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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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Staff Report: 4/28/97
Hearing Date: May 13-16, 1997
Commission Action:



STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE & DE NOVO HEARING

TU46

LOCAL GOVERNMENT: City of Manhattan Beach

DECISION: Approval with Conditions

APPEAL NO.: A-5-MHB-97-084

APPLICANTS: Association of Volleyball Professionals (AVP)

PROJECT LOCATION: Beach area south of Manhattan Beach Pier, City of Manhattan Beach, Los Angeles County.

PROJECT DESCRIPTION: Appeal from decision of City of Manhattan Beach granting permit with conditions to the Association of Volleyball Professionals (AVP) for the 1997 Miller Lite Manhattan Beach Open Volleyball Tournament on June 12-15.

APPELLANTS: Coastal Commission Chairman Rusty Areias, Commissioner Sara Wan, Bill Eisen, Viet Ngo and William Victor et al.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reason: The locally approved event does not conform to the City of Manhattan Beach Certified Local Coastal Program, and a substantial issue exists in regards to the consistency of the City's approval with the public access policies of the Coastal Act.

Staff further recommends that the Commission, after a de novo public hearing, approve with conditions the proposed event. Special conditions of approval require the provision of remote public parking and a free public shuttle service to the beach in order to replace reserved public parking spaces and to offset the additional parking demands generated by the proposed event. Special conditions also require a 50 foot setback from the water, prohibit interference with the public's use of the bike path and The Strand, and require the removal of all temporary improvements from the beach by 8:30 p.m. on June 16, 1997.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Manhattan Beach Certified Local Coastal Program (LCP).
2. Local Coastal Development Permit No. CDP 10-97 (AVP).
3. City of Manhattan Beach LCP amendment request No. 1-97.

I. APPELLANTS' CONTENTIONS

On March 18, 1997, after a public hearing, the Manhattan Beach City Council approved with conditions Local Coastal Development Permit No. 10-97 allowing the Association of Volleyball Professionals (AVP) to conduct the Miller Lite Manhattan Beach Open Volleyball Tournament on the public beach on June 12-15, 1997 (Exhibit #5).

On April 4, 1997, three separate appeals of the City's approval of Local Coastal Development Permit No. 10-97 were submitted to the Commission's office in Long Beach. Coastal Commission Chairman Rusty Areias and Commissioner Sara Wan submitted one appeal. Bill Eisen and Viet Ngo submitted another appeal (Exhibit #7). And William Victor submitted an appeal on behalf of himself and 27 other appellants (Exhibit #6).

The appeal submitted by Coastal Commission Chairman Rusty Areias and Commissioner Sara Wan states that: "The proposed event with 100% paid seating is not a permitted use and is inconsistent with the requirements of the Local Coastal Program (LCP) implementing ordinances". The Commissioners' contention is based on the City's land use regulations for the OS (Open Space) district contained in the City's certified LCP. The proposed event on the public beach is in the OS district (Exhibit #2). The land use regulations for the OS (Open Space) district contained in the City's certified LCP specifically limit the types of uses which may be permitted in the OS district. The land use regulations for the OS district allow "sporting events for which no admission is charged". There is no provision in the certified LCP which would allow the City to permit a sporting event on the beach which charges admission. The City's approval of Local Coastal Development Permit No. 10-97 permits the AVP to charge admission for seating at the Miller Lite Manhattan Beach Open Volleyball Tournament. Therefore, the City's approval of a permit for a sporting event which charges admission is not consistent with the requirements of the certified LCP. [Note: The City Council has adopted an amendment to the LCP which would permit sporting events which charge admission in the OS district, however, the City's proposed LCP amendment has not been acted on or certified by the Commission. Therefore, the previously certified LCP is the standard of review.]

The appeal of Bill Eisen and Viet Ngo contends that the proposed event is inconsistent with the public access policies of the Coastal Act because there will be unmitigated impacts on public access (Exhibit #7). Specifically, they state that the proposed event will negatively impact the public parking supply which is used for beach access. In addition, their appeal states that the City's approval of the proposed event (with paid admission) sets a bad precedent and will encourage other cities to commercialize public beaches.

William Victor's appeal contends, among other things, that: 1) the City's certified LCP does not permit the proposed event; 2) the City's LCP amendment under which the permit was issued has not been certified by the Commission, and therefore is not valid; 3) the proposed event is not consistent with the policies of the Coastal Act; 4) the proposed event is not consistent with California Environmental Quality Act (CEQA); and 5) see Exhibit #6 for additional reasons for the appeal. The appeal by William Victor was signed by himself and 27 other persons (Exhibit #6, p.4).

II. LOCAL GOVERNMENT ACTION

During the past seven months, the City of Manhattan Beach has held several public meetings and hearings regarding the 1997 version of the annual event known as the Manhattan Beach Open Volleyball Tournament. These local hearings took place in front of the City's Parks and Recreation Commission, the Planning Commission, and the City Council. The subjects of the local hearings included: 1) the recommendations made by the City task force which was formed to govern the operation of the event, 2) the drafting of the "Manhattan Beach Open Agreement" between the City and the AVP, 3) the adoption of City Urgency Ordinance No. 1959 which would amend the City's LCP in order to allow the issuance of Local Coastal Development Permits for temporary events on the beach with paid admission, and 4) Local Coastal Development Permit No. 10-97 approving the 1997 Miller Lite Manhattan Beach Open Volleyball Tournament on June 12-15 (Exhibit #5).

The one and only public hearing regarding Local Coastal Development Permit No. 10-97 was held in front of the City Council on March 18, 1997. On March 18, 1997 the City Council approved with conditions Local Coastal Development Permit No. 10-97 allowing the Association of Volleyball Professionals (AVP) to conduct the Miller Lite Manhattan Beach Open Volleyball Tournament on the public beach on June 12-15, 1997 (Exhibit #5). The action by the City Council was final and not appealable at the local level.

On March 21, 1997 the City's Notice of Final Local Action for Local Coastal Development Permit No. 10-97 was received in the Commission's Long Beach office. The Commission's ten working day appeal period was then established and noticed. On April 4, 1997, the last day of the appeal period, the Commission received three appeals of the City's approval.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county [Coastal Act

Section 30603(a)].

Under Section 30603(a)(1) of the Coastal Act, the proposed project site is located in an appealable area by its location on the beach (between the sea and the first public road).

Section 30603(a)(1) of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greatest distance.

The grounds for appeal of an approved local Coastal Development Permit in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) 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 set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeals of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP and the public access and recreation policies of the Coastal Act as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal

process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to the conformity of the project with the City of Manhattan Beach certified Local Coastal Program and the public access policies of the Coastal Act, pursuant to Public Resources Code Section 30625(b)(2).

MOTION. Staff recommends a NO vote on the following motion:

I move that the Commission determine that Appeal No. A-5-MNB-97-084 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The Association of Volleyball Professionals (AVP), in cooperation with the City of Manhattan Beach, proposes to conduct the 1997 Miller Lite Manhattan Beach Open Volleyball Tournament on June 12-15, 1997. The proposed event site is on a sandy beach area located south of the Manhattan Beach Pier which is currently occupied by public volleyball courts (Exhibits #1-3). Although the beach site falls within the City limits of Manhattan Beach, and therefore under the permitting jurisdiction of the City, the beach is actually owned by Los Angeles County. The Los Angeles County Department of Beaches and Harbors regulates events on the beach as landowner.

