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# Th14c

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 Staff: R.T. Ananda - SF  
 Staff Report: 10/22/2015  
 Hearing Date: 11/05/2015

## STAFF REPORT: CDP APPLICATION

**Application Number:** 2-15-1458

**Applicant:** Cartel Management, Inc.

**Project Location:** Pillar Point Marsh parking lot, West Trail, Mavericks Beach and designated locations within Pillar Point Harbor and Princeton-by-the Sea, San Mateo County.

**Project Description:** Application to authorize activities related to the one-day 'Titans of Mavericks' surf contest (to be held sometime between November 1, 2015 and March 31, 2016) near Pillar Point Harbor, including to have exclusive use of the offshore surfing area, to close a portion of the West Trail and the Pillar Point Marsh parking lot, to limit use of Harbor shoreline areas, and to implement traffic and parking controls throughout the Princeton-by-the-Sea in San Mateo County.

**Staff Recommendation:** Approval with Conditions.

### SUMMARY OF STAFF RECOMMENDATION

Cartel Management, Inc., the Applicant, is requesting authorization to: 1) have exclusive use of the Mavericks offshore surfing area near Pillar Point Harbor; 2) close the West Trail; 3) close and use the Pillar Point Marsh parking lot and Mavericks Beach; 4) limit public access use along the Harbor shoreline southeasterly of the West Trail toward Romeo Pier and the Pillar Point upper bluff trails; 5) designate for private use only Harbor locations that include floating dock

2-15-1458 (Cartel Management Mavericks Surf Contest)

finger “H” on Johnson Pier, 25 to 40 parking stalls within the Pillar Point Harbor District parking lot as well as six long spaces located westerly of the Harbormaster’s Office, and one lane of the two-lane public boat launch ramp; and 6) implement traffic and parking controls throughout Princeton-by-the-Sea (i.e., the area that is located inland of the Harbor in San Mateo County). All of these requests would apply to a one-day, invitation-only big wave surf contest that would take place on a single day between November 1, 2015 and March 31, 2016, where the day would be chosen by event organizers 24 hours before the event day itself based on surf conditions.

The Mavericks Surf Contest started as an informal surfing contest by and between surfers in the local surfing community, and it has morphed over the years into a larger event, including with respect to the current request. Over the years, event organizers have “fine-tuned” the event to protect the public and participants, as well as to protect coastal resources. Because event activities straddle coastal development permit (CDP) jurisdictions of San Mateo County and the Commission, the County has requested and the Applicant and the Executive Director have agreed to treat this application as a consolidated CDP application.

The proposed project is a popular, water-oriented, recreational event that brings visitors and global interest to the community and California, and there is a great deal of public support for the contest. At the same time, though, it is not without its impacts. For example, public access within Pillar Point Harbor and at Mavericks Beach would be off limits in some cases, and would overall reduce the amount of public access provided on the day of the event. In addition, the event has the potential to create public access and parking difficulties, both due to limiting parking and the intensification of traffic associated with the event. However, Staff believes that the impacts will only be temporary in nature, and can be managed in such a way as to provide as much access as possible while still providing for the event, and that other potential impacts (e.g., to habitat areas, eroding bluffs, etc.) can be appropriately avoided with the proper direction to visitors.

Thus, Staff recommends approval of the CDP for the proposed project. That approval includes conditions requiring the Applicant to implement certain BMPs to protect coastal resources, to submit traffic and parking plans for the Princeton area, and to monitor event impacts so as to allow changes to be made as necessary for future events. As conditioned, staff believes that the project can be found consistent with the Coastal Act and recommends that the Commission approve the CDP. The motion is found on page 4 below.

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### APPENDICES

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### EXHIBITS

Exhibit 1 – Regional Map and Aerial Photos of Area

Exhibit 2 – Project Site Map

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Exhibit 4 – Coastal Resources Past Event

## I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

*Motion: I move that the Commission approve Coastal Development Permit Number 2-15-1458 pursuant to the staff recommendation, and I recommend a yes vote.*

*Resolution to Approve CDP: The Commission hereby approves Coastal Development Permit Number 2-15-1458 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. 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 of 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. **Approved Project.** This CDP authorizes development associated with the Mavericks Surf Contest as described in the proposed project description (titled *Coastal Development Permit Application 2-15-1458, Cartel Management, Titans of Mavericks, Response to September 23, 2015 CCC Incomplete Letter* dated and received in the Commission's North Central District

Office on September 28, 2015) as modified by these conditions for a single day between November 1, 2015 and March 31, 2016 only.

