

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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August 20, 1997

MEMORANDUM

TO: Commissioners and Interested Persons

FROM: Charles Damm, South Coast District Director
Pam Emerson, Los Angeles County Area Supervisor
Sherilyn Sarb, Temporary Events Coordinator
Charles Posner, Coastal Program Analyst

SUBJECT: Revised findings supporting the Commission's May 13, 1997 Denial of Major Amendment Request No. 1A-97 to the City of Manhattan Beach Certified Local Coastal Program For Public Hearing and Commission Action at the September 9-11, 1997, meeting in Eureka

SYNOPSIS

The Coastal Commission certified the City of Manhattan Beach Local Coastal Program (LCP) on May 12, 1994. The current proposal, amendment 1A-97, is the City's first major LCP amendment since certification. The proposed LCP amendment affects only the implementing ordinances (LIP) of the City's certified LCP. The certified Land Use Plan (LUP) is not affected.

The City originally submitted a proposed LCP amendment that would a) expand allowable uses on the beach to include all temporary events and b) incorporate specific standards and procedures to regulate temporary events held on the beach into the LCP. Under the current LCP, only sporting events that do not charge an admission fee are allowed on the beach. Also, the certified LCP lacks provisions for exempting temporary events from Coastal Development Permit requirements.

After failing to reach agreement with the staff regarding standards for exempting certain events from permit requirements, and faced with a deadline concerning an event that was currently proposed, the City modified its submittal request in order to bifurcate it into two distinct LCP amendments (Exhibit A). The two LCP amendments, No. 1A-97 and No. 1B-97, are described as follows:

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 2

1A-97: Revise the table of permitted temporary uses in the OS District to replace the use listed as "sporting events for which no admission is charged" with a new use, "temporary events on the beach" (Exhibit A).

1B-97: Incorporate into the LCP specific standards and procedures to exempt and regulate temporary events held on the beach.

LCP Amendment Request No. 1A-97 would designate temporary events on the beach, including sporting events for which an admission fee is charged, as an allowable use within the City's Open Space (OS) District. As a result, the City would be able to approve Coastal Development Permits for such uses under the existing Coastal Development Permit issuance section of the certified LCP (Chapter A.96) when it finds that a proposed temporary event is consistent with the certified LCP. The certified LCP currently limits temporary uses on the beach (OS: Open Space District) to animal shows, circuses, carnivals, filming, and sporting events for which no admission is charged. All temporary events on the beach must obtain a Local Coastal Development Permit from the City. Under the current LCP, however, the City cannot approve permits for any temporary event other than those listed as allowable uses in the OS District.

The LCP amendment originally proposed by the City provided that: 1) any temporary event on the beach which proposes to charge admission for more than 25% of the seating capacity would in all cases be required to obtain a Local Coastal Development Permit; 2) temporary events with free admission for at least 75% of the seating capacity could be excluded from Local Coastal Development Permit requirements by the City's Community Development Director; and 3) the Community Development Director would, however, have the discretion to require any temporary event proposed on the beach to obtain a Local Coastal Development Permit. In addition, the proposed LCP amendment would allow only one event per year on the beach which charges admission for more than 25% of the seating capacity. These standards were grouped as amendment 1B at the City's request.

The City requested that the Commission postpone a hearing on amendment 1B-97. The Commission agreed to open and continue the hearing on 1B-97, and held a hearing on amendment 1A. After a public hearing, the Commission denied the City's request to expand allowable uses on the beach, without standards to insure the temporary events would be consistent with the policies of the Coastal Act.

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 3

SUMMARY OF STAFF RECOMMENDATION.

The staff recommends that the Commission adopt the following revised findings in support of the Commission's action rejecting the proposed LCPA amendment.

SUBMITTAL OF LCP AMENDMENT

The proposed changes to the certified LCP are contained in Urgency Ordinance No. 1959 (Exhibit #2). The City submitted the proposed LCP amendment for Commission action with Resolution No. 5314 (Exhibit #1). The City Planning Commission held public hearings for the proposed LCP amendment on October 23, 1996, December 11, 1996 and January 22, 1997. The City Council held a public hearing and adopted Urgency Ordinance No. 1959 and Resolution No. 5314 on February 18, 1997. The bifurcation of the request was a result of letter from the City received on May 19, 1997 (Exhibit A).

STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Implementing Ordinances, pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP).

ADDITIONAL INFORMATION

Copies of the staff report are available at the South Coast District office located at 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Charles Posner or Pam Emerson in the Long Beach office at (562) 590-5071.

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 4

I. COMMISSION AND MOTION TO ADOPT REVISED FINDINGS

A. Commission Action

On May 13, 1997, the Commission adopted the following motion:

"I move that the Commission reject Amendment request No .1A-97 to the City of Manhattan Beach LCP Implementing Ordinance as submitted."

The Commission's action resulted in denial of the LCP Amendment 1A-97.

Commissioners on the prevailing side:

Chairman Areias, Commissioners Calcagno, Flemming, Kehoe, Nava,
Giacomini, Rose, Tuttle, and Wan

Commissioners on the non-prevailing side:

Commissioner Pavley

B. Motion to adopt Revised Findings

Motion:

"I move that the Commission adopt the following findings in support of the Commission's rejection of proposed amendment 1A-97 to the Implementing Ordinances of the City of Manhattan Beach Local Coastal Program."

Staff Recommendation of Approval

Staff recommends a YES vote. This will result in adoption of the following resolution and the findings in support of the Commission's denial of LCP amendment 1A-97. The motion passes only upon affirmative vote of a majority of the members of the prevailing side. If the motion passes, the findings are approved. If the motion fail, the findings are postponed to a later meeting.

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 5

Resolution to Adopt Revised Findings:

The Commission hereby adopts the findings and set forth below in support of its May 13, 1997 action rejecting the Proposed amendment 1A-97 on grounds that the findings accurately reflect the Reasons for the Commission's action.

Commissioners eligible to Vote on Revised Findings:

Chairman Areias, Commissioners Calcagno, Flemming, Kehoe, Nava,
Giacomini, Rose, Tuttle, and Wan

II. FINDINGS

A. Amendment Description

The City of Manhattan Beach Local Coastal Program (LCP) was certified by the Coastal Commission on May 12, 1994. The public beach within the City limits is designated as an OS (Open Space) District in the certified Land Use Plan (LUP). The beach is identified as an appealable area in the certified LCP. (Exhibit #4). The City's certified LCP contains land use regulations that specifically limit the types of uses permitted in the OS district (Exhibit #3, p.2). Currently the certified LCP allows only a few temporary events in the OS district: animal shows, circuses, carnivals, filming, and sporting events for which no admission is charged. There is no provision in the certified LCP that would allow the City to permit a sporting event on the beach that charges admission. The proposed LCP amendment would amend the table of permitted temporary uses in the OS district by replacing the use listed as "sporting events for which no admission is charged" with the new use, "temporary events on the beach" (Exhibit #3, p.2).

In late winter, 1997, the City began to negotiate an agreement with the Association of Volleyball Professionals (AVP) which would allow the AVP to organize and hold the 1997 Miller Lite Manhattan Beach Open Volleyball Tournament on the City's beach. The Manhattan Beach Open Volleyball Tournament is an annual event on the beach that has historically allowed spectators to watch for free (see A-5-MNB-97-084).

For the 1997 tournament, the AVP proposed to charge admission to spectators of the main volleyball matches on Saturday, June 14 and Sunday, June 15. The City adopted an LCP amendment as an urgency ordinance in order to enable the City to approve Local Coastal Development Permit No. 10-97 that allowed a developer to charge admission for 6,000 volleyball tournament seats on Saturday, June 14 and Sunday,

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 6

June 15, 1997. Local Coastal Development Permit No. 10-97 was approved by the City on March 18, 1997 and has been appealed to the Coastal Commission (see A-5-MNB-97-084). The Commission acted on the appeal at the May 13, 1997 meeting. After submitting the LCP amendment to the Commission for certification, the City bifurcated the amendment into two separate amendments--one that simply allows temporary events on the beach and one that establishes restrictions and standards for temporary events.

The City requested that the Commission defer consideration of the amendment that sets forth the development regulations for temporary events on the beach because it could not legally adopt any suggested modifications to this ordinance before the June 14, 1997, event. The Commission therefore deferred the consideration of that amendment and considered only the amendment that changed uses in the OS district to include all temporary events on the beach.

B. Background

The type of development addressed by this LCP amendment is temporary events that are held on the beach. The Commission and many local governments have found that the recent increase in the number and popularity of special or temporary events on the beach has resulted in the need to clarify the degree of oversight and control that they have over such events. This is especially the case now that more event organizers are proposing to charge admission fees to temporary events held on public beaches.

In the past, most events on the beach have been free for all who wished to attend or participate. Now, however, there have been more and more proposals for temporary events on the beach that require paid admission. One such event, the Association of Volleyball Professionals (AVP) 1997 Miller Lite Manhattan Beach Open Volleyball Tournament planned for June 12-15, has resulted in the City of Manhattan Beach developing and submitting this LCP amendment request.

Temporary events have occurred on California's beaches for as long as people have been visiting the beach. Such diverse events as family reunions, company picnics, surfing contests, volleyball tournaments, circuses, boat races, fairs, sand castle contests, private parties, weddings, over-the-line softball tournaments, youth camps, walk-a-thons, music and cultural festivals, school functions, television and film productions, et cetera all fall under the broad definition of temporary events.

Frequently, but not always, temporary events involve the erection of non-permanent structures on the beach such as fences, tents, bleachers, tables, portable toilets, sound systems and stages. Most temporary events last one to two days, but others last

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 7

longer, especially if the time spent setting up and taking down the special equipment is counted. Most temporary events probably involve fewer than one hundred persons (participants and spectators), but there are some very popular professional surfing and volleyball events that attract thousands of spectators.

A wide variety of types and sizes of temporary events have been held on the beach in the past, and will continue to be held in the future. The types of temporary events are different in different localities. In Manhattan Beach, the birthplace of beach volleyball, volleyball clinics and tournaments dominate the temporary event calendar kept by the Los Angeles County Department of Beaches and Harbors (Exhibit #6). [Note: Although the beach in Manhattan Beach falls within the City limits, and therefore under the permitting jurisdiction of the City, the beach is operated by Los Angeles County which regulates events as landowner.]

Although most temporary events do not physically block public access to the water, they can impact the public's ability to access and use the coast in two direct ways: 1) by reducing the amount of public parking available for beach-goers, and 2) by restricting the use of a portion of the sandy beach to the specific group of participants and spectators involved with the event, and 3) by overcrowding beach areas and beach support facilities with event spectators, although this last is difficult to distinguish from heavy use of the beach.

Temporary events impact public beach parking, because the crowds generated by the special temporary events typically occupy a large portion of available long term parking, reducing other beach-goers' ability to find a parking space near the beach. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Temporary events rarely provide any additional parking for attendees. Some events attract thousands of people to already crowded beach areas during the summer. The additional visitors drawn by the special events can overburden the limited beach parking supplies. When large events draw thousands of additional people to one beach area, there simply is not enough public parking available to accommodate all of the people. Many beach-goers who cannot find a parking place may be prevented from using the beach during a large event.

In addition to increasing the demands for public parking, some temporary events take away public beach parking lots by reserving the lots for the exclusive use of event organizers and VIP's. The exclusive use of public beach parking lots is commonly associated with large sporting events and film productions. The reservation and exclusive use of public parking spaces reduces the amount of beach parking available

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 8

to the general public. This further limits beach-goers' ability to find a parking space near the beach.

Traffic problems can also limit people's ability to access the coast. Large temporary events can overburden the local transportation system, especially in small beach cities like Manhattan Beach. The sheer number of spectators drawn to the event, along with the normal summer weekend traffic, can lead to near gridlock conditions on the local roads. The traffic problems are made worse when all of the available parking is used and people are unable to find a place to leave their vehicles. The traffic and parking problems also make it extremely difficult for the local residents to access or leave their homes. One common complaint is that visitors illegally park their cars in front of residents' driveways.

The second direct impact that temporary events have on public access is the exclusionary aspect. Temporary events, like many other activities, require the use of space. Temporary events on the beach naturally use part of the beach at the expense of other uses. Beach areas that are usually used for sun bathing, public volleyball courts or informal public uses are transformed into venues for temporary events. The normal beach uses are temporarily displaced while a planned event uses the area exclusively for one or more days.

Some temporary events are more exclusive than others, and some occupy the beach for much longer periods than others. For instance, some events include anyone from the general public who wants to attend, while others like weddings and private parties do not allow the general public to attend. Some events occupy the beach for one day, while others last more than a week including the days spent setting up and taking down the equipment for the event.

Even the temporary events that invite the general public have different level of exclusiveness. The attendees of most sporting events on the beach are comprised of participants who must qualify to compete, and spectators from the general public. However, some members of the general public are excluded when admission fees are charged to attend a temporary event on the beach.

The exclusive use of public beaches has always been an issue of prime importance to the Commission in terms of impacts on public access. The loss of informal public use of part of a beach resulting from one temporary event may be inconsequential, but the cumulative effect of many events held in a continuous manner on one beach would dramatically alter the public's use of that beach. In addition, if half of the time that one or more temporary events occupy a beach is spent just setting up and taking down equipment, the public's use of that area during that time, for an organized event or for

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 9

general beach use, is not possible. In effect, no public access or use is available on the affected portion of the beach during the set-up and take-down times of temporary events.

Other issues that must be addressed by the local governments permitting temporary events include crowd control, public safety, noise limits, trash disposal, and odor control.

C. Commission Regulation of Temporary Events

Many temporary events involve development within the meaning of the Coastal Act. Section 30610(i) of the Coastal Act allows the Commission to adopt guidelines for exempting from permit requirements those temporary events that have no potential for significant adverse impacts. The Commission adopted such guidelines in 1993.

Prior to 1992, temporary events had been occurring on the beach for years with little or no oversight by the Commission because of their temporary nature. In 1992, however, an increase in the number and popularity of temporary events on the beach and other waterfront areas, and the associated impacts and conflicts with other uses, brought the issue to the forefront of the Commission's attention. In response to concerns by local governments, event organizers and other interested parties, the Commission developed the guidelines in order to clarify what types of temporary events required Coastal Development Permits and what types of temporary events could be excluded from Coastal Development Permit requirements.

The guidelines reflect the fact that most temporary events have little or no impact on public resources, and identify those circumstances under which temporary events are likely to have significant adverse impacts. The guidelines also maintained the Commission's ability to review temporary events in response to many local governments' willingness to approve all types of events on public beaches and parklands, especially when events were being viewed as attractive sources of revenue.

On January 12, 1993, pursuant to Section 30610(i) of the Coastal Act, the Commission adopted the Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements. Under the adopted guidelines, the Executive Director can exclude from Coastal Development Permit guidelines all temporary events except those which meet all of the following criteria:

- a) The event will be held between Memorial Day weekend and Labor Day; and,

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 10

- b) The event will occupy all or a portion of sandy beach area; and,
- c) The event will involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

In adopting the guidelines, the Commission determined that the types of temporary events which could have the most negative effects on coastal access were events on the sandy beach in the summer which exclude anyone who was not willing to pay an admission fee. These types of temporary events are required to obtain a Coastal Development Permit from the Commission. The Executive Director was, however, given the discretion to require Coastal Development Permits for other temporary events that were determined to have negative impacts on public access or sensitive habitat areas. The Coastal Development Permit process is used to address the impacts of temporary events on coastal resources.

Of course, the Commission's adopted guidelines only apply in areas of retained and original jurisdiction, and uncertified areas. Local governments with certified LCPs regulate temporary events under the provisions of their respective LCP's.

D. Manhattan Beach LCP

The City of Manhattan Beach Local Coastal Program (LCP) was certified by the Coastal Commission on May 12, 1994. As stated above, the proposed amendment to the Implementation Sections of the LCP must conform to the certified LUP and be adequate to carry out the provisions of the LUP.

LCP Amendment Request Nos. 1A-97 and 1B-97 address the issue of temporary events on the beach. As noted above amendment request 1A-97 identifies all temporary events on the beach as an allowable use in the open space district. Amendment 1B-97 establishes standards that would apply to such events to insure that impacts of the event on public access are mitigated. The amendment 1B-97 also provides for the exception of some temporary events from local coastal development permit requirements. The adoption of standards to exempt events with minimal impacts is necessary because the Commission's adopted guidelines only apply in areas of original jurisdiction and uncertified areas. Each local government must incorporate its own standards regulating temporary events into its LCP. Such standards, like all implementation ordinances, are only effective after certification by the Commission.

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 11

Currently, all temporary events on the beach in Manhattan Beach require Coastal Development Permits because the certified LCP does not contain any provisions to exempt temporary events from permit requirements. The types of temporary events that may be permitted are currently limited. However, LCPA 1A-97 would allow for all types of temporary events to be permitted, inconsistent with the certified LCP, which requires public use of the beach to be maintained.

LCP Amendment Request No. 1B-97 would incorporate into the LCP specific procedures to allow the City to exempt specific types of temporary events on the beach from Coastal Development Permit requirements. The City has, however, requested a continuance of LCP Amendment Request No. 1B-97 while it continues to work with Commission staff to develop the process and procedures for determining when a temporary event is exempt from Coastal Development Permit requirements and when it is not.