Although many of the preliminary matches will allow free admission, the applicants propose to restrict public access to the main matches on Saturday and Sunday by requiring the purchase of tickets for all seats in the bleachers. The proposed bleachers can seat a total of 6,800 persons, but the City has limited the number of tickets to 6,000 for each match. Tickets will be sold at the following prices: \$30 to \$60 for reserved tournament seats (good all days), \$10 for Saturday only, \$12 for Sunday only, and children under ten years are free. An area where the event sponsors will hand out free samples of their merchandise is proposed to be open to the public with no admission fee. Public access to the pier and the water will not be blocked. The bicycle path will be open, however, "Walk your Bike" signs will be posted at each end of the event site.

Three volleyball courts (each surrounded by four sets of bleachers), a fenced player hospitality area, and a mall area with thirty booths for event sponsors will occupy approximately 130,000 square feet of the public beach for eight days (Exhibit #3). An additional ten volleyball courts (with no seating provided) will occupy approximately 100,000 additional square feet of public beach (Exhibit #3). The ten courts without seating will be used for preliminary matches with no admission required for spectators. There will not be a fence installed around the perimeter of the event area. However, access to the three volleyball courts surrounded by bleachers will be restricted through the use of 4-6 foot high fences and security guards.

Set-up for the proposed event will commence on Monday, June 9 at 7:30 a.m. and be completed by Thursday, June 12 at 9:00 a.m. The pre-qualifying tournament will start on June 12 at 9:00 a.m. The actual Manhattan Beach Open will occur on Friday, Saturday and Sunday (June 13-15) from 8:30 a.m. to 6:00 p.m. each day. Take-down will commence on Sunday after the final match and be completed by Monday, June 16 at 8:30 p.m.

The temporary development associated with the event includes installation of: 4-6 foot high safety fencing around the AVP hospitality and player areas, twelve sets of 25 foot high bleachers around the three main court areas, thirty booths for event sponsors in the mall area, and portable public toilets (Exhibit #3). Fencing will be attached to the backs of the bleachers to prevent people from going underneath them. An information booth, staffed by AVP and City personnel, is proposed on the pier to address any questions regarding the event. In addition, the applicants state that there will be no more than three large inflatables and approximately 300 banners/pennants/signs will be installed throughout the event area.

The proposed event, in addition to occupying the public beach, will occupy the two lower westernmost pier public parking lots (Exhibit #4). The pier parking lots are owned by the California Department of Parks and Recreation and operated by the City of Manhattan Beach through an operating agreement with State Parks. The City approval allows the AVP operations staff to occupy 55 of the 71 total parking spaces in the two lower pier parking lots during the event. The City has reserved the other 16 parking spaces in the northern lot as follows: 5 handicapped (relocated from the southern lot), 2 for contract janitorial, 6 for County Lifeguards, 2 for the Oceanographic Teaching Station, and 2 for the Salt Water Cafe. The parking for the lifeguards, teaching station and cafe are ongoing lease agreements for parking in the public pier lot.

Additional public parking (about 30 spaces) along Manhattan Beach Boulevard (between Ocean Drive and The Strand) is proposed to be reserved for City operations and an automobile display by a tournament sponsor. The display is located on the western portion of Manhattan Beach Blvd. which will be closed to thru traffic as a result of the event and closure of the westernmost parking lots; thus, the City considers the on-street parking to be unuseable.

In order to provide additional parking for event visitors and other beach goers, the City is proposing to provide a shuttle service to provide free transportation between the Mira Costa High School parking lot (approx. 450 spaces) and a drop-off point near the intersection of Manhattan Beach Boulevard and Valley/Ardmore (Exhibit #1). The applicant's proposal includes one 52 seat shuttle bus to be run every 30 minutes.

B. Substantial Issue Analysis

As stated in Section III of this report, the grounds for appeal of a Coastal Development Permit issued by the local government after certification of its Local Coastal Program are specific. In this case, the local Coastal Development Permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

In this case, the appellants contend that the City's approval of the proposed event does not conform to the certified LCP and that, as approved by the City, it is inconsistent with the public access policies of the Coastal Act.

In regards to the City's action conforming to the certified LCP, the certified LCP allows "sporting events for which no admission is charged" on the beach (OS district). There is no provision in the certified LCP which allows sporting events on the beach which charge admission. Therefore, the City's approval of Local Coastal Development Permit No. 10-97 for the Miller Lite Manhattan Beach Open Volleyball Tournament with paid seating does not conform to the certified LCP.

The City has acknowledged the fact that the certified LCP does not permit sporting events on the beach which charge admission. The City has addressed the issue of the admission charges by adopting Urgency Ordinance No. 1959 on February 8, 1997. Urgency Ordinance No. 1959, if certified by the Commission, would amend the certified LCP in two ways: 1) the amendment would allow temporary events on the beach for which admission is charged as a permitted use, subject to the issuance of a Local Coastal Development Permit and, 2) it would establish a procedure in the LCP for City review of temporary events through the coastal development permit process or through exemption from the process. However, because Urgency Ordinance No. 1959 has not been certified by the Commission, it is not part of the certified LCP. The certified LCP is the standard of review, and the proposed event with paid admission does not conform with the certified LCP.

Urgency Ordinance No. 1959 has been submitted to the Commission as City of Manhattan Beach LCP amendment request No. 1-97 and is expected to be brought before the Commission for action at its May 13-16, 1997 meeting.

The Commission must also determine if the City's approval of the proposed event raises a substantial issue in regards to the public access policies of the Coastal Act.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213 of the Coastal Act states, in part:

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

Although the proposed event will not physically block access to the pier or water, it will impact the public's ability to access and use the coast in two ways: 1) by increasing the demand for public parking in the area while reducing the supply of available public parking, and 2) by restricting the use of a portion of the sandy beach to a specific group of people.

In regards to public beach parking, the crowds generated by the proposed event, in association with the event's reserved use of public parking areas, will negatively affect 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. On both Saturday and Sunday, the proposed event is expected to attract over 6,000 persons to an already crowded beach area. The additional visitors drawn by the proposed event will overburden the limited beach parking supply. There is simply not enough public parking available to accommodate all of the people who attempt to visit Manhattan Beach during summer weekends.

The City's approval addressed the issue of parking by adopting a parking and circulation plan (Exhibit #4). According to the findings of Local Coastal Development Permit No. 10-97, the parking and circulation plan was developed to mitigate the project's impacts on public access by discouraging the use of public parking by event personnel, and to replace any public parking that was reserved for exclusive use of the event.

The plan, however, does not discourage the use of public parking by event personnel and actually takes away public parking by allowing the exclusive use of 55 of the 71 total parking spaces in the two lower pier parking lots, and by usurping 30 on-street parking spaces for the car display. In addition, the findings of the permit state that the public parking reserved for event personnel will be replaced by allowing the general public to use the existing public parking spaces in the two upper pier lots (50 spaces) and the on-street parking along a portion of Manhattan Beach Boulevard. In other words, the

City is using existing public parking spaces as replacement spaces for the parking used by event personnel. This reasoning will reduce the amount of public parking available for beach access and does not adequately address the issue of replacement parking. Staff recommends that the Commission find such a proposal does raise a substantial issue in regards to the consistency of the City's approval with the public access policies of the Coastal Act.

