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# F8a

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Staff: R.T. Ananda - SF  
Staff Report: 9/21/2018  
Hearing Date: 10/12/2018

## STAFF REPORT: CDP APPLICATION

**Application Number:** 2-18-0496

**Applicant:** Association of Surfing Professionals LLC (dba World Surf League)

**Project Location:** Mavericks beach and offshore surfing area, Pillar Point Marsh parking lot, West Trail, and other designated locations within Pillar Point Harbor in and around Princeton-by-the Sea in unincorporated San Mateo County.

**Project Description:** Application to authorize a window of time between October 1, 2018 and March 15, 2019 for activities related to a one-day 'Mavericks Challenge' surf competition near and within Pillar Point Harbor, including use of the offshore Mavericks surfing area, use of the public boat launch, closure of a portion of the West Trail and the Pillar Point Marsh parking lot, limits on use of Harbor and Mavericks Beach shoreline areas, and implementation of traffic and parking controls throughout Pillar Point Harbor and surrounding areas.

**Staff Recommendation:** Approval with Conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The Association of Surfing Professionals LLC (doing business as the World Surf League (WSL)), the Applicant, is requesting authorization to conduct a surf contest on one day during the time period from October 1, 2018 to March 15, 2019 at the Mavericks surf break in San Mateo County. The Applicant proposes to use the Mavericks offshore surfing area near Pillar

Point, as well as several existing public areas, including Mavericks Beach, the West Trail (providing access to the beach), the West Trail parking lot, portions of the Pillar Point Harbor shoreline, and portions of the existing Harbor parking lot, Johnson Pier and one lane of the three-lane public boat launch ramp. The Applicant also proposes to implement traffic and parking controls throughout Princeton-by-the-Sea and along Highway 1 in the vicinity of the Harbor. The majority of the proposed project elements would occur on the one day of the event to support event activities associated with the big wave surf contest.

Specifically, the proposed project is an invitation-only big-wave surf competition that would take place on a single day within the requested event time window between October and mid-March. The specific event day would be chosen by the Applicant based upon actual surf conditions 48 hours before the event day itself. The competition would have two separate divisions, one for men and one for women. The men's division would have twenty-four athletes competing in seven heats (four quarter-final, two semi-finals, and one final) and the women's division would have ten athletes competing in three heats (two semi-finals and one final). The Applicant proposes use of offshore waters at Mavericks surf break on the day of the event for a maximum of eight hours; use of the West Trail parking lot or Air Force Property for up to 4 days; and use of the Harbor shoreline southeasterly of the West Trail (toward Romeo Pier and the Pillar Point upper bluff trails), floating dock finger "H," and an area of the pier head on Johnson Pier on the event day. Event preparation (including reserving ten parking spots in C-1 lot, receiving jet skis and boats at the boat launch, placement of a scissor lift at the beach, and fueling of generators and heavy equipment) would be conducted the day before the event but would not prevent access to the beach and public trails in the area. Break-down of the event would start at 5pm after the surf event ends, with completion the next day.

Surf contests at Mavericks historically started as informal surfing competitions by and between surfers from the local surfing community, and the contests have changed over the years into larger and more formalized events, including with respect to the current request. Because event activities take place within both coastal development permit (CDP) jurisdictions of San Mateo County and the Commission, the County, the Applicant and the Executive Director of the Commission have all agreed to treat this CDP application as a consolidated CDP application, as allowed by the Coastal Act, in place of two separate CDP processes.

The proposed project is a popular, water-oriented, recreational event that brings visitors and global interest to the San Mateo coastal community and California, and there is a great deal of public support for the contest. It has in the past and should continue to serve to increase awareness of the coast and coastal issues, and provide a means of publicizing the shoreline resources that make California famous. As such, it includes an inherent public benefit, especially as regards potential visitors to the California and San Mateo County coasts. However, the proposed event is not without its impacts. For example, due to public and event participant safety needs, normally available public access within Pillar Point Harbor, along the West Trail, within the marsh parking lot, and at Mavericks Beach would be prohibited during the event. The surf event would also reduce public access availability within the Harbor during setup, on the day of the competition, and during break-down activities after the competition. In addition, the event has the potential to create additional public access and parking impacts, both due to the event proposing to limit existing parking and the intensification of traffic associated with the day of the event. And finally, the event obviously takes over the big wave surfing break for event-exclusive

use on the day of the event, thus precluding other general surfing use during this time. However, staff believes that these issues can be addressed via conditions, and that ultimately the surf event impacts are temporary in nature, and can be offset and managed by the Applicant in such a way as to provide as much public access as possible while still providing for a safe event, and that other potential adverse impacts to habitat areas and eroding coastal bluffs can be appropriately avoided by limiting public access to these areas during the event and directing the public to safe viewing areas.