LCP Amendment Request No. 1A-97 would not exempt any temporary events from Coastal Development Permit requirements, but it would enable the City (or the Commission on appeal) to approve Coastal Development Permits for a wide variety of temporary events on the beach, including sporting events with paid admission. LCP Amendment Request No. 1A-97 would amend the table of permitted temporary uses in the OS District by replacing the use listed as "sporting events for which no admission is charged" with the new use, "temporary events on the beach" (Exhibit #3, p.2). The prohibition on sporting events which charge for admission would be removed from the certified LCP. The Commission's consideration of LCP Amendment Request No. 1A-97 must occur before a fee can be charged for admission to the 1997 Miller Lite Manhattan Beach Open Volleyball Tournament on the City's beach. The Manhattan Beach Open Volleyball Tournament is an annual event on the beach which has historically allowed spectators to watch for free.

The Commission finds that LCP Amendment Request No. 1A-97 does not conform with and is not adequate to carry out the policies of the certified Land Use Plan (LUP). The City's LUP policies support the preservation of the beach for public recreation and the preservation of public access to the beach. Most notably the new development policy, which states:

The beach shall be preserved for public beach recreation. No permanent structures, with the exception of bikeways, walkways, and restrooms, shall be permitted on the beach.

specifically forbids uses that interfere with the preservation of the beach for public recreation. In the absence of considered regulations addressing the time place and

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 12

manner in which allowable temporary events can take place, or their cumulative impact, the Commission can not make the necessary findings that the proposed change is consistent with the following LUP policies:

Access Policies:

POLICY 1.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach coastal zone.

POLICY 1.A.2: The City shall encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access.

POLICY 1.A.8: The City shall maintain visible signage to El Porto accessways and beach parking, along Highland Avenue.

Transit Policies:

POLICY I.B.1: The City shall encourage public transportation service to mitigate excess parking demand and vehicular pollution. All transportation/congestion management plans and mitigation measures shall protect and encourage public beach access.

POLICY I.B.3: The City shall encourage pedestrian and bicycle modes as a transportation means to the beach.

POLICY I.B.6: The Strand shall be maintained for non-vehicular beach access.

Parking Policies:

POLICY I.C.2: The City shall maximize the opportunities for using available parking for weekend beach use.

POLICY I.C.3: The City shall encourage additional off-street parking to be concentrated for efficiency relative to the parking and traffic system.

POLICY I.C.9: Use of existing public parking, including, but not limited to, on-street parking, the El Porto beach parking lot, and those parking lots indicated on Exhibit #9, shall be protected to provide public beach parking...

New Development Policies:

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 13

POLICY: The beach shall be preserved for public beach recreation. No permanent structures, with the exception of bikeways, walkways, and restrooms, shall be permitted on the beach.

Long-Range Programs:

PROGRAM II.A.6: Consider the establishment of alternative transportation systems and park-mall facilities, including a shuttle service to the El Porto beach area.

Short Range Programs:

PROGRAM II.B.13: Improve information management of the off-street parking system through improved signing, graphics and public information and maps.

PROGRAM II.B.14: Provide signing and distribution of information for use of the Civic Center parking for beach parking on weekend days.

Permit Standards and Findings

Once a determination is made that an event requires a Coastal Development Permit, the event must be analyzed in order to determine whether it conforms to the policies of the certified LUP. Under the proposed LCP amendment, only those events found to be consistent with the policies of the certified LCP can receive an approved Coastal Development Permit.

Amending the implementation program to allow for a variety of temporary events on the beach rather than just the few limited events currently allowed, could conform with the above LUP policies. However, the proposed amendment 1A-97 does not conform with and is inadequate to carry out the LUP policies because it simply allows all types of temporary events without any restrictions, limitations or criteria for approval.

The implementation program of an LCP must carry out the LUP policies. Expanding the temporary events allowed on the beach will impact traffic, parking, public use of the beach and accessways, all of which are addressed in LUP policies. The implementing ordinances must indicate how these LUP policies will be carried out when temporary events occur. For example, LUP policy I.C.9 requires protection of existing public parking for public beach use. The ordinances must indicate how the public parking will be protected for beach use during a temporary event, such as a large wedding or

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 14

concert on the beach, which has the potential to usurp all available beach parking. Similarly LUP policy I.C.2 requires that the City maximize opportunities for using available parking for weekend beach use. The ordinances must indicate how temporary events are restricted so that beach use parking is not precluded every single weekend during the summer.

Further, the New Development policy regarding beach uses in the City's LUP states that "the beach shall be preserved for public beach recreation." The City's proposed amendment to allow all temporary events on the beach does not conform with or carry out this policy. The amendment would allow events that charge a fee without limitation. This would open the door to private, profit making commercial events without limitations as to their number, intensity and purpose. The use of public lands for private, profit-making commercial events raises questions of state wide interest, and, unless strictly regulated, could result in encouraging private use of the beach to the exclusion of the non-paying public. Allowing unrestricted fee events does not conform with a policy of preserving the beach for public beach recreation. Reservation of the beach for a profit generating enterprise that excludes the general public or charges the public a fee effectively converts the beach to a private beach. An implementing ordinance that allows all temporary events that charge a fee without any standards or criteria does not carry out the LUP policies that support preservation of the beach for public beach recreation. The Commission recognizes that some events that charge registration fees to participants, or uses such as public agency camps that charge fees do serve a public purpose, and that some commercial events could take place in a time place and manner when there would be little or no conflict with the public's rights to use the beach.

However, as submitted, without any restrictions, standards, or criteria for approval of temporary events that charge a fee, the proposed amendment does not conform with and carry out the LUP policies. The Commission finds that approval of the proposed amendment as submitted could establish and adverse precedent. As presented without the limitations contemplated in the companion amendment 1B, the proposed amendment does not protect public rights. Since the proposal before the Commission provides no balance or protection of public rights, the Commission finds that the amendment must be denied as submitted.

All temporary events on the beach, whether free or not, involve the exclusive use of a portion of the sandy beach. They also create adverse impacts on public access by using public beach parking and increasing traffic. Further, fee events can result in conversion of the beach to private beach. Thus, temporary events have the potential to be inconsistent with the City's LUP policies. A balance must be maintained so that temporary events do not result in a privatization of the beach. Events that charge must

Revised Findings City of Manhattan Beach
LCP Amendment No. 1-97
Temporary Events on the Beach
Page 15

be subject to careful scrutiny to assure that they have not resulted in the conversion of a public resource to a profit making venue. Use of a public area exclusively for profit is not protection of the beach for public recreation. Since LCP amendment 1A-97 fails to provide measures to insure that temporary events will not interfere with public use of and access to the beach, the Commission finds it must reject this amendment to the City's implementing ordinances.

E. California Environmental Quality Act (CEQA)

Pursuant to SB 1873, which amended the California Environmental Quality Act (CEQA), the Coastal Commission is the lead agency in terms of meeting CEQA requirements for Local Coastal Programs. In addition to making a finding that the implementation plan amendment is in full compliance with CEQA, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

On February 21, 1997, the City of Manhattan Beach prepared a Negative Declaration in order to satisfy the CEQA requirements for the proposed amendment to the LCP. The City found that the proposed amendment will not cause significant adverse environmental impacts.

The Commission finds that for the reasons discussed in this report, there are feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. Therefore, the proposed LCP amendment shall be modified as stated in Section II of this report in order to incorporate the changes necessary to reduce any adverse environmental impacts. The Commission further finds that the proposed LIP amendment, only if modified as suggested, is consistent with Section 21080.5(d)(2)(i) of the Public Resources Code.



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May 7, 1997

Mr. Charles Damm, District Director
California Coastal Commission
South Coast District
200 Oceangate, 10th Floor
Long Beach, CA. 90802-4302

RE: City of Manhattan Beach Local Coastal Program Amendment Submittal adopted by the City Council on February 18, 1997 (Item 13c, May 13, 1997 California Coastal Commission Meeting)

Dear Mr. Damm,

Pursuant to your conversation with Richard Thompson, the City of Manhattan Beach respectfully requests that the Coastal Commission consider the above submittal as two separate LCP amendments. The first amendment would consist of the change in the types of uses conditionally permitted in the "Open Space" District. Specifically, Section A.24.030 of the City of Manhattan Beach Local Coastal Program - Implementation Program would be amended as follows:

OS DISTRICT: LAND USE REGULATIONS

P- Permitted
U- Use Permit
L- Limited, (See Additional Use Regulations)

Temporary Uses	(B)
Animal Shows	U
Circuses and Carnivals	U
Commercial Filming	U
Sporting events for which no admission is charged	U
Temporary events on the beach	U

COASTAL COMMISSION

LCP MND 87

The City requests that the Commission approve this amendment.

EXHIBIT # A

PAGE 1 OF 2

The second amendment would consist of the remainder of the changes to the City's Implementation Program. The City requests that the Commission continue its hearing and action on this second, larger amendment. Although the City worked closely with the Commission Staff for several months to integrate Commission suggestions and guidelines into the proposed Implementation Program, the recent Commission Staff Report has outlined new, additional modifications that significantly change the Implementation Program. The time-consuming process of revisions and hearings necessary at the City level to respond to the proposed modifications will severely impact the implementation of the Coastal Development Permit for the Manhattan Beach Open Volleyball Tournament, scheduled for June 12-15, 1997 and would effectively cancel the tournament for 1997.

Thus, the City requests that the Commission approve the first amendment which would identify temporary events as a conditionally permitted use in the City's "Open Space" (OS) District and thereby allow the proposed tournament to go forward, subject to approval of the Coastal Development Permit (Item 14b) by the Commission. Additionally, the City requests the Commission continue the second amendment to allow sufficient time for the City to consider the new modifications and amend its Implementation Program.

Thank you for your time and consideration.

Sincerely,



Joan Jones, Mayor
City of Manhattan Beach

- xc: Geoff Dolan, City Manager
- Richard Thompson, Director of Community Development
- James Wolfe, Director of Parks and Recreation
- Jon Stevenson, Association of Volleyball Professionals

COASTAL COMMISSION

EXHIBIT # A
PAGE 2 OF 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

RESOLUTION NO. 5314

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING AN AMENDMENT TO THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) - IMPLEMENTATION PROGRAM

WHEREAS, the City Council of the City of Manhattan Beach conducted a public hearing, pursuant to applicable law, on January 21, 1997 and February 18, 1997 to consider proposed amendments to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Program; and,

WHEREAS, the City Council approved the proposed amendments on January 21, 1997 and February 18, 1997; and,

WHEREAS, the Planning Commission of the City of Manhattan Beach conducted public hearings, pursuant to applicable law, on October 23, 1996, December 11, 1996, and January 22, 1997 to consider the subject amendments to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Program; and,

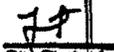
WHEREAS, the Planning Commission recommended approval of the proposed LCP amendments on December 11, 1996 and January 22, 1997; and,

WHEREAS, an Initial Environmental Study and Negative Declaration were prepared for the subject amendments to address and assess any potential environmental impacts which might result from approval of the proposal. Based upon this analysis, it was concluded that there would be no significant environmental impacts associated with the project;

WHEREAS, based upon the Initial Study and hearing record, the project would not individually nor cumulatively have an adverse impact upon wildlife resources, as defined in Section 711.2 of the Fish and Game Code; and,

WHEREAS, the subject amendments are consistent with all applicable procedures and policies of the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Coastal Program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:


Certified to be a true copy of said document on file in my office.

City Clerk of the City of Manhattan Beach

COASTAL COMMISSION
LCP 1-97

EXHIBIT # 1
PAGE 1 OF 3

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SECTION 1. That the City Council does hereby make the following findings:

1. The proposal involves an amendment to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Program, adopted by the City Council on January 21, 1997, which establishes consistency with adopted development standards and definitions contained in the Citywide Zoning Ordinance (Title 10 of the Manhattan Beach Municipal Code).
2. The proposal involves an amendment to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Program, adopted by the City Council on February 18, 1997, incorporating the Coastal Commission's guidelines regarding temporary events into the City's LCP, and establishing a Coastal Development Permit procedure for the review of temporary events which charge admission fees.
3. The City Council certifies that the subject amendments will be implemented in a manner fully in conformity with the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Coastal Program.

SECTION 2. Pursuant to Government Code Section 65907 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

SECTION 3. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and henceforth and thereafter the same shall be in full force and effect.

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 Certified to be a true copy of said document on file in my office.

 City Clerk of the City of Manhattan Beach

COASTAL COMMISSION

EXHIBIT # 1
PAGE 2 OF 3

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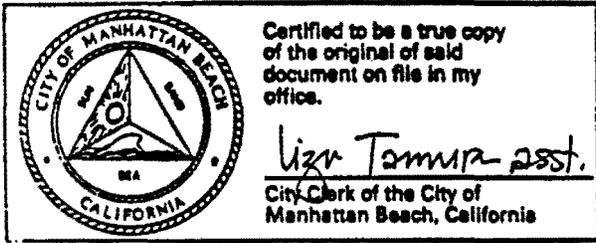
PASSED, APPROVED AND ADOPTED this 18th day of February, 1997.

Ayes: Napolitano, Jones, Cunningham, Lilligren, Mayor Barnes
Noes: None
Absent: None
Abstain: None

/s/ Steve Barnes
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Win Underhill
City Clerk



COASTAL COMMISSION

EXHIBIT # 1
PAGE 3 OF 3

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ORDINANCE NO. 1959

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MANHATTAN BEACH, CALIFORNIA,
AMENDING SECTIONS A.24.030 AND A.96.050 OF THE
CITY OF MANHATTAN BEACH LOCAL COASTAL
PROGRAM (LCP) - IMPLEMENTATION PROGRAM

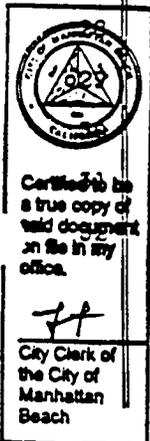
THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH,
CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach, California,
makes the following findings:

- A. On October 23, 1996, the Planning Commission held a public hearing on the subject amendments to the City of Manhattan Beach LCP-Implementation Program, at which time the Commission continued the hearing to the meeting date of December 11, 1996.
- B. On January 22, 1997, the Planning Commission conducted a public hearing at which time, by minute action, the Commission recommended adoption of amendments to Sections A.24.030 and A.96.050 of the City of Manhattan Beach LCP - Implementation Program. Coastal Commission staff reviewed and recommended creation of sections A.96.075 and A.96.076.
- C. The City Clerk has duly advertised and noticed a public hearing of the City Council for February 18, 1997, for consideration of the recommendations of the Planning Commission and introduction of this Ordinance implementing said amendments to Title A of the City of Manhattan Beach LCP - Implementation Program.
- D. An Initial Study was prepared for this project consistent with the provisions of the California Environmental Quality Act (CEQA), and the City of Manhattan Beach CEQA guidelines, finding no significant environmental impacts associated with the project.
- E. Based upon the Initial Study, and the finding of no significant environmental impact, a Negative Declaration has been prepared in accordance with CEQA, and the City of Manhattan Beach CEQA guidelines.

SECTION 2. The City Council of the City of Manhattan Beach, California, does
hereby find, determine and declare as follows:

- A. California Government Code Section 36937(b) allows for the adoption of urgency ordinances for the immediate preservation of the public peace, health or safety.



COASTAL COMMISSION
LCP 1-97

EXHIBIT # 2

PAGE 1 OF 10

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- B. The City Council recognizes the invaluable resource, to both residents and visitors, provided by the public beach and coastal resources.
- C. The preservation and protection of these coastal resources, including, but not limited to: public access opportunities; visitor and recreation facilities; water-oriented events; and, marine resources, are of paramount concern to the present and future residents of the City of Manhattan Beach.
- D. The proliferation of temporary events on the public beach have become a considerable concern both locally and regionally, and demand the immediate attention of the City Council.
- E. On May 12, 1993, the California Coastal Commission adopted guidelines to assist in the review and management of temporary events in the Coastal Zone.
- F. The City of Manhattan Beach has a Local Coastal Program adopted by the California Coastal Commission on May 24, 1994, and has assumed responsibility for the issuance of Coastal Development Permits in the City's Coastal Zone.
- G. The City of Manhattan Beach Local Coastal Program does not provide adequate guidelines for the review, or management, of temporary events in the Coastal Zone.
- H. On January 18, 1997, the California Coastal Commission held a public hearing on the issue of temporary events in the Coastal Zone, and encouraged the City of Manhattan Beach to incorporate the Commission's guidelines into the City's adopted Local Coastal Program.
- I. The City Council finds that the adoption and implementation of these guidelines are of immediate concern for the continued protection of the Coastal Zone.
- J. The issues of temporary events in general, and temporary events which charge admission fees for more than 25% of the provided seating capacity in the Coastal Zone have become of considerable concern to the residents of, and visitors to, the City of Manhattan Beach.
- K. Such temporary events have the potential for impact upon the availability of public parking, increased traffic, the creation of excessive noise incompatible with surrounding residential and commercial properties, and increased pedestrian congestion.
- L. The guidelines and standards established by this ordinance will provide adequate measures to limit the extent of these potential impacts to a level of insignificance.
- M. In the interest of providing additional protection for the public welfare, the number of temporary events which charge admission for more than 25% of the provided seating capacity shall be limited to one such event per calendar year. The review and approval of applications for all temporary



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City Clerk of the City of Manhattan Beach

COASTAL COMMIS

events shall be subject to the standards and findings established by this ordinance.