The City's approval does address the need for some additional parking facilities to meet the parking and transportation needs of event ticket holders. The City permit findings state that, "a shuttle service located at Mira Costa High School will operate from 7:00 a.m to 7:00 p.m. and will provide access to a drop-off point located near Valley/Ardmore and Manhattan Beach Boulevard" (see Exhibit #1 for shuttle stops). The City and the AVP states that free parking at the high school and free rides on a 52 seat shuttle bus will be available to event spectators and the general public. However, the City permit does not contain pertinent information regarding: who operates the shuttle system, the amount of parking provided at Mira Costa High School, restrictions on the use of the free parking and shuttle by non-ticket holders for coastal access, the shuttle schedule, or other details that the Commission needs in order to determine if the proposed event's impacts on public access will be mitigated by the requirements of the City's Coastal Development Permit. Because of the local permit lacks pertinent information and enforceable performance standards for the proposed off-site parking and shuttle system, the City's approval does not adequately mitigate the proposed event's impacts on public access. Therefore, staff recommends that the lack of a defined and enforceable parking mitigation program for the proposed event raises a substantial issue in regards to the consistency of the City's approval with the public access policies of the Coastal Act.

The second way that public access will be affected by the proposed event is the exclusiveness of the proposed temporary use of the beach. For eight days, from set-up to take-down, the general public will be excluded from the sandy beach area and public volleyball courts on the event site. The exclusive use of public beaches for temporary events, as well as the question of whether or not an admission charge is appropriate on public parkland, has historically been an issue of importance to the Commission in terms of impacts on public access and recreational opportunities. Because of the significance of the public access concerns involved with the proposed event, it is important that the Commission have the opportunity to review the City's approval. After finding substantial issue, the Commission will have the opportunity to review the City's action on the proposed event at the subsequent de novo hearing.

As previously stated, the City's approval of the proposed event does not conform to the certified LCP. In addition, because the proposed event's impacts on public parking and public access are not adequately mitigated by Local Coastal Development Permit No. 10-97, a substantial issue exists in regards to conformity with the public access policies of the Coastal Act. Therefore, the Commission finds that a substantial issue exists with respect to grounds on which the appeal has been filed.

STAFF RECOMMENDATION ON THE DE NOVO HEARING

Staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby grants, subject to the conditions below, a Coastal Development Permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. Parking/Traffic Management Plan

Prior to the issuance of the Coastal Development Permit and May 15, 1997, the applicant shall submit a Parking/Traffic Management Plan, for the review and approval of the Executive Director. The approved plan shall be implemented by the applicant and shall include the following components:

- a) The applicant shall provide a valid lease or licensing agreement for remote parking lots providing public parking for no fewer than 1,100 cars, in order to replace the parking reserved in the lower pier parking lots and on the street for the car display, and to provide parking to meet the increased demands generated by the proposed event. The replacement parking shall not include any parking lots that are identified as public beach parking supplies by the certified LCP. The applicant shall provide a valid lease agreement for each lot indicating its number of spaces and location. The 1,100 required parking spaces shall be available for use by all members of the public on Saturday and Sunday (June 14-15, 1997) between the hours of 7 a.m. to 7 p.m.
- b) The applicant shall be responsible for the provision of a free shuttle service, in order to provide free public transportation between the remote parking lots and the event and beach area. The applicant shall provide a valid agreement with a shuttle operator, shuttle routes and operating schedule to provide such a shuttle service, as follows: the shuttle service shall run continuously to provide free public beach transportation between the beach area and the remote parking areas on Saturday and Sunday (June 14-15, 1997) between the hours of 7 a.m. to 7 p.m.; the "headway" time between shuttle service pick-ups shall be not more than 15 minutes; and, the free shuttle service shall be available for both the general public and event spectators.
- c) The plan shall include conspicuously posted on-street informational signs and banners to direct visitors to the remote free parking areas and free shuttle stops. The signs and banners shall also inform the public of the availability of a free bus shuttle for both event customers and the general public. No fewer than ten informational signs shall be placed along major intersections leading into the City i.e., Manhattan Beach Boulevard, Highland Avenue, Manhattan Avenue, Valley Drive, Ardmore Avenue, and Aviation Boulevard. The signs and banners shall be no smaller than 2' x 3'.
- d) The applicant shall provide no fewer than eight radio announcements within the Los Angeles County area informing the public of the availability of remote parking. These stations shall represent all diverse ethnic and cultural Los Angeles radio markets and shall include Spanish language, youth and news stations.

- f) Interim traffic control shall be provided at the intersection of Manhattan Beach Blvd. and Manhattan Ave. and at other points along those streets, as appropriate, to avoid the need to close the upper pier parking lots due to lack of traffic circulation and potential gridlock at that intersection and around the event site. The traffic control plan coupled with the signage program should direct traffic away from the event site to the remote lots and other available parking in the vicinity and avoid significant traffic congestion on streets surrounding the event site to the maximum extent possible.
- g) The parking/traffic management plan shall include provisions for monitoring and evaluating the effectiveness of the approved plan. The monitoring must document the adequacy of off-site parking by identifying the percentage of lots, or number of spaces, occupied during the time of highest attendance each day; the condition of traffic flow along Manhattan Beach Blvd., Manhattan Ave. and Highland Ave., in the vicinity of the event and along the proposed shuttle routes (i.e., free-flowing but moving, congested, gridlock, etc.); and the effectiveness of signage, traffic officers, etc., based on the applicant's observations and feedback from the public and City of Manhattan Beach. Following the event, the monitoring program shall be summarized in a written report which shall be submitted to the Executive Director on or before July 31, 1997. The report should identify any problems that occurred and make recommendations for improvements in the future. The report shall be retained in the file and used in the review of future permit applications for the AVP volleyball tournament or similar events.

The permittee shall undertake the development in accordance with the approved parking/shuttle program. Any significant changes to the approved plan should be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required. The applicant shall provide the required parking spaces, signs and free shuttle service as approved by the Executive Director.

2. Pier, Bicycle Path and The Strand

The event shall not interfere with the public's use of the pier, bicycle path and The Strand, a public walkway that parallels the beach. The pier, bicycle path and The Strand shall remain open and unobstructed. No fences, trucks or other structures shall be placed on the bicycle path or The Strand, or block access to the pier. The applicant shall monitor The Strand and bicycle path in order to prevent any encroachments by event sponsors and vendors.

3. Public Access to and Along the Water

The proposed event, and all associated development, shall not encroach any closer than 50 feet to the highest water mark.

4. Removal of Temporary Improvements

All temporary improvements permitted herein shall be removed in their entirety and the site restored to its pre-existing condition by no later than 8:30 p.m. Monday, June 16, 1997.

5. Conformance with the LCP

Approval of the proposed charge for admission is conditioned upon the Coastal Commission's effective certification of City of Manhattan Beach Local Coastal Program amendment No. 1-97. Accordingly, after compliance with all other conditions of approval and upon issuance of the coastal development permit, the applicant shall be permitted to stage the event as herein approved. However, the permittee shall not require a ticket or otherwise charge a fee for admission to or seating at any match unless the City of Manhattan Beach Local Coastal Program amendment No. 1-97 has been effectively certified by the Commission. Certification is effective only upon compliance with the procedures identified in the Coastal Commission regulations at California Code of Regulations title 14, section 13544.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description

The Association of Volleyball Professionals (AVP), in cooperation with the City of Manhattan Beach, proposes to conduct the 1997 Miller Lite Manhattan Beach Open Volleyball Tournament on June 12-15, 1997. The proposed event site is on a sandy beach area located south of the Manhattan Beach Pier which is currently occupied by public volleyball courts (Exhibits #1-3). The beach is owned and maintained by the Los Angeles County Department of Beaches and Harbors.

