that monitor the area, there is low potential for least terns to be found onsite, and if they are, it is not anticipated that the event activities would impact any roosting or foraging activities.

Western snowy plovers, which nest between March 1 and September 30, have been observed foraging and roosting in the vicinity, including immediately north of the project site. The biological survey report, prepared for the applicants by Rincon Consultants, Inc. in June 2021, includes a number of recommendations to protect sensitive species in the event they are found in the event vicinity. The recommendations include implementation of best management practices, including avoidance of beach wrack, removal of any pollution associated with the events, and proper handling and storage of fuel, maintenance of a 150-foot buffer between any marine mammals found in the event vicinity and event activities, and avoidance of disturbances to nesting birds. **Special Condition 4** requires the permittees to implement the recommended mitigation measures.

Additionally, **Special Condition 4.A** requires all speakers and lighting to be minimized and directionalized to focus light and sound within the event areas and **Special Condition 4.D** enhances the protection of wrack communities by requiring event activities to be conducted in a manner that avoids the removal or disturbance of beach wrack. To ensure protection of sensitive bird species, like the Western snowy plover, **Special Condition 4.C** requires the permittees to coordinate with Los Angeles Audubon ahead of the beach events to acquire timely data on the presence of Western snowy plovers. This condition also requires the permittees to retain a qualified biologist with the appropriate recovery permit to survey the site no more than two weeks before the set-up of the beach events and 72 hours before set-up activities. If sensitive species, specifically the Western snowy plover, are found on-site the applicants proposed a contingency plan that would require observed nesting areas to be fenced off with warning signage. Such fencing must be placed to create a 500-foot buffer around any roosting plovers (**Special Condition 4.C**).

To protect dune habitat, the applicants are proposing to place the perimeter fencing in a manner that buffers event activities from the environmentally sensitive dune habitat areas that occur inland of the bike path and immediately adjacent to the parking lots. **Special Condition 4.B** ensures protection of the dune ESHA from the event activities by requiring the permittees to establish a 25-foot buffer from the ESHA, where feasible, that is demarcated with wildlife-permeable fencing (which, by nature, would also be visually permeable) raised at least 10 inches above the sand. The temporary fencing shall be punctuated with educational signs in multiple languages informing the public of the sensitive habitat area (**Special Condition 4.B**). Where 25-foot buffers are infeasible due to existing public amenities, including parking lots, sidewalks, and the bike path, then **Special Condition 4.B** requires the maximum buffer feasible be provided. Temporary fencing that must be placed at the boundary of the dunes (e.g. where the dunes abut public walkways or parking lots within the event footprints) is an allowable use under Coastal Act Section 30240 because it minimizes potential disturbance of the habitat during the temporary events.

Therefore, as conditioned to protect ESHA and sensitive coastal species and habitats, the proposed events are consistent with Sections 30240 and 30231 of the Coastal Act.

Water Quality

The spilling of fuel, debris, or waste onto the beach or in a location where it could be carried into coastal waters would adversely impact the marine environment. In order to minimize the events' effects on the marine environment, the applicants have developed a Pollution Prevention/Protection Plan that includes provisions like the use of subflooring under the kitchen areas and tramway to prevent fuel spills and to mitigate any fuel spill that may occur; and the trams operate on electricity. To reduce waste, the applicants propose to implement a zero-waste policy that includes use of only reusable, compostable, and biodegradable materials for all food and beverage service, avoiding overordering food, providing organic food options, only supplying digital food menus, discouraging vendors from using single-use plastics, providing bulk condiments, and marketing the waste-free events. Any excess food will be dispersed to those in need each evening of the concert events. Furthermore, the applicants are proposing to implement the Los Angeles County Board of Supervisors' "Roadmap to a Sustainable Waste Management Future" in their commitment to waste reduction.

In addition, for solid waste collection, the applicants propose to use a multi-stream trash system (recyclables, compostables, and trash) at shuttle parking lots and throughout the subject project site. As proposed, the applicants will also launch a coastal awareness and advocacy program to educate and, in some cases, train event staff, volunteers, supporters, the general public, and event attendees. This education will occur through trainings, marketing, welcome videos, images and mascots, and a targeted selection of programs that will table at Jazz Fest events. In addition, the LA Jazz Festival will present an award to two entities in the community that work on coastal protection and provide youth music opportunities to incentivize creativity around environmental and social justice.