A focus of the Commission in the past in regards to the event, has been the issue of gender inclusion; and in approving CDPs for surf events at Mavericks the past few years, the Commission has required applicants to provide maximum public access by allowing both men and women to compete as contestants in the surf contest. Last year's CDP also required submission of a plan to further include women competitors as part of the application for any future event CDPs by providing a competition for women that is as similar to the men's as possible, including in terms of numbers of competitors, heat structure and prizes. As proposed, the Applicant would conduct an event that comprises separate divisions for men and women, each with multiple heats; three heats for ten women contestants and seven heats for twenty-four men contestants with equitable prize money for male and female competitors. The prize money for the surf contest will be equal for men and women based on ranking. Female competitors in the women's division will receive the same amount of money as the male competitors with the same ranking in the men's division. Prize money is also equally allotted to male and female participants for the semi-finals and for those surfers that do not advance. The competition structure has been developed in close consultation with women big wave surfers, and the Committee for Equity in Women's Surfing (CEWS) has expressed support of the event as proposed. Staff believes that WSL's proposed event achieves the Commission's intent to increase women's participation in that the number of surfers and heats has been increased for women as compared to previous years, and they will be competing for equal prize money.

Finally, with respect to issues that have been raised regarding the exclusive use of the surf break for one day, the CDP would allow WSL to conduct its competition event on a single day between October 1, 2018 and March 15, 2019. However, it does not preclude other would-be applicants from pursuing other surf contests at the break, subject to obtaining all necessary required approvals, during the same time frame. In other words, the CDP doesn't allow the Applicant exclusive use of the surf break between October and mid-March; rather, it allows it for the day of the event only. Although the Applicant is the only party proposing to conduct a surf contest during the proposed time window at this time, this approval would not preclude others from pursuing their own surf contests. In order to address potential logistical issues if that (i.e., another surf event) were to occur, this approval is conditioned to address such a scenario, however unlikely, and would give WSL first right of refusal to proceed with the competition within 48 hours of any given swell.

Thus, staff recommends approval of a CDP for the proposed surf event subject to conditions to protect public access and other coastal resources, including requirements for traffic and parking provisions as well as direction for potential 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 5 below.

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### EXHIBITS

[Exhibit 1](#) – Regional Area Map

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[Exhibit 3](#) – Resource Impacts Past Events

[Exhibit 4](#) – Other Permits/Approvals

[Exhibit 5](#) – Correspondence from WSL (September 11, 2018).

## 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 2-18-0496 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 2-18-0496 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.** BY ACCEPTANCE OF THIS CDP, the Permittee agrees that this CDP authorizes development associated with the Mavericks Challenge Big Wave Tour Surfing Event at Mavericks Surf Break as described in the proposed project description (entitled *Event Management Plan Mavericks Challenge, Half Moon Bay, CA World Surf League Big Wave Tour 2018/2019* updated May 15, 2018 and dated received in the Coastal Commission's North Central Coast District Office on May 29, 2018) as modified by these conditions for a single event day between October 1, 2018 and March 15, 2019. This approval does not restrict any other entity from pursuing a surf contest at the Mavericks surf break during the same time frame, including applying for any necessary approvals, CDP or otherwise. In the event that another entity is authorized to conduct a separate surf competition between October 1, 2018 and March 15, 2019 at the same proposed location, and if there is a potential conflict between events, the Permittee shall have the first right to proceed with the Mavericks competition, as approved by this CDP within 48 hours of any given swell, subject to consultation with the Executive Director regarding measures to avoid and/or limit potential conflicts between events.
- 2. Other Agency Approvals.** PRIOR TO INITIATING ANY DEVELOPMENT AND/OR RELATED ACTIVITIES AUTHORIZED BY THIS CDP, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and authorizations for the approved project have been granted, or submit evidence a permit, permission, approval or authorization is not required, by all applicable agencies (including but not limited to the State Lands Commission, San Mateo County Harbor District, Monterey Bay National Marine Sanctuary, San Mateo County, California Highway Patrol, United States Air Force, 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 INITIATING ANY DEVELOPMENT AND/OR ANY RELATED ACTIVITIES AUTHORIZED BY THIS CDP, the Permittee shall submit evidence of the review and approval of the project's Traffic and Parking Plan (as identified in *Event Management Plan Mavericks Challenge, Half Moon Bay, CA World Surf League Big Wave Tour 2018/2019* updated May 15, 2018 and dated received in the Coastal Commission's North Central Coast District Office on May 29, 2018) from the San Mateo County Harbor District, San Mateo County Sheriff's Office, California Department of Transportation, and California Highway Patrol. As part of the Traffic and Parking Plan, the Permittee shall post on the Permittee's event website an advisory clearly informing the public of the temporary closure of Mavericks Beach and the West Trail and limited use of the upper bluff trails, and also indicate that no viewing or spectating will be allowed from Pillar Point Bluff during the surf event. Any outreach campaign to announce the event shall include an advisory about all such closures and traffic controls, and the Permittee shall coordinate with other appropriate entities to communicate such information as broadly as possible (e.g., the San Mateo County Harbor District). All requirements above and all requirements of the approved Traffic and Parking Plan shall be enforceable components of this CDP. The

Permittee shall undertake development in accordance with this condition and the approved Traffic and Parking Plan.