Although many of the preliminary volleyball matches will allow free admission, the applicants propose to restrict public access to the main matches on Saturday and Sunday by requiring the purchase of tickets for all seats in the bleachers which surround three volleyball courts (Exhibit #3). The proposed bleachers can seat a total of 6,800 persons, but the City has limited the number of tickets to 6,000 for each match. Tickets will be sold at the following prices: \$30 to \$60 for reserved tournament seats (good all days), \$10 for Saturday only, \$12 for Sunday only, and children under ten years are free. An area where the event sponsors will hand out free samples of their merchandise is proposed to be open to the public with no admission fee. Public access to the pier and the water will not be blocked. The bicycle path will be open, however, "Walk your Bike" signs will be posted at each end of the event site.

The proposed event with 13 volleyball courts and the temporary development

associated with the event will occupy approximately 230,000 square feet (5.3 acres) of the public beach for eight days (Exhibit #3). Set-up for the proposed event will commence on Monday, June 9 at 7:30 a.m. and be completed by Thursday, June 12 at 9:00 a.m. The pre-qualifying tournament will start on June 12 at 9:00 a.m. The actual Manhattan Beach Open will occur on Friday, Saturday and Sunday (June 13-15) from 8:30 a.m. to 6:00 p.m. each day. Take-down will commence on Sunday after the final match and is planned to be completed by Monday, June 16 at 8:30 p.m.

There will not be a fence installed around the perimeter of the event area. However, access to the three volleyball courts surrounded by bleachers will be restricted through the use of 4-6 foot high fences and security guards. The temporary development associated with the event includes installation of: 4-6 foot high safety fencing around the AVP hospitality and player areas, twelve sets of 25 foot high bleachers around the three main court areas, thirty booths for event sponsors in the mall area, and portable public toilets (Exhibit #3). An information booth, staffed by AVP and City personnel, is proposed on the pier to address any questions regarding the event. In addition, three large inflatables and approximately 300 banners/pennants/signs will be installed throughout the event area.

The proposed event, in addition to occupying the public beach, will occupy the two lower pier public parking lots (Exhibit #4). The pier parking lots are owned by the California Department of Parks and Recreation and operated by the City of Manhattan Beach through an operating agreement with State Parks. The City approval allows the AVP operations staff to occupy 55 of the 71 total parking spaces in the two lower pier parking lots during the event. The City has reserved the other 16 parking spaces as follows: 5 handicapped (relocated from the southern lot), 2 for contract janitorial, 6 for County Lifeguards, 2 for the Oceanographic Teaching Station, and 2 for the Salt Water Cafe. The parking for the lifeguards, teaching station and cafe are ongoing lease agreements for parking in the public pier lot.

Additional public parking (about 30 spaces) along Manhattan Beach Boulevard (between Ocean Drive and The Strand) is proposed to be reserved for City operations and an automobile display by a tournament sponsor. The display is located on the western portion of Manhattan Beach Blvd. which will be closed to through traffic as a result of the event and closure of the westernmost parking lots; thus, the City considers the on-street parking to be unuseable.

In order to provide additional parking for event visitors and other beach goers, the City is proposing to provide a shuttle service to provide free transportation between the Mira Costa High School parking lot (approx. 450 spaces) and a drop-off point near the intersection of Manhattan Beach Boulevard and Valley/Ardmore (Exhibit #1). The applicant's proposal includes one shuttle bus to be run every 30 minutes.

B. Objections Received from the Public

The operation of the 1996 AVP Manhattan Beach Open and the planning for the 1997 Manhattan Beach Open have generated considerable public interest and comments. Much of the public input has been negative. The basic concerns of

opponents and concerned citizens relate to: the cumulative impacts of temporary events, beach parking, litter, noise, and public safety. The applicant contends that these concerns have been mitigated for this year's event. The opponents objections are as follows:

- a) This event is a commercial use that should not be permitted on a public beach.
- b) The inflated advertising displays are visually intrusive and inconsistent with the County "zero" alcohol provisions.
- c) The event will prevent the public from using the beach because of adverse impacts on parking/circulation.
- d) The scale of the event is too large for this narrow beach.
- e) There is no weekend in summer when there is not a special event.
- f) Heavy equipment used for the set-up and tear-down is not compatible with recreational use.
- g) The shuttle bus system was not properly advertised.
- h) The project generates too much noise.
- i) The generators used for the event create obnoxious odors .
- j) The number and size of the signs, inflatable beer cans and other product replicas and vehicles painted with signs attached result in unacceptable commercialization of the beach.

Regarding cumulative impacts, objections received from the public after the 1996 event stated that the large number of almost continuously temporary events were precluding public use of the beach. Various persons objected to the private, exclusive nature of some temporary events.

The applicant has attempted to mitigate the concerns raised by the public. Following is a summary of the changes as submitted by the applicant:

As a preface to the specific points let me say that we have gone to great lengths to make this year's event the best organized, most attractive, and least impactful in recent history. Specifically, we have worked to maximize access to the event area by doing away with perimeter fencing used last year to secure the event venue. In addition to increased access, we will improve on the aesthetic appeal by maintaining an ocean view through the venue. Secondly, we have put a tremendous emphasis on minimizing our impact on existing parking and traffic flow through the more aggressive advertisement and use of our shuttle service. We will mitigate noise impact by changing the direction of public address speaker systems which has required the reconfiguration of the center court area.

C. Public Access and Recreation

Pursuant to Section 30604(c), every Coastal Development Permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200). The proposed project must conform to the following Coastal Act policies which encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213 of the Coastal Act, a public access policy, requires that the plaza's lower cost visitor and recreational facilities shall be protected and encouraged.

Section 30213 of the Coastal Act states:

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

Section 30220 of the Coastal Act states:

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

In addition, Section 30221 of the Coastal Act, a recreation policy, also requires the protection of public areas for recreational uses.

Section 30221 of the Coastal Act states:

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

The proposed event must also conform to the certified LCP. The City of Manhattan Beach certified LCP contains specific LUP policies and programs that apply to any proposed use of the beach. The following LUP policies and programs are relevant:

- 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 I.A.8: The City shall maintain visible signage to El Porto accessways and beach parking, along Highland Avenue.
- 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.
- 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 (in the certified LCP), shall be protected to provide public beach parking...
- 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.
- 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.

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.

Although the proposed event will not physically block access to the pier or water, it will impact the public's ability to access and use the coast in two ways: 1) by increasing the demand for public parking in the area while reducing the supply of available public parking, and 2) by restricting the use of a portion of the sandy beach to a specific group of people attending the event; and, in this particular case, for Saturday and Sunday, access is restricted to only those people willing to pay for a ticket to the event..

In regards to public beach parking, the crowds generated by the proposed event, in association with the event's reserved use of public parking areas, will negatively affect 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.