- 2. Other Agency Approvals.** PRIOR TO THE DAY OF THE EVENT, AND IN ANY CASE PRIOR TO EXERCISING THIS CDP, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted, or are not required, by all applicable agencies (including the San Mateo County Harbor District, the Monterey Bay National Marine Sanctuary, and the United States Coast Guard). Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the Commission-approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.
- 3. Traffic and Parking Plan.** PRIOR TO THE DAY OF THE EVENT, AND IN ANY CASE PRIOR TO EXERCISING THIS CDP, the Permittee shall submit two copies of a Traffic and Parking Plan to the Executive Director for review and approval. The Plan shall identify all measures to be taken to control and direct traffic, and to provide the public with adequate parking in the area of the event on the event day. The Plan shall be premised on minimizing traffic and parking impacts to the public, shall identify all measures and methods to be used to control traffic and parking (including in terms of personnel, signs, barriers, web alerts and other notifications, etc.), and shall be submitted with evidence of San Mateo County Harbor District, San Mateo County Sheriff's Office, California Department of Transportation, and California Highway Patrol review and approval.
- 4. Event Notification.** AT LEAST TWO DAYS PRIOR TO THE DAY OF THE EVENT, AND EARLIER IF POSSIBLE, the Permittee shall identify the day of the event for planning staff of the Commission's North Central District Office.
- 5. Best Management Practices.** The Permittee shall place trash and recycling receptacles and containers at appropriate locations throughout the event area during the event, and shall properly service said receptacles to avoid overflowing and discharge of debris and other materials. Rinsing of water vessels shall be conducted at appropriate locations as designated by the San Mateo County Harbor District. Debris and other potential water pollutants shall be prohibited from discharging into Pillar Point Marsh, on access trails, and into adjacent coastal waters of the Harbor and ocean. Debris and trash shall be contained and disposed of in a proper manner to avoid environmental impacts. The Permittee shall ensure that all areas affected by the event are returned to their pre-event condition or better within one day of the event day.
- 6. Monitoring and Post-event Reporting.** The Permittee shall monitor all event activities, and shall submit two copies of a monitoring report to the Executive Director for review and approval within 60 days of the event's conclusion. The monitoring report shall document any and all impacts associated with the event, including but not limited to identifying any observed impacts to Pillar Point Marsh, any observed marine wildlife in the area, and any documented disturbances to marine wildlife from event activities. The monitoring report shall contain written and photographic documentation of the condition of the affected project areas prior to, during, and after the event. The Permittee shall also consult with other event-support agencies, such as the San Mateo County Harbor District, the California Highway

Patrol and the County Sheriff's Department, after the event to obtain data, information and observations from these agencies regarding traffic conditions and public access flow throughout the event area and transportation routes in the vicinity during the event, and shall include such information in the submitted monitoring report. The monitoring report shall also include an assessment of traffic and parking control measures effectiveness. The monitoring report shall document all measures taken to restore the affected project area to pre-event conditions or better. The monitoring report shall include a site map annotated with points that refer to photographs or other visual documentation.

7. **CDP Expiration and Extension.** This CDP shall expire on October 31, 2016 unless prior to that time the Permittee requests an extension of the expiration date of this CDP via a CDP amendment. Any such extension request must be accompanied by the appropriate application fee, may request up to four additional years of authorization, and must include information regarding event as required in Special Condition 6.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATION**

The proposed project is located within and adjacent to Pillar Point Harbor, including offshore waters adjacent to the Harbor, in Princeton-by-the-Sea, an unincorporated community of San Mateo County (**Exhibit 1**). The proposed project is a one-day event that would utilize several locations within and adjacent to the Pillar Point Harbor area, including the Mavericks surfing area offshore, the Harbor District's West Trail and the access point to Mavericks Beach located from the West Trail, Mavericks Beach itself, the Pillar Point Marsh parking lot, and the shoreline adjacent to Pillar Point Marsh. Project activities located within the inner harbor area include Johnson Pier (specifically exclusive use of floating dock finger "H"), portions of the harbor parking area, and exclusive use of one of the two public ramps at the public boat launch within the Harbor (**Exhibit 2**). Events proposed on land locations within the coastal zone are owned and operated by the San Mateo County Harbor District (SMCHD), San Mateo County Parks, and the U. S. Air Force. Street and parking areas affected by the proposed project are owned by SMCHD, San Mateo County, and Caltrans. The focal point of the proposed event will occur offshore at the Mavericks surf break, sited in waters off-shore of Pillar Point Harbor. Activities occurring in offshore waters are located within the Monterey Bay National Marine Sanctuary (MBNMS).

Mavericks Beach is a public recreational destination used by a broad spectrum of the public as it can easily be accessed by individuals with varying levels of physical capabilities by using the West Trail. The West Trail is a public access trail that extends between the Harbor's outer breakwater, Mavericks Beach and the Pillar Point Marsh parking lot. The trail is approximately 1.2 miles long, 15 feet wide, and fairly level. Public recreational activities that occur here include predominately passive recreational opportunities such as walking, dog-walking, watching the sun set, and bird watching. Mavericks Beach is a sandy beach located outside of the Pillar Point Breakwater. The beach becomes narrow at high tides and vulnerable to wave run-up. Additional public access trails can be found at Pillar Point Bluff County Park, located to the north of Mavericks Beach, and on the upper bluff uplands located landward of the West Trail, which

includes SMCHD and Air Force property. A large portion of the Pillar Point blufftop is located within Air Force property and is excluded from public use.