SECTION 3. The City Council of the City of Manhattan Beach, California, hereby amends Title A "Zoning" of the city of Manhattan Beach Local Coastal Program (LCP) - Implementation Program as follows:

Section A.24.030 "OS District: Land Use Regulations" by adding "Temporary Events on the Beach" after "Commercial Filming," as a conditionally permitted temporary use subject to Additional Use Regulations as follows:

[Chart inserted to make reading easier ONLY]

OS DISTRICT: LAND USE REGULATIONS	P- Permitted U- Use Permit L- Limited, (See Additional Use Regulations)
Temporary Uses	(B)
Animal Shows	U
Circuses and Carnivals	U
Commercial Filming	U
Temporary Events on the Beach	U L-16(D)

Section A.24.030 "OS District: Additional Land Use Regulations" by adding subsections "L-16" and "(D)," respectively, after subsection L-15, as follows:

OS District: Additional Land Use Regulations

L-16 Additional development regulations applicable to special or temporary events on the sandy beach.

An application for a Coastal Development Permit for a temporary event that is determined to require a Coastal Development Permit under Section A.96.050 (F) shall be approved either as applied for or as modified only if the following findings can be specifically supported.

1. The staging of this temporary event will not result in more than one (1) temporary event occurring on the City beach during the calendar year that proposes to charge admission fees for more than 25% of the provided seating capacity.
2. The temporary event, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the Certified Manhattan Beach Local Coastal Program.
3. The temporary event is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976



Certified to be a true copy of said document on file in my office.

City Clerk of the City of Manhattan Beach

COASTAL COMMISSION

EXHIBIT # 2
PAGE 3 OF 10

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commencing with Section 30200 of the Public Resources Code, specifically:

- a. the event does not physically block or prohibit access to the Pier and shoreline by the general public;
- b. the event includes a parking plan which discourages exclusive use of public parking by event personnel;
- c. if the event requires reservation of beach parking lots for exclusive use of the event, the spaces in these lots are replaced in lots open to the general public and adequate transportation to these lots is provided to assure that they effectively serve public beach access; and,
- d. if the event will significantly reduce the ability of the general public to access the coastline, additional measures to effectively serve beach access shall be provided. Such measures may include, but are not limited to, the provision of alternate parking and / or beach shuttle service. Such measures shall be adequately publicized by ticket sales, incentives, radio or other measures required by the Department of Parks and Recreation or the Community Development Director.

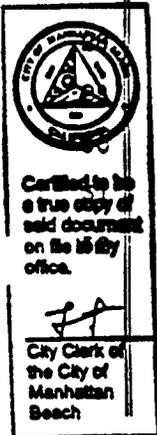
4. The event will not be significantly detrimental to the public health, safety or welfare of persons residing or working in the vicinity of the proposed event; the event will not be significantly detrimental to properties or improvements in the vicinity of the event; and, the proposed event will not be significantly detrimental to the general welfare of the City.

5. All feasible mitigation measures and conditions to the Coastal Development Permit have been adopted to offset any adverse impacts of the proposed event.

(D) Temporary events in the "OS" District shall be reviewed according to the standards in Section A.96.050 (F) to determine whether a Coastal Development Permit is necessary. If the Community Development Director, or the Executive Director of the Coastal Commission upon appeal pursuant to Section A.96.080 (D), determines that a Coastal Development Permit is necessary, the permit shall be subject to all applicable procedures as set forth in Chapter A.96 of the Local Coastal Program - Implementation Program, and the development standards and criteria set forth in subsection L-16 above.

Section A.96.030 "Definitions" by adding subsections "H", "J", "K", "N", "T", and "W" as follows:

H. "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreation facilities, water-oriented events, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources; and,



COASTAL COMMISSION

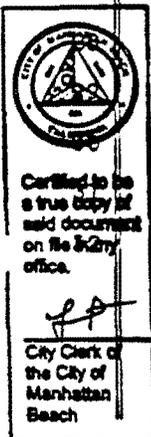
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PAGE 4 OF 10

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- J. "Exclusive use" means a use that precludes use in the area of the event for public recreation, beach access or access to coastal waters other than for or through the event itself;
- K. "Limited duration" means a period of time which does not exceed an eight day period on a continual basis, including the time involved in setting up or removing these structures, or does not exceed a consecutive four month period on an intermittent basis;
- N. "Non-permanent structures" include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, movie/film sets, etc., which do not involve grading or landform alteration for installation;
- T. "Sandy beach area" includes publicly owned and privately owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.
- W. "Temporary event(s)" means an event or use that constitutes development as defined in Section A.96.030 (I) of the City of Manhattan Beach Local Coastal Program - Implementation Program, and: is an event or function of limited duration, including setting up or removing these structures; involves the placement of non-permanent structures; and/or, involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets, or parking area which is otherwise open and available for general public use;

Section A.96.050 "Exemptions/categorical exclusions" by adding subsection "F" as follows:

- F. Temporary Events. The Community Development Director will utilize the following standards in determining whether a temporary event requires a Coastal Development Permit or is exempt. The determination of the Community Development Director may be challenged by the applicant, or interested person, consistent with the procedures set forth in Section A.96.080 (D).
 - 1. Temporary events which the Community Development Director determines do not require a Coastal Development Permit pursuant to either subsection (2) or (3) below, shall be exempted from Coastal Development Permit requirements consistent with the procedures in this Section A.96.050 (F). Upon receipt by the Community Development Director of an application for a temporary event that proposes to use portions of the public beach for a privately operated temporary event, the Community Development Director shall determine whether a permit is needed based on the following criteria. In order to make this determination, the Community Development Director may require that the applicant provide all pertinent information identified in Section A.96.075 below. A Coastal Development Permit shall be issued, pursuant to the procedures stated in Chapter A.96 (Coastal Development Permit issuance), or a categorical exclusion issued under this subsection F, before allowing a temporary event to go forward.
 - 2. A temporary event which is on the beach and charges a fee for more than 25% of the provided seating capacity shall require a Coastal Development



COASTAL COMMISSION

EXHIBIT # 2
PAGE 5 OF 10

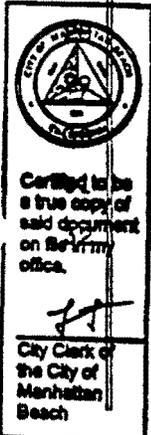
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Permit pursuant to Chapter A.96 of the Local Coastal Program - Implementation Program (Coastal Development Permit issuance).

3. In addition to the temporary events identified in subsection two (2) above, the Community Development Director may also require a Coastal Development Permit for temporary events which have the potential for significant adverse impacts on coastal resources. The determination of the potential significant adverse impacts may include, but are not limited to the following:

- a. The proposed temporary event, including the particular event's set-up and take-down time precludes the general public from use of a sandy beach or public beach parking area in excess of a five day period;
- b. The proposed temporary event, together with other temporary events scheduled either before or after the particular event, cumulatively precludes the general public from use of a sandy beach or public beach parking area during a significant number of summer weekends;
- c. A temporary event held during the period commencing May 1 and ending September 30 which would close to the general public the pier, or any roadways, public beach parking areas, bicycle paths; or, otherwise significantly impact public use or access to coastal waters;
- d. The temporary event will directly or indirectly impact environmentally sensitive habitat areas or rare or endangered species;
- e. The temporary event will be held during the period commencing May 1 and ending September 30;
- f. The temporary event will occupy any portion of a sandy beach area or public beach parking area;
- g. The temporary event will take place for a period longer than 24 hours including set-up and take-down time.

4. The Director of Parks and Recreation shall keep a calendar for public review and inspection that describes the location, duration and proposed charges of all approved events and all events that have been requested. The Director of Parks and Recreation and the Community Development Director shall consult this calendar for purposes of determining the cumulative impact of proposed events on public access and recreation.



COASTAL COMMISSION

EXHIBIT # 2

PAGE 6 OF 10

Chapter A.96 "Coastal Development Permit Procedures" by adding new Section A.96.075 "Temporary events - procedures for applying for a of Coastal Development Permit" as follows:

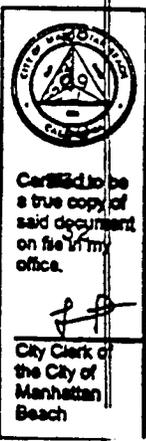
Section A.96.075 "Temporary events - procedures for applying for a Coastal Development Permit"

If a Coastal Development Permit is necessary for a temporary event, the applicant may submit an application for a Coastal Development Permit to the Community Development Director on forms provided by the Community Development Director.

A. The Coastal Development Permit application shall consist of the following:

1. A complete description of the temporary event, including but not limited to:

- a. Approval by the Los Angeles County Department of Beaches and Harbors;
- b. The proposed dates and times of the event, including set-up and take-down;
- c. The estimated attendance at the event;
- d. A parking plan and a description of any measures proposed to mitigate the parking impacts of the event;
- e. A description of the admission fee, if any, to be charged;
- f. A description of all events ancillary to the event, and or "pre-events";
- g. The proposed location including the amount of sandy beach area to be used and a description of ingress and egress to the event area;
- h. A description of any potential impacts from the event on residents and businesses and a description of any measures proposed to mitigate these impacts;
- i. A description of any potential impact on public services and any measures proposed to mitigate such impacts;
- j. A description of any potential impacts on the general public's access to the beach, the Pier, public beach parking, public streets, walk streets and/or bike path or other access support facilities identified in the certified LCP. The submittal shall include a description of any measures to mitigate these potential impacts; and,
- k. Any additional information determined to be necessary by the Community Development Director or by the Director of Parks and Recreation.



COASTAL COMMISSION

EXHIBIT # 2
PAGE 7 OF 10

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- 2. A vicinity map showing the location of the proposed temporary event in relation to the bike path, vertical accessways, the surf zone, the Pier, and other public access points and recreation facilities.
- 3. Address labels for all residents and businesses within a 500 foot radius of the event.
- 4. Complete development plans, including a site plan and elevations, which show all proposed permanent or temporary physical structures.
- 5. Applicable application fee.

Chapter A.96 "Coastal Development Permit Procedures" by adding new Section A.96.076 "Temporary events - procedures for issuance of a Coastal Development Permit" as follows:

Section A.96.076 Temporary events - procedures for issuance of a Coastal Development Permit.

All applications for temporary events which do not charge admission for more than 25% of provided seating may be submitted at any time during the calendar year. All applications for temporary events which do charge an admission fee for more than 25% of the provided seating must be submitted during an application period which shall be established for each calendar year by the Community Development Director. The Community Development Director shall refer all Coastal Development Permit Applications for temporary events for public hearing as set forth below.

- A. Limitation. Temporary events of limited duration which charge admission fees for more than 25% of provided seating capacity shall be limited to one (1) event per calendar year.
- B. A noticed public hearing may be held by the Parks and Recreation Commission, consistent with the procedures set forth in Section A.96.090 if so desired by the City Council.
- C. The City Council shall conduct a noticed public hearing on all Coastal Development Permit applications.
- D. If, in any given year, there is more than one competing application for a temporary event which charges admission for more than 25% of the seating capacity, the City Council shall choose the event to receive the permit from among the competing applications by weighing: (a) all of the information contained on the applications as required by Section A.96.075 A, 1 through 5 as it pertains to the potential impact on the community; (b) any local tradition or history surrounding the proposed event; (c) the compatibility and appropriateness of the proposed event to the community in general and the beach in particular; and (d) the benefits of the proposed event to the community.
- E. After the close of the public hearing, the City Council shall, based upon appropriate findings as required by Section A.96.150, approve, conditionally approve, or disapprove of the Coastal Development Permit application.
- F. Notification and procedures for the public hearing shall be consistent with the requirements set forth in Section A.96.100.


 Certified to be a true copy of said document on file in my office.
 [Signature]
 City Clerk of the City of Manhattan Beach

COASTAL COMMISSION
 EXHIBIT # 2
 PAGE 8 OF 10

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G. All other procedures and requirements, including appeals, shall be consistent with the applicable Sections of Chapter A.96 of the LCP - Implementation Program.

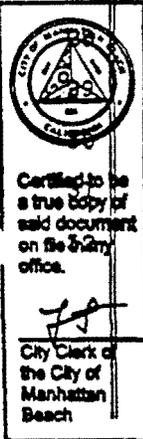
SECTION 4. This urgency ordinance is enacted under the authority of *Government Code* Section 36937, and shall be effective immediately upon its adoption.

SECTION 5. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 7. PUBLICATION AND EFFECTIVE DATE. This notice shall be published by one insertion in the *The Beach Reporter*, the official newspaper of the City, and this ordinance shall take effect and be in full force and operation immediately upon its final passage and adoption.

SECTION 8. The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published by one insertion in *The Beach Reporter*, the official newspaper of the City and a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby designated for that purpose.



COASTAL COMMISSION

EXHIBIT # 2
PAGE 9 OF 10

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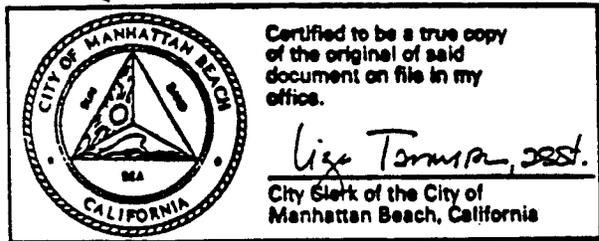
PASSED, APPROVED and ADOPTED this 18th day of February, 1997.

Ayes: Napolitano, Jones, Cunningham, Lilligren, Mayor Barnes
Noes: None
Absent: None
Abstain: None

/s/ Steve Barnes
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Win Underhill
City Clerk



COASTAL COMMISSION

EXHIBIT # 2
PAGE 10 OF 10

**Chapters A.24 and A.96 of the City of Manhattan Beach Local Coastal Program -
Implementation Program, as Amended by Ordinance No. 1959**

Chapter A.24. OS Open Space District

- A.24.010. Specific purposes.**
- A.24.020. Applicability.**
- A.24.030. Land-use regulations.**
- A.24.040. Development regulations.**

A.24.010. Specific purposes.

In addition to the general purposes listed in Chapter A.01, the specific purposes of the OS Open Space District are to:

- A. Provide a suitable classification for large public or private sites permanently designated for park or open space use.**
- B. Allow the Planning Commission and City Council to consider the most appropriate use of a site following discontinuance of a large public or private open space use without the encumbrance of a base zoning district that may or may not provide appropriate regulations for development of the site.**
- C. Carry out the policies and programs of the certified Land Use Plan.**

A.24.020. Applicability.

The OS district shall be the base district for the use classifications listed in Section 10.24.030 where these classifications have a minimum contiguous site area of 2 acres, including alleys, streets or other rights-of-way. Open-space recreation use classifications on sites of less than 2 acres shall be subject to the regulations of the base and overlay districts in which they are located. In the Coastal Zone, no residential or commercial use is permitted on open space land even if it is less than two acres.

A.24.030. Land-use regulations.

In the following schedule, the letter "P" designates use classifications permitted in the OS district. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter A.84. The letters "P/U" for an accessory use mean that the use is permitted on the site of a permitted use but requires a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule.

COASTAL COMMISSION

OS DISTRICT: LAND USE REGULATIONS

P- Permitted
 U- Use Permit
 L- Limited, (See Additional Use Regulations)

Public and Semipublic		
Park & Recreation Facilities	P	
Jogging Trail	P	
Beach and Recreation Support parking approved in CDP 5-89-414	U	
Public Safety Facilities	P	
Utilities, Major	U	
Utilities, Minor	P	
Commercial Uses		
Commercial Recreation and Entertainment	L-14	
Eating & Drinking Establishments	L-14	
With Take-Out Service, Limited	L-14	
Vehicle/Equipment Sales and Services Commercial Parking Facility	L-15	
Accessory Uses		
Accessory Uses and Structures	P/U	(A)
Temporary Uses		
Animal Shows	U	(B)
Circuses and Carnivals	U	
Commercial Filming	U	
Sporting events for which no admission is charged	U	
Temporary events on the beach	U / L-16	(D)
Nonconforming Uses		
		(C)

OS District: Additional Land Use Regulations

- L-14 Allowed with a use permit only as an ancillary use operated by a non-profit organization approved by the City Council that is compatible with and part of a park or recreational facility, except on the Strand, where no such use is permitted.
- L-15 Public parking permitted, but commercial parking facilities on City-owned land require a use permit.
- L-16 Additional development regulations applicable to special or temporary events on the sandy beach.

An application for a Coastal Development Permit for a temporary event that is determined to require a Coastal Development Permit under Section A.96.050 (F) shall be approved either as applied for or as modified by the City Council or the Parks and Recreation Commission, only if the following findings can be specifically supported.