Section 30252 of the Coastal Act States:

The location and amount of new development should maintain and enhance public access to the coast...(4) providing adequate parking facilities...

Temporary events, such as that proposed, attract thousands of people to already crowded beach areas during the summer. However, such events rarely provide any additional parking for attendees. 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 to the general public. This further limits beach goers' ability to find a parking space near the beach.

As previously stated, the proposed event will occupy the two lower pier public parking lots (Exhibit #4). The City approval allows the AVP operations staff to occupy 55 of the 71 total parking spaces in the two lower pier parking lots during the event. The City has reserved the other 16 parking spaces as follows: 5 handicapped, 6 for County Lifeguards, 2 for the Oceanographic Teaching Station, 2 for the Salt Water Cafe, and 2 for contract janitorial.

Approximately 30 additional public parking spaces along Manhattan Beach Boulevard (between Ocean Drive and The Strand) are proposed to be reserved for City operations and an automobile display by a tournament sponsor.

All of the public parking spaces proposed to be reserved for the exclusive use of the AVP operations staff and sponsors normally provides public parking for beach goers. The public parking areas provide the public with coastal access and lower cost recreational opportunities which must be protected. Visitors to the area can take advantage of the many waterfront activities, access the coastal bicycle path, go fishing, surf, use the beach, sightsee, or shop in town. Many of these activities are free or lower cost visitor and recreational opportunities protected by Section 30213 of the Coastal Act.

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.

In Manhattan Beach, due to the layout of the streets in relation to the public parking at the pier and at the foot of Manhattan Beach Blvd., if traffic is allowed to reach the lower parking lots and they are full, there is no ability to turnaround and exit the area. Thus, the police have been forced to close the street and parking lots to traffic for safety reasons during times when large crowds are present on the beach. Additionally, 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.

In order to provide additional parking facilities for event visitors and beach goers and to mitigate the impact of the event on general public access to the shoreline, the City and applicant have proposed to operate a shuttle service for free transportation between Mira Costa High School parking lot and a drop-off point near the intersection of Manhattan Beach Boulevard and Valley/Ardmore (Exhibit #1). According to the City, the Mira Costa High School parking lot will provide approx. 450 parking spaces for free remote parking. The proposed 52 seat shuttle is to provide free transportation between the high school and the drop off point from 7 a.m. to 7p.m. on Saturday and Sunday (see Exhibit #1 for proposed drop-off and pick-up points.

However, the proposed event is expected to attract over 6,000 persons a day on Saturday and Sunday. A crowd of 6,000 spectators, at the rate of 2-3 spectators per car, will generate a demand for 2,000 to 3,000 parking spaces over and above the normal weekend beach crowds. In addition, approximately 101 public beach parking spaces in the pier area are proposed to be reserved for exclusive use by the event personnel or removed from public use as a result of staging the event.

In order to mitigate the impacts on public beach parking, the applicant, at an

minimum, should replace all public beach parking spaces that are removed from public use for exclusive use by the proposed event. Replacement means the provision of alternate parking spaces at a one-to-one ratio. The alternate parking spaces must be available for use by the general public and event spectators. Existing public beach parking facilities may not be identified as replacement parking spaces for the obvious reason that they are already providing public beach parking opportunities. The alternate parking spaces will likely be remotely located, such as the proposed Mira Costa High School, so the provision of replacement parking must include the provision of transportation between the parking areas and the beach areas, i.e. through a shuttle service. The existence of the alternate parking and transportation system must be advertised to adequately inform the public so it will be used efficiently.

The applicant should also provide remote parking to meet at least some of the demands generated by the AVP event itself. For the estimated attendance of 6,000 persons per day on Saturday and Sunday, the Commission recognizes it is difficult to identify the amount of parking that should be provided because it is difficult to differentiate between the members of the public that are at the beach solely to attend the AVP event, from those that would be at the beach anyway. Also, it is difficult to know how many members of the public that would usually be at the beach are not attending the weekend of the AVP event because they want to avoid the traffic and congestion associated with this historical event, well known to the city. Therefore, the standard ratio of one parking space for every 2 to 3 persons attending the event may well be unnecessary to accommodate the additional demands from the event itself.

Therefore, in order to offset the additional demands on public parking generated by the proposed event, the Commission finds that the applicants shall provide a minimum of 1,000 additional free public parking spaces for use by event visitors and beach goers. The 1,000 parking spaces must be provided in addition to any existing free public beach parking spaces. Such remote parking facilities, used in association with a free beach shuttle service, will increase the amount of parking spaces available for both beach goers and event attendees. This amount of parking is required in addition to replacing the 100 public beach parking spaces that are proposed to be reserved in the pier area for the exclusive use of the event, or otherwise not available for public use. As conditioned, the Commission finds a total of 1,100 additional parking spaces must be provided through a viable shuttle program to meet the increased demand for public parking associated with staging the event.

Therefore, the permit is conditioned to require the applicant to submit a Parking/Traffic Management Plan that shall include the following:

- a) The applicant shall provide a valid lease or licensing agreement for remote parking lots providing public parking for no fewer than 1,100 cars, in order to replace the parking reserved in the lower pier parking lots and on the street for the car display, and to provide parking to meet the increased demands generated by the proposed event. The replacement parking shall not include any parking lots that are identified as public beach parking supplies by the certified LCP. The applicant shall provide a valid lease agreement for each

lot indicating its number of spaces and location. The 1,100 required parking spaces shall be available for use by all members of the public on Saturday and Sunday (June 14-15, 1997) between the hours of 7 a.m. to 7 p.m.

- b) The applicant shall be responsible for the provision of a free shuttle service, in order to provide free public transportation between the remote parking lots and the event and beach area. The applicant shall provide a valid agreement with a shuttle operator, shuttle routes and operating schedule to provide such a shuttle service, as follows: the shuttle service shall run continuously to provide free public beach transportation between the beach area and the remote parking areas on Saturday and Sunday (June 14-15, 1997) between the hours of 7 a.m. to 7 p.m.; the "headway" time between shuttle service pick-ups shall be not more than 15 minutes; and, the free shuttle service shall be available for both the general public and event spectators.
- c) The plan shall include conspicuously posted on-street informational signs and banners to direct visitors to the remote free parking areas and free shuttle stops. The signs and banners shall also inform the public of the availability of a free bus shuttle for both event customers and the general public. No fewer than ten informational signs shall be placed along major intersections leading into the City i.e., Manhattan Beach Boulevard, Highland Avenue, Manhattan Avenue, Valley Drive, Ardmere Avenue, and Aviation Boulevard. The signs and banners shall be no smaller than 2' x 3'.
- d) The applicant shall provide no fewer than eight radio announcements within the Los Angeles County area informing the public of the availability of remote parking. These stations shall represent all diverse ethnic and cultural Los Angeles radio markets and shall include Spanish language, youth and news stations.
- f) Interim traffic control shall be provided at the intersection of Manhattan Beach Blvd. and Manhattan Ave. and at other points along those streets, as appropriate, to avoid the need to close the upper pier parking lots due to lack of traffic circulation and potential gridlock at that intersection and around the event site. The traffic control plan coupled with the signage program should direct traffic away from the event site to the remote lots and other available parking in the vicinity and avoid significant traffic congestion on streets surrounding the event site to the maximum extent possible.
- g) The parking/traffic management plan shall include provisions for monitoring and evaluating the effectiveness of the approved plan. The monitoring must document the adequacy of off-site parking by identifying the percentage of lots, or number of spaces, occupied during the time of highest attendance each day; the condition of traffic flow along Manhattan Beach Blvd., Manhattan Ave. and Highland Ave., in the vicinity of the event and along the proposed shuttle routes (i.e., free-flowing but moving, congested, gridlock, etc.);

and the effectiveness of signage, traffic officers, etc., based on the applicant's observations and feedback from the public and City of Manhattan Beach. Following the event, the monitoring program shall be summarized in a written report which shall be submitted to the Executive Director on or before July 31, 1997. The report should identify any problems that occurred and make recommendations for improvements in the future. The report shall be retained in the file and used in the review of future permit applications for the AVP volleyball tournament or similar events.