4. **Event Notification.** AS EARLY AS POSSIBLE AND AT LEAST 48 HOURS PRIOR TO THE DAY OF THE EVENT, the Permittee shall provide the specific date and time of the event to the Commission's North Central Coast 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 utilized by the event are returned to their pre-event condition or better within 48 hours 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 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 their assessment of the event, including 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, as well as measures that could be implemented to improve conditions should a future event be proposed. 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 identifying the location of all photographs and any other visual documentation.
7. **CDP Expiration.** This CDP shall expire on March 15, 2019.
8. **Women's Competition in Future Events.** If the Permittee (or any other entity) intends to apply for future CDPs for a surf contest at Mavericks, the Permittee (or any other entity) shall submit a detailed plan for the continued inclusion of female competitors as part of the CDP application, where the objective of the plan shall be to provide for a women's competition that is as comparable to the men's competition as possible, including in terms of competitor numbers, competition structure, and prizes. CDP applications will not be accepted and filed for processing without such plan.

- 9. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this CDP, the Permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, landslide, bluff retreat, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the Permittee and the property that is the subject of this CDP of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of a CDP for the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATION**

The proposed project is located within, and in areas adjacent to, Pillar Point Harbor including offshore waters, in Princeton-by-the-Sea, an unincorporated community of San Mateo County near the City of Half Moon Bay (see [Exhibit 1](#)). The proposed project is a request for approval of a multi-month window of time for a one-day surfing event that would utilize several locations within and adjacent to the Pillar Point Harbor area, including Mavericks Beach and offshore surfing area, the Harbor District's West Trail, the West Trail parking lot, and the shoreline adjacent to Pillar Point Marsh. Project activities within the inner harbor area would be located on Johnson Pier, within portions of the harbor parking area, and on one of the three public boat launch lanes (see [Exhibit 2](#)). Events are proposed on land within the coastal zone owned and operated by the San Mateo County Harbor District (SMCHD), San Mateo County Parks, and the U.S. Air Force, as well as on ocean waters subject to State Lands Commission requirements. 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 at the Mavericks surf break, sited in waters offshore 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 beach 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 from the West Trail parking lot to the Harbor's outer breakwater and Mavericks Beach. The trail is just over a mile long, 15 feet wide, and fairly level, fronting a narrow sandy beach within Pillar Point Harbor. Public recreational activities that occur here include predominately passive recreational opportunities such as walking, dog-walking, sunbathing, eating outdoors, watching the sun set, and bird watching. Mavericks Beach is a sandy beach located outside of the Pillar Point breakwater fronting on the Pacific Ocean. The beach becomes narrow at high tides and is 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 bluffs 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 where public use, other than certain trail use, is generally not allowed.

Pillar Point Marsh is partially fresh water at its more inland extents and brackish nearer to the Harbor waters. It serves as important bird and other wildlife habitat for local and migrant species and may support state and federally-protected California red-legged frog and San Francisco garter snake. South of West Trail parking lot and adjacent to Pillar Point Marsh is a shoreline beach within the Harbor breakwater 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 and recreational fishermen and the public. Johnson Pier provides berths for vessels used for commercial and recreational fishing, is a commercial fishing hub and base for one of California's top operating commercial fishing fleets, and also accommodates a fueling dock and pump-out station (see [Exhibit 2](#)).

## **B. PROJECT DESCRIPTION**

The proposed project is a request for a multi-month window of time in order to conduct a single-day, big-wave surf event called the "Mavericks Challenge" which is part of the Applicant's "WSL Big Wave Tour". The window of time is essentially the waiting period for optimal wave conditions to conduct the competition. The event would occur on one day between October 1, 2018 and March 15, 2019, with the actual day of the event chosen when surf conditions are best.

The proposed event includes two operational plans ("Plan A" and "Plan B"). Plan A calls for temporary placement of a broadcast compound and two camera platforms on Pillar Point Bluff within the Pillar Point Air Force Station ("Air Force Station") property, and parking at the Pillar Point Marsh (aka West Trail lot) for event staff and operations trucks and emergency services such as the police and ambulance. Plan B serves as a contingency plan for the Applicant in case the Air Force Station is unavailable for use during the event. Under Plan B, the entire broadcast compound would be set up in the West Trail parking lot (rather than at the Air Force Station), a camera platform would be placed on the blufftop seaward of the Air Force Station property line, and a second camera platform (a scissor lift) would be placed on Mavericks Beach. All other project elements as described below are the same under both Plans (again, see [Exhibit 2](#)).