Pillar Point Marsh is a fresh water stream marsh that drains into a brackish water marsh. It serves as important bird habitat for local and migrant species and may support state and federally-protected California red-legged frog and San Francisco garter snake. South of Pillar Point Marsh parking lot and adjacent to Pillar Point Marsh is a shoreline beach that provides access along the waterfront from the West Trail to Princeton-by-the-Sea. Pillar Point Harbor is a very active harbor that is open to both commercial fishermen and the public. Johnson Pier provides berths for both commercial and recreational vessels. Johnson Pier is a commercial fishing hub and is a base for one of California's top operating commercial fishing fleets. Johnson Pier also accommodates a fueling dock and pump-out station (**Exhibit 2**).

## **B. PROJECT DESCRIPTION**

The proposed project is a one-day, big-wave surfing-by-invitation-only event called the "Titans of Mavericks" surf contest. The event would occur on one day between November 1, 2015 and March 31, 2016, with the actual day of the event chosen when surf conditions are best. The Applicant indicates that there would be about 48 hours advance notice of the actual contest. Ideal wave conditions for the event call for waves that reach heights in excess of 25 feet. The event would span a total time period of 18 hours, from 5:00 AM to 11:00 PM; this includes time allotted to set-up and shut-down activities. The actual surfing portion of the contest would take place from between approximately 8:00 AM and 4:00 PM. There will be 24 athletes participating in the event. Event set-up activities include the California Highway Patrol (CHP) and County Sheriff's Department installing electronic traffic control signs along Highway One that alert the travelling public to traffic changes, posting "No Parking" signs along Highway 1 that extend from the Half Moon Bay Airport to just north of Sam's Chowder House property at 4210 Highway 1 for the duration of the event to ensure pedestrian safety, stationing law and traffic enforcement personnel at the intersection of Highway 1 and Capistrano Road, and staging safety, emergency, and production personnel at temporary closure points within Princeton-by-the-Sea and the Harbor and at certain access areas during the event (e.g., at Mavericks Beach, West Trail, Pillar Point Marsh parking lot, and the shoreline beach adjacent to Romeo Pier).

West Trail, the trail extending from the Pillar Point Marsh parking lot to Mavericks Beach, would be closed from 5:00 AM to 4:00 PM, and the other specified areas patrolled by County public safety teams would close between the hours of 7:00 AM and 3:00 PM on the day of the event. The public would be allowed to hike on the County/Air Force upper bluff trails, but would not be allowed to stop and watch the surfing event from those locations. The Pillar Point Marsh parking lot would also be closed to the public and used exclusively for emergency services and staging by event personnel, including American Medical Response and the California Department of Forestry and Fire Protection (CalFire), law enforcement mounted horse patrol trailers, beach marshals, security, and also for porta-potties for use by personnel and event contestants. Event security personnel would be stationed along the shoreline and beach west of Romeo Pier. Public use of this area during the event would be limited to allowing the public to pass and repass along the strand but no assembling or congregating would be allowed. The surfing event may include a small check-in station located at Perched Beach. One of the two

public launch ramps and the shoreline to the west of the boat launch and along Perched Beach would remain open and accessible to the public.

The proposed event's off-shore water activities include the operation of motorized personal water craft (MPWC) for emergency rescue and safety purposes, as well as monitoring and filming the event. Johnson Pier, specifically dock finger "H", will be used for MPWCs during this event. Competitors and support and production teams will load in and out from this location. The Applicant will be coordinating with SMCHD to minimize potential impacts on SMCHD's other operations. See detail of activities at each location shown on **Exhibit 2**.

### **C. PROJECT BACKGROUND**

The Mavericks surf event and the public's interest in the event has grown each year the event has taken place. Historically, the proposed event vicinity, including West Beach Trail, adjacent lower bluffs, and the upper bluff hillside trails, was heavily used by the public trying to view the offshore event during the annual surf competition. During at least one year, visitors that came to Princeton-by-the-Sea and Pillar Point Harbor for the surf competition attended a festival held outside of the Oceano Hotel where a big screen was set up for live-streaming the contest, and food was sold, music played, and an awards ceremony was conducted. Historically, large crowds of spectators also gathered for the event and groups would station themselves on the cliffs and bluffs overlooking Mavericks Beach, on trails, the Harbor inner beach, and the marsh area adjacent to the harbor waters (**Exhibit 4**). The large mass of people created unsafe conditions and caused damage to the bluffs and associated habitats, overburdening and crushing vegetation, and exacerbating some erosion of the hillside and upper bluff. In 2010 spectators who had stationed themselves on the outer breakwater and on the nearshore of Mavericks Beach were hit with unexpected, large, rogue waves that knocked them down and caused multiple injuries to observers and the loss of equipment. The unsafe conditions caused the Harbor District, the County and the event organizers to consider additional safety additions for the event going forward (**Exhibit 3**).