COASTAL COMMISSION

1. The staging of this temporary event will not result in more than one (1) temporary event occurring on the City beach during the calendar year that proposes to charge admission fees for more than 25% of the provided seating capacity.
2. The temporary event, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the Certified Manhattan Beach Local Coastal Program.
3. The temporary event is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 commencing with Section 30200 of the Public Resources Code, specifically:
 - a. the event does not physically block or prohibit access to the Pier and shoreline by the general public;
 - b. the event includes a parking plan which discourages exclusive use of public parking by event personnel;
 - c. if the event requires reservation of beach parking lots for exclusive use of the event, the spaces in these lots are replaced in lots open to the general public and adequate transportation to these lots is provided to assure that they effectively serve public beach access; and,
 - d. if the event will significantly reduce the ability of the general public to access the coastline, additional measures to effectively serve beach access shall be provided. Such measures may include, but are not limited to, the provision of alternate parking and / or beach shuttle service. Such measures shall be adequately publicized by ticket sales, incentives, radio or other measures required by the Department of Parks and Recreation or the Community Development Director.
4. The event will not be significantly detrimental to the public health, safety or welfare of persons residing or working in the vicinity of the proposed event; the event will not be significantly detrimental to properties or improvements in the vicinity of the event; and, the proposed event will not be significantly detrimental to the general welfare of the City.
5. All feasible mitigation measures and conditions to the Coastal Development Permit have been adopted to offset any adverse impacts of the proposed event.

- (A) Limited to facilities incidental to an open space use.
- (B) See Section A.84.110: Temporary use permits.
- (C) See Chapter A.68: Nonconforming uses and structures.

COASTAL COMMISSION

(D) Temporary events in the "OS" District shall be reviewed according to the standards in Section A.96.050 (F) to determine whether a Coastal Development Permit is necessary. If the Community Development Director, or the Executive Director of the Coastal Commission upon appeal pursuant to Section A.96.080 (D), determines that a Coastal Development Permit is necessary, the permit shall be subject to all applicable procedures as set forth in Chapter A.96 of the Local Coastal Program - Implementation Program, and the development standards and criteria set forth in subsection L-16 above.

A.24.040. Development regulations.

Development regulations shall be as specified by the use permit, provided that, if the use permit fails to regulate an element regulated by an abutting base district or a use permit is not required, the regulations of the nearest base district shall apply to each portion of an OS district.

COASTAL COMMISSION

Chapter A.96. Coastal Development Permit Procedures

- A.96.010. Specific purpose.
- A.96.020. Zoning map designator.
- A.96.030. Definitions.
- A.96.040. Requirement for coastal development permit.
- A.96.050. Exemptions/categorical exclusions.
- A.96.060. Pre-application conference.
- A.96.070. Application requirements.
- A.96.075. Temporary events - procedures for applying for a Coastal Development Permit
- A.96.076. Temporary events - procedures for issuance of a Coastal Development Permit
- A.96.080. Action on coastal development permit.
- A.96.090. Public hearing and comment.
- A.96.100. Notice for appealable development.
- A.96.110. Notice for other projects.
- A.96.120. Standards for application review
- A.96.130. Procedures of local coastal program.
- A.96.140. Appeals.
- A.96.150. Hearings.
- A.96.160. Appeals.
- A.96.170. Expedited review of development projects.
- A.96.180. Review of projects.
- A.96.190. Development of local coastal program.
- A.96.200. Appeals.
- A.96.210. Hearings.
- A.96.220. Enforcement and Penalties.
- A.96.230. Coastal Commission Review of Recorded Comments.
- A.96.240. Local Coastal Program Amendments.

Section 1. Specific Purpose.

In addition to the general purposes listed in Chapter A.01, the specific purpose of Coastal Development Permit Procedures is to implement the Coastal Act of 1976 (Division 20 of the Public Resources Code) as amended, in accordance with the Local Coastal Program of the City of Manhattan Beach. The regulations of this chapter shall apply in the Coastal Zone, as defined by the Coastal Act and maps prepared by the California Coastal Commission.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1832, Renumbered, 07/05/91)

Section 2. Zoning Map Designator

The zoning map shall show all property affected by adding a "CZ" to the base district designator. The regulations of this chapter shall apply in addition to the regulations of any district with which the CZ District is combined, and where conflicts arise, the regulations of this chapter shall govern.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1832, Renumbered, 07/05/91)

COASTAL COMMISSION

A.96.030. Definitions.

For the purpose of this chapter, certain terms used herein are defined as follows:

- A. "Aggrieved person" means any person who, in person or through a representative, appeared at a public hearing or by other appropriate means prior to action on a Coastal Development Permit, informed the City of his or her concerns about an application for such permit, or who, for good cause, was unable to do either, and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.
- B. "Appealable development" means any development project which may be appealed to the Commission in accordance with the adopted regulations of the Coastal Commission and is located within or constitutes any of the following:
 - 1. Approval of a development project located within any appealable area, as follows:
 - a. All area between the sea and first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or the mean, high-tide line of the sea where there is no beach, whichever is the greater distance.
 - b. All area within one hundred (100) feet of any wetland, estuary, or stream and all area within three hundred (300) feet of the top of the seaward face of any coastal bluff. [30603(a)(1)&(2)]
 - 2. Approval or denial of a development project which constitutes a major public works project or a major energy facility. [30603(a)(5)]
- C. "Applicant" means the person, partnership, corporation, or state or local government agency applying for a Coastal Development Permit.
- D. "Approving Authority" means a City officer, City Council, commission, or board approving a Coastal Development Permit.
- E. "Coastal Commission" means the California Coastal Commission.
- F. "Coastal Development Permit" means a certificate issued by the City of Manhattan Beach in accordance with the provisions of this chapter, approving development in the Coastal Zone as being in conformance with the Local Coastal Program. A Coastal Development Permit includes all application materials, plans and conditions on which the approval is based. [30101.5]
- G. "Coastal Policy Checklist" means a form prepared and completed by the Director of Community Development as a guide for reviewing a Coastal Development Permit application for conformance with the Local Coastal Program. It shall list appropriate application information, all local Coastal Program policies, those policies with which the application does not comply, and recommended conditions, if any, which could be imposed to bring the application into compliance.

COASTAL COMMISSION

H. "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreation facilities, water-oriented events, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources; and,

H. I. "Coastal Zone" means that portion of the Coastal Zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, which lies within the City of Manhattan Beach, as indicated on a map on record with the Department of Community Development.

H. J. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations. [30106]

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

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

H. L. "Historic Structure" means, in accord with the Health and Safety Code Section 18955, any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of any area by an appropriate local or state governmental jurisdiction. This definition shall include structures on existing or future national, state, or local historical registers, or official inventories such as the National Register of Historical Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers of inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

M. "Limited duration" means a period of time which does not exceed an eight day period on a continual basis, including the time involved in setting up or removing these structures, or does not exceed a consecutive four month period on an intermittent basis;

K. N. "Local Coastal Program" means the City's land-use plans, Planning and Zoning Ordinances, zoning maps, and implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

COASTAL COMMISSION

L. O. "Major Energy Facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy which exceeds one hundred thousand dollars (\$100,000.00) in its estimated costs of construction with an automatic increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. [13012]

"Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

M. P. "Major Public Works Project" means:

1. a public works project which exceeds one hundred thousand dollars (\$100,000.00) in its estimated cost of construction with an automatic increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624.
2. Notwithstanding the criteria in (1), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities. [13012(a) and (b)]

"Public works" means the following:

- (a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- (b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
- (c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
- (d) All community college facilities.

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

N. R. "Other Permits and Approvals" means permits and approvals, other than a Coastal Development Permit, required by the City of Manhattan Beach Municipal Code before a development may proceed.

COASTAL COMMISSION

- Q.S. "Overlay District" means a set of zoning requirements, described in the ordinance text and mapped, which is imposed in addition to the requirements of one or more underlying districts. Development in such districts must comply with the requirements of both the Overlay District and the underlying base zoning district and Area District.
- P.T. "Permittee" means the person, partnership, corporation or agency issued a Coastal Development Permit.
- Q.U. "Principal Permitted Use" means any use representative of the basic zone district allowed without a use permit in that underlying district.
- R.V. "Project" means any development as defined in this section.
- S.W. "Project Appealable to the Coastal Commission" means "Appealable development" as defined in this section. [30603]
- X. "Sandy beach area" includes publicly owned and privately owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.
- T.Y. "Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.
- U.Z. "Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:
 - (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in the coastal plan.
 - (b) Areas possessing significant recreational value.
 - (c) Highly scenic areas.
 - (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
 - (e) Special communities or neighborhoods which are significant visitor destination areas.
 - (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
 - (g) Areas where divisions of land could substantially impair or restrict coastal access.

COASTAL COMMISSION

~~W~~ AA. "Special district" means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for service or improvement benefiting that area.

BB. "Temporary event(s)" means an activity or use that constitutes development as defined in Section A.96.030 (l) of the City of Manhattan Beach Local Coastal Program - Implementation Program, and: is an event or function of limited duration, including setting up or removing these structures; involves the placement of non-permanent structures; and / or, involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets, or parking area which is otherwise open and available for general public use;

~~W~~ CC. "Zoning ordinance" means an ordinance authorized by Section 65850 of the Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1959, Amended 02/18/97)

A.96.040. Requirement for coastal development permit.

Except as provided by Section A.96.050, any person, partnership, or corporation, or state or local government agency wishing to undertake any development, as defined in Section A.96.030, in the CZ District, shall obtain a Coastal Development Permit in accordance with the provisions of this chapter, in addition to any other permit required by law. Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved or imposed in granting the permit.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A coastal development permit is required for any development, including gates, parking controls, new locations for parking meter areas, changes in fee structure, expansion of times and hours in which monthly permits may be offered, or other devices in the coastal zone that change the availability of long and short term public parking, including, but not limited to, changes in the operation of the City parking management program established in §A.64.230. All parking management permits shall be reviewed for consistency with the Local Coastal Program and with the public access and recreation policies of the Coastal Act of 1976.

A.96.050. Exemptions/categorical exclusions.

The projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permit are unaffected by this section:

- A. Improvements to Existing Single-Family Residences. Improvements to single-family dwellings and mobilehomes including structures normally associated with a single-family residence such as garages, swimming pools, fences, storage sheds and landscaping are exempt unless classified as one of the following:

COASTAL COMMISSION

1. Guest houses and self-contained second residential units.
2. Improvements to any structure located on a beach, wetland or stream, or where the structure or proposed improvements would encroach within fifty (50) feet of a coastal bluff edge.
3. Improvements to any structure between the sea and first public roadway paralleling the sea, or within three hundred (300) feet of the inland extent of any beach, whichever is the greater distance when such improvements would constitute or result in any of the following:
 - a. An increase of 10 percent or more of the internal floor area of the existing structure(s) on the building site or an additional increase in floor area bringing the aggregate increase to 10 percent or more.
 - b. The construction of an additional story or loft or increase in building height of more than 10 percent.
 - c. The construction, placement or establishment of any significant detached structure such as a garage, fence, shoreline protective works or dock.
4. Expansion or construction of a water well or septic system.
5. Improvements in an area which the Coastal Commission has determined to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use including the construction of any major water using development not essential to residential use such as, but not limited to, swimming pools or the construction or extension of any landscaping irrigation system.
6. Any improvement where the coastal development permit issued for the original structure indicates that future additions would require a coastal development permit.
7. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat. [13251]

B. Existing Structures Other than Single-Family Residences or Public Works Facilities. The maintenance and alteration of, or addition to, existing structures other than single-family dwellings and public-works facilities, provided the project does not involve the following:

1. Any improvement to a structure that changes the intensity or use of the structure;

COASTAL COMMISSION

2. Any improvement made pursuant to conversion of an existing structure from a multiple-unit rental use or a visitor serving commercial rental use to a use involving a fee ownership, or long term leasehold, including, but not limited to, a condominium conversion or stock cooperative conversion;
3. All nonexemptions contained in subsections (1) through (6) of §A.96.050(A) of this chapter.
4. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat.
5. Any improvements to a structure where the development permit issued for the original structure by the Commission indicated that any future improvements would require a development permit. [13252]

C. Repair or Maintenance Activities. Repair or maintenance activities that do not result in an addition to or enlargement or expansion of the object of those repair maintenance activities, unless classified under one of the following:

1. Repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work which involves:
 - a. Substantial alteration of the foundation including pilings and other surface and subsurface structures.
 - b. The placement, whether temporary or permanent, of rip-rap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.
 - c. The replacement of twenty (20) percent or more of the materials of an existing structure with materials of a different kind.
 - d. The presence, whether temporary or permanent, of mechanized construction equipment or materials on any sand area or bluff or within twenty (20) feet of coastal waters or streams.
2. The replacement of twenty (20) percent or more of a seawall revetment, bluff retaining wall, breakwater, groin, or similar protective work under one ownership, unless destroyed by natural disaster.
3. Any method of routine maintenance dredging that involves the dredging of one hundred thousand (100,000) cubic yards or more within a twelve (12) month period; or in the placement of dredge spoils of any quantity within an environmentally sensitive habitat area, or any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within (20) twenty feet of coastal waters or streams; or the removal, sale, or

COASTAL COMMISSION

disposal of dredge spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.

4. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within twenty (20) feet of any coastal waters and streams that include:
 - a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.
 - b. The presence, whether temporary or permanent, of mechanized equipment or construction materials, except that the use of such equipment solely for routine beach cleaning and park maintenance shall not require a coastal development permit.

D. Utility Connection. The installation, testing and placement in service, or the replacement of any necessary utility connection between an existing service facility and any development.

E. Replacement of Structures Following Disaster. The replacement of any structure, other than a public works facility, destroyed by disaster (any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner), provided such replacement structure:

1. Shall conform to zoning requirement applicable at time of replacement; and
2. Shall be for the same use as the destroyed structure; and
3. Such replacement structure does not exceed the floor area, height or build of the destroyed structure by more than 10 percent and is sited in the same location on the same building site as the destroyed structure.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

F. Temporary Events. The Community Development Director will utilize the following standards in determining whether a temporary event requires a Coastal Development Permit or is exempt. The determination of the Community Development Director may be challenged by the applicant, or interested person, consistent with the procedures set forth in Section A.96.080 (D).

1. Temporary events which the Community Development Director determines do not require a Coastal Development Permit pursuant to either subsection (2) or (3) below, shall be exempted from Coastal Development Permit requirements consistent with the procedures in this Section A.96.050 (F). Upon receipt by the Community Development Director of an application for a temporary event that proposes to use portions of the public beach for a privately operated temporary event, the Community Development Director shall determine

COASTAL COMMISSION

whether a permit is needed based on the following criteria. In order to make this determination, the Community Development Director may require that the applicant provide all pertinent information identified in Section A.96.075 below. A Coastal Development Permit shall be issued, pursuant to the procedures stated in Chapter A.96 (Coastal Development Permit issuance), or a categorical exclusion issued under this subsection F, before allowing a temporary event to go forward.

2. A temporary event which is on the beach and charges a fee for more than 25% of the provided seating capacity shall require a Coastal Development Permit pursuant to Chapter A.96 of the Local Coastal Program - Implementation Program (Coastal Development Permit issuance).

3. In addition to the temporary events identified in subsection two (2) above, the Community Development Director may also require a Coastal Development Permit for temporary events which have the potential for significant adverse impacts on coastal resources. The determination of the potential significant adverse impacts may include, but are not limited to the following:

a. The proposed temporary event, including the particular event's set-up and take-down time precludes the general public from use of a sandy beach or public beach parking area in excess of a five day period;

b. The proposed temporary event, together with other temporary events scheduled either before or after the particular event, cumulatively precludes the general public from use of a sandy beach or public beach parking area during a significant number of summer weekends;

c. A temporary event held during the period commencing May 1 and ending September 30 which would close to the general public the pier, or any roadways, public beach parking areas, bicycle paths; or, otherwise significantly impact public use or access to coastal waters;

d. The temporary event will directly or indirectly impact environmentally sensitive habitat areas or rare or endangered species;

e. The temporary event will be held during the period commencing May 1 and ending September 30;

f. The temporary event will occupy any portion of a sandy beach area or public beach parking area;

g. The temporary event will take place for a period longer than 24 hours including set-up and take-down time.

COASTAL COMMISSION

4. The Director of Parks and Recreation shall keep a calendar for public review and inspection that describes the location, duration and proposed charges of all approved events and all events that have been requested. The Director of Parks and Recreation and the Community Development Director shall consult this calendar for purposes of determining the cumulative impact of proposed events on public access and recreation.

(Ord. No. 1959, Amended 02/18/97)

A.96.060. Pre-application conference.

A prospective applicant may request a pre-application conference with the Director of Community Development prior to formal submittal of an application for a Coastal Development Permit. At such conference, the Director of Community Development shall acquaint the property owner with Local Coastal Program policies, plans and requirements as they apply to the site and the proposed project, suggest improvements to the proposed project based on review of plans provided by the property owner, and inform the owner of the steps necessary prior to formal action on the project. The plans provided by the owner should be drawn approximately to scale and should contain in a general manner, the information required by Section A.96.070 for a site plan. The Director of Community Development shall exercise discretion in granting requests for such conferences so as not to infringe upon other staff duties.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.070. Application requirements.