The actual surfing competition would occur at the surf break located in Pacific Ocean waters offshore of Mavericks Beach for one day for a maximum of eight hours. Big wave surf events are dependent on large ocean swells and ideal big-wave conditions call for waves that reach heights in excess of 25 feet. Therefore, the Applicant would make a "tentative forecast" call approximately 72 hours (three days) prior to the commencement of the event to allow time for the competitors and staff to prepare for the actual event. Official notice to proceed with the competition is given 48 hours in advance. This includes notification to the Commission, as required by **Special Condition 4**. The competition would take approximately eight hours to complete. Event setup and breakdown activities would also occur one day before and after the event.

The proposed competition has separate divisions for men and women with multiple heats for each division. The men's division would have 24 athletes competing in the event (one of three

men's Big Wave Tour events) which comprises seven heats (four quarter-finals, two semi-finals, and a final) with six surfers participating in each heat. The women's division would have ten athletes competing in the event (one of two women's Big Wave Tour events) which consists of three heats (two semi-finals and one final). Five women will participate in each semi-final and the top three from each semi-final will advance to the final heat, for a total of six women in the final. Six men will participate in each semi-final and the top three from each will go on to the final heat, consisting of six. Heats are generally 45 minutes and surfers may catch as many waves as they wish with a panel of five judges scoring each ride on a scale of 1 to 10. Each competitor's two best waves are counted, with their best wave being doubled. The highest scoring surfers advance to the semifinals, which run in the same format to determine which surfers advance between heats and to the finals. The order of heats will be determined based on forecasts of big wave conditions, specifically a suitable and safe combination of wind and swells and in consultation with surfers from both divisions. The prize money for surfers in both men's and women's divisions will be distributed based on the rank of each qualifying surfer within each division, with men's and women's champions each receiving the same amount of prize money. Prize money is also equally allotted to male and female participants for the semi-finals and for those surfers that do not advance.

One day before the event, the California Highway Patrol (CHP) and the County Sheriff's Department would install electronic traffic control signs along Highway 1 that alert the travelling public to traffic changes during the event. The County Office of Emergency Services (along with the Sheriff's Department) would ensure the appropriate installation of the traffic signs on Route 92 and Highway 1. Signs would alert the public of increased traffic, beach closure, and where to obtain event information. "No Parking" signs would be posted along Highway 1 for the duration of the event to ensure pedestrian safety. Law and traffic enforcement personnel would be stationed at the intersection of Highway 1 and Capistrano Road, Capistrano Road at Prospect Road, and at the intersection of Airport Avenue and Los Baños Avenue. Safety, emergency, and production personnel are to be stationed 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, West Trail parking lot, and the shoreline beach adjacent to Romeo Pier).

The West Trail and West Trail parking lot would be closed to the public during the day of the event under both Plan A and Plan B. Plan A would require closure of the West Trail lot the day of the surf event, while Plan B would require a four-day closure, up to three days before and one day during the surf event. The Applicant would also use ten parking spaces in the C-1 lot in the Harbor for its event operations one day before and during the day of the surf event.<sup>1</sup> Other areas to be used only during the day of the surf event include the annex dock for rescue watercraft operations, one lane of the public boat launch ramp, and H dock on Johnson Pier in the vicinity of the Fuel Dock ice machine, where a 10-foot by 10-foot tent would be stationed for incoming and outgoing event personnel being shuttled by watercraft to the competition area.

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<sup>1</sup> Under the SMCHD permit, the Harbormaster can also allow for use of more parking spaces for the event, from half the lot up to the entire lot, depending upon availability and seasonal needs, if the Applicant requests additional space. The SMCHD permit indicates that the entire lot most likely is not available November through January 3rd.

West Trail, the trail extending from the West Trail parking lot to Mavericks Beach, and the other specified areas patrolled by County public safety teams, would be closed from approximately 8am to 4pm 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 (due to concerns over bluff damage from crowds doing so, as has occurred in some past events). Event law enforcement will manage traffic flow 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). Two of the three lanes at the public boat launch and the shoreline to the west of the boat launch and along Perched Beach within the Harbor would remain open and accessible to the public.

The proposed event's offshore water activities include the operation of motorized rescue water craft for emergency rescue and safety purposes, and the Applicant intends to coordinate with SMCHD to minimize potential impacts on SMCHD's other operations.

### **C. PROJECT BACKGROUND**

Surf events at Mavericks have become larger and more formalized and the public's interest in big wave surfing competitions has grown over the years. Historically, Mavericks surf events consisted of associated activities at Mavericks Beach and its vicinity, including the West Beach Trail, adjacent lower bluffs, and the area's upper bluff hillside trails. These areas were heavily used by the public trying to view the offshore surf event. During at least one past competition, 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. At other times in the past, large crowds of spectators have also gathered for the event and groups would station themselves on the cliffs and bluffs overlooking Mavericks Beach, on the breakwater itself, on trails, the Harbor inner beach, and the marsh area adjacent to the harbor waters (see [Exhibit 3](#)). 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 dangerous conditions caused the Harbor District, the County and the event organizers to consider additional safety measures for the event going forward.