In recent years, organizers have gained experience in handling the crowds, and the Applicant has proposed additional safety closures for the day of the event. This year, the event does not include a festival and proposes to focus on the surf contest itself to showcase the skills of the 24 elite surfers. The Applicant has coordinated with many agencies, including, but not limited to, the U. S. Coast Guard, Cal Fire, San Mateo County Emergency Services, California Highway Patrol, California State Parks, San Mateo County Sheriff, San Mateo County Parks, San Mateo County Harbor District, and the Monterey Bay National Marine Sanctuary. To protect public safety and sensitive resources, several of these agencies (SMCHD, County Parks, and MBNMS) have required temporary closures to public use and the public access restrictions in the project area being requested by the Applicant in this CDP application, and respective authorizations have been conditioned upon these closures.<sup>1</sup>

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<sup>1</sup> Since 2010, SMCHD has required that access to its parking lot, the West Trail, and Mavericks Beach be closed in order to protect the sensitive resources, including Pillar Point Marsh, and the safety of the public. Pillar Point Bluff County Park will allow recreational use of the trails during the event; however, the County explicitly states on its website that no viewing or spectating will be allowed from Pillar Point Bluff during the Mavericks Surf Competition. The MBNMS permit, additionally, does not allow spectators on Mavericks Beach.



#### **D. STANDARD OF REVIEW**

The project is located in both the Commission's and San Mateo County's CDP jurisdictions. The County, the Applicant, and the Executive Director have all agreed to a consolidated CDP review for the project, as allowed by Coastal Act Section 30610.3. As such, the standard of review for a consolidated CDP application is the Chapter 3 policies of the Coastal Act with the San Mateo County certified LCP providing non-binding guidance.

#### **E. PUBLIC ACCESS AND RECREATION**

##### *Applicable Policies*

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road, State Highway 1. Coastal Act Sections 30210 through 30224 specifically protect public access and recreation opportunities that exist along the coast and in coastal waters. These overlapping policies are for the protection of access to and along the shoreline and protection of offshore waters for the public's recreational use. In particular:

*§ 30210. 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.*

*§ 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

*§ 30212(a). Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources*

...

*§ 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

*§ 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

*§ 30214. (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access*

*depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access are to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter...*

*§ 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

*§ 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

*§ 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

*§ 30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division by...increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities...*

Coastal Act section 30240(b) also protects park and recreational areas, stating in applicable part:

*§ 30240 (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*

#### ***Analysis***

Section 30210, as cited above, requires that maximum access and recreational opportunities shall be provided to all people consistent with public safety needs while still protecting natural resources from overuse. Section 30212(a)(1) in particular provides that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety or the protection of fragile coastal resources.

The public beaches and access trails located along the Pillar Point and Princeton-by-the-Sea shoreline, and trails on adjacent bluffs within the project area, provide the public with a variety of recreational opportunities such as walking, watching the sun set, and bird watching. The West Beach Trail serves as an easily accessible pedestrian pathway and also as an important emergency services access route to the outer breakwater and Mavericks Beach. There are less

formalized public access trails located upon the bluff areas above the West Beach Trail. Individuals looking for more strenuous hiking opportunities can also enjoy these upper bluff trails above the Harbor and Mavericks Beach. Mavericks Beach also provides access to the offshore Mavericks surfing area. The Pillar Point Marsh parking lot provides support facilities for public access in this area, as the public can conveniently park in this lot while using the trails and beach areas. The Pillar Point Marsh parking lot, West Trail, and the various upper bluff trails are also a valued public benefit as they are available free of cost (**Exhibits 1 and 2**). Further north of the project site on approximately 140 acres is the Pillar Point Bluff County Park. There are blufftop trails along this section of the coast which look out onto the offshore waters of Pillar Point.

The Mavericks surf break occurs far out in the ocean and is further obscured by a large rock formation; therefore the competitors in the event cannot be easily seen by the public from any vantage point on Mavericks Beach or the Pillar Point bluffs. Mavericks Beach access is dangerous during ideal event conditions, as it becomes narrow at high tides and the coastline is more vulnerable to wave run-up. Any members of the public stationed at the beach, on the outer breakwater or on the bluffs above the beach are at risk from dangerous rogue waves, (i.e., unpredictable waves that are larger than average height).<sup>2</sup> The event itself takes place during the winter storm season along the coast. As such, the surf conditions found to be ideal for this competition also can result in a very dangerous setting for those who may wish to view the contest from the near shore environment. The large surf, cold temperatures of the water, and wave run-up can be hazards to public safety along shoreline locations. Individuals standing and or climbing on rocks on the breakwater and in the nearshore, as documented in 2010, have been victims of rogue waves.

