

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
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VOICE AND TDD (415) 904-5200



TO: Local Governments and Interested Persons

FROM: Coastal Commission Staff

SUBJECT: Guidelines For the Exclusion of Temporary Events from Coastal Commission Permit Requirements - Adopted 5/12/93

I. Purpose and Authority.

The purpose of these guidelines is to identify the standards the Coastal Commission staff, under the direction of the Executive Director, will use in determining whether a temporary event is excluded from coastal development permit requirements pursuant to Public Resources Code Section 30610 (i) (as amended by SB 1578, Ch. 1088, Stats. 1992). The guidelines are for use in areas where the Coastal Commission retains coastal development permit authority. These guidelines may be utilized by local governments for reference in developing Local Coastal Programs or in processing LCP amendments, if required, to address coastal development permit jurisdiction over temporary events.

II. Criteria for Exclusion from Permit Requirements.

Except as provided in Section III. below, the Executive Director shall exclude from coastal development permit requirements all temporary events except those which meet all of the following criteria:

- a) Are held between Memorial Day weekend and Labor Day; and,
- b) Occupy all or a portion of a sandy beach area; and,
- c) Involve 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).

Only temporary events meeting all of the above criteria shall require coastal development permit review, however,

The Executive Director may also 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,

e) The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or,

f) The event is less than one day in duration; or,

g) The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.

III. Executive Director or Commission Discretion to Require a Permit.

The Executive Director, or the Commission through direction to the Executive Director, may determine that a temporary event shall be subject to Commission coastal development permit review, even if the criteria in Section II. are not met, if the Executive Director or the Commission determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Section V. of these guidelines;

c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;

d) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

IV. Modifications to Guidelines by the Commission.

The Commission may amend these guidelines at any time if it is determined such modification is necessary to more effectively implement Section 30610(i) of the Coastal Act, and provide Coastal Commission coastal development permit review of any category of temporary events having the potential for significant impacts to coastal resources; or, eliminate such review of any category of temporary events having no such potential.

V. Definitions.

For purposes of these guidelines, the following definitions shall apply:

a) "Temporary event(s)" means an activity or use that constitutes development as defined in Section 30106 of the Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use;

b) "Limited duration" means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis;

c) "Non-permanent structures" include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, movie/film sets, etc., which do not involve grading or landform alteration for installation.

d) "Exclusive use" means a use that precludes use in the area of the event for public recreation, beach access or access to coastal waters other than for or through the event itself.

e) "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

f) "Sandy beach area" includes publicly owned and privately owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

(Temporary Event Guidelines adopted 5.12.93 fnl)

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
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January 23, 1998

To: Planning Directors of Coastal Cities and Counties

From: Peter Douglas, Executive Director

A handwritten signature in black ink that reads "Peter Douglas". The signature is written in a cursive style and is positioned over the "From:" line of the memo.

Re: REGULATION OF TEMPORARY EVENTS IN THE COASTAL ZONE

Over the past several years, temporary events on California's beaches and adjacent areas have become a subject of substantial concern. The concerns relate to the nature and frequency of such events, their impact on coastal resources and nearby residential neighborhoods, and the general public's ability to get to and utilize coastal recreational lands during such events. Temporary events, such as volleyball tournaments, visual arts and music festivals, surfing contests, boat and auto races, farmers markets, etc. have a long-standing tradition and history in California's coastal communities. As the State's population grows and competition for limited coastal space intensifies and fiscally strapped local governments search for supplemental sources of revenue, conflicts among different coastal users and uses become more significant. Exacerbating the problem is the fact that many event sponsors, whether for profit or charitable purposes, seek to charge entrance fees that, by their nature, result in the exclusion from the event site non-paying members of the public. The Commission recently denied approval of a volleyball tournament that proposed 100% paid seating on the beach in the summer.

While some temporary events raise substantial concerns about adverse impacts on coastal resources, most events of this type are de minimis and raise no such concerns. In order to minimize permitting burdens for the vast majority of temporary events that do not raise Coastal Act concerns, the Commission sought and received legislative approval to utilize procedures to exclude such events from coastal permit requirements. The attached guidelines were adopted by the Commission in 1993 to identify those types of temporary events which have the potential for significant adverse effect on public access and/or coastal resources and which, as a result, require a coastal development permit.