In recent years, prior events have demonstrated that safety closures for handling the crowds on the day of the event have been very effective in the protection of coastal resources in the area. The Applicant would be implementing measures consistent with prior events conducted at Mavericks. This Mavericks Challenge would focus on the surf contest to showcase the skills of twenty-four male and ten female surfers. The Applicant has coordinated with many agencies, including, but not limited to, the Coastal Commission, U.S. Coast Guard, CalFire, San Mateo County Emergency Services, California Highway Patrol, California Department of Transportation, San Mateo County Sheriff, San Mateo County Parks, San Mateo County Harbor District, and the Monterey Bay National Marine Sanctuary (see [Exhibit 4](#)). To protect public safety and sensitive resources, several of these agencies (SMCHD, County Parks, and MBNMS)

have required temporary closures of public areas, with public access restrictions in the project areas proposed for use by the Applicant. 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 ensure the safety of the public. Pillar Point Bluff County Park will allow recreational use of the trails during the event. However, the County will explicitly state on its website<sup>2</sup> that no viewing or spectating will be allowed from Pillar Point Bluff during the Mavericks Surf Competition. The pending MBNMS permit, additionally, does not allow spectators on Mavericks Beach.

The Commission authorized CDP 2-17-0671 in December 2017 for last year's event for this same Applicant, but ultimately the Applicant did not conduct the Mavericks Challenge event due to unfavorable surf conditions. That CDP expired on March 2, 2018.

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

The project is located in both the Coastal 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, and pursuant to Section 30610.3, the standard of review for this consolidated CDP application is the Chapter 3 policies of the Coastal Act with the San Mateo County certified LCP providing guidance.

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

##### ***Applicable Policies***

Coastal Act Sections 30210 through 30224 specifically protect public access and recreation opportunities that exist along the California coast and in its coastal waters. These overlapping policies protect access to and along the shoreline as well as to offshore waters for the public's recreational use and benefit. In particular:

***Section 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.*

***Section 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.*

***Section 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*

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<sup>2</sup> San Mateo County Parks' indicates that this information will be available on its website in the "Advisories" section (see <https://parks.smcgov.org/>).

*resources ...*

**Section 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.*

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

**Section 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.*

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

**Section 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.*

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

**Section 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:

**Section 30240(b).** *Development in areas adjacent to...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...recreation areas*

### *Analysis*

Section 30210 of the Coastal Act requires the Commission to provide the general public maximum access and recreational opportunities, while respecting the rights of private property owners. Section 30211 prohibits development from interfering with the public's right of access to the sea. In approving new development, Section 30212 requires new development to provide access from the nearest public roadway to the shoreline and along the coast, save certain limited exceptions, such as when there is existing adequate nearby access. Finally, the Coastal Act Section 30210 direction to maximize access represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect. In other words, it is not enough to simply provide access to and along the coast, and not enough to simply protect access; rather such access must also be maximized. This terminology distinguishes the Coastal Act in certain respects, and provides fundamental direction with respect to projects along the California coast that raise public access issues, like this one.

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, sunbathing, eating outdoors, watching the sunset, 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 also 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 West Trail parking lot provides support facilities for the public in this area, as the public can conveniently park in this lot while using the trails and beach areas. The West Trail parking lot, West Trail, and the various upper bluff trails are also a valued public benefit as they are available free of charge (see [Exhibits 1 and 2](#)). Further north of the project site on approximately 140 acres is the Pillar Point Bluff County Park. There are additional blufftop trails along this section of the coast which look out onto the offshore waters of Pillar Point.

The Mavericks surf break is located fairly far offshore, and is obscured from shoreline views in some locations by a large rock formation. As a result, the contest is difficult to view and competitors in the event cannot be easily seen (or are impossible to be seen in some cases) by the public from any vantage point on Mavericks Beach or the Pillar Point bluffs. In addition, Mavericks Beach access is dangerous during ideal event conditions, as it becomes narrow at high tides and during large swells, and the coastline is more vulnerable to wave run-up. Any member of the public stationed at the beach, on the outer breakwater or on the bluffs above the beach is at risk from dangerous rogue waves (i.e., unpredictable waves that are larger than average height). According the WSL's Mavericks Challenge 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. 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 members of the public who may wish to view the competition 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 or climbing on rocks on



the breakwater and in the nearshore, as documented in 2010, have been victims of rogue waves leading to significant injuries and property loss/damage.

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. As mentioned above, during past events, large crowds of spectators have gathered upon the cliffs and bluffs above Mavericks Beach and along the trails, beach, and marsh area adjacent to Pillar Point Harbor (see [Exhibit 3](#)). The large crowds congregating in the project area created unsafe conditions for the public, strained the site's capacity, and caused resource damage to Marsh wetlands and fragile bluff-face areas. 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 Mavericks Challenge event would restrict public use and access in the area of the contest 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 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, the majority of which will be 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 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 very limited duration for possibly only one day during winter months when less of the public is utilizing these beach and harbor areas, and public access will still be provided in the near project vicinity. The proposed project promotes water recreation and public access to the ocean area that should serve to benefit San Mateo County residents as well as visitors to the area. The event provides economic incentives to the community to promote water-oriented activities. Thus, 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.

