

Willa

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

11 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

RECORD PACKET COPY



Date: December 20, 1996

To: Coastal Commission and Interested Persons

From: Peter Douglas, Executive Director
Sherilyn Sarb, Supervisor for Permits, San DiegoSubject: Exclusion of Temporary Events from
Coastal Development Permit Requirements

Staff Report for Commission Discussion

**INTERESTED MEMBERS OF THE PUBLIC WILL BE GIVEN AN
OPPORTUNITY TO PRESENT COMMENTS AT:**

DATE AND TIME: Wednesday, January 8th - 10:00 a.m.

LOCATION: Crowne Plaza- Holiday Inn LAX

5985 West Century Blvd.

Los Angeles, CA

Introduction:

At recent Coastal Commission hearings it has been suggested that the nature and extent of temporary events, such as volleyball tournaments, surfing contests, waterski contests, music festivals, etc., held at certain beach locations is adversely affecting public access to the coast. The concerns have been raised most specifically in association with volleyball tournaments held in Hermosa Beach and Manhattan Beach and whether paid admission should be allowed for such events; however, the more general question of whether it is appropriate for these kinds of temporary events to buy or lease exclusive rights to the beach or ocean has been raised and characterized as a significant concern by some members of the public. In response, staff has prepared the following report to identify the Commission's historic involvement in temporary events and the types of events which require a coastal development permit. The report is also to identify the potential conflicts with Chapter 3 policies of the Coastal Act which might be raised by such events and how such conflicts, if present, might be addressed by sponsors and permitting authorities. The intent is to generate both public testimony and Commission discussion of the issues, problems and potential solutions and to determine whether any change to the Commission's involvement in regulating such events would be necessary and beneficial.

History:

In May, 1993 the Commission adopted Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements (copy attached for reference as Exhibit 1). The purpose of the guidelines is to identify the standards the Commission staff uses to determine whether a temporary event requires a coastal development permit or is exempt from permit requirements. The authority for the Commission to establish these guidelines is found in Coastal Act Section 30610(I) which states:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(i)(1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of the guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision and to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision are exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).

The guidelines were adopted in 1993 in response to the Commission recognizing that there are many types of events held annually throughout the coastal zone, many of which are on public parkland, public streets and public beaches. Exclusive use is granted to the sponsors to hold the event; however, general public admission to the event is not usually limited or controlled. Examples include, but are not limited to, surfing contests, sandcastle contests, festivals, fairs, volleyball tournaments, waterski contests, racing events, etc., where land and/or water is set aside for exclusive use by a particular event.

However, at that time, and continuing today, there is an increasing trend for exclusive use to be granted, or use of prime recreational areas to be controlled, through an admission charge, parking fee, or other form of controlled entry and/or perimeter fencing. These events, such as volleyball tournaments, waterski contests and music festivals, etc., then become limited and available to only members of the public willing to pay to attend the

event. In some locations, such as sandy beach areas, and at some times of the year, such as prime beach season, such exclusive use to a public recreational area could have a significant adverse impact on coastal resources, and may be inconsistent with the public access and recreation policies of the Coastal Act. Displacement of the general public from the event area has the potential to create access, parking or other problems in adjacent areas not involved with the temporary event. Furthermore, staging these types of events in areas not able to accommodate them has the potential to adversely affect the recreational experience for all users of the recreational area, including those attending the event. The guidelines were adopted to identify those kinds of events which have the potential to affect public access and recreational opportunities in an adverse way, and to assert coastal development permit authority over such events.

Summary of Guidelines:

The adopted guidelines exclude from coastal development permit requirements all temporary events except those which are held on a sandy beach, between Memorial Day and Labor Day, and involve a charge for general public admission or seating. Therefore, the effect of the adopted guidelines is to exclude the majority of temporary events from review under the policies of the Coastal Act. The Commission adopted the guidelines recognizing that most local jurisdictions have permit processes in place which regulate temporary events and address the location, timing and duration of an event to assure it will be held when and where traffic conflicts and parking competition will be minimized. Some local, state or federal jurisdictions regulating temporary events have policies which limit the types of events which can occur in the prime beach season to assure adequate parking and traffic circulation is available.

The purpose of the guidelines was to narrow the Commission's involvement in permit review over temporary events. In the majority of cases, the Commission felt that other permitting authorities were the appropriate entities to regulate the details of such events, and that any impacts were only temporary and thus, acceptable. There was also a recognition that the events themselves provide public recreational opportunities and draw the public to enjoy the beach and shoreline. Most temporary events are not inconsistent with the public access and recreational policies of the Coastal Act which encourage low cost visitor-serving uses and seek to maximize public access and recreational opportunities for all persons. In limiting the Commission's jurisdiction to only those events which charge a fee for admission to an event on the beach in the summer, the Commission felt it was retaining permit authority over the events which might cross the line to becoming a commercial operation on a public beach which may have the potential to seriously affect coastal access or establish a precedent for excluding the general public from use of the beach or shoreline.