New development proposals must provide maximum access and recreational opportunities to the public consistent with public safety needs, in addition to the protection of natural resources, as provided by Sections 30210, 30212(a)(1), and 30214 cited above. Also as mentioned above, during past events, large crowds of spectators gathered upon the cliffs and bluffs above Mavericks Beach and along the trails, beach, and marsh area adjacent to Pillar Point Harbor (**Exhibit 4**). The large crowds congregating in the project area created unsafe conditions, strained the site's capacity, and caused resource damage. In essence, coastal resource areas were overburdened by the public use and resulted in the removal of existing vegetation and further erosion occurring on the bluffs above Mavericks Beach.

The proposed 2015-16 event would restrict public access in the area of the contest for one day by closing the parking lot, West Beach Trail, and Mavericks Beach and by limiting public congregation along the adjacent upper bluff and shoreline areas. These access restrictions, however, will provide protection for both the event contestants and the general public. The closures will additionally provide protection of natural resources within the area that include Pillar Point Marsh habitat and its associated coastal bluff. In addition, public access limitations will be temporary, limited to less than 24 hours, and public access in the form of pass and repass will still be allowed along the upper bluff trails, throughout Pillar Point Bluff County Park, and

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<sup>2</sup> According the Titans of the Mavericks Incident Action Plan, rogue waves can occur when the surf appears small; and have been known to cause injuries and the drowning of individuals standing or climbing on rock out-crops and bluffs located immediately adjacent to and along the shoreline.



along the shoreline south of Pillar Point Marsh throughout the duration of the event. Therefore, while the event does propose to limit some public access, it is only for a limited duration during winter conditions, and it does still provide access in the project vicinity. The project can be found consistent with Sections 30210 and 30212(a)(1) of the Coastal Act, and appropriately regulates the time, place and manner of access as required by Section 30214.

Section 30220 of the Act states that coastal areas suitable for water-oriented activities that cannot readily be provided at inland water areas shall be protected for such uses. California surf areas benefit from the protections afforded under this section of the Coastal Act. The Mavericks surf event is a premier, world-class competition that is free to the public. The water-oriented activity depends on the unique ocean conditions available at the offshore Mavericks break, particularly wave heights in excess of 25 feet, which are created in part by an unusually-shaped underwater rock formations located off-shore. Holding a contest within offshore waters requires use of on-shore support facilities and staging. The dangerous nature of the contest requires that emergency support be easily and quickly deployed. As described above, the temporary closures of various public access amenities normally open to public use will enable contest purveyors to adequately protect contestants and the general public, as well as coastal resources such as the habitat of Pillar Point Marsh, erodible shoreline bluffs above the West Trail, Mavericks Beach, and at Pillar Point. Further, the conditions and terms of permits issued by other relevant entities, in particular the NOAA, Office of National Marine Sanctuaries (ONMS), make certain the marine resources in offshore waters (**Exhibit 3**) are protected. The Mavericks surf competition is clearly a recreational, water-oriented activity that cannot occur at any inland water area. As conditioned and as permitted this proposed development can be found consistent with the intent of Coastal Act Section 30220.

Section 30212.5 requires that coastal access facilities, such as associated parking lots and trails, be distributed throughout the respective coastal locations and not be overly concentrated in one geographic area. This ensures that impacts to fragile coastal resources are avoided, minimized, or mitigated, and that the available coastal resources are not overburdened by public use. This year's proposed event does not involve a public festival or central viewing screen of the contest as was done in past seasons. This year, the public will be able to view the event live via personal phones and computers so that viewing will be widely distributed and can occur well away from the Pillar Point area. The Applicant has anticipated the potential for the public to come to the area in hopes of watching the event as in the past and has taken measures to direct people to alternative viewing locations available in Half Moon Bay and in Pillar Point. In particular, the Applicant has coordinated with the CHP and the San Mateo County Sheriff, who will be stationed at the intersection of Highway 1 and Capistrano Road, to direct the general public coming to the area to various appropriate viewing venues in the local areas. Currently, these venues include Mavericks Brewing Company (at 390 Capistrano Road in Princeton-by-the-Sea,); Old Princeton Landing (at 460 Capistrano Road in Princeton-by-the-Sea); Miramar Beach Restaurant (at 131 Mirada Road in Half Moon Bay, about three miles away from Pillar Point); Cameron's Pub (at 1410 Cabrillo Highway in Half Moon Bay, less than one mile from Pillar Point); and at the East Side Eatery/Pleasure Pizza (at 800 41<sup>st</sup> Avenue in Santa Cruz, more than 50 miles away from the event site). These alternative viewing venues will give the public the opportunity to safely view the event without being at risk in the event's proximity, which will also help to reduce traffic and potential impacts on parking and public access to the coast in the Pillar Point Harbor Area.