When considering past CDP applications for this event, the Commission has required that events include a plan to further advance the inclusion of women competitors. In 2017, the Applicant proposed a single women's heat with 6 competitors as part of the Mavericks Surf contest through CDP 2-17-0671, which the Commission found did not fully achieve the Commission's original intent to increase women's participation. As such, the Commission approved CDP 2-17-0671 with a requirement that a more robust plan for the inclusion of women contestants be submitted as part of the permit application for any future events. Specifically, Special Condition 8 of CDP 2-17-0671 required that the objective of such plan provide for a "women's competition that is as similar to the men's competition as possible, including in terms of competitor numbers, heat structure, and prizes."

Consistent with the requirements of this special condition and as previously described, the current CDP request increases the number of women participants and the number of heats for women, and importantly provides for equitable distribution of the prize money between male and

female contestants. While overall there are more male competitors than female competitors in the proposed contest, according to the Applicant this discrepancy is due to there being more experienced male surfers than females on the WSL Big Wave Tour capable of surfing Mavericks at its most dangerous conditions, a point to which there seems to be some consensus, more broadly. In any case, the currently proposed event represents an increase in the participation of women, consistent with the Commission's requirements, from six to ten individual surfers, and would be fairly comparable to the men's division in that there are a series of heats, and ultimately final heats for both divisions will each have six surfers. The Applicant indicates that each of the participants is guaranteed an appearance fee. The prize money for the surf contest will be equal for men and women based on ranking. Female competitors in the women's division will receive the same amount of money as the male competitors with the same ranking in the men's division. Prize money is also equally allotted to male and female participants for the semi-finals and for those surfers that do not advance.

In addition, the Applicant has expanded efforts to continue to increase the participation of women in big wave surfing while ensuring safety by conducting a two-part "women's-only," safety seminar. The safety seminar will be offered prior to the event, free of charge, to a wide-range of women such as surfers and big wave photographers. The Applicant has also established a new women's wildcard committee, made up of a five voting members that include three women that will assist in the selection of the women wildcard participants. Further, the Applicant now has a designated person to work on expanded efforts for the participation of female surfers in the Big Wave Tour, including the responsibility to facilitate regular communication between the Applicant and women surfers. In general, the updated structure for this season's event appears to have wide support as evidenced by WSL's September 11, 2018 "application support letter" (see [Exhibit 5](#)). In fact, the competition structure has been developed in close consultation with women big wave surfers.

WSL's proposed event achieves the Commission's intent to increase women's participation in that the number of heats is increased for women as compared to previous years and the distribution of prize money will be equitable among men and women. In fact, the Applicant has broken new ground on this front because such prize money equality is not only proposed for this event, but also for every WSL-controlled event (including the 2018/2019 Big Wave Tour, in the upcoming season and beyond), and WSL has become the first and perhaps only U.S. based global sports league, and among the first internationally, to achieve prize money equality. The WSL is justifiably proud of its commitment to gender equality, including in terms of athlete pay (again, see [Exhibit 5](#)). Clearly, the Applicant has demonstrated its commitment to maximize the inclusion of women in the Mavericks surf contest consistent with the Commission previous requirements and objectives, and has set a significant precedent for not only the professional surfing community but also other sports leagues extending into the future, and should be applauded. Along with the Applicant's related efforts to grow women's surfing, a milestone in gender quality efforts appears to have been reached. This CDP will continue to stand for that premise, and will continue to provide the same direction moving forward, namely "to provide for a women's competition that is as comparable to the men's competition as possible, including in terms of competitor numbers, competition structure, and prizes" (see **Special Condition 8**).

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 Challenge surf event is a premier, world-class competition. 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 unusually-shaped underwater rock formations located offshore. Holding a contest within offshore waters requires use of onshore 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 Monterey Bay National Marine Sanctuary (MBNMS), make certain the marine resources in offshore waters ([Exhibit 3](#)) are protected. The Mavericks Challenge surf competition is clearly a recreational, water-oriented activity that depends on large waves and cannot occur at any inland water area. As conditioned, this proposed development can be found consistent with 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 and minimized, and that the available coastal resources are not overburdened by public use. The proposed event does not involve a public festival or central viewing screen of the contest as was done in some past events. Pillar Point Harbor will remain open to the public for access, parking and use, with long-term, permit and two-hour parking enforcement in designated areas as usual. Traffic will be allowed into the harbor for merchant access and to enjoy the harbor area. The public will be able to view the event live via free on-line webcasts of the contest and at local establishments that host viewing parties. Volunteers would be posted at traffic checkpoints to provide visitors with information on establishments that will be showing the contest live and free of charge.