Only as conditioned does the Commission find that the proposed temporary development and event is consistent with the certified LCP and the public access and recreation policies contained in the Coastal Act. The information generated through the monitoring effort can be used in future review by the City and the Commission of similar temporary events.

The second way that public access will be affected by the proposed event is the exclusiveness of the proposed temporary use of the beach. As previously stated, the area to be occupied by the temporary improvements associated with the proposed volleyball event is currently sandy beach with public volleyball courts. The beach area measures approximately 300 feet in width from the pedestrian/bike path to the water edge and extends approximately two miles in length between from El Porto beach to the north and Hermosa Beach to the south (Exhibit #1).

The applicants have applied for a permit to allow the proposed event to have exclusive use of an area of otherwise public beach. Additionally, this year an admission fee will be charged for public admission to the event on Saturday and Sunday, June 14-15, 1997. For eight days, from set-up to take-down, the general public will be excluded from most of the sandy beach area and public volleyball courts on the event site.

The applicants claim that this short-term loss of beach use will be replaced by a public recreational opportunity designed to enhance the public's use of the beach. Furthermore, this particular event has been a yearly event in this beach community. The tournament has been occurring at this site for about thirty years; however, in the past, spectators could watch the event for free. Last year the Commission approved a permit that allowed the AVP to charge for all the seating at the Hermosa Beach tournament, in the adjacent beach community to the south. Regarding the fee issue, the opponents of the event have argued that the proposed event is not recreational, but a commercial use which is not appropriate for the public beach because admission fees are collected.

The Commission must review the proposal and consider the impacts on low cost public recreational opportunities such as the sunbathing, surfing, swimming activities generally associated with public beach use. In review of such proposals which clearly represent an increase in intensity of use of an already crowded beach area, the Commission must weigh the benefits of providing a public recreational opportunity, such as the event proposed, against its impacts to public access and parking. The Commission must also consider whether the charging of a fee for admission to the two big days of the event negate the benefit of the public recreational opportunity to the

point that the adverse impacts to parking and access cannot be justified.

In this particular case, the Commission can find the proposed volleyball event an appropriate temporary use of public beach for the following reasons. Although the proposed volleyball event will temporarily displace sandy beach area currently available for public use and will significantly increase the intensity of use of this portion of the beach for the duration of the event, the area devoted to the event is small relative to the size of the entire beach area. Also, although there will be an admission charge, the event will be open to all members of the public and the preliminary matches will be free.

Additionally, pedestrian access to and along the beach will continue to be available along and around the perimeter of the tournament site. There will also continue to be available lateral access along the shoreline and the Strand, a public walkway that parallels the beach. The project is conditioned to prohibit the event and its development from encroaching within 50 feet to the high water mark. The project is also conditioned to prohibit the proposed event from interfering with the public's use of the pier, The Strand or the bicycle path, which runs next to the event site (Exhibit #3). The bicycle path provides coastal access to cyclists from many surrounding areas.

In addition, all of the temporary improvements permitted herein shall be removed in their entirety and the site restored to its pre-existing condition by no later than 8:30 p.m. Monday, June 16, 1997. The opponents claim that it took several days for the event improvements to be removed from the beach in 1996, thus precluding public use of the beach until the site was restored to public use.

Regarding the admission fee, in this particular case, the Commission finds the impacts to access and parking associated with the intensity of use are present regardless of whether an admission fee is charged. The provision of remote parking and a viable shuttle program are adequate and necessary to mitigate those adverse effects on public access to the shoreline. Denial of the admission charge would not have any mitigating effect. The same number of people would be allowed seating to the view the event, they would simply not have to pay; thus, the impacts are not changed without the admission charge. In fact, the applicant argues the impacts will be less because there will be greater crowd control. In any event, the Commission finds the important means to preserve public recreational opportunities is to assure the functioning of a viable remote parking and shuttle program, as required through the conditions of approval. 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.

The Commission is concerned, however, about the cumulative effect of allowing all temporary events to charge a fee for admission. If such a trend should continue for more events, the effect on public access opportunities may become more significant. The City's current LCP only allows temporary events for which no admission is charged as permitted uses on the beach, and the City is currently processing an LCP amendment request to allow events which charge admission. However, the City has proposed, in their LCP amendment submittal,

to limit the number of events which are permitted to charge admission to only one.

The Commission has addressed the issue of charging admission for events on the beach through adoption of guidelines which require a coastal development permit for any temporary event proposed on the beach, in the summer, for which an admission fee is charged. Therefore, approval of this event with an admission charge for Saturday and Sunday will not establish a precedent for unregulated approval of many other similar events. Each proposal must be reviewed individually, taking into consideration the specific site conditions and project components to assess the appropriateness of the event at the proposed time and location, to determine the degree of adverse effect and its required mitigation. Therefore, the Commission finds approval of the admission charge, in this particular case, will not set an adverse precedent or conflict with the public access and recreation provisions of the Act.

D. Visual Impacts

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The event site is located just south of the pier and seaward of the pedestrian promenade and bike path. The area is heavily used by beachgoers, roller-skaters, bicyclists, joggers, and strollers. Therefore, the compatibility of the proposed event and associated development with the surrounding land and water areas within the City is of Commission concern.

This event involves installation of various structures and inflatable advertisements on the beach. Twelve set of bleachers around three volleyball courts will extend to approximately 25 feet in height. Three proposed inflatable advertisements will be approximately 25 feet in height. Three hundred banners and signs of various sizes are proposed to be placed in and around the event area. This year's event does not include any perimeter fencing, but the three main volley ball courts and the players' hospitality area will be enclosed with fencing.

Manhattan Beach is a broad flat beach, extending approximately two miles in length. Views of the beach and ocean are available along the sand, pier and from the pedestrian promenade that runs along the entire length of the beach. Because of the limited area that will be occupied by the event, the large size of the beach, and the fact that the event will be temporary, the project's visual impact will not be significant. As conditioned, to remove all temporary improvements from the site by 8:30 p.m. on Monday, June 16, 1997, the Commission finds the project consistent with Section 30251 of the Coastal Act.

E. Local Coastal Program

The City of Manhattan Beach Local Coastal Program (LCP) was certified by the Coastal Commission on May 12, 1994. The City currently has a proposal before the Commission to amend its LCP. The proposed LCP amendment would incorporate into the LCP specific standards and procedures to regulate temporary events held on the beach. The proposed LCP amendment states 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 a temporary event proposed on the beach to obtain a Local Coastal Development Permit, subject to specific standards. In addition, the proposed LCP amendment would allow only one event per year which charges admission for more than 25% of the seating capacity on the beach.