Application for a Coastal Development Permit shall be made to the Department of Community Development on forms provided by the Director of Community Development. Where required by this chapter, application for a Coastal Development Permit shall be made prior to or concurrently with application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. The application for a Coastal Development Permit shall be accompanied by:

- A. The required fee;
- B. A location map showing the site to be developed in relation to nearby lots, streets, highways, and major natural features such as the ocean, beaches, wetlands, and major landforms;
- C. A site plan, to scale, showing:
 1. Existing and proposed property lines on the sites, including all easements over or adjacent to the site;
 2. Existing and proposed topography, at a contour interval appropriate to the size of the site to be developed;
 3. All existing and proposed structures, roads, utility lines, signs, fences and other improvements; and

COASTAL COMMISSION

4. Major natural and man-made landscape features, including location, type and size of any trees or other vegetation to be removed or planted;
- D. Building elevations showing:
1. All exterior walls;
 2. Type of roof and other exterior materials; and
 3. Location and design of roof equipment, trash enclosures, fences, exterior lights, signs, and other exterior structures and equipment.
- E. Any additional information determined by the Director of Community Development within thirty days of the coastal development permit application submittal, to be necessary for evaluation of the proposed development.
- F. A description and documentation of the applicant's legal interest in all the property upon which work would be performed, if the application were approved. [30601.5]
- G. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application, and if the signer is not the applicant, written evidence that the signer is authorized to act as the applicant's representative. [13053.5]
- H. In the CL, CD, and CNE zones, written evidence, including drawings, showing consistency with the certified local coastal program, including but not limited to materials showing consistency with policies mandating "pedestrian oriented" design, and compliance with the LCP standards with regard to parking supply and the actual cost of constructing parking spaces.
- I. In Area District III, drawings, plans and other information showing consistency with the public parking and walk street protection and density standards of the LCP.

A.96.075. Temporary events - procedures for applying for a Coastal Development Permit

If a Coastal Development Permit is necessary for a temporary event, the applicant may submit an application for a Coastal Development Permit to the Community Development Director on forms provided by the Community Development Director.

A. The Coastal Development Permit application shall consist of the following:

1. A complete description of the temporary event, including but not limited to:

a. Approval by the Los Angeles County Department of Beaches and Harbors;

b. The proposed dates and times of the events, including set-up and take-down;

COASTAL COMMISSION

- c. The estimated attendance at the event;
 - d. A parking plan and a description of any measures proposed to mitigate the parking impacts of the event;
 - e. A description of the admission fee, if any, to be charged;
 - f. A description of all events ancillary to the event, and or "pre-events";
 - g. The proposed location including the amount of sandy beach area to be used and a description of ingress and egress to the event area;
 - h. A description of any potential impacts from the event on residents and businesses and a description of any measures proposed to mitigate these impacts;
 - i. A description of any potential impact on public services and any measures proposed to mitigate such impacts;
 - j. A description of any potential impacts on the general public's access to the beach, the Pier, public beach parking, public streets, walk streets and / or bike path or other access support facilities identified in the certified LCP. The submittal shall include a description of any measures to mitigate these potential impacts; and,
 - k. Any additional information determined to be necessary by the Community Development Director or by the Director of Parks and Recreation.
- 2. A vicinity map showing the location of the proposed temporary event in relation to the bike path, vertical accessways, the surf zone, the Pier, and other public access points and recreation facilities.
 - 3. Address labels for all residents and businesses within a 500 foot radius of the event.
 - 4. Complete development plans, including a site plan and elevations, which show all proposed permanent or temporary physical structures.
 - 5. Applicable application fee.
(Ord. No. 1959, Amended 02/18/97)

COASTAL COMMISSION

A.96.076. Temporary events - procedures for issuance of a Coastal Development Permit.

All applications for temporary events which do not charge admission for more than 25% of provided seating may be submitted at any time during the calendar year. All applications for temporary events which do charge an admission fee for more than 25% of the provided seating must be submitted during an application period which shall be established for each calendar year by the Community Development Director. The Community Development Director shall refer all Coastal Development Permit Applications for temporary events for public hearing as set forth below.

- A. Limitation. Temporary events of limited duration which charge admission fees for more than 25% of provided seating capacity shall be limited to one (1) event per calendar year.
- B. A noticed public hearing may be held by the Parks and Recreation Commission, consistent with the procedures set forth in Section A.96.090 is so desired by the City Council.
- C. The City Council shall conduct a noticed public hearing on all Coastal Development Permit applications.
- D. If, in any given year, there is more than one competing application for a temporary event which charges admission for more than 25% of the seating capacity, the City Council shall choose the event to receive the permit from among the competing applications by weighing: (a) all of the information contained on the applications as required by Section A.96.075 A, 1 through 5 as it pertains to the potential impact on the community; (b) any local tradition or history surrounding the proposed event; (c) the compatibility and appropriateness of the proposed event to the community in general and the beach in particular; and (d) the benefits of the proposed event to the community.
- E. After the close of the public hearing the City Council shall, based upon appropriate findings as required by Section A.96.150, approve, conditionally approve, or disapprove of the Coastal Development Permit application.
- F. Notification and procedures for the public hearing shall be consistent with the requirements set forth in Section A.96.100.
- G. All other procedures and requirements, including appeals, shall be consistent with the applicable Sections of Chapter A.96 of the LCP - Implementation Program.

(Ord. No. 1959, Amended 02/18/97)

A.96.080. Action on coastal development permit.

- A. All development undertaken after November 8, 1972, within the coastal zone as defined in the Coastal Initiative of 1972, or after January 1, 1977, within the coastal zone as defined by the Coastal Act of 1976, shall have a valid coastal development permit issued by the California Coastal Commission or by the City pursuant to this Local Coastal Program.**

COASTAL COMMISSION

1. The City's jurisdiction over coastal development permits does not include tidelands, submerged lands, public trust lands as described in Section 30519 of the Public Resources Code.
 2. Development authorized by a Commission-issued permit remains under the jurisdiction of the Commission for the purposes of condition compliance, amendment, extension, reconsideration and revocation.
 3. Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program but which has not been filed complete with the Commission for approval shall be re-submitted to the City through an application for a permit pursuant to this LCP. Decision on the application shall be based solely on the requirements of this LCP.
 4. Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program and for which an application has been filed complete with the Commission may, at the option of the applicant, remain with the Commission for completion of review. Commission review of any such application shall be based upon the certified LCP. Alternatively, the applicant may re-submit the proposal to the City through an application for a permit pursuant to this LCP. Decision on the application shall be based solely upon this LCP. Projects which elect to obtain a coastal permit from the Coastal Commission will remain under the jurisdiction of the Commission as set forth in (1) above. [13546]
 5. Upon effective certification of a certified Local Coastal Program, no applications for development shall be accepted for development within the certified area.
- B. Action to approve, conditionally approve, or deny a Coastal Development Permit shall be taken on by the Director of Community Development, the Planning Commission, the Public Works Commission, or the City Council, whichever has responsibility for final approval of other discretionary permits. To the extent possible, action on a Coastal Development Permit shall be taken concurrently with action on other permits or approvals required for the project.
- C. At the time an application for development is submitted, the Community Development Director or his/her designee shall determine and inform the applicant, based on the provisions of this Chapter, and all applicable maps, zoning regulations and specific plan regulations, that the development project is one of the following:
1. Within an area where the Coastal Commission continues to exercise original permit jurisdiction as defined in Section 30519, an applicant must obtain a coastal development permit directly from the Coastal Commission;
 2. Appealable to the Coastal Commission and requires a coastal development permit;
 3. Non-appealable to the Coastal Commission and requires a coastal development permit;
 4. Categorically excluded or exempt and does not require a coastal development permit. [13569]

COASTAL COMMISSION

- D. Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, categorically excluded, non-appealable or appealable:
1. The local government shall make its determination as to what type of development is being proposed (i.e. exempt, categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. The local determination may be made by any designated local government employee(s) or any local body as provided in local government procedures.
 2. If the determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a Commission determination as to the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion.
 3. The Executive Director shall, within two (2) working days of the local government request (or upon completion of a site inspections where such inspection is warranted), transmit his or her determination as to whether the development is exempt, categorically excluded, non-appealable or appealable.
 4. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the local government's determination, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the State) following the local government request. [13569(a)-(d)]

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.090. Public hearing and comment.

- A. The appropriate person or body specified in Section A.96.080 shall hold a public hearing prior to any action on a Coastal Development Permit where:
 1. Action or recommendation on other permits or approvals required for the project require the holding of a public hearing;
 2. The permit is for development appealable to the Commission as defined in §A.96.030 and §A.96.160.
- B. A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the project but all decisions on coastal development permit applications must be accompanied by separate written findings.

COASTAL COMMISSION

- C. Any person may submit written comment on an application for a Coastal Development Permit, or on a Coastal Development Permit appeal at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the public notice. Written comments shall be submitted to the Director of Community Development who shall forward them to the appropriate person, commission, board, or the Council, and to the applicant.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.100. Notice and Procedures for appealable development.

Notice of development appealable to the Coastal Commission shall be provided as follows:

A. Contents of Notice.

1. A statement that the development is within the Coastal Zone and is appealable to the Coastal Commission;
2. The date of filing of the application and the name of the applicant;
3. The file number assigned to the application;
4. A description of the development and its proposed location;
5. The date, time, and place at which the application will be heard;
6. A brief description of the general procedure concerning the conduct of hearing and local actions; and
7. The system for local and Coastal Commission appeals, including any local fees required.

B. Provision of Notice Prior to Public Hearing. Notice shall be mailed at least 10 days before the first public hearing on the project to the following:

1. Applicant;
2. Owner of the property;
3. All property owners and residents within 500 feet from the perimeter of the subject parcel;
4. All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permit applications and all persons who at any time have requested to be on the mailing list for that development project; [13565]
5. The Coastal Commission;

COASTAL COMMISSION

- 6. Public agencies which, in the judgment of the Director of Community Development, have an interest in the project; and
 - 7. A newspaper of general circulation in the Coastal Zone. The notice is to be published once.
- C. Notice of Continued Public Hearings. If a decision of an appealable Coastal Development Permit is continued to a time that has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the manner prescribed by paragraph (B) above.
- D. Finality of Local Government Action. A decision on an application for a development shall not be deemed complete until (1) the decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified LCP and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act, and (2) when all local rights of appeal have been exhausted.
- E. Exhaustion of Local Appeals. For appealable development, an appellant must pursue and exhaust local appeals under the City's appeal procedures for purposes of filing an appeal under the Coastal Commission's regulations, except that exhaustion of all local appeals shall not be required if any of the following occur;
- 1. an appellant is denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal the local decision; or
 - 2. an appellant is denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of the Chapter; or
 - 3. the City charges an appeal fee for the filing or processing of appeals; or
 - 4. where a project is appealed by any two (2) members of the Coastal Commission. [13573]
- F. Notice of Final Government Action. Within seven (7) calendar days of a local government completing its review and meeting the requirements of §A.96.100 D, notice of the final local decision, including written findings for approval and conditions (if any) on the project proposal and the procedures for appeal of the decision to the City Council, shall be mailed to the following people and agency: [13571(a)]
- 1. The applicant;
 - 2. The owner of the subject parcel;
 - 3. All persons who have submitted a written request for notification of action on this specific permit, and have submitted a self-addressed, stamped envelope (or, where required, have paid a reasonable fee to receive such notice); and,

COASTAL COMMISSION

4. The Coastal Commission.

G. Failure to Act - Notice.

1. Notification by Applicant: If a local government has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, the person claiming a right to proceed with the development pursuant to Government Code Sections 65950-65957.1 shall provide the notice required by Government Code Sections 65956. [13571(b)(1)]
2. Notification by Local Government: When a local government determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired and that the notice required by law has occurred, the local government shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to §A.96.100 that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Commission pursuant to §A.96.160. (This section shall apply equally to a local government determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.) [13571 (b)(2)]

H. Local Action – Effective Date. A final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired unless either of the following occur:

1. an appeal is filed in accordance with the procedures set forth by the Coastal Commission;
2. the notice of final local government action does not meet the requirements of subsections F and G above.

When either of the circumstances in 1 or 2 occur, the Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the City and the applicant that the effective date of the local government action has been suspended.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.110. Notice for other projects.

A. Notice of projects for which a public hearing is required but which are not appealable to the Coastal Commission.

1. Contents of Notice.
 - a. A statement that the development is within the Coastal Zone but is not appealable to the Coastal Commission;
 - b. The date of filing of the application and the name of the applicant;

COASTAL COMMISSION

- c. The file number assigned to the application;
 - d. A description of the development and its proposed location;
 - e. The date, time, and place at which the application will be heard;
 - f. A brief description of the general procedure concerning the conduct of hearing and local actions.
2. Provision of Notice: Notice of developments shall be given at least 10 calendar days before the first public hearing in the following manner:
- a. If the matter is heard by a board or commission, notice shall be published in a newspaper of general circulation;
 - b. Notice by first-class mail to any person who has filed a written request therefore;
 - c. Notice by first-class mail to property owners within 300 feet; [13568(a)(3)]
 - d. Notice by first-class mail to the Coastal Commission; and
 - e. Notice by first class mail to residents within 100 feet of the proposed project. [13568(a)(4)]
- B. Notice of projects for which no public hearing is required and which are not appealable to the Coastal Commission.
1. Contents of Notice:
- a. A statement that the development is within the Coastal Zone but is not appealable to the Coastal Commission;
 - b. The date of filing of the application and the name of the applicant;
 - c. The file number assigned to the application;
 - d. A description of the development and its proposed location;
 - e. The date, the application will be acted upon by the local governing body or decision maker;
 - f. The general procedure concerning the submission of public comments either in writing or orally prior to a decision on the application; and
 - g. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to any decision.

COASTAL COMMISSION

- 2. **Provision of Notice:** Notice of these development proposals shall be given within 10 days of acceptance of the application or at least seven days prior to the local decision date to the following people and agencies:
 - a. The applicant;
 - b. The owner of the property;
 - c. All property owners and residents within 100 feet of the perimeter of the subject parcel;
 - d. All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permits applications;
 - e. All persons who have requested, in writing, notices relating to the Coastal Permit in question; and
 - e. The Coastal Commission.

C. **Categorically Excluded Development:** A current record of all permits issued for categorically excluded developments shall be available for public and Coastal Commission review, and shall include the following information for each permit: name of applicant, location of the project, and brief description of the project. Development included in a categorical exclusion area adopted pursuant to the California Coastal Act and approved by the California Coastal Commission, is exempt from other procedures contained in this Chapter except that the City shall provide the Coastal Commission with notification of such permit issuance within five (5) working days. [13248]

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.120. Standards for application review.

The official or body acting on a Coastal Development Permit shall review the project for compliance with: all applicable plans, policies, requirements and standards of the Local Coastal Program; the City's General Plan; requirements of the Planning and Zoning Ordinance; and other provisions of this title. To assist this review, the Director of Community Development shall, as part of the recommendation, complete a Coastal Policy Checklist.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.130. Precedence of local-coastal program.

Where the plans, policies, requirements or standards of the Local Coastal Program, as applied to any project in the CZ District, conflict with those of the underlying Area District or zoning district or other provisions of this title, the plans, policies, requirements or standards of the Local Coastal Program shall take precedence.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

COASTAL COMMISSION

A.96.140. Conditions.

Approval of a Coastal Development Permit shall be subject to conditions as necessary to ensure conformance with, and implementation of, the Local Coastal Program. Modification and resubmittal of project plans, drawings, and specifications may be required to ensure conformance with the Local Coastal Program. When modification and resubmittal of plans is required, action shall be deferred for a sufficient period of time to allow the Director of Community Development to prepare his/her recommendation on the modified project.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.150. Findings.

All decisions on Coastal Development Permits shall be accompanied by written findings: [13096]

- A. That the project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program; and
- B. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (Commencing with Section 30200 of the Public Resources Code).

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.160. Appeals.

Development pursuant to an approved Coastal Development Permit shall not commence until all applicable appeal periods expire or, if appealed, until all appeals, including those to the Coastal Commission, have been exhausted.

- A. Action by the Director of Community Development, or Planning Commission to approve, conditionally approve, or deny any Coastal Development permit may be appealed on or before the tenth working day following such action. Action by the Director of Community Development may be appealed to the Planning Commission. Action by the Planning Commission may be appealed only to the City Council.
 - 1. An appeal shall be filed with the Department of Community Development on a form provided by the Director of Community Development. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.
 - 2. It shall be the duty of the Director of Community Development to forward a Coastal Development Permit appeal, together with recommendation thereof, to the appropriate body specified in Paragraph A above for its action.
- B. Appeals to the Coastal Commission. Within ten (10) working days from the date of Coastal Commission receipt of the notice of final action, all appealable development, as defined in §A.96.030, may be appealed to the Coastal Commission in accordance with Coastal Commission regulations by a qualified appellant, as defined in §A.96.160 D.

COASTAL COMMISSION

- 1. The ground for appeal to the Commission of a final local approval shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of Chapter 3. [30603(b)(1)]
 - 2. The grounds for appeal to the Commission of a denial of a major public works project or major energy facility shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program or the public access policies of Chapter 3. [30603(b)(2)]
- C. A final decision on an application for an appealable development shall become effective after the 10th working day appeal period to the Coastal Commission has expired unless either of the following occur:
- 1. an appeal is filed in accordance with the procedures set forth by the Coastal Commission;
 - 2. the notice of final local government action does not meet the requirements of §A.96.100 F and G above.
- D. An appeal pursuant to this chapter may only be filed by the applicant for the Coastal Development Permit in question, an aggrieved person as defined in §A.96.030(a) , or any 2 members of the Coastal Commission.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.170. Expiration of coastal development permit.

A Coastal Development Permit shall expire on the latest expiration date applicable to any other permit or approval required for the project, including any extension granted for other permits or approvals. Should the project not require City permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire 1 year from its date of approval if the project has not been commenced during that time. The approving authority may grant a reasonable extension of time for due cause. Said time extension shall be requested in writing by the applicant or authorized agent prior to expiration of the one-year period.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.180. Permit amendment.