The guidelines also recognize there may be unique or changing circumstances relative to a particular temporary event which, even though the event does not charge a fee for admission on the beach in the summer, the event would have the potential for significant adverse impacts on coastal resources. The guidelines allow the Executive Director to

require a coastal development permit for a temporary event if the Executive Director determines the following:

- a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;
- b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Section V. of these guidelines;
- c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;
- d) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

Therefore, the guidelines are designed to allow the Commission to assert coastal development permit authority over temporary events which may have an adverse impact, either individually or cumulatively on coastal access or resources. Additionally, the Commission may amend the guidelines at any time if it is determined such modification is necessary to more effectively implement Section 30610(i) of the Coastal Act, and provide coastal development permit review of any category of temporary events having the potential for significant impacts to coastal resources; or, eliminate such review of any category of temporary events having no such potential.

Current Conditions/Recent Trends:

The recent public input to the Commission and staff indicates a growing concern by some members of the public that access to the beach and public parking areas is frequently being usurped by scheduled special/temporary events. This concern extends to those events which do not now require a coastal development permit pursuant to the guidelines, i.e., they don't involve a fee for admission, and are not located on the beach during the summer. The guidelines are for use in areas where the Coastal Commission retains permit authority; however, they can also be used by local governments and included in their Local Coastal Programs.

Concerns were expressed by the public in response to the Association of Volleyball Professionals (AVP) request to charge admission to all the seating for the volleyball tournament held annually in Hermosa Beach. In this case, the City of Hermosa Beach approved the concept of paid admission and the applicant obtained a coastal development permit from the Coastal Commission for the event held August 1996. During and after the event there was substantial negative public comment regarding the fencing, public parking being usurped by the event, and the fee for use of public beach.

In a related event, AVP requested the City of Manhattan Beach to approve paid admission for 100% of the seating, and the City declined for the 1996 Manhattan Open. Additionally, the City of Manhattan Beach has a certified Local Coastal Program and coastal development permit authority over the beach where the volleyball tournament is held. The City's Local Coastal Program contains policy language which allows only sporting events for which no admission is charged to occur on the beach. Thus, in order to permit the

Manhattan Open with paid seating for 1997, an amendment to the Local Coastal Program must be processed and approved by both the City and the Coastal Commission. AVP is currently negotiating with the City for next year's event.

Another type of temporary event which has raised public opposition in the recent past are surfing contests. There was an incident at Trestles Beach (San Onofre State Beach) which involved fines by State lifeguards to three members of the public who refused to leave the waves for the contest. The incident has resulted in State Parks reviewing their current policy on surfing contests to determine if some revision is in order. Currently, a private firm, either commercial or non-profit, can purchase exclusive rights to the water at any State beach for a surfing contest for \$1,100 a day. The fee includes the services of a lifeguard who can ticket anyone who interferes with the contest. The current policy limits contests to one per month with none permitted during July and August. Most other surfing contests held on City or County beaches are not granted exclusive use of the water and the sponsors are required to do their own policing and to rely on non-participants to cooperate.

Key Issues for Discussion:

The above examples and the public comments have raised a number of questions which the Commission should consider to determine whether any modifications should be made to the guidelines, or to the way the guidelines are implemented by Commission staff, to assure coastal access and resources are appropriately protected as required by the Coastal Act. The broad questions include:

1. Should exclusive rights to the beach and/or water be available to private entities for purchase or lease?
2. Is this the trend of the future for purposes of revenue to maintain our parks and shoreline?
3. To what degree does charging a fee for the event affect general public access?
4. What would such a trend mean to the future of our beaches?
5. Is it possible to regulate temporary events to mitigate adverse effects and assure there is sufficient beach area available free of charge to those members of the public seeking it?
6. Are these issues of Statewide significance that require the Commission's involvement for resolution?
7. How would greater involvement by the Coastal Commission affect the number and frequency of temporary events held on the beach?
8. Are only the events held on the beach of Statewide concern?

Questions regarding the scope of the guidelines include, but are not necessarily limited to:

1. Are significant coastal issues only raised by temporary events held in the summer; on the beach; when a fee is involved?
2. Should the procedures for implementation of the guidelines be expanded to require greater contact with local entities regulating temporary events to determine whether a permit should be required due to the potential for adverse cumulative effects?
3. What are the workload implications for such measures and what affect might there be from expanded Commission review?
4. Should the guidelines be modified to require coastal development permits for more kinds of events and/or water areas?

Other considerations include:

1. Are there mitigating factors which could be incorporated into temporary event regulations which adequately address the potential conflicts with Coastal Act policies? Such mitigating factors include, but are not limited to:

- Limitations on exclusive use of public parking
- Off-site parking shuttle service
- Signage to notify the public of coming events
- Limitations on the number of events held per month or per weekend

2. What role could the Commission play in assuring the appropriate mitigation measures are implemented during temporary events?

In summary, the purpose of this report is to provide a framework for discussion of the issues, problems and concerns associated with temporary events, the current process regarding Coastal Commission review of temporary events, and whether any changes to the process or guidelines which determine when events are excluded from coastal development permit requirements is warranted at this time.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

1 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

W
Item 11a

TO: Local Governments and Interested Persons

FROM: Coastal Commission Staff

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

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

II. Criteria for Exclusion from Permit Requirements.



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

- a) Are held between Memorial Day weekend and Labor Day; and,
- b) Occupy all or a portion of a sandy beach area; and,
- c) Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

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

The Executive Director may also exclude from permit requirements temporary events meeting all of the above criteria when:

- d) The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or,

EXHIBIT NO. 1

GUIDELINES ON
TEMPORARY EVENTS
 California Coastal Commission

Item 11a

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

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

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

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

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

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

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

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

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

IV. Modifications to Guidelines by the Commission.

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

EXHIBIT NO. (Cont)
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GUIDELINES
ON TEMPORARY
EVENTS
California Coastal Commission

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V. Definitions.