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 proposed LCP amendment, if certified by the Commission, would allow temporary events on the beach to charge admission as is currently proposed by the AVP for the 1997 Miller Lite Manhattan Beach Open Volleyball Tournament. The proposed LCP amendment would require that such events mitigate their impacts on public access. A permit for a temporary event on the beach could only be approved if the following findings are made:

- 1) Only one temporary event per year may be permitted on the beach which charges admission for more than 25% of the seating capacity.
- 2) The temporary event must conform to the certified LCP.
- 3) The temporary event must conform with the public access and recreation policies of the Coastal Act, specifically:
 - a) the event shall not block or inhibit public access to the pier or water;
 - b) the event includes a parking plan to discourage exclusive use of public parking by event personnel, and;
 - c) replacement parking and transportation must be provided if the event includes exclusive use of public parking by the event;
 - d) additional mitigation measures are provided to ensure that public access is protected.
- 4) The event will not be detrimental to the health, safety and welfare of the City, residents and workers in the area, or be detrimental to property and improvements.
- 5) All feasible mitigation measures must be adopted.

The proposed event, as conditioned, is consistent with the requirements of the proposed LCP amendment. However, the LCP amendment is not yet certified. The Commission is expected to act on the amendment request at the same meeting on which this permit is scheduled to be heard.. If the Commission approves the LCP amendment request with changes as recommended by staff, the City Council

must then adopt those changes suggested by the Commission before the LCP amendment can be certified.

Therefore, a condition of approval is attached indicating that the applicant shall not require a ticket or otherwise charge a fee for admission to any match unless the LCP amendment No. 1-97 is effectively certified by the Commission. This condition allows the applicant to comply with the other conditions of approval, obtain the permit and to sell tickets to the event; however, if the LCP does not become effectively certified prior to the event taking place, a ticket cannot be required for admission to the event without being in violation of this permit. As so conditioned, should the LCP amendment not become effectively certified, the event could still take place consistent with the current LCP as long as no admission fee is charged.

F. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project, as conditioned, provides adequate mitigation measures and is consistent with the coastal access and recreation policies of the Coastal Act. Therefore, the Commission finds that the project is consistent with the requirements of the Coastal Act to conform to CEQA.

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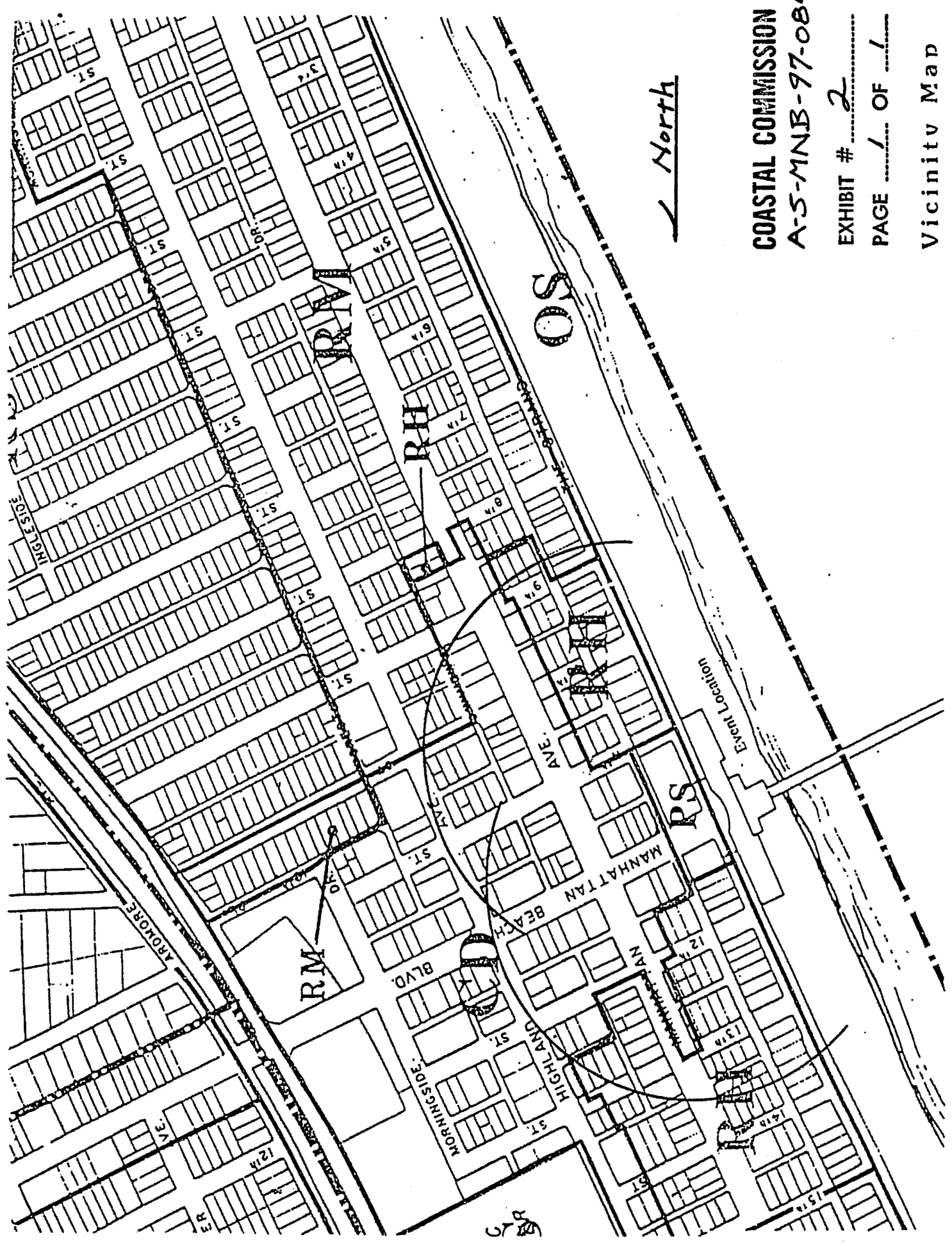
Shuttle Drop-off