Upon application by the permittee, a Coastal Development Permit may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner specified by this chapter for initial approval of Coastal Development Permit. All sections of this chapter shall apply to permit amendments.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.190. Emergency Coastal Development Permit. [30611,30624,13136-13144]

In the event of a verified emergency, temporary emergency authorization to proceed with remedial measures may be given by the Director of Community Development or his/her designee until such time as a full coastal development permit application shall be filed.

COASTAL COMMISSION

- A. Application. Application shall be made to the Director of Community Development by letter if time allows, or in person or by telephone, if time does not allow. The information, to be reported at the time of the emergency or within three days after the emergency, shall include the following:
1. Nature of the emergency;
 2. Cause of the emergency, insofar as this can be established;
 3. Location of the emergency;
 4. The remedial, protective, or preventative work required to deal with the emergency;
 5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.
- B. Limitations. The Director of Community Development shall not grant an emergency coastal development permit for any development that falls within an area in which the Coastal Commission retains direct permit review authority, or for any development that is appealable to the Coastal Commission. In such areas and for such developments, a request for an emergency authorization must be made to the Coastal Commission.
1. In addition, a waiver from coastal development permit requirements may be obtained from the Coastal Commission Executive Director for development that is required to protect life or public property in accordance with Section 30611 of the Coastal Act.
- C. Noticing. The Director of Community Development shall provide notice of the proposed emergency action. The extent and type of the notice shall be determined on the basis of the nature of the emergency. If the nature of the emergency does not allow sufficient time for public notice to be given before the emergency work begins, the Director of Community Development shall provide public notice of the action taken, or being taken, as soon as is practical. Public notice of the nature of the emergency and the remedial actions to be taken shall be posted on the site in a conspicuous place and mailed to all persons the Director of Community Development has reason to know would be interested in such action and to the Coastal Commission.
- D. Findings and Conditions. The Director of Community Development may grant an emergency coastal development permit upon reasonable terms and conditions, which shall include an expiration date and the necessity for a regular permit application later, if the Director of Community Development finds that:
1. An emergency exists that requires action more quickly than permitted by the procedures for a Coastal Development Permit and the work can and will be completed within thirty (30) days unless otherwise specified by the terms of the permit.

COASTAL COMMISSION

2. Public comment on the proposed emergency action has been reviewed, if time allows.
 3. The work proposed would be consistent with the requirements of the Certified Local Coastal Program.
- E. Expiration of the Emergency Permit. An emergency permit shall be valid for sixty (60) days from the date of issuance by the Director of Community Development. Prior to expiration of the emergency permit, the permittee must submit a regular coastal development permit application for the development even if only to remove the development undertaken pursuant to the emergency permit and restore the site to its previous condition.
- F. Report to City Council and Coastal Commission. The Director of Community Development shall report in writing and orally, the granting of an emergency permit to the City Council at its next scheduled meeting, and to the Coastal Commission. The report shall include a description of the nature of the emergency, the development involved and the person or entity undertaking the development. Copies of the report shall be available at the meeting and shall be mailed to the Coastal Commission and to all persons requesting such notification of local coastal development decisions.

A.96.200. Reapplication.

No application for the granting of a coastal development permit which has been denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless the request for reapplication reflects a major change in circumstances and specific permission to do so has been granted by the Approving Authority.

A.96.210. Revocation.

- A. Grounds for revocation of a permit shall include:
1. Intentional inclusion of inaccurate, erroneous or incomplete information where the City finds that accurate and complete information would have caused additional or different conditions to be required on a permit or denial of an application; or
 2. Failure to comply with the notice provisions of this Chapter where the views of the person not notified were not otherwise made known to the City and could have caused the City to require additional or different conditions or deny an application.
- B. Initiation of the proceedings to revoke a permit may be made by any person who did not have an opportunity to fully participate in the original permit proceedings because of the reasons stated in Subsection (A) and who applies to the Director of Community

COASTAL COMMISSION

Development specifying the particular grounds for revocation. The Director shall review the stated grounds for revocation and, unless the request is patently frivolous and without merit, shall initiate revocation proceedings. The Director may initiate revocation proceedings when the grounds for revocation have been established.

- C. Where the Director of Community Development determines that grounds exist for revocation of a permit, the operation of the permit shall automatically be suspended until denial of the request for revocation. The Director shall notify the permittee by mailing a copy of the request for revocation and a summary of procedures contained in this section to the address shown in the permit application. The Director shall advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act and subject to the penalties contained therein.

A.96.220. Assignment of Permits.

- A. Any person who has obtained a coastal development permit pursuant to the provisions of this Subchapter may assign such permit to another person subject to the following requirements:
 - 1. Submission of an application fee as set by resolution of the City Council; and
 - 2. An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit; and
 - 3. Evidence of the assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit; and
 - 4. The original permittee's request to assign all rights to undertake the development to the assignee; and
 - 5. A copy of the original permit showing that it has not expired.
- B. The applicant for assignment shall submit the above documents together with a completed application form to the Director of Community Development. The assignment shall be effective upon written approval of the documentation submitted, and the reassigned permit shall be granted subject to the terms and conditions of the original permit.

A.96.230. Enforcement.

In addition to the provisions contained in this chapter, the provisions of Chapter 9 of Division 20 of the Public Resources Code shall also apply with respect to Judicial Review, Enforcement and Penalties.

COASTAL COMMISSION

A.96.240. Coastal Commission Review of Recorded Documents.

Any legal documents used in complying with required conditions pertaining to public access and open space or conservation easements shall be processed in the following manner:

- A. The offer of dedication, together with a copy of the coastal development permit conditions and findings shall be forwarded to the Coastal Commission Executive Director for review and approval.
- B. The coastal development permit shall be issued only after mailing such documents to the Executive Director of the Coastal Commission and the Executive Director has notified the Community Development Director that any such legal documents are adequate. [13574]

A.96.250. Local Coastal Program Amendments.

The City Council may amend all or part of the Local Coastal Program, but the amendment will not take effect until it has been certified by the Commission. Any General Plan Element or Specific Plan or ordinance of the City that is applicable to the same areas or matters affected by a Local Coastal Program amendment must be reviewed and amended as necessary to make the General Plan Element or Specific Plan or ordinance consistent with the rest of the Local Coastal Program.

- A. Initiation of Amendments to the Local Coastal Program. An amendment to the Local Coastal Program may be initiated by one of the following:
 - 1. A resolution of intention initiated by the Planning Commission.
 - 2. A resolution of intention initiated by the City Council directing the Planning Commission to initiate an amendment.
 - 3. An application from a property owner or his/her authorized agent provided that such application involves the development or modification of property located within the area affected by such amendment.
- B. Planning Commission Action on Amendments.
 - 1. Upon receipt in proper form of a completed amendment application or duly adopted resolution of intention, and following any necessary investigation, a public hearing before the Planning Commission must be held and notice of such hearing given consistent with the Coastal Act and California Code of Regulations.
 - 2. The Planning Commission must make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove.
 - 3. Planning Commission action recommending that the proposed Local Coastal Program amendment be approved, or approved in modified form, must be

COASTAL COMMISSION

considered for adoption by the City Council. Planning Commission action disapproving a proposed Local Coastal Program amendment, regardless of how such amendment was initiated, may be appealed by any interested person, including a Commissioner or Council member, to the City Council provided such appeal is filed in writing within 14 consecutive calendar days of the Planning Commission's action.

- C. City Council Action on Amendments. The recommendation of the Planning Commission to approve a proposed Local Coastal Program amendment, or the appeal from a decision by the Planning Commission to approve or disapprove a proposed Local Coastal Program amendment must be acted upon by the City Council. A public hearing on the amendment shall be conducted after first giving notice of the hearing pursuant to the Coastal Act and California Code of Regulations. The City Council may approve, approve with modifications, or disapprove any amendment.

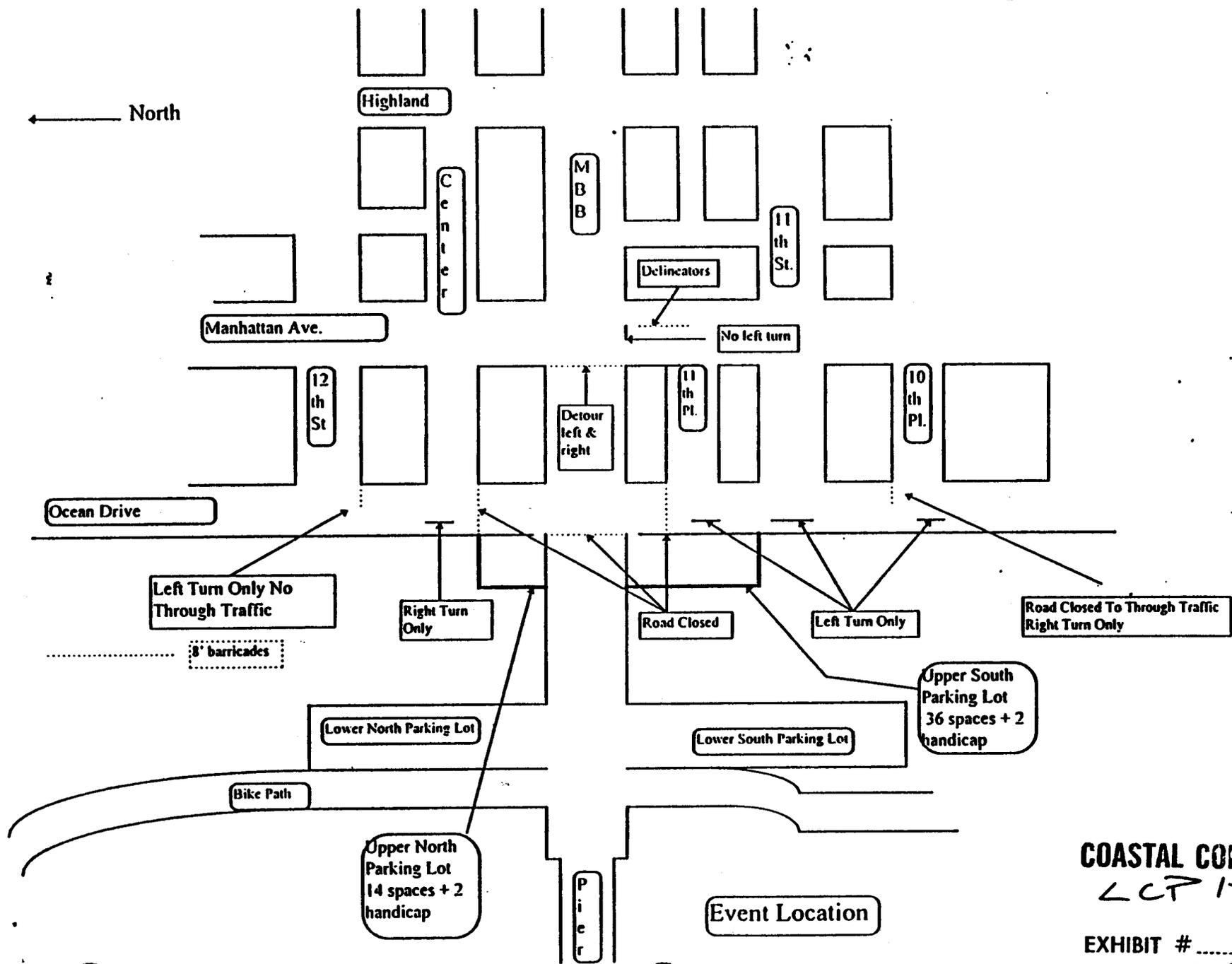
- D. Fees. The City Council by resolution shall establish and from time to time amend a schedule of fees imposed for any amendment to the Local Coastal Program.

- E. Coastal Commission Certification of Amendments. Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to this Local Coastal Plan as certified by the California Coastal Commission shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations and also certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act, as follows:
 - 1. A denial by the City Council on an amendment request shall be final and no appeal to the Coastal Commission shall be allowed except as provided by subsection 2 of this section (below).

 - 2. Pursuant to Section 30515 of the Coastal Act, any person or agency authorized to undertake a public works project or major energy facility development, who was denied a request to amend the Local Coastal Program, may file the request for amendment with the Coastal Commission.

COASTAL COMMISSION

Parking and Circulation



COASTAL COMMISSION

LCT 1-97

EXHIBIT # 5

PAGE 1/1

**COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS
SCHEDULE OF EVENTS
1997**

FEBRUARY

February 15

Mark Brockman (200)

Private Party @ Manhattan Beach (between 14th St. Tower & northside of Pier)

February 23

Bay Cities Surf (30)

Surf Contest @ Manhattan Beach (El Porto)

MARCH

March 8

ABVC (30)

Volleyball Clinic @ Manhattan Beach (Pier)

March 15

Volleyball Ventures (150)

Volleyball Tourn @ Manhattan Beach (Pier)

March 31-September 25 (Mon-Thurs)

South Bay Sport & Social Club (70)

Volleyball League @ Manhattan Beach (Pier/northside)

March 31-September 23 (Mon + Tues)

South Bay Sport & Social Club (75)

Football League @ Manhattan Beach (Rosecrans)

APRIL

April 5

Volleyball Ventures (150)

Volleyball Tourn @ Manhattan Beach (Pier)

April 5-April 6

CBVA/Cook (90)

Volleyball Tourn @ Manhattan Beach (Marine Ave)

COASTAL COMMISSION

LCP 1-97

EXHIBIT # 6

PAGE 1 OF 7

April 6
USSF (30)
Surf Contest @ Manhattan Beach (El Porto)

April 7-November 1
City of Manhattan Beach (M-F) (90)
Adult Volleyball Instruction @ Manhattan Beach (Pier)

April 17
Robinson Elem. School (70)
Field Trip @ Manhattan Beach (First Street)

April 19
TRW (100)
Volleyball Tourn @ Manhattan Beach (Pier)

April 19
CBVA/Cook (44)
Volleyball Tourn @ Manhattan Beach (Marine Ave)

April 20
Surfrider Foundation (88)
Surf Contest @ Manhattan Beach (Rosecrans)

April 26
City of Manhattan Beach (30)
Over-the-Line Softball @ Manhattan Beach (north of 26th St)

April 26-April 27
South Bay Sport & Social Club (150)
Volleyball Tourn @ Manhattan Beach (Pier)

MAY

May 3
Volleyball Ventures (150)
Volleyball Tourn @ Manhattan Beach (Pier)

May 4
ABVC (30)
Volleyball Clinic @ Manhattan Beach (Pier)

COASTAL COMMISSION

EXHIBIT # 6
PAGE 2 OF 7

May 10
Jennifer Forbes (50)
Wedding @ Manhattan Beach

May 10
CBVA/Rosales (40)
Volleyball Tourn @ Manhattan Beach (Marine Ave)

May 17
Aspen Skiing Company (100)
Volleyball Tourn @ Manhattan Beach (Pier)

May 17-May 18
CBVA/Smith (40)
Volleyball Tourn @ Manhattan Beach (Rosecrans)

May 18
TRW (100)
Volleyball Tourn @ Manhattan Beach (Pier)

May 24
Volleyball Ventures (150)
Volleyball Tourn @ Manhattan Beach (Pier)

May 29-June 1
C.E. Sports (12,000*)
Volleyball Tourn @ Manhattan Beach (Pier)

June

June 7-June 8
City of Manhattan Beach (250*)
Volleyball Tourn (Men's Novice) @ Manhattan Beach (Pier)

June 7-June 8
CBVA/Cook (80)
Volleyball Tourn @ Manhattan Beach (Marine Ave)

June 11-June 15
City of Manhattan Beach (25,000*)
Volleyball Tourn (Manhattan Open) @ Manhattan Beach (Pier)

COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 7

June 21
City of Manhattan Beach (30)
Over-the-Line Softball @ Manhattan Beach (north of 26th St)

June 21
Volleyball Ventures (150)
Volleyball Tourn @ Manhattan Beach (Pier)

June 22
L.A. Council (450)
Volleyball Tourn @ Manhattan Beach (Pier)

June 23-August 25
Beach Sports (60)
Youth Camps @ Manhattan Beach (14th Street)

June 23-August 29
City of Manhattan Beach (M-F) (80)
Youth Volleyball Instruction @ Manhattan Beach (Pier)

June 23-August 29
City of Manhattan Beach (M & W, T & Thur) (16)
Surfing Class @ Manhattan Beach (Pier)

June 23-August 29
City of Manhattan Beach (T & Thur) (55)
Aqualetics (6-13 yrs) @ Manhattan Beach (Pier)

June 23-August 29
City of Manhattan Beach (M-Thur) (70)
Boogie Board Class (6-11 yrs) @ Manhattan Beach (Pier)

June 27-June 29
City of Manhattan Beach (250*)
Volleyball Tourn (Men's A) @ Manhattan Beach (Pier)

June 28
CBVA/Rosales (40)
Volleyball Tourn @ Manhattan Beach (Marine Ave)

June 28-August 22
Hammerhead Beach Camp (50)
Youth Camp @ Manhattan Beach (7th St.)