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

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

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

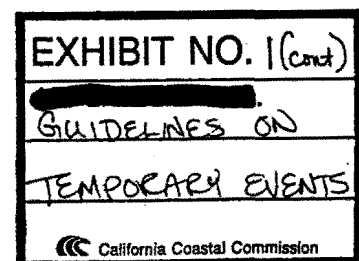
c) "Non-permanent structures" include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, movie/film sets, etc., which do not involve grading or landform alteration for installation.

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

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

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

(8499A)





Sherilyn Sarb
California Coastal Commission
3111 Camino Del Rio North
Suite 200
San Diego, CA 92108

Association of Volleyball Professionals
"The World's Best"

December 6, 1996

Item 11A

Dear Sherilyn,

Recognizing the importance of the California Coastal Commission's upcoming hearings on the effects of temporary events on public access and recreation, the AVP would like to provide you with information relevant to AVP event specifics and their bearing on the Coastal Act. As a point of reference, let me state that the AVP places great importance on the events we run in (southern) California. They not only hold an important place in the history of beach volleyball and its development as a professional sport, but they also represent an integral part of the ongoing business objectives for the AVP. As such, the necessity of the AVP's compliance with California state guidelines and our cooperation with both state and local jurisdictions has been (and will remain) a priority for the AVP.

Dating back to our first involvement with the California Coastal Commission in the early 1990s, we have done our utmost to be cognizant of Coastal Act guidelines. Now, in this time of heightened sensitivity to organized beach events, we want to do whatever we can to maintain strong communications with you and meanwhile we will exhibit the utmost diligence to insure that our events are run in compliance with California Coastal Commission guidelines while hopefully allowing the AVP to achieve certain objectives. That being said, I would like to identify those aspects of our upcoming California events that appear to be the most relevant to the report you are preparing for the upcoming hearings and describe the steps we are taking to address those issues:

Event Logistics/Impact Issues - Immediately following this year's Manhattan Beach Open, AVP management personnel met with Manhattan Beach City Staff and City Council members to address issues important to a negotiated arrangement between the AVP and Manhattan Beach for the AVP's continued operation of the Manhattan Open. At that meeting we identified several operational/logistical issues that involved the impact of the event on residents and beach goers including the need to minimize noise and to expedite trash pick-up and event break down. After one interim meeting between the AVP and Manhattan City officials, we have agreed to 1. Dedicate an event director to participate in event planning with Manhattan Beach staff and 2. To recruit an event task force to be made up of representatives from the following; Parks and Recreation Department, Police Department, City Manager's office, Downtown Merchants Association, and the AVP. We would welcome a representative from the Coastal Commission to participate on this task force that will meet prior to the event (based upon a finalized contract with the City) to review noise control, crowd flow, venue lay-out, event clean-up, etc. The task force will meet after the event as well to

West Coast Office: 550 Washington Boulevard, Suite 600, Marina del Rey, CA 90292 Tel (310) 577-4775 Fax (310) 577-0777

East Coast Office: 401 Edgewater Place, Suite 510, Hazlet, MI 49426 Tel (317) 224-6644 Fax (317) 224-2664

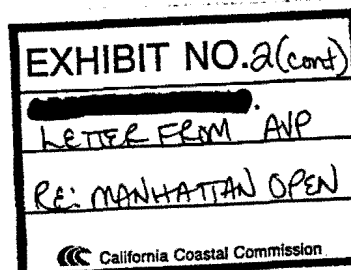
EXHIBIT NO. 2
LETTER FROM AVP
RE: MANHATTAN OPEN
California Coastal Commission

Item 11a

evaluate the success of the jointly developed plan to deal with such issues. AVP management will be meeting with the Hermosa Beach City Manager and Chief of Police before the end of the year to discuss analogous issues related to the US Championships at Hermosa Beach. We will propose the development of a similar task force made to deal with the Hermosa Beach event.

Paid Seating - As you know, the paid seating program was implemented in Hermosa Beach in compliance with Coastal Commission guidelines. Based upon discussions with Hermosa Beach officials and City Council members, it is our shared intention to continue with the paid seating program in future years based upon a positive outcome of the Coastal Commission hearings. Additionally, the Manhattan Beach City Council has directed an ad hoc committee of two council members and two staff members to negotiate an agreement with the AVP that includes the introduction of full paid seating. We have nearly finalized these negotiations and will present the contract to City Council for final approval on December 17. In recognition of some of the issues that arose surrounding the first full paid seating event at Hermosa, the AVP has proposed that in order to maintain maximum beach access and positive aesthetics, we will stage all matches (on Saturday and Sunday) on one center court stadium and two bleacher outer courts, thus doing away with the necessity of fencing in the entire venue. Besides these three bleacher courts, all other aspects of the venue will be open to the public including the beach, concessions, sponsor areas, etc. As in the past, at no time will our event block access to the coastline. We plan to utilize the task force to insure the successful implementation of our seating/venue plan.