Additional access concerns associated with the proposed project include impacts on vehicular access to the area via State Routes/Highways 1 and 92, and surface streets including Capistrano Road and Prospect Way, as there could be impacts on the major coastal travel routes during the event and associated potential impacts to public access to and from the coast. The proposed project includes a general prohibition on parallel parking along Highway 1 between the Half Moon Bay Airport to just north of Sam's Chowder House property that will be enforced by the CHP, to ensure pedestrian safety in the area during the event. One-way traffic will also be in effect along Capistrano Road beginning at the Harbor entrance and continuing to Prospect Road within Princeton-By-the-Sea. CHP officers and San Mateo County Sheriff deputies will be located at the intersection of Highway 1 and Capistrano Road to monitor traffic to and from Princeton-by-the-Sea, directing people to alternative viewing locations or to alternative public parking and access areas if they are trying to access coastal recreational areas. To ensure that the traffic control measures proposed are effective, **Special Condition 3** requires the Permittee to submit a traffic and parking plan, and **Special Condition 6** requires the Applicant to obtain data and information regarding traffic conditions and public access flow throughout the event area and transportation routes in the vicinity during the event and submit a post-event report to the Commission evaluating traffic control effectiveness. As required by **Special Condition 7**, any future authorization of the event will depend on the results of the post-event report. Thus, the proposed project activities as conditioned include measures to mitigate impacts to public access and traffic in the immediate coastal area.

Public parking normally available to the general public within the proposed project area includes the gravel-covered Pillar Point Marsh parking lot that has room for 40 vehicles and parking at Pillar Point Harbor that has a total of 653 spaces. The Oceano Hotel and shopping area which is located very close by has a large parking lot with an approximate total of 570 to 620 spaces (120 underground and 450 to 500 in the surface lot behind the hotel). The SMCHD permit issued for the event authorizes the Applicant to temporarily restrict the use of Pillar Point Marsh parking lot during the event. The Applicant will also exclusively use six long stalls located westerly of the Harbor Master office, and is authorized to use 25 to 40 parking stalls at "C" lot for competitor support, production equipment, and safety teams before, during and after the event. The majority of parking associated with the event would be at the Pillar Point Air Force Base Radar Tracking Station, where parking is always restricted to the public, and where event judging and production will be staged (**Exhibit 2**). The Applicant will be working with the SMCHD to encourage a reduced level of automobile use and the need for parking within the harbor area.

It is important to remember that this event does not occur during the peak summer beach season for recreational visitors to this part of the coast. The event occurs in the middle of the winter storm season at a time when fewer members of the general public are typically visiting and recreating along the shore. Therefore, while the event will temporarily restrict public parking areas in the Pillar Point Harbor area and may bring in additional visitors to the area, the parking restrictions are relatively limited in light of other available public parking in the area, and traffic control measures will be implemented during the event to assist and redirect the public to those alternate public parking areas to help the public wishing to access the coast. The off-site viewing location options for this surf event will also help to reduce and/or avoid traffic and parking impacts at the project site and by doing so protect coastal resources. The proposed project can therefore be found consistent with Section 30212.5 and 30214 of the Coastal Act.





Section 30223 requires that upland areas necessary to support coastal recreational uses shall be reserved for such uses where feasible. As described above, currently there are hiking opportunities open to the public landward of the Pacific Ocean and Pillar Point Harbor. Extensive ocean views can be seen from the upper coastal bluffs. The blufftop viewing locations also have the potential to draw interested members of the public to attempt to view the contest held off-shore. However, the existing blufftop is fragile and is not large enough to accommodate large numbers of spectators (**Exhibit 4**). Even though the proposed project includes active patrol of the upland trail areas to ensure that no crowds form upon the blufftop areas and in the upland habitat of Pillar Point, the public will still be able to hike in these locations and pass and repass along the blufftop trails during the event. The public can also still use portions of the Pillar Point harbor frontage along Princeton-by-the Sea, and visit businesses in the area. As such, the proposed project can be found consistent with Section 30223 as upland areas recreationally used by the public for hiking and viewing of the ocean will still be available for such use during the event.

Section 30211 requires that development shall not interfere with the public's right of access to the sea and the use of dry sand and rocky coastal beaches extending landward to the first edge of terrestrial vegetation. Section 30213, in particular, provides for the protection of free and low-cost access. The proposed temporary closures will impact and prevent public use of the surf area offshore as well as a public shoreline trail, parking areas, and access to the beach. The closures will occur only on a single day occurring during the winter months to protect the public from hazardous conditions at Mavericks Beach, specifically during very high tides and waves larger than average. The existing natural conditions at Mavericks and the outer breakwater during the winter can be dangerous to the public with respect to safe use. While the immediate public amenities would be closed, the public can go to other nearby free beaches, if weather and natural site conditions allow at the time. These nearby beaches include Surfer's Beach located to the south of the Harbor, in El Granada; Perched Beach, located westerly of the Harbor District's public boat launch; and the beach at the end of the trail extending seaward from the segment of the California Coastal Trail located along Prospect Way. Event security personnel and volunteers will be stationed at the shoreline/beach west of Romeo Pier. The public use of this stretch of beach during the event would be limited to pass and repass along the strand. The shoreline located to the west of the public boat launch and along Perched Beach will remain open and accessible to the public. As mentioned above, blufftop access trails in the area will remain open for limited public access. The right of access to the sea will not be permanently interfered with as the closure is temporary and there are other beaches and access trails nearby that will be open and available. Therefore, the proposed project can be found consistent with Sections 30211 and 30213.