June 30-August 6
Jr. Guards (500*)
Program @ Manhattan Beach (Marine/18th/26th)

JULY

July 5
TRW (100)
Volleyball Tourn @ Manhattan Beach (Pier)

July 5-July 6
CBVA/Cook (40)
Volleyball Tourn @ Manhattan Beach (Marine Ave)

July 6
ABVC (30)
Volleyball Clinic @ Manhattan Beach (Pier)

July 12
Lions Club (150)
Volleyball Tourn @ Manhattan Beach (Rosecrans)

July 12-July 13
City of Manhattan Beach (1,200*)
Volleyball Tourn (Jr Open) @ Manhattan Beach (Pier)

July 19
Volleyball Ventures (150)
Volleyball Tourn @ Manhattan Beach (Pier)

July 19-July 20
CBVA/Smith (40)
Volleyball Tourn @ Manhattan Beach (Rosecrans)

July 25-July 27
City of Manhattan Beach (1,200*)
Volleyball Tourn (Men's AAA/Women's AA) @ Manhattan Beach (Pier)

July 26
City of Manhattan Beach (30)
Over-the-Line Softball @ Manhattan Beach (north of 26th St)

July 26-July 27
CBVA/Smith (40)
Volleyball Tourn @ Manhattan Beach (Rosecrans)

AUGUST

August 1
Mrs. Pinkney
Private Party @ Manhattan Beach
(Scheduled...have not received application)

August 1-August 3
Surf Festival (80,000*)
@ Manhattan Beach/Redondo Beach/Hermosa Beach

August 9-August 10
CBVA/Bud Light Volleyball Festival
Volleyball Tourn @ Manhattan Beach (Pier)

August 16
City of Manhattan Beach (30)
Over-the-Line Softball @ Manhattan Beach (north of 26th St)

August 16-August 17
South Bay Sport & Social Club (150)
Volleyball Tourn @ Manhattan Beach (Pier)

August 16-August 17
CBVA/Smith (40)
Volleyball Tourn @ Manhattan Beach (Rosecrans)

August 23-August 24
Scott Hubbell Productions (250)
Bud Light Ocean Festival @ Manhattan Beach (Pier)

August 30-August 31
CBVA (Cal Cup) (600*)
Volleyball Tourn @ Manhattan Beach (Pier + Marine Ave)

SEPTEMBER

September 6
Volleyball Ventures (150)
Volleyball Tourn @ Manhattan Beach (Pier)

COASTAL COMMISSION

September 6-September 7
CBVA/Rosales (40)
Volleyball Tourn @ Manhattan Beach (Marine Ave)

September 13
TRW (100)
Volleyball Tourn @ Manhattan Beach (Pier)

September 27
Volleyball Ventures (150)
Volleyball Tourn @ Manhattan Beach (Pier)

September 28
ABVC (30)
Volleyball Clinic @ Manhattan Beach (Pier)

OCTOBER

October 24-October 26 (24-setup)
Pacific Surf Series
Surf Contest @ Manhattan Beach (El Porto)
(Scheduled...have not received application)

October 25
Volleyball Ventures (150)
Volleyball Tourn @ Manhattan Beach (Pier)

NOVEMBER

November 15
Volleyball Ventures (150)
Volleyball Tourn @ Manhattan Beach (Pier)

*Total of all days

April 8, 1997

COASTAL COMMISSION

7

EXHIBIT # 6
PAGE 7 OF 7

George A. Kaufman
121 10th Street
Manhattan Beach, CA 90266
April 16, 1997

Coastal Commission for the State of California .

**Re: Proposed Amendment to Manhattan Beach Local Coastal Plan;
Issuance of "Coastal Development Permit" for AVP Beach Volleyball tournaments**

Dear Commissioners:

This letter concerns the proposed amendment to the Manhattan Beach Local Coastal Plan ("LCP") and the issuance under such amendment, of a "Coastal Development Permit" to the Association of Volleyball Professionals ("AVP") for its planned beach volleyball tournaments. I understand that each of these issues will be considered by the Coastal Commission in hearings set next month.

I am a Manhattan Beach resident who lives in close proximity to the Manhattan Beach pier, the intended site of the AVP 's Manhattan Beach Open and, unless the Coastal Commission acts to prevent it, the likely site for many other commercial events in the future. I am very concerned with the trend towards turning the beach into a "commercial zone" for sale to commercial interests.

1. The Local Coastal Plan Amendment

While there are some limited safeguards in the Local Coastal Plan concerning events for which paid seating exceeds 25% of the total seating, in that such events are limited to one per calendar year, as far as other events go, the discretion given the Manhattan Beach Community Development director is excessive. Essentially, as the proposed LCP amendment is worded, the Coastal Development Director can simply decide not to require any coastal development permit, without public input, public hearing or any other public safeguards, regardless of the size, commercial nature, etc. of a proposed event. This certainly is inconsistent with preventing the commercialization of the beach, as spelled out, in among other places, the Grant Deed deeding this beach area from the State of California to the County of Los Angeles. I also note to you that while the LCP amendment puts the protection of the beach in the hands of the government of the City of Manhattan Beach, the *City government itself does not seem to recognize this solemn obligation. At the hearing on this amendment, Councilman Cunningham made the emphatic point that he understood that the guardians of the beach was the Coastal Commission (as opposed to the City of Manhattan Beach.) This, we believe, exhibits a careless disregard for the obligations undertaken by the City under its Local Coastal Plan and the need for intervention by the Coastal Commission.*

2. The AVP's Coastal Development Permit for the Manhattan Beach Open

The Manhattan Beach City Council issued a "Coastal Development Permit" to the AVP for the Manhattan Beach Open. The Manhattan Beach Open ("MBO") is a "bomb" hitting the beach with noise, blocked beach access, traffic congestion, rampant commercialism and visual pollution, all for the commercial benefit of the AVP. As the AVP has become a more commercially aggressive enterprise, so has it created more and more of a commercially aggressive Manhattan Beach Open (I understand the AVP's Hermosa Beach event is similar.) While we recognize that the MBO has historical roots in Manhattan Beach, the event as it exists today has nothing in

COASTAL COMMISSION

LCP 1-97

EVIDIT # 7 - 1.f:

Coastal Commission

April 16, 1997

p.2

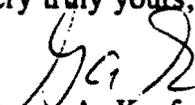
common with the community based, small scale, non-commercialized event of only a few years ago. Now, to further aggravate the situation, the city of Manhattan Beach is essentially a joint venturer, sharing profits with the AVP. Among other things, this position has plainly compromised the city's ability to objectively weigh the AVP's application for a Coastal Development Permit. This was demonstrated by the Manhattan Beach City Council's approval of such permit, in the face of widespread and vigorous public opposition to same. The City's turning a blind eye towards the AVP's abuses continued all the way through the approval process, including at the Permit "hearing," where it became clear that (1) the AVP violated the terms of its agreement with the City not to charge admission on the Friday of the tournament, (2) the so-called "Task Force" (with only one "resident representative" -- handpicked by the mayor, without public input) established under the agreement to mitigate the impact of the MBO, did nothing to limit such things as incessant, loud, commercial and other announcements, chatter, etc on the event's public address system, visual pollution with 50 foot blowup beer can advertising and the like, and agreed to permit the AVP what no other contractor is legally permitted to do in Manhattan Beach -- to perform construction as early as 7:30 a.m. on Saturday and Sunday. This is to say nothing of the beach access issues as articulated by among others, the Beach Alliance.

It appears that some may have lost sight of the fact that this is an overwhelmingly residential area and that the vast majority of property adjacent to the beach is residential and that the residents have expended substantial funds to live on postage stamp sized lots by a beach, not next to a site for carnivals, concerts, or whatever events a promoter can dream up. The residents' right to the quiet enjoyment of their homes often seems to count for nothing.

We are fearful of a trend towards an intensification of beach events, to the point that we will be awash in blaring PA's, fifty foot blow up beer advertisements, traffic snarls, parking problems, unruly crowds etc., etc., etc. We all know that event promoters will feel duty bound to wring the last possible dollar out of their events, whether through saturation with advertising and/or creating a spectacle to attract attention and attendance at their event.

The Coastal Commission has undertaken to preserve and protect the coastal zone. The City Council of Manhattan Beach has demonstrated its unwillingness to do so. You are guardians of this critical and unique natural resource. It is not a commodity. It is not to be squandered or sold or treated with disrespect. You must not be participants or passive bystanders as the beach becomes another commodity to be bought and sold. This issue is in your hands.

Very truly yours,


George A. Kaufman

COASTAL COMMISSION

EXHIBIT # 7

PAGE 2 OF 2

Bill Eisen
Viet Ngo
1147 Manhattan Avenue
Suite 16
Manhattan Beach, CA 90266
(310) 546-2085

RECEIVED
APR 17 1997

CALIFORNIA
COASTAL COMMISSION

April 16, 1997

Honorable Members of the
California Coastal Commission
South Coast District
245 W. Broadway, Suite 380
Long Beach, CA 90802

Re: Appeal No. A-5-MNB-97-084
Pending Certification of Manhattan
Beach's LCP Amendment

Dear Commissioners:

Please consider the following additional information in connection with the above referenced appeal and pending Coastal Commission certification of Manhattan Beach Ordinance No. 1959 which was submitted as an LCP Amendment on February 28, 1997. We understand that these matters have been tentatively set for hearing on May 13-16, 1997.

Manhattan Beach's Coastal Development
Permit and LCP Amendment Violates
PRC Section 5002.6

AB 909, authored by Assemblywoman Debra Bowen and subsequently codified as PRC Section 5002.6, effected the transfer of certain state beaches, including a portion of Manhattan State Beach, to the County of Los Angeles subject to certain conditions. Those conditions specify, in pertinent part, that the County "shall use, operate, and maintain the granted lands and improvements thereon for public recreation and beach purposes in perpetuity," that the County "shall not make or permit any other use of the granted lands and improvements," and that "no new or expanded commercial development shall be allowed on the granted real property."

The term "development," although not expressly defined in the Public Resources Code, generally refers to, as is evident from the context in which the term is used, new, different or expanded land usage. For example, PRC Section 30600(b)(1), in discussing the procedures that a local government may use for processing a "coastal development permit," goes on to state

COASTAL COMMISSION
LCP-1-97

EXHIBIT # 8
PAGE 1 OF 4

that "those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government." (emphasis added) Thus, the term "development" refers to land useage and not only to what may be built upon the land.

And there is no indication in PRC Section 5002.6 that any other meaning for the term "development" is intended. Under PRC Section 30610(i)(1), a proposed "development" may be found to be a temporary event which may or may not be excluded from permit requirements. Indeed, the Coastal Development Permit which the City of Manhattan Beach has issued is for a temporary event scheduled to last not more than eight days.

PRC Section 5002.6, however, only precludes new or expanded "commercial" development. The term "commercial activity," as defined in Black's Law Dictionary, 6th ed., includes any type of business or activity that is carried on for a profit. However, the Manhattan Beach Open, for which a Coastal Development Permit has been issued and appealed, has all the attributes of a professional or, more appropriately, commercial sports event.

For example, Section 6 of the Manhattan Beach Open Agreement between the City of Manhattan Beach and the Association of Volleyball Professionals, a California Corporation, (see Agreement attached as Exhibit 4 to the City's submittal, dated March 19, 1997, to the Coastal Commission) states, in pertinent part,

"6. Merchandising Rights - CITY grants to AVP the exclusive right to represent 'The Miller Lite (or other title sponsor) MBO presented by (presenting sponsor)' in all merchandising of the Event including, but not limited to, the right to obtain sponsors and advertisers, to produce and sell programs, to produce programming and sell radio, television, and filming opportunities and to license merchandise."

Section 11 of the Agreement further provides that the City shall receive 20% of the gross revenue from ticket sales less certain costs and permit fees paid by the AVP under Sections 5.2, 5.3 and 5.4. And under Section 5.4 of the Agreement, "The CITY shall provide on-site parking spaces for television personnel and equipment, AVP equipment trucks and personnel, sponsor personnel, and for AVP players." The City proposes to provide this parking by closing the lower pier lots (see page 4 of the City Manager's Report attached as Exhibit 2 to the City's March 19, 1997 letter to the Coastal Commission).

However, these lots are not actually owned by the City but merely operated by the City under an operating agreement, a copy of which is attached hereto as Exhibit A, with the State. Under

COASTAL COMMISSION

EXHIBIT # 8
PAGE 2 OF 4

the operating agreement (see page 2 thereof) the lots must at all times be accessible and subject to the use and enjoyment of all citizens of the State of California and (see page 3) "commercialization for profit shall not be engaged in by CITY." Not only is the City's proposed closing of these lots in violation of its operating agreement with the State but it clearly violates PRC Section 30211 which precludes a coastal development from interfering with the public's right of access to the sea. Recent photos of the upper and lower pier lots are attached hereto as Exhibits B and C, respectively.

With the Manhattan Beach Open comes a parking and traffic nightmare, monstrous grandstands, fencing to keep bystanders out, noisy fume-spewing diesel generators, blaring loudspeakers, a proliferation of beer advertising (even though the consumption of alcohol is prohibited on the beach) and, of course, 100% paid seating for those who can afford to attend on the weekend. See newspaper photo of last year's Manhattan Beach Open attached hereto as Exhibit D. The Manhattan Beach Open is, therefore, a distinct turnoff for those individuals and families wishing to go to the beach in the vicinity of the Manhattan Beach pier. And since virtually no beach parking will be available in the area most will, undoubtedly, choose to go to another beach.

Moreover, as a distinctly commercial sporting event, the Manhattan Beach Open clearly violates PRC Section 5002.6. The coastal development permit (at p. 2 thereof) finds that "the temporary event, as described in the application and accompanying materials" (which include the Agreement with the AVP) "conforms with the Certified Manhattan Beach Local Coastal Program." Although the Coastal Development Permit (at p. 6) provides that it is conditioned on final certification by the Coastal Commission of Manhattan Beach Ordinance No. 1959 amending Manhattan Beach's LCP, Ordinance No. 1959 (at Section 2) amends the City's land use regulations by requiring approval of a coastal development permit that meets certain criteria including a finding that the "temporary event" will not result in more than one such event per year "that proposes to charge admission fees for more than 25% of the provided seating capacity." Both the coastal development permit and the LCP amendment are, therefore, in violation of PRC Section 5002.6.

The AVP has, as its Primary Purpose, the Commercialization of our Public Beach with Professional Sports Events.

As pointed out by Jon Stevenson, spokesman for the AVP, in an August 10, 1996 newspaper article, a copy of which is attached hereto as Exhibit E, "paid seating is a part

COASTAL COMMISSION

EXHIBIT # 8
PAGE 3 OF 4

A

B

C

D

E

F

of any serious, valid, credible, professional sporting event, and we consider ourselves that way....(The opposition)....is against what we do in general. They're against having a major sporting event taking place on their beaches....the real issue is not money but professional credibility." But the real issue is, in fact, money.

All other "professional" sports leagues, whether it be major or minor league baseball, football, basketball, hockey, soccer or whatever generally have their own stadiums with sufficient parking for the attending public. The AVP, however, has come up with the novel idea of holding its professional sporting events on the public beach with attendant loss of public beach access. The beachgoing public is, therefore, indirectly paying for these "professional" sporting events held on the public beach during the summer months when public demand for beach access is highest.

Further, there is nothing unique about "beach" volleyball to the public beach. "Beach" softball, "beach" football and "beach" soccer have all been and are, from time to time, played there. But what is unique about the AVP's program is its commercialization of a heretofore uncommercialized public resource. But, as pointed out by Assemblywoman Debra Bowen in her July 8, 1996 letter (see Exhibit F) to the Coastal Commission, "I can tell you without reservation that it was my intent and the intent of the Legislature to prohibit any and all commercial development" of the public beaches transferred to Los Angeles County..."People....go to the beaches in part to get away from the commercialization that invades their daily lives." We agree.

The fact that some of the volleyball matches, which the AVP has scheduled to be played on weekdays, are free hardly mitigates the blatantly commercialized 100% paid seating matches to be played on the weekend when demand for public beach access is at its peak. As Assemblywoman Bowen notes, the Legislature intended to prohibit "any" commercial development.

For the foregoing additional reasons, we urge you to disapprove Manhattan Beach's coastal development permit and LCP amendment.

Sincerely yours,

Bill Eisen
Bill Eisen on behalf of
himself and Viet Ngo

COASTAL COMMISSION

cc: Attached distribution list. Copies of exhibits will be mailed upon request.

EXHIBIT # 8

PAGE 4 OF 4

RECEIVED
MAY 5 1997

CALIFORNIA
COASTAL COMMISSION

216 5th Street
Manhattan Beach, CA 90266

1 May 1997

California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor, Suite 1000
Long Beach, CA 90802-4302

Re: Public Hearing on Tuesday, May 13, 1997

Commissioners:

This letter is intended to protest the location of the public hearing in Santa Barbara on a matter where the project location is Manhattan Beach. Locating the public hearing in Santa Barbara greatly inconveniences the public and residents of Manhattan Beach on a matter that is very important to the quality of life in this community. Very few residents of Manhattan Beach will be able to attend and raise their substantial issues regarding this matter.

Please postpone the meeting in order to locate the meeting place much closer to, if not in, Manhattan Beach.

Thank you.