Parking Limitation/Operational Requirements - This is yet another issue that will be subject to final negotiation and review of the task force. Suffice it to say, the issue of parking limitation has been addressed by AVP and local officials since we began to operate events. Specifically, in 1996 the AVP agreed to limit our use of parking to the lower two lots in Manhattan Beach whereas we had used four lots in prior years. The south lot, which is used for production purposes, has approximately 28 parking spaces. The north lot, which is used for staff and VIP parking, has approximately 45 parking spaces. Additional parking limitations (a minimal number of spaces along Manhattan Beach Boulevard, south of Ocean Drive, and the southern lot adjacent to Ocean Drive) were closed off at the discretion of the City of Manhattan Beach. As it relates to the City's discretion to block off parking above and beyond the AVP's operational and staff needs, please feel free to contact Manhattan Beach Department of Parks and/or Manhattan Beach Police Department on this issue. In Hermosa Beach, our operational needs required the limitation of only four spaces otherwise used for the public in 1996. An additional 45 spaces were used for VIP/staff parking based on the mutual agreement of the AVP and Hermosa. We plan to use public parking in a similar way in 1997. Importantly, we have agreed to utilize a shuttle system for spectators, and when possible, staff and players, to minimize the limitation of parking adjacent to the event site. We have done this in the past with respect to events in Manhattan Beach, Hermosa Beach, and Seal Beach in southern California and acknowledge the need to advertise.



Item 11a

Public Access to Pier and Restrooms - At no time have we ever, or will we ever limit access to any areas adjacent to the event site including city piers or public restrooms. In fact, we provide a number of "porta-johns" on the site for spectators, staff and players. Any limitation of access to the piers would be subject to the discretion of the cities and not the AVP. It is important to note that maintaining the public viewing of the event from the Manhattan pier has always been a priority of the City of Manhattan Beach.

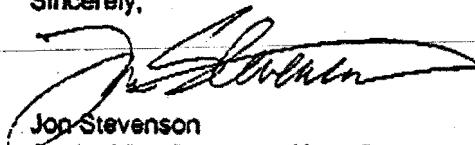
Set-up and Breakdown of the Events/Number of Days on the Beach - The size of the event, and therefore the operational demands regarding construction and breakdown of the venue, have remained largely unchanged for the last several years and will continue to be similar in 1997. Therefore, we plan to utilize two days prior to the event to construct the venue, three days to run the event, and two days following the event for breakdown and clean-up. Hours of operation are 8:00 a.m. - 6:00 p.m. Operational issues surrounding event set-up and breakdown will be dealt with by AVP and City officials (as well as) the event task force.

*Pre-event qualifying takes place on the day before the event during set-up.

Scheduled Dates for the Events - Based upon the successful completion of negotiations, we plan to stage the Manhattan Open on June 13-15 and the US Championships at Hermosa Beach on July 25-27. Therefore, we will be on the beach beginning June 11 and ending June 17 for the Manhattan event and beginning July 23 and ending July 29 for the Hermosa event.

Sherylin, thank you in advance for your review of this information and please feel free to call me if I have left any important questions unanswered.

Sincerely,


Jon Stevenson
Senior Vice President, Tour Operations

cc: J. Solomon, AVP
L. Monk, AVP
J. Wolfe, City of Manhattan Beach
G. Dolan, City of Manhattan Beach
M. Rooney, City of Hermosa Beach
P. Emerson, California Coastal Commission

EXHIBIT NO. 2 (cont.)
LETTER FROM AVP
RE: MANHATTAN OPEN
California Coastal Commission

Item 11a

We the People of Manhattan Beach, being residents thereof, declare our

opposition to: a) allowing paid admission to any events held on our beach ever, and; b) the restricted access via parking. Furthermore, we direct our governing officials to rescind any support given to allowing access fees for beach events to the California Coastal Commission in writing as soon as possible.

NAME CARROLL D. HAUSER LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 629 MARINE AVE. PHONE#
NO CITY OR ZIP REQUIRED SIGNATURE Carroll D. Hauser

NAME Taylor Parnowski LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 3500 Bayview Dr. PHONE# (310) 545-1270
NO CITY OR ZIP REQUIRED SIGNATURE Taylor Parnowski

NAME Juan Sale LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 1525 5th St. PHONE# 310-318-5458
NO CITY OR ZIP REQUIRED SIGNATURE Juan Sale

NAME CHARLIE STEWART LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 622 ROSECRANS AVE PHONE# 310 546 2361
NO CITY OR ZIP REQUIRED SIGNATURE Charlie Stewart

NAME George Stewart LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 622 ROSECRANS PHONE# 310 546 2361
NO CITY OR ZIP REQUIRED SIGNATURE G Stewart

NAME SCOTT Brewster LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 4314 OCEAN BL. PHONE# 310-546-7847
NO CITY OR ZIP REQUIRED SIGNATURE Scott Brewster

NAME JULY T. POLK LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 915 1/2 Manhattan Beach Blvd PHONE#
NO CITY OR ZIP REQUIRED SIGNATURE July T. Polk

SAVE BEACH ACCESS, KEEP BEACH ACCESS FREE...
FOREVER, NO CHARGING ACCESS TO THE BEACH!