The Commission recently held a workshop and received public testimony on whether the guidelines should be changed. Subsequent to the hearing, Commission staff, based on Commission direction, determined not to amend the guidelines at this time. However, testimony at the hearing did suggest that the guidelines fail to address the cumulative impacts these kinds of events are having on public access to and recreational use of the shoreline. Concerns were raised about the number and size of events, impacts on public parking, noise, advertising, etc. The Commission heard from citizens that these concerns are not being adequately addressed at the local level and that there may be inadequate opportunities for the public to raise these concerns through a public hearing process.

The Coastal Act gives both the Coastal Commission and local governments the responsibility to implement coastal protection policies through the planning and regulatory processes established by the Act. The Commission believes that most of the concerns raised in connection with the impacts of temporary events can best be addressed at the local government level. Obviously in doing so, Coastal Act policies designed to protect coastal resources need to be addressed. The Commission-adopted guidelines relative to temporary events only apply to areas where the Coastal Commission retains permit authority, including public trust lands and areas for which there is no certified Local Coastal Program (LCP).

The Commission has asked that staff contact its local government partners in coastal stewardship to request that you review your local regulations affecting temporary events. The intent is to ensure that every LCP contains implementable land use policies that specifically address the protection of coastal resources consistent with Coastal Act policies. These policies should, for example, deal with potential impacts on parking and traffic affecting public beach access, visual amenities, the recreational and free use of public beaches, impacts on environmentally sensitive habitat, and the cumulative affects of multiple events, especially during the high-use summer season. Coastal development permits should be required for those temporary events having the potential of significant adverse effects on coastal resources. In addition to the range of issues your jurisdiction deals with as a matter of primarily local concern, Coastal Act policies and the Commission's guidelines should be used to help shape your approach.

We realize that many local governments have dealt with temporary events long before the Coastal Act was enacted. It is our intent to work in cooperation and coordination with you so as to avoid duplication of effort, to reduce regulatory burdens for event sponsors, and to minimize conflicts in policy direction. As you consider our request, we would also appreciate it if you would assist the Commission in meeting its responsibilities by notifying promoters of temporary events that a coastal development permit may be required from the Commission for certain types of events, and that they should contact the appropriate Commission office for guidance on whether a coastal permit or permit exemption is required. To the extent possible, Commission staff is available to provide any assistance you may deem helpful and appropriate. If you have any further questions, please don't hesitate to contact either myself at the above number or Sherilyn Sarb in our San Diego office at (619) 521-8036.

CALIFORNIA COASTAL COMMISSION

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May 31, 2000

RECORD PACKET COPY**Tue 27****TO: COMMISSIONERS AND INTERESTED PARTIES****FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR
DEBORAH N. LEE, SOUTH COAST DEPUTY DIRECTOR****SUBJECT: TEMPORARY EVENTS WORKSHOP (For Public Hearing and Possible Commission
Action at the Meeting of June 13 - 16, 2000)**

In May 1993, the California Coastal Commission adopted its "Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements" pursuant to PRC Section 30610 (i) of the Coastal Act. In previous years and continuing to date, temporary events on California's beaches and adjacent parklands have become the subject of substantial concern. The identified concerns relate to the nature and frequency of such events, their impact on coastal resources and nearby neighborhoods, as well as the public's ability to access and utilize public beaches and parks during such events. However, most of these events do not raise such issues and are part of the history of many coastal communities. For that reason, the guidelines were drafted and adopted to provide direction on the regulation of temporary events for local government representatives, other involved public agency staff, members of the public and the Commission itself. The Commission-adopted guidelines only apply to areas where the Coastal Commission retains permit authority, including public trust lands and areas without certified local coastal programs.