Rita Michael

LCP 1A-97
Exhibit 9

Susanne Bailey
133 13th St.
Manhattan Beach, CA 90266

May 6, 1997

Honorable Members of the
California Coastal Commission
South Coast District
245 W. Broadway, Suite 380
Long Beach, CA 90802

RE: Appeal No. A-5-MNB-97-084
Pending Certification of Manhattan
Beach's LCP Amendment

Dear Commissioners:

I am writing to ask you to please deny the amendment to the conditional permit to the Association of Volleyball Professional for the 1997 Miller Life Manhattan Beach Open Volleyball Tournament on June 12-15, 1997.

Manhattan Beach already has a parking problem on the normal day to day basis that they are trying to solve. The size of this event is just too big for our streets, parking and beach. I understand they have provided some shuttle parking but 450 parking spaces is hardly enough

When the volleyball tournament started playing here many years ago it was a fun week-end not a week long big business. There was always room to sit on the sand and watch it. If you deny them charging for sitting on our "free beach", which was one of the conditions when the state turned the beach over to the county, they will soon find a more suitable place to hold their event.

Like so many of our problems today, it starts with just once. One cigarette, one drink, bend the rules a little here, bend the rules a little there, and then it's just twice or a little more, please don't let this happen to our beaches.

Please deny the permit and set a precedence for the free unobstructed use of all our beaches.

Thank you for considering my appeal.



Susanne Bailey

Exhibit 9
p. 2
LCP 1-97
MNB.

Bill Eisen
1147 Manhattan Avenue
Suite 16
Manhattan Beach, CA 90266
(310) 546-2085
(310) 546-4965 fax

Copy forwarded to
Coastal Commission
staff this date

August 7, 1997

RECEIVED
AUG 11 1997

Honorable Rusty Areias, Chairman,
and Members of the California
Coastal Commission

CALIFORNIA
COASTAL COMMISSION

Re: Tuesday, August 12, 1997 meeting
Item 13b, Revised Findings
Item 17a, Revised Findings

Dear Commissioners:

I am in receipt this day of the Coastal Commission staff's proposed revised findings supporting the Commission's denial, at the May 13, 1997 meeting, of Manhattan Beach's LCP amendment (Item 13b) and of the Commission's approval, as conditioned, of Hermosa Beach's Coastal Development Permit (Item 17a).

At the May 13, 1997 Coastal Commission meeting the Commission heard an appeal of the Coastal Development Permit issued by the City of Manhattan Beach to the Association of Volleyball Professionals (AVP) for a temporary event (the 1997 Miller Lite Manhattan Beach Open Volleyball Tournament on June 12-15, 1997), and the event was approved subject to the condition that no admission fees would be charged. However, the Coastal Commission staff has, apparently, failed to prepare proposed findings for the Commission's conditioned approval of this event.

But getting back to Items 13b and 17a on the August 12, 1997 calendar, the proposed findings, in my view, do not support the actions taken by the Commission at the May 13, 1997 meeting in some very significant ways. As you may recall, the main issue at the May 13, 1997 meeting, with respect to these matters, was whether the AVP should be allowed to charge an admission fee for professional sporting events held on the public beach.

Many of the people, including myself, who spoke at the May 13 meeting contend that admission fees for such large scale events as professional beach volleyball tournaments effectively deny coastal access for the thousands of beachgoers who cannot afford to pay. It would appear, then, that such a large scale

Manhattan Beach
LCPA 1-97
1a Exhibit 10 p 1

denial of beach access would contravene Section 30210 of the Public Resources Code which requires that all persons, in carrying out their responsibilities under the Coastal Act and California Constitution, shall provide "maximum access" to the beach "for all the people." Most of the Commissioners apparently agreed and voted almost unanimously to condition approval of Manhattan and Hermosa's Coastal Development Permits on the AVP's not charging any admission fees for the proposed events.

Some Commissioners also apparently opposed allowing Manhattan Beach to amend its LCP (which currently allows Manhattan to approve temporary events for "sporting events for which no admission is charged") to allow Manhattan to simply approve "temporary events on the beach" because Manhattan would then be able to approve large scale temporary events that do charge admission fees.

The staff reports that were prepared for the May 13 hearing argued that the AVP had adequately mitigated for any loss of beach access that admission fees would cause, but most of the Commissioners nevertheless disagreed.

Assuming that the purpose of the proposed revised findings (Items 13b and 17a) is to support the Commission's actions taken on May 13, the revised findings certainly fail to support the Commission's decision to disallow admission fees. The 13b staff report does not even discuss the issue except to state on page 8 that "some members of the general public are excluded when admission fees are charged to attend a temporary event on the beach" and to state on page 14 that "fee events can result in conversion of the beach to private beach."

Further, the 17a staff report fails to discuss the Commission's decision on the admission fee issue except to propose, on page 15, the following finding:

"Therefore, as conditioned, the Commission finds that the proposed temporary development and event with an admission charge is consistent with the public access and recreation policies contained in the Coastal Act."

Not only does this proposed finding fail to support the Commission's decision to disallow admission charges but it is obviously inconsistent with the Commission's decision. Now, because of staff's proposed findings Hermosa officials are unsure what they can or cannot do (see enclosed copy of local newspaper article).

I would, therefore, urge the Commission to direct staff to further revise its proposed findings to fully support the Commission's decisions - especially its decision to promote free and

Manhattan Beach
1-97 1a
Exhibit 1002

Coastal Commission
August 7, 1997
Page 3

equal beach access by precluding the sponsors of professional sporting events from charging admission to events held on the public beach.

Sincerely yours,

Bill Eisen

Bill Eisen

Encl.

cc: Frank Angel, Esq.
Bill Victor, Esq.

Manhattan Beach
1-97 1a
Exhibit 10 p3

Harry A. Ford, Jr.
54 Village Circle
Manhattan Beach, California 90266-7222
Phone & Fax: (310-546-5117)

e-mail: Seaimage9@aol.com

Sunday, May 11, 1997 - Fax to Coastal Commission at 310-590-5084, ATTN: Charles Posner

California Coastal Commission
200 OceanGate, 10th Floor, Suite 1000
Long Beach, California 90802-4302

RECEIVED
MAY 13 1997

CALIFORNIA
COASTAL COMMISSION

RECEIVED
MAY 12 1997
CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commission Members:

Re: This letter constitutes additional public comments for the May 13, 1997 meeting on the Subjects of 1) 13.c Manhattan Beach LCP, 2) 4.b Appeal No. A-5-97-84 (AVP, Manhattan Beach), and 3) 24 Strategic Plan

I would urge the Commission to DENY the Manhattan Beach LCP, and DENY the approval of 100% paid seating and increased commercialism for the AVP, or any other for profit, exclusive use of the Manhattan Beach, Hermosa Beach, Manhattan State Pier and parking lots.

I do not believe that the long term interests of the residents of California that wish to use the Beach for public recreation are well served by a proliferation of professional for profit, exclusive, **entertainment** events that utilize the Beaches during most of the summer months. If you think of the beaches like a precious resource, as the National Park Service does with parks like YOSEMITE then you would never adopt an LCP, or approve the AVP and other professional entertainment events on the Beaches. Can you imagine on the floor of Yosemite, the same "zoo" as on Manhattan/Hermosa Beach as follows ?:

- a) ear piercing music, and mindless chatter, that you can hear throughout the valley,
- b) 6,000+ people in grandstands taking over the meadows for 8 days for a professional entertainment event, with 3 noisy blow up balloons, 300 signs (many of which are alcohol advertising), and for weeks you have the Bud Light, Jose Cuervo, Surf Festival, etc., etc.
- c) Many 24 hour generators spewing obnoxious odors into the air (also for blow up signs),
- d) Commercial equipment for filming, tractors and other equipment for setting up the bleachers, prime parking areas restricted for exclusive use for 8 days and if there are only 1,000 parking spaces for 6,000+ paid seats, then the rest park ??? Wherever they want !
- e) Fenced off hospitality tents for VIP's, and liquor advertising in an area that does not allow liquor (note: Joe Camel raised teenage smoking, what about Liquor advertising on everything from Volleyball nets to signs on the Beach, etc., etc., etc. - Why not ban tobacco and liquor advertising on the Beach ?).

Of course Yosemite would never be like this, but the Coastal Commission is being asked to make our precious beach like this for much of the summer. It is time to JUST SAY NO !

I go to the beach to see the sun, sand, waves, birds, dolphins, etc. I go to the beach to hear the waves and peace and quiet. I go to the beach to smell the fresh air. Most of the summer weekends, forget it !

MNB 1-97
Exh. b. + 11 p1

California Coastal Commission Re: LCP/AVP for 5/13/97 meeting,

May 11, 1997, Page 2

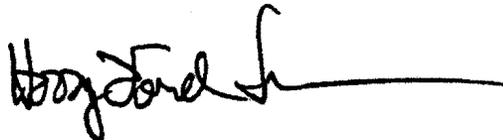
The beach around Manhattan Beach used to have lots of kelp, fish, and little commercialism but the decisions of prior commercial interests and government officials ruined that. Is the Coastal Commission going to continue with the "Veniceization" of our beaches to line the pockets of professional entertainment promoters and liquor companies, or are you going to protect the beaches for your children, and grand children? The choice is yours, and I trust that you will also update your Strategic Plan to push the Commission and Staff towards those "National Park like goals." As California becomes more crowded, it will become more important to have our Beaches like the National Parks (Yosemite).

Following are other issues raised by me and the other appellants in the limited meeting we were able to have with staff on April 18th, and in prior correspondence that does not appear to be fully addressed in the staff report:

- a) Events should be regulated all year round, and 2nd during daylight savings time, or 3rd as requested.
- b) Use of 24 volleyball courts restricted for 8 days for this tournament and not replaced for other tournaments, prior year parking shuttle results not addressed, entrance fees for tournaments is \$30 to \$125 dollars and tickets for this event are not "low cost" per Coastal policy,
- c) I provided many letters to the City which were not in their submittal, nor other meeting comments,
- d) I have reviewed the April 28th and 30th staff reports which I received on Thursday night 5/8/97, two working days before the hearings, after calling the Long Beach office to tell them I did not receive the reports. I had requested the reports in writing on 4/22/97. Now on Friday night I get more revisions, and there have been no public hearings or opportunities to meet with staff? Why?
- e) Why isn't the County permit a condition for the AVP and any other tournaments? Why isn't there any discussion of compliance with AB 909? Why isn't there any discussion of the August 1, 1988 agreement the City has with the State for operation of the Pier and Parking lots that says 1) "While this agreement is in force and effect, said property shall be accessible and subject to the use and enjoyment of all citizens of the State of California.", and 2) "...and that commercialization for profit shall not be engaged in the City." Why isn't the AVP exclusive use of the parking lot for 8 days, for profit to AVP & City, a violation of the State Agreement?
- f) If the AVP agreement was arm's length then why are there not enforcement clauses, and why hasn't the Municipal Code been enforced in prior years? Why does the 4/18/97 letter from Mayor Joan Jones say the event takes up 18,000 square feet, but the Commission staff report says 230,000 square feet?
- g) The changes to these documents should be discussed in public hearings in Manhattan Beach, and at the Coastal Commission meeting in Los Angeles in August to provide the 4,700 residents who signed the petition from Donley Falkenstein a chance to comment on and attend the hearing. The appellants should have some comparable time to review with staff their documented issues, as has the City.

I trust you will make the right decision and deny the LCP changes, and AVP event, and any other 100% seating or for profit events, and reschedule the hearings until August in Los Angeles.

Sincerely, Harry A. Ford, Jr.



CC: Peter Douglas, Executive Director by Fax to Charles Posner, Director of LA County Beaches (fax)
Debra Bowen, Assemblywoman, Fifty-Third District
Geoff Dolan, City Manager of Manhattan Beach for the City Council

Reference: 1/8/97 letter to the Coastal Commission, & 3/16/97 48 page fax to Teresa Henry, etc.

MVB 1-97
Exhibit 1102

Volleyball group withdraws suit, plans for 1998

Association seeks agreement with state Coastal Commission

By Ilene Leichuk
STAFF WRITER

The boys of summer beach volleyball got to play their two heavily sponsored tournaments in Hermosa Beach, so there doesn't seem much point in fighting about it anymore.

With the Grand Slam and U.S. Championships behind it, the Association of Volleyball Professionals has backed away from suing the powerful state commission that banned the AVP from charging admission to its popular games, AVP attorney Jim Evans said.

"After lengthy discussions with the California Coastal Commission, we are optimistic about our ability to work with them and resolve our issues informally before next year," he said.

The talks likely will begin with a public Coastal Commission workshop scheduled for Oct. 7 through 10 in San Diego.

The AVP filed suit in Los Angeles Superior Court in late June after the commission — worried about increasing commercial ventures on public beaches — prohibited paid admission at all beach events statewide.

The volleyball group, dogged by local environmentalists, lashed out at the commission for butting into local business and ignoring its own staff's support for the AVP admission plan.

Stand defended

Commissioners defended their authority and pointed out that the volleyball association publicly agreed in May to withdraw its ticketing plan for Hermosa Beach and Manhattan Beach events.

"That's why we were a little surprised when the lawsuit came in," said Deputy Attorney General Matt Rodriguez, the commission's counsel.

The AVP hoped a judge would temporarily halt the state ban so the group could charge admission to the latest tournament, the U.S. Championships on July 25 through 27. But the judge said no.

Now there isn't much point in pursuing the lawsuit, say AVP of-

ficials. The group has filed papers to formally withdraw the suit.

"Those events are now done," AVP Chief Operating Officer Lon Monk said about the U.S. Championships and June's Grand Slam. "We have suffered our losses. We need to start thinking about 1998."

The AVP has not said how much it benefited from commercial sponsorships with Miller Lite and others. The association stood to gross \$150,000 from admission fees, Monk estimated.

To compromise, the AVP might offer to hold its admission-only events before Memorial Day or after Labor Day, when the beaches are not crowded and public access is less of an issue.

Cities want resolution

Beach city officials, worried about losing their traditional tournaments for good, want resolution, too.

"I wish the Coastal Commission would set some consistent policy on paid events on public beaches so we as a city know what we can do and can't do," said Hermosa Beach Mayor J.R. Reviczky.

Reviczky fears the commission ban threatens the future of the beach cities' beloved volleyball tournaments that the AVP has sponsored for decades.

The AVP is searching for a permanent volleyball stadium off the beach — somewhere inland where the Coastal Commission has no jurisdiction.

This summer, the group backed out of the three-decade-old Manhattan Open, which was moved to Hermosa Beach and renamed the Grand Slam in June.

In that case, the AVP was fighting not only the commission ban but also a lawsuit filed by local environmentalists.

Leader Donley Falkenstien of Hermosa Beach claims that an AVP tournament on Manhattan State Beach would violate a state law prohibiting new or expanded commercial development on the beach. A hearing on his case is expected in the fall.

MNB.197
Exhibit 12

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Received at Commission
Meeting

AUG 11 1997

From: _____

August 11, 1997

HAND DELIVERED

California Coastal Commission
Crowne Plaza - Holiday Inn - LAX
5985 West Century Blvd.
Los Angeles, California

Re: Revised findings supporting the Commission's May 13, 1997 denial of major amendment request no. 1A-97 (City of Manhattan Beach), Tuesday, August 12, 1997, Item 13b;

Revised findings supporting the Commission's May 13, 1997 approval of application no. 5-97-062 (Assn. of Volleyball Professionals), Tuesday, August 12, 1997, Item 17a.

Honorable Commissioners:

These written comments are submitted on behalf of the South Bay Coastal Defense Alliance, an organization of South Bay residents (L. A. County) formed to protect South Bay beaches from commercialization and pollution, and to preserve open public access.

The purpose of findings is to accurately record the reasoning of the Commission in reaching its decisions. Staff has submitted revised findings which substantially fail to reflect the rationale and concerns voiced by Commissioners when the Commission denied the City of Manhattan Beach's local coastal program (LCP) amendment request no. 1A-97, and when the Commission approved the Association of Volleyball Professionals' (AVP) application for a coastal development permit, no. 5-97-062. Therefore the revised findings should be rejected as proposed.

At the May 13, 1997 hearings, the Commission was concerned with the entire range of impacts from commercially-sponsored events on the beach, not just the beach access impacts emphasized in the revised findings. The proposed finding that "Reservation of the beach for a profit generating enterprise that excludes the general public or charges the public a fee effectively converts the beach to a private beach"

August 11, 1997

(Revised Findings, LCP Amendment No. 1A-97, p. 14), is well-taken, but the finding is too limited. The findings should also reflect that an LCP amendment allowing events, whether free or not, that sell huge chunks of space and amplified sound on the public beach to the highest bidders among commercial sponsors, is not something this Commission is in the business of endorsing. This is another way that commercialism "effectively converts the beach to a private beach," and the proposed findings completely ignore it. **The Commission should require findings which state that the LCP amendment was rejected in part because it allows commercially-sponsored events on the beach which produce significant visual and noise pollution impacts, not only events which charge a fee.**

While the revised findings for the AVP permit list the primary public objection as "a) This event is a commercial use that should not be permitted on a public beach" (Revised Findings, app. no. 5-97-062, p. 7), the findings say nothing further about the issue, despite the Commission's agreement with the public's concern about the rapidly metastasizing commercialization of the beach. This contrasts sharply with the exhaustive discussion of parking mitigation and beach access issues (*id.* at pp. 8-15). The findings should reflect the role of the Commission's strong and well-founded concerns about commercialization, which, in truth, diminishes public access.

Thank you for your consideration.

Sincerely,



Curtis Horton
LAW OFFICES OF FRANK P. ANGEL