This petition was circulated and
submitted with approx. 4,700
signatures

EXHIBIT 3

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

October 16, 1996

Bill Victor
Box 24 A 72
Los Angeles, CA 90024

Dear Mr. Victor:

At the last Commission meeting, you expressed dismay over what you considered to be an inadequate response to your request that the Coastal Commission issue a cease and desist order to the City of Manhattan Beach relative to beach volleyball events. This is to inform you in writing of what we have told you on several occasions orally - the Coastal Commission has not and most likely will not, barring unique circumstances, issue cease and desist orders relative to temporary events on public beaches. You have asked that the Commission issue such a cease and desist order to the City of Manhattan Beach to prevent it from holding a professional beach volleyball tournament which has already occurred and, I assume, to bar future such events until the Commission has reviewed all of the issues relative to beach access in association with these temporary events. As we indicated at the last Commission meeting, we are preparing a report to the Commission for its January meeting relative to temporary events such as beach volleyball tournaments. The Commission has used its authority to issue cease and desist orders in very few cases. It has limited their use to situations where important coastal resources can be permanently damaged or lost unless the proposed action or activity that appears to be in violation of Coastal Act requirements is immediately stopped. Your request does not raise the kinds of concerns that warrant the issuance of a cease and desist order by the Coastal Commission.

Sincerely,

Peter Douglas
Executive Director

cc: Commissioners

Teresa Henry/Pam Emerson, Long Beach, Coastal Commission
Sherilyn Sarb, San Diego, Coastal Commission
Geoff Dolan, City Manager, City of Manhattan Beach
City Hall, 1400 Highland Avenue, Manhattan Beach, CA 90266
Matt Gage, Association of Volleyball Professionals
330 Washington Blvd., Suite 600, Marina del Rey, CA 90292

Item 11a - Temporary
Exhibits
Response to Comment

CITY OF MANHATTAN BEACH MANHATTAN OPENIn-Kind Service FeesParking - 4 Lots

Lower South	8 days X 27 meters @ \$28.80 =	\$6,220.80
Lower North	4 days X 47 meters @ \$28.80 =	\$5,424.40
2 Upper Lots	3 days X 30 meters @ \$28.80	\$4,320.00
Street	3 days X 10 meters @ \$28.80 =	<u>\$ 864.00</u>

Total Parking \$16,819.20

Film

2 days @ \$1,500 per day	\$3,000.00
1 Application Fee	125.00
Police X 8 hours @ \$64/hour	512.00
Fire X 8 hours @ \$52/hour	<u>416.00</u>

Total Film Permit \$4,053.00

Security

1 officer + 4 patrol + 2 parking	
7 officers X 3 days X 8 hours X \$64 =	\$10,752.00

Buses

3 buses X 3 days =	\$1,595.00
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Public Works

\$1,902.04

County Permit

\$150 + 10% of Income	\$ 150.00
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Business License

\$ 300.00

Banner Hanging

3 banners @ \$300 each =	\$ 900.00
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\$36,471.20

Actual 1995 Tournament Operation Fees reimbursed
to the City from Event Budget

\$ 9,525.00

Total City Operation Costs

\$45,996.20

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Item 11a
Temporary Events

DATE: August 17, 1996

TO: Mr. Victor, San Antonio

FROM: 310 9740226

MEMO

3(cont.)

California Coastal Commission

August 16, 1996

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Mr. Wolfe asked me this morning, did I tell the Coastal Commission about a shuttle and I asked him what he was talking about. He said that there was a shuttle taking public to the beach. I asked around and no one except one person knew about it. Mr. Wolfe stated further that there were signs "all over" but he could not name one place where there was a sign to let the public know about this. He then stated that it was advertised and told to AVP ticket purchasers. However, the public not interested in purchasing tickets, apparently were never told including the undersigned. I enclose as Exhibit "B" a copy of a fax I have received from such a person who was able to get to the beach and was there for 18 hours on August 9, 10 and 11 and "did not see any signage that would indicate that there was a satellite parking area for visitors" to the beach or coastal area. His telephone number is on the fax and I am sure that you may interview him.

In view of the actual conditions which did in fact "restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters" contrary to the spirit and letter of the Guidelines for Temporary Events issued by your agency on January 12, 1993, Part III (c) et al, in addition to my offer to assist in your investigation, it is respectfully requested that this agency:

(a) amend the Guidelines to exclude this event in the future from Manhattan Beach so that Section 30610 et al is more effectively implemented or at the very least provide Coastal Commission coastal development permit review of any category of temporary events for any temporary events any paid admission whatsoever on the public beach in the Manhattan Beach Coastal Area.

(b) complete and conclude the enforcement investigation with the commencement of a cease and desist order proceeding (against the City of Manhattan Beach and the AVP and their respective agents) before the Honorable Coastal Commission pursuant to Public Resource Code Section 30809 et al and/or Section 30810 and/or whatever other authorities deemed appropriate by the Commission and/or its Executive Director.