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. The 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 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. In particular, the Applicant has coordinated with the CHP and the San Mateo County Sheriff, whose officers will be stationed at Highway 1 at Capistrano Road, Capistrano Road at Prospect Road, and at the intersection of Airport Avenue and Los Baños Avenue. The County Office of Emergency Services and the Sheriff's Department will ensure the appropriate installation of traffic signs on Route 92 and Highway 1. Signs will alert the public of increased traffic, beach closure, and where to obtain event information.

To ensure that the traffic control measures proposed are effective, **Special Condition 3** requires the Permittee to implement a traffic and parking plan that includes proactive measures, such as advisory of area and traffic closures on the Applicant's event website, to minimize traffic in the area during the day of the event, and **Special Condition 6** requires the Applicant to monitor traffic conditions and public access flow throughout the event area and transportation routes in the vicinity during the event, and to 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 this CDP's required 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 and to allow for updated mitigation if unexpected impacts occur.

Public parking normally available to the general public within the proposed project area includes the gravel-covered West Trail 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 also has a large public 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 (see [Exhibit 4](#)) issued for the surf event authorizes the Applicant to temporarily restrict the use of 40-space West Trail parking lot during the event. The Applicant will also use ten parking spaces in the Harbor District's "C-1" lot for competitor support, production equipment, and safety teams. Event preparation including reserving ten parking spots, receiving jet skis and boats at the boat launch, placement of the scissor lift at the beach, fueling generators and heavy equipment will be conducted in the West Trail parking lot the day before the event. While some parking areas will be closed, others will remain available for public use.

It is important to remember that this surf event does not occur during peak spring and summer beach recreational seasons. 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 shoreline. 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 for one day, the proposed parking restrictions are relatively minor 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 spots. 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 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 these upper coastal bluffs. The blufftop viewing locations also have the potential to draw interested members of the public to attempt to view the competition held offshore. However, the existing blufftop is fragile and is not large enough to accommodate large numbers of spectators (see [Exhibit 3](#)). Even though the proposed project includes active patrol of the upland trail areas to ensure that no crowds form on 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 majority of the closures will occur only on a single day occurring during the winter months and are mainly proposed 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 already 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, 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 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 can still use this stretch of beach during the event for 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 also remain open for limited public access.

Finally, with respect to issues that have been raised regarding the exclusive use of the surf break for one day, although the proposed project would allow for a one-day surf event during a several month window of time, it does not preclude other would-be applicants from pursuing other surf contests at the break, subject to obtaining all necessary required approvals, during the same time frame. In other words, the CDP doesn't allow the Applicant exclusive use of the surf break between October 1<sup>st</sup> and March 15<sup>th</sup>; rather it allows it for the day of the event only. Although the Applicant is the only party proposing to conduct a surf contest during the proposed time window at this time, this approval would not preclude others from pursuing their own surf contests. The Applicant has indicated that they would cooperate with any other group or entity who submitted a complete CDP application and obtained required approvals, if necessary, to conduct a similar big-wave event at Mavericks. WSL, however, proposes to receive the first right to proceed on any swell/wave opportunities that may arise during the permitted competition window until it conducts have their event. Specifically, since the decision to proceed with the in-water competition is made 48 hours before the competition day, based upon the swell and weather forecast, WSL would announce a "go" or "no-go" decision in advance of each swell. Any other entity/group would have the opportunity to proceed with a permitted surf event after WSL announces its decision not to proceed on any given swell. Therefore, as required by **Special Condition 1**, approval of the WSL request for a CDP does not completely exclude use of the area for other similar events that have obtained necessary approvals but would give WSL, in the case of potential conflict, the first opportunity to determine when to have the event on any given day with adequate swell conditions during the time period. In addition, once WSL has exercised this CDP and conducted the event, the remaining window would be entirely open to any other

entity. Further, the public access during the event will not be permanently interfered with as the closure of portions of normally available public areas 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 make California famous. 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, the project is not without its impacts. For example, public access within Pillar Point Harbor and at Mavericks Beach would be off limits during event activities, and the surf contest 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 available parking and the intensification of traffic associated with the event. And finally, the event obviously takes over the big wave surfing break for event-exclusive use on the day of the event, thus precluding other general surfing use during this time. However, these issues can be addressed via conditions, and ultimately the surf event impacts are temporary in nature and can be offset and managed by the Applicant in such a way as to provide as much public access as possible while still providing for a safe event, and that other potential adverse impacts to habitat areas and eroding coastal bluffs can be appropriately avoided by limiting public access to these areas during the event and directing the public to safe viewing areas. As conditioned, the project can be found consistent with the public access and recreation policies of the Coastal Act.