In conclusion, the proposed project is a popular, water-oriented, recreational event that brings visitors and global interest to the community and California, and there is a great deal of public support for the contest. It should serve to increase awareness of the coast and coastal issues, and provide a means of publicizing the shoreline resources that California is famous for. As such, it includes an inherent public access benefit, especially as regards potential visitors to the California and San Mateo County coasts. At the same time, though, the project is not without its impacts. For example, public access within Pillar Point Harbor and at Mavericks Beach would be off limits in some cases, and would overall reduce the amount of public access provided on the



day of the event. In addition, the event has the potential to create public access and parking difficulties, both due to limiting parking and the intensification of traffic associated with the event. However, the impacts will only be temporary in nature, and can be managed in such a way as to provide as much access as possible while still providing for the event, and that other potential impacts (e.g., to habitat areas, eroding bluffs, etc.) can be appropriately avoided with the proper direction to visitors. The proposed project, therefore, can be found consistent with the Coastal Act access and recreation policies cited above.

## **F. MARINE RESOURCES**

### ***Applicable Policies***

The Coastal Act protects the marine resources and wetland habitats adjacent to and within the project area. Coastal Act Sections 30107.5, 30230, 30231, and 30240 provide:

*§ 30107.5 "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

*§ 30230. 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.*

*§ 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

*§ 30240. Environmentally sensitive habitat areas; adjacent developments*

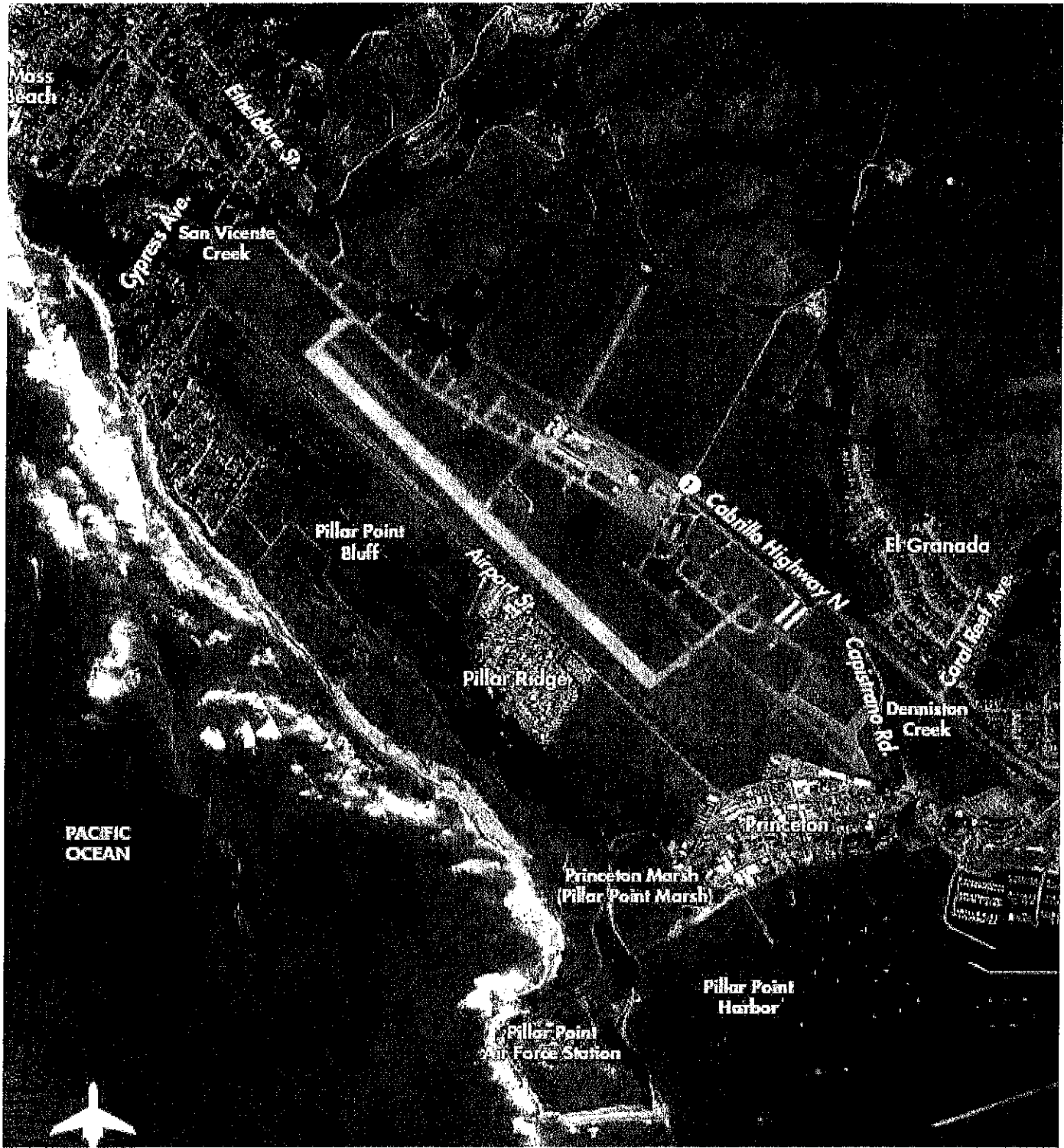
*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(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.*