(c) please schedule any necessary hearing(s) at the Santa Monica Venue in October 1996 and if further to be continued at any hearing within that proximity of Manhattan Beach thereafter, so that the thousands of people who have been precluded from using this coastal resource and who have signed petitions against such preclusion may have an opportunity to participate.

Respectfully requested, William Victor

Enclosures, as stated

Item 11a
Temporary Events

Box 24A72

Los Angeles, Ca. 90024

August 16, 1996

transmitted also via Fax 8-22-96
to Fax No: 310-590-5084 (4 pages)

Mr. Teresa Henry
California Coastal Commission
245 West Broadway Ste 380
POB 1450
Long Beach, Ca. 90802-4616

Re: (1) Violations by the City of Manhattan Beach of the
guidelines for the exclusion of temporary events from Coastal
Commission Permit Requirements and

(2) Request that the Executive Director initiate Cease and
Desist Order Proceedings against the City of Manhattan Beach and
the Association of Volleyball Professionals, a California
Corporation

Dear Assistant Director Henry:

Confirming our telephone conferences today, I understand that
you have arranged for an investigator to contact Mr. James W.
Wolfe, Director of Parks and Recreations for the City of
Manhattan Beach, the co-producer with the Association of
Volleyball Professionals (AVP) regarding what they call the
"Manhattan Beach Open" which took the use of the beach away from
the public for the period from prior to August 8 until after
August 14, 1996. You have informed me that your interviewer was
informed that Mr. Wolfe never intended to close off four parking
lots but only two parking lots. He alleged it was an emergency
safety precaution caused by the Manhattan Beach police. He told
me the same, which appears to be a fabrication.

I enclose a copy of a document as Exhibit "A" to this letter
which Mr. Wolfe attached to his presentation to the Manhattan
Beach City Council on June 4, 1996 when he recommended that the
Council pass a motion authorizing the City to execute an
agreement to Co-produce this event, wherein he anticipated
without condition the closing of four parking lots or a total of
584 spaces during the event wherein in actuality, those plus the
entire area of parking, including both the North and South Side
of Manhattan Beach Boulevard from the Strand to Manhattan Avenue
were closed for at least three of the days with all exit and
entrance to Ocean Drive prohibited to all vehicles (except
volleyball professionals and their families) from 10th Street,
and past the Pier North on Ocean Drive to 12th Street. That
further made it impossible for public to use four of the public
lots, the spaces on MB Blvd, and the beaches for the Friday,
Saturday and Sunday August 9, 10 and 11.

Item Ha-Temporary
Events
Letter of Comment

STATE OF CALIFORNIA - THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
345 WEST BROADWAY, SUITE 300
P.O. BOX 1400
LONG BEACH, CA 90803-4410
(210) 500-5071



October 23, 1996

RECEIVED

OCT 28 1996

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Don Falkenstien
1412 Palm Drive
Hermosa Beach, CA 90254

Dear Mr. Falkenstien,

Thank you for your letter of September 19, 1996, regarding the Hermosa Beach Association of Volleyball Professionals (AVP) tournament. Your letter also raised general issues concerning the impact of temporary events on coastal access and parking. As you have indicated, the AVP sought and received Commission approval for their tournament, coastal development permit number 5-96-82. The approved coastal development permit allowed the applicant to charge the public for admission to the volleyball enclosure, although the applicant proposed to leave the nearshore area adjacent to the tournament enclosure open for public access. You state that the tournament restricted access to the beach because of competition for beach parking and because the fences around the enclosures were covered with netting that blocked views. You also note that the applicant failed to comply with all special conditions before the day of the event, and, therefore, the permit was not issued until several days after the event took place.

You asked for specific answers to six questions concerning our permitting and enforcement procedures:

1. The procedures to receive a coastal development permit for a temporary event. The promoter of such an event must first receive permission from the landowner. The promoter then contacts the Coastal Commission or, in cities where local government is issuing Coastal permits, the local government, and asks whether the event requires a coastal development permit. Coastal development permits are issued either by the Coastal Commission or by local governments after certification (approval) of their local coastal programs. Some events can be excluded from permit requirements based on the Commission's *Guidelines for the Exclusion of Temporary Events from Permit Requirements*. These guidelines state that a permit for such an event is necessary, for example, if the promoter charges admission to more than 25% of the seats. I have enclosed a copy of the temporary events *Guidelines* for your convenience.

*Item #1 - Temporary Events
Response to Comment*

Don Falkenstien Hermosa AVP.

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If a coastal development permit is necessary, an applicant must have evidence of permission to use the land from the landowner if he or she does not own the land. Secondly, the applicant must provide evidence that the project is consistent with local zoning regulations. Such evidence can include an initial agreement from the landowner, evidence of approval of the project by local government, or evidence that final local government approval will occur before the event takes place. A local government that is also the landowner must approve the project both as landowner and according to local zoning and land use restrictions. The applicant files a coastal development permit application, and the matter is set for hearing. At the hearing, the applicant and the public testify concerning the request and any special conditions suggested by staff in order to protect coastal resources and public use of the beach.