## **F. BIOLOGICAL RESOURCES**

### ***Applicable Policies***

The Coastal Act protects the marine resources, habitats, and sensitive species that exist adjacent to and within the project area. Coastal Act Sections 30107.5, 30230, 30231, and 30240 specifically provide:

**Section 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.*

**Section 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.*

**Section 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.*

**Section 30240.** *(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 requires that marine resources be maintained, enhanced, and restored. Coastal Act Section 30231 requires that the biological productivity and quality of coastal waters and wetlands be maintained and, where feasible, restored. Section 30107.5 defines “environmentally sensitive areas” (or ESHA) and Section 30240 requires that ESHA be protected against significant disruption of habitat values, allowing only resources-dependent uses within such areas. Further, development in areas adjacent to ESHAs and parks, and recreation areas are required to be sited and designed to prevent impacts which would degrade those areas. As previously discussed, proposed project activities would occur within the offshore waters of the Monterey Bay National Marine Sanctuary (MBNMS) and adjacent to sensitive wetland habitat areas including the Pillar Point Marsh. The offshore waters support an array of marine life protected by a variety of laws and agencies, including the MBNMS. Pillar Point Marsh comprises freshwater and brackish marsh and may support the state and federally-protected California red-legged frog (CRLF) and San Francisco garter snake (SFGS).<sup>3</sup>

Pillar Point Marsh is considered ESHA, as defined by Section 30107.5, including because it contains habitat that potentially supports CRLF and SFGS. The proposed project activities would not occur within Pillar Point Marsh, thus the project is not inconsistent with Section 30240(a). However, the project is located adjacent to this ESHA and 30240(b) requires that development adjacent to ESHA be sited and designed to prevent significant impacts as well as be compatible with the habitat. The project includes measures to ensure that activities proposed adjacent to the Marsh will not degrade those areas, including temporary area closures and trash and litter removal as required by the San Mateo County Harbor District permit, utilizing designated rinse stations for vessel cleaning, and most importantly patrol of the Pillar Point Marsh area to ensure that the public is not gathering and causing damage to sensitive marsh habitat. Therefore, the project can be found consistent with Coastal Act Section 30240.

The Mavericks surf competition relies primarily on the marine environment (i.e., the natural surf conditions of offshore waters). The proposed event’s offshore water activities include the operation of motorized personal water craft (MPWC, often colloquially referred to as ‘jet skis’,

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<sup>3</sup> As documented in the Fitzgerald Marine Reserve Master Plan (Part two: Environmental Setting) prepared by Sheila Brady/LSA, May 2002.

although they are much larger than the original such craft) within the MBNMS for emergency rescue and safety purposes, as well as to monitor and record the event. Motorized water craft may impact water quality and marine wildlife due to the noise of engines and residues spread by vehicles from fuel and or other substances used for the motorized equipment, and MBNMS prohibits such craft in the Sanctuary except under very specific criteria. In this case, MBNMS has authorized the proposed event's offshore activities in past years and intends to do the same this year, including allowing certain activities that would otherwise be prohibited, most notably, the use of MPWCs. As required by the pending MBNMS authorization, the Applicant is not allowed to disturb marine wildlife, may only use MPWCs in a specified zone, and is required to implement the closure of Mavericks Beach and to monitor for marine wildlife during the event.

In addition to the project's proposed protection measures and the MBNMS and Harbor District requirements, the Commission requires special conditions to limit the initial authorization of this temporary event to one season with monitoring, submission of a post-event reporting to assess potential impacts on coastal resources from event activities, and implementation of best management practices (BMPs). Specifically, **Special Condition 6** requires the Applicant to monitor and report on the conditions of the sensitive marsh area, public access, and marine wildlife prior to, during and after the event. **Special Condition 5** also requires BMPs to ensure that coastal habitat, water quality, and productivity of the area are not adversely affected. Thus, the proposed project as conditioned can be found consistent with the Coastal Act's above-referenced biological resource policies as it appropriately protects the marine environment and sensitive areas.

## **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with CDP applications showing the application to be consistent with any applicable requirements of 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.

San Mateo County, acting as the CEQA lead agency, found that the project qualifies for a Class 4 Categorical Exemption, pursuant to the State CEQA Guidelines.<sup>4</sup> The Coastal Commission's review and analysis of CDP applications has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA. The preceding CDP findings discuss the relevant coastal resource issues with the proposal, and the CDP conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

The Commission finds that as conditioned by this CDP, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any

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<sup>4</sup> Pursuant to California Code of Regulations, Title 14, Section 15304 (minor alterations to land); see also Public Resources Code, Section 21084.

significant adverse environmental effects that approval of the project, as conditioned, would have on the environment within the meaning of CEQA. As such, the approved project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

- CDP 2-18-0496 Administrative File
- Fitzgerald Marine Reserve Master Plan (Part two: Environmental Setting), prepared by Sheila Brady/LSA, May 2002
- CDP 2-17-0671 Administrative File
- CDP 2-15-1458 as amended (through 2-15-1458-A1)

## **APPENDIX B – STAFF CONTACTS WITH AGENCIES AND GROUPS**

- Applicant: World Surf League
- San Mateo County Planning and Building Department
- San Mateo County Harbor District
- San Mateo County Parks and Recreation
- California State Lands Commission
- Committee for Equity in Women's Surfing
- Monterey Bay National Marine Sanctuary