### ***Analysis***

Coastal Act Section 30230, as cited above, requires that marine resources be maintained, enhanced, and restored. Coastal Act Section 30231 requires that the biological productivity





Regional Map

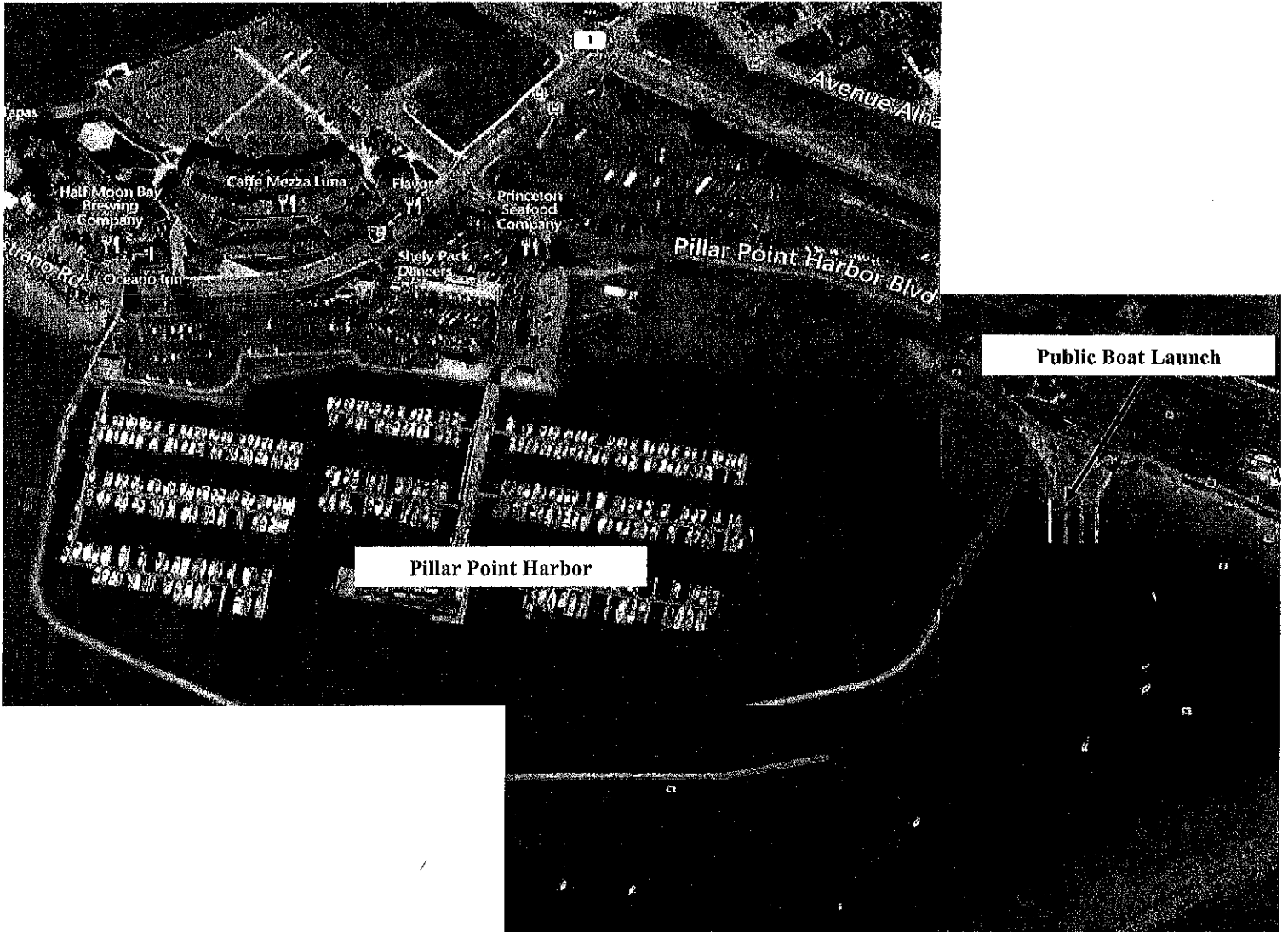




Aerial Photo Pillar Point Vicinity







**Aerial Photo Vicinity Pillar Point Harbor**