In order to further reduce the potential for adverse impacts to water quality, the Commission imposes a **Special Condition 5** requiring the permittees to implement the proposed fuel and waste management plans and additional best management practices. These include: removal and legal disposal of all trash, waste, oil, grease, and other materials that may accumulate and be deposited within the event areas; daily clean-ups after any event activities (the celebrity clean-up event will not serve as the required clean up after the events, but rather to improve the public beach environment from normal conditions); and prohibitions on smoking. As proposed and conditioned, the Commission finds that the development conforms with Sections 30230, 30231, and 30240 of the Coastal Act.

D. Development and Visual Resources

Section 30250 of the Coastal Act, *Location, existing developed areas*, states:

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.

Section 30251 of the Coastal Act, *Scenic and visual qualities*, 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.

Section 30252 of the Coastal Act, *Maintenance and enhancement of public areas*, 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 non-automobile 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.

Section 30253 of the Coastal Act, *Minimization of adverse impacts*, states:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...
- (d) Minimize energy consumption and vehicle miles traveled.

Dockweiler State Beach is located on the sandy beach adjacent to a youth center, regional bike path, and industrial site. Other industrial development and public beach amenities exist in the vicinity of the proposed events. The site is also close to the Los Angeles International Airport with frequent airplanes passing relatively close overhead. 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. The site is also substantially seaward of the sandy bluff/dune in which the youth center sits, and no

instability is anticipated. 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 during the proposed events. Thus, the events minimize risk to life and property from coastal hazards, do not contribute to geologic instability, and do not substantially alter natural landforms and can therefore be found consistent with Section 30253(a) and (b).

While the 8-foot privacy fence surrounding the stadium and the taller structures within the stadium (i.e. entrance structures, stages, canopies, portable restrooms, and audio/visual structures) would have a temporary adverse impact to visual resources, the use of beach and picket fencing for the youth camp and concert events reduce the visual impact of the fencing, canopies will be either white or blue to reduce visual impact, and the tall structures are not out of character with the surrounding industrial development. Additionally, views from Vista del Mar, which is at a substantially higher elevation, would not be significantly obstructed and, in any case, the view impacts would be temporary (five days). 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 implement the proposed parking and traffic management plans, which involve the use of electric trams to transport people between the event and designated parking lots. The designated event parking lots are closer to the major highways and roads that provide entry into El Segundo and the surrounding areas. Thus, energy consumption and vehicle miles traveled are minimized. Additionally, the applicants are proposing to use zero fossil fuel chargers and solar night lighting, further reducing energy consumption.

As proposed and conditioned, the proposed events minimize alteration of the site, energy consumption and vehicle miles traveled, and temporary visual impacts, and are compatible with the development in area. Therefore, the Commission finds that the development, as conditioned, conforms to Sections 30250, 30251, 30252, 30253 of the Coastal Act.

E. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because the majority of the site is located within the Commission's area of original jurisdiction and a portion of the site is located in the City of Los Angeles dual permit jurisdiction area where coastal development permits are required from both the City of Los Angeles and the Coastal Commission.

The Coastal Act requires that the Commission consider the effect on the preparation of a local coastal program when it approves a project.

Section 30604(a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted

development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The City of Los Angeles has neither a certified Local Coastal Program nor a certified Land Use Plan for the Playa del Rey planning area. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. The proposed event is also temporary in nature. Thus, with the conditions imposed on the proposed development, the subject development will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Coastal Commission's review and approval of land use proposals has been certified by the Secretary of the Natural Resources Agency as the functional equivalent of environmental review under CEQA (14 Cal. Code of Regs. § 15251(c)).

The preceding findings of this staff report, incorporated herein by reference, disclose the relevant coastal resource impacts of the proposed project. In addition, the proposed project has been conditioned in order to minimize and mitigate impacts to coastal resource consistent with Chapter 3 of the Coastal Act. The special conditions: 1) specify which activities are authorized under the permit and require that if the free community events are not held as described herein, the "On the Beach" concert must be cancelled or revised plans must be submitted for review and approval of the Executive Director; 2) require all other permissions be obtained, including approval from the City of Los Angeles for the portion of the development (parts of the parking lots and public streets) not located within the Commission's retained jurisdiction area; 3) ensure the temporary impacts to public access are minimized by providing the free events and tickets, installing appropriate signs clarifying that all areas around the temporary fencing are open to the public, and implementing the proposed Marketing and Outreach, Parking, and Traffic Plans that encourage equitable access to the events, minimize temporary impacts to beach goers, and minimize vehicle energy consumption and vehicle miles traveled; 4) protect biological resources, including dune habitat and sensitive species, from potential impacts from noise and other event activities; and 5) require the applicant to implement the proposed pollution prevention plan and additional water quality protection measures.

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

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proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative 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 Commission Permit Requirements (adopted May 12, 1993)