2. **The procedure for enforcement of permit restrictions.** The Commission can enforce any permit. The Commission's practice is to always attempt administrative resolution before seeking court action. If informal resolution of an issue is not successful, the Commission can ask the Attorney General's office to file a civil suit and ask the courts to enforce the permit. Administrative resolution consists of contacting the person and bringing any action or development that is not in compliance to their attention. In many cases, issues can be resolved without any civil court action by the filing of necessary permit paperwork or otherwise taking action to comply with a previously approved coastal development permit and any special conditions.
3. **The procedure for remedy of violations of the Coastal Act.** The Commission has options other than court action to remedy violations of the Coastal Act. If a violation would result in irremediable damage to public access or other coastal resources identified in Chapter 3 of the Coastal Act, the Executive Director can issue a temporary cease and desist order to the alleged violator to cease and desist the activity causing the damage. Alternatively, the Commission, after a public hearing, can issue a permanent cease and desist order to the alleged violator to cease and desist the activity causing the damage and/or to repair the damage.

If the violation is procedural, such as failure to file required papers, the alleged violator can provide such paper work after-the-fact. Most violations of the Coastal Act are resolved without a cease and desist order or court action. Instead, the alleged violator seeks an after-the-fact permit, supplies necessary evidence, pays fees, or in some cases removes those portions of the development that are deemed inconsistent with the Coastal Act. Removal of development that cannot be approved, or after-the-fact authorization of development that can be approved resolves the violation. If

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2 cont.

Don Falkenstien Hermosa AVP.

Page 3

the Commission cannot resolve cases in this manner and serious damage to resources has occurred, the matter is referred to the Attorney General.

In some instances, the courts have found that an action is a violation of the Coastal Act, and the action was taken willingly, knowing that it was a violation of the Coastal Act. In other cases, courts have found that serious damage to resources occurred. In such cases judges have awarded fines and penalties in addition to requiring any damage to resources to be removed or restored. Chapter 9 of the Coastal Act more fully addresses the Commission's enforcement powers under the Coastal Act. I have enclosed a copy of chapter 9 with this letter.

4. The schedule of enforcement in this matter. In this case, the applicant provided evidence that it did receive a license from local government before the tournament, complying with condition 1 of the permit. When the analyst issued the coastal development permit, the enforcement staff determined that there was no irremediable damage to access or resources. These actions resolved the enforcement investigation.
5. The following answers your question concerning the procedure for appeals. Permits approved by the Commission can be appealed in court within sixty (60) days of the Commission's action on the permit as provided for in Section 30801 of the Coastal Act. This permit was approved on June 13, 1996, and therefore the period of time during which you were allowed to file an appeal has concluded.
6. Report on temporary events in January (January 7-10, in Los Angeles.) In January, 1997, the Commission will hear a staff report addressing the effects of temporary events on public access and recreation. Materials for the staff and Commission consideration should be provided by December 1, 1996 to Sherilyn Sarb, at our San Diego District office, 3111 Camino Del Rio North, San Diego, CA 92108-1725. Ms. Sarb may be reached by telephone at (619) 521-8036.

Please review the enclosed temporary event *Guidelines*. These *Guidelines* exclude certain temporary events from permit requirements. We would appreciate your comments, based on your experience, on whether these *Guidelines* protect access and recreation on the beach while special events are being held. If you feel they do not, please include why and how you feel the *Guidelines* fail to protect the public's rights to enjoy the beach. Also discuss any issues that you feel could or should be considered in the future, when the Commission issues permits for temporary events and when it exempts certain events from permit requirements.

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3cont.

Don Falkenstien Hermosa AVP

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The staff report will consider both the cumulative and individual effects of such events on the public's ability to get to the beach and to enjoy its recreational amenities. The Commission will also consider the effects on special events on the availability to the public of beach parking and other support facilities. Please include evidence in your comments to support your opinions. Evidence can include your own experience, photographs, and written testimony from individuals who cannot be present.

I cannot overemphasize how important your comments are in developing reasonable criteria for evaluating the effects of temporary events on public access. I am looking forward to any more information that you can give Ms. Sarb for the Commission hearing on temporary events scheduled for January, 1997. Staff will mail you a notice containing the specific time, date and location of the Commission hearing before the January meeting.

Very truly yours



Pam Emerson

Los Angeles County Area Supervisor

cc. Matthew Gage
Peter Douglas
Nancy Cave, Coordinator, Commission Enforcement Program
Sherilyn Sarb, Supervisor Permits and Enforcement San Diego District

c3/c/winword/pamenemo.hermosa.donnely

Item 11a
4 cont.

Don Falkenstien
1412 Palm Drive
Hermosa Beach, CA 90254
(310) 372-0872 Ph / Fax: call 1st
e-mail donley@southbay.com

Pam Emerson Director of Enforcement
California Coastal Commission
245 W. Broadway #380
Long Beach, CA

September 19, 1996

Re: Complaint of violations committed by the Assoc of Volleyball Professionals (AVP) in Hermosa Beach / Lack of permit for temporary beach event / charging general admission / erection of perimeter fencing.

Dear Pam Emerson:

During the 11 day period of monday Aug. 19 thru thurs. Aug. 29, 1996 The AVP held a major commercial sporting event on the beach in Hermosa Beach, Ca. without ever having a permit from the California Coastal Commission.