For your reference, the adopted guidelines are enclosed. "Temporary event(s)" are defined as "an activity or use that constitutes development as defined in Section 30106 of the Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use." Generally, under the guidelines, events may be excluded if they do not occur in the summer, do not occupy sandy beach and do not involve a fee. However, discretion is provided to waive an event meeting all of the criteria under specified conditions and the Executive Director or the Commission may still require a coastal development permit if significant impacts to coastal access or resources is anticipated.

Since their adoption in 1993, the Coastal Commission has conducted a number of special hearings and workshops on temporary events. Although the guidelines have not been modified since their adoption, the Commission did identify specific concerns about charging a fee for paid admission to volleyball tournaments or other events in 1998. In addition to admission fees, other identified issues are the commercialization of such events, the cumulative impacts of multiple events on one weekend or consecutive weekends and the provision of public notices and opportunities for public participation at the local level.

Temporary Events

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Last year, in August, staff provided the Commission with a briefing on temporary events. While no revisions were made to the guidelines at that time, the Commission also requested that a formal workshop be conducted this year on temporary events. In preparation for this workshop, a memorandum was distributed to coastal communities, specifically to planning directors, city managers and special event coordinators, soliciting both information on their community's temporary event calendars and their input on the regulation of temporary events. In addition, a separate public notice was again distributed to local governments and any known interested parties. To date, we have received written responses for ten local governments and two responses from the Orange Coast District/State Dept. of Parks and Recreation. All of the responses are attached for your review.

With the exception of the comments from the City of Manhattan Beach, the respondents either fully support the continuation of the guidelines as presently drafted or they do not cite any specific problems and they do not suggest the need for any revisions. In general, based on a review of the local government/public agency comments and the temporary event calendars, the following observations can be made:

- Vast majority of the events are free to the general public;
- Most of the calendars reflect annual and historical community-based events;
- Although temporary events may occupy prime destination spots, alternate beach locations still remain open and accessible to the general public in close proximity;
- Looking at the peak summer season between Memorial Day and Labor Day, over half of the identified events involve less than 500 attendees, with another quarter of the events ranging from 500-1,000 attendees and a remaining quarter reporting 5,000+ attendees;
- Many of the highest attended events occur outside the peak summer season;
- Most of the local governments agenda these event schedules for City Council, Planning Commission or Parks & Recreation Committee review and approval;
- Most of the local governments also require public notice to surrounding property owners, residents or patrons, as well as noticing at community billboards; and
- All of the local governments require beach clean-up, security or policing services and liability insurance for the larger events.

As mentioned above, we have received one response from the City of Manhattan Beach expressing concern about how the guidelines are used in non-certified areas versus communities with certified local coastal programs. As noted, the Commission's guidelines only pertain where it retains permit authority. For certified areas, the Commission has encouraged local governments to incorporate the guidelines into their implementation plans. The City of Manhattan Beach sought to incorporate the guidelines in 1997 and could not reach agreement with the Commission on how to accomplish that change. While the Commission will certainly continue to work with local governments to incorporate the guidelines into their LCPs, each situation will present its own set of challenges due to the nature of the land use administration system and planning requirements in each community. The City also expressed a concern that the Commission had failed to adequately acknowledge the urban nature of Southern California beaches and should recognize those distinctions and allow greater flexibility.

In summary, while there is certainly a broad array of temporary events occurring, there does not appear to be any discernable trend of usurpation or pre-occupation of substantial areas from the

general public. Although temporary events are clearly situated at key destinations along the shoreline, they do not appear to be cumulatively pre-empting those areas and may indeed attract new interests and visitors to the coast. In most communities, there remain ample areas for the general beach visitor to still go and recreate. Finally, while the respondents to date are few and some commissioners have previously expressed a concern that many events are not being reported or monitored, contacts with each Commission office have failed to identify any history of complaints or substantial calls from members of the public expressing any concerns. Although there are certainly some interested parties who have repeatedly expressed concerns over temporary events in a couple of communities, the agency, as a whole, has received little in the way of public opposition to these events. **Therefore, at this time, staff would not recommend any changes be made to the adopted guidelines and the Commission continue to monitor temporary events on a regular basis.**