This period included set-up, break-down, the event itself, and restoration of the site to it's pre-existing condition. The public was charged admission Aug 23-25, to the sandy area of the beach and seating that was enclosed within a chain link perimeter fence, covered with green tarping so nobody could see thru it. This fence, which has become known as the "Green Berlin Wall" stretched 4 blocks long and 6 feet high.

A petition was started to gather the sentiment of the people in the area regarding charging access to events held on the beach, and the restricted access to the beach via a lack of parking along the coast because of these type of events. Approximately three thousand five hundred (3,500) California Citizens Residents (mostly locals) signed the petition. I would be glad to present these petitions to your office for copying to your file as soon as possible. We will continue to gather signatures untill a decision is reached with the C.C.C. and turn them in to you as they become available.

I would like for you to send me written information on:

- 1) what the procedure is for obtaining such a permit, and
- 2) what the procedure is for enforcement of the permit restrictions, and
- 3) what the procedure is for remedy of violations of the Coastal Act, and
- 4) what your schedule of enforcement is in this matter, and
- 5) what the procedure for appeals is concerning permits of this nature, and
- 6) what you will be looking at specifically concerning the investigation of the cumulative effects of temporary beach events.

Since the violation occured here I would like for this hearing to be held in the local area. Your office has indicated that a hearing will be held in Jan. 1997, however your schedule on the internet shows only thru Dec 1996.

I would also like to be informed on progress that is being made so put me on your progress mailing list. There were numerous other violations of the staff report which I have documented proof of and would like to make them part of the permanent record. Please contact me at your earliest convenience to discuss this urgent matter. Thank you.

Sincerely, Don Falkenstien

*Item 11a-Temporary Events
Letter of Comment*

DEAR COASTAL COMMISSION:

I LIVE APPROX 1 HRS DRIVE
FROM HERMOSA/MANHATTAN
BEACH. THIS PAST SUMMER
I DROVE DOWN TO
SPEND THE DAY THERE ONLY
TO FIND, UNFORTUNATELY, VOLLEY
BALL TOURNAMENTS^(PROFESSIONAL!) GOING ON
IN BOTH CITIES. AFTER SPENDING
MUCH TIME AND EFFORT
LOOKING FOR BUT UNABLE TO
FIND PARKING, WE WENT
HOME. OUR COASTAL ACCESS
WAS DENIED! THESE CORPORATIONS
WANT TO CHARGE US TO STEP
ON /USE OUR OWN BEACH.
MANHATTAN + HERMOSA BCH
BOTH HAD 11 EVENTS DURING
THE 12 WEEKS OF SUMMER.
THIS MUST NOT BE ALLOWED TO
CONTINUE, SINCERELY,

Robert K. Robert

Item 11a-Temporary Beach
Letter of Comment

Donley in Hermosa Beach

310-372-0872

9/30/96

4:46 PM

31/3

Tracy Emerson
1411 Manhattan Ave.
Hermosa Beach, CA 90254

Dir. of Enforcement, P. Emerson
California Coastal Commission
245 W. Broadway #380
Long Beach, Calif. 90802

September 27, 1996

Concerning the lack of a coastal permit for the AVP in Hermosa Beach

Dear Ms. Emerson: In august of this year the Association of Volleyball Professionals (AVP) held a tournament where they put up a horrible six foot green fence around our beach and charged us access to our own beach. Several newspapers have reported that no coastal permit was ever issued for this tournament. I ask you was there ever a permit issued and if not what action are you going to take in this important matter and when.

As a citizen of this state I have an undeniable right to have access to any area of that beach, however because of this apparent violation neither me nor any of my friends were able to access the beach not only because the AVP fenced it off but also because there was nowhere to park for three days straight in the entire city. I know because we had to take a taxi just to get to my house that weekend from out of town and leave my own car behind.

Almost every weekend between april and october there are back to back events on or next to the beach around here, I have called the city but they obviously don't care to protect the citizens rights around here. We are being trampled for the allmighty buck and it is simply outrageous for this to continue. The problem is that you guys let them charge for 25% of the seats 3 years ago and that was a sign to them that charging access to the beach is OK, well it's not OK. If you let them charge access to the beach then all of the other events will soon want to charge since they have gotten the green light from you.

WE NEED PROTECTION FROM THIS COMMERCIAL ONSLAUGHT!

please write me soon and let me know the answer to my questions posed above.

Thank you very much.

Sincerely, Tracy Emerson

Item 11a - Temporary Events
Letter of Comment

RECEIVED

AUG 28 1996

CALIFORNIA
COASTAL COMMISSION

Jorg and Anke Raue
28813 Rothrock Drive
Rancho Palos Verdes, CA 90275

☎ 310-377-2599

August 26, 1996

California Coastal Commission
45 Fremont Street, Suite 1970
San Francisco, CA 94105-2219

Gentlemen:

We wish to voice our sincere concern regarding the charging of admissions at this past weekend's volleyball tournament at Hermosa Beach. In particular, the charging of admission on a public beach without your approval would appear to be a serious violation. We trust that you will take the necessary action to severely fine the City of Hermosa Beach for having allowed this action.

Sincerely yours,

Jorg Raue *Anke Raue*
Jorg Raue Anke Raue

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AUG 28 1996

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Item 11a
Temporary Events
Letter of Comment