PACIFIC OCEAN

Remote Parking & Shuttle stop

EVENT SITE

COASTAL COMMISSION
 A-5-MNB-97-084
 EXHIBIT # 1
 PAGE 1 OF 1



North

COASTAL COMMISSION
 A-5-MNB-77-084

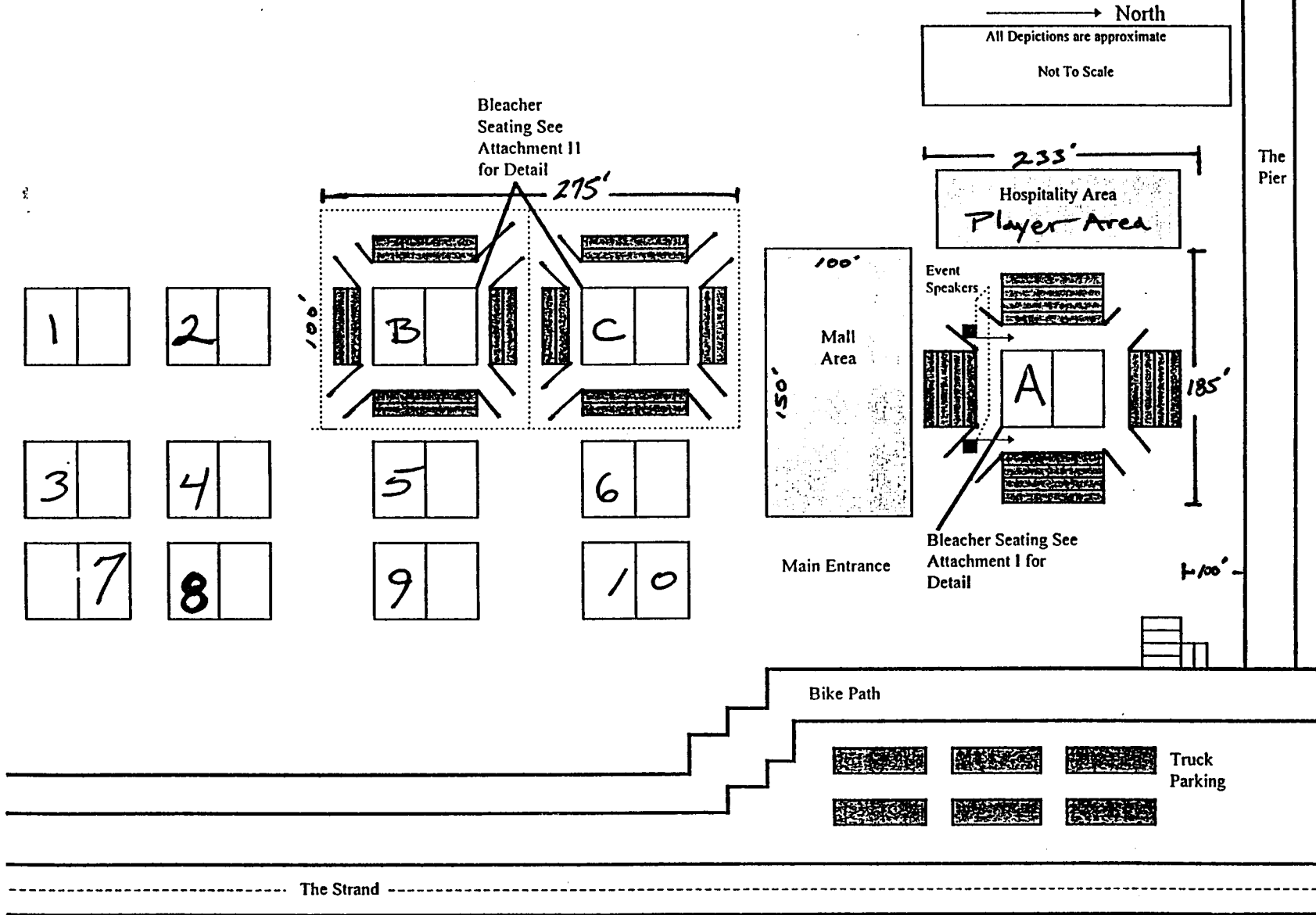
EXHIBIT # 2

PAGE 1 OF 1

Vicinity Map

Manhattan Beach Open Volleyball Tournament

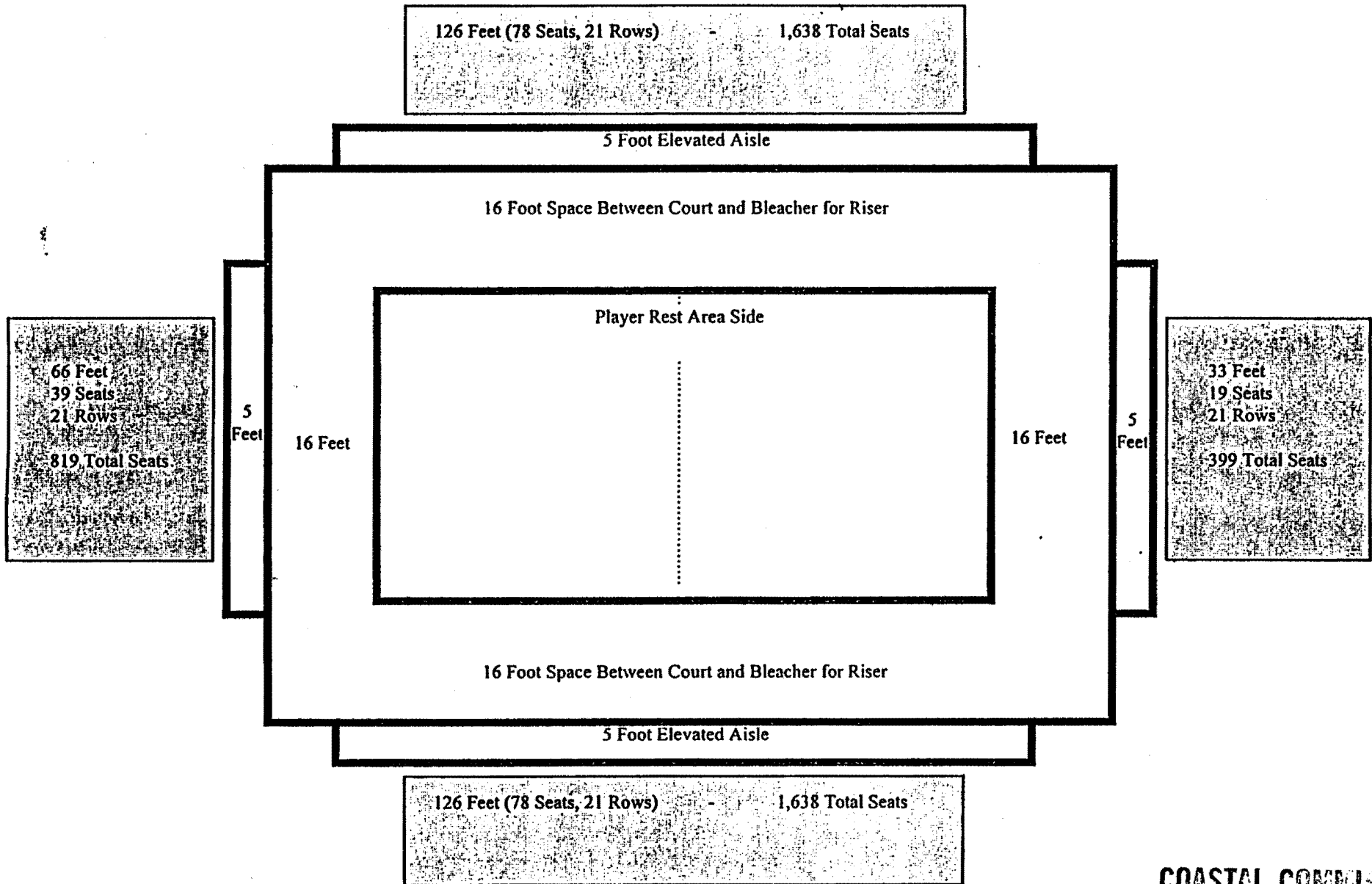
Event Development Plan



COASTAL COMMISSION
A-5-MNB-97-084

EXHIBIT # 3
PAGE 1 OF 3

AVP STADIUM MANIFEST



4,494 Bleacher Seats (General Admission)
867 Reserved Seats
Total Seats = 5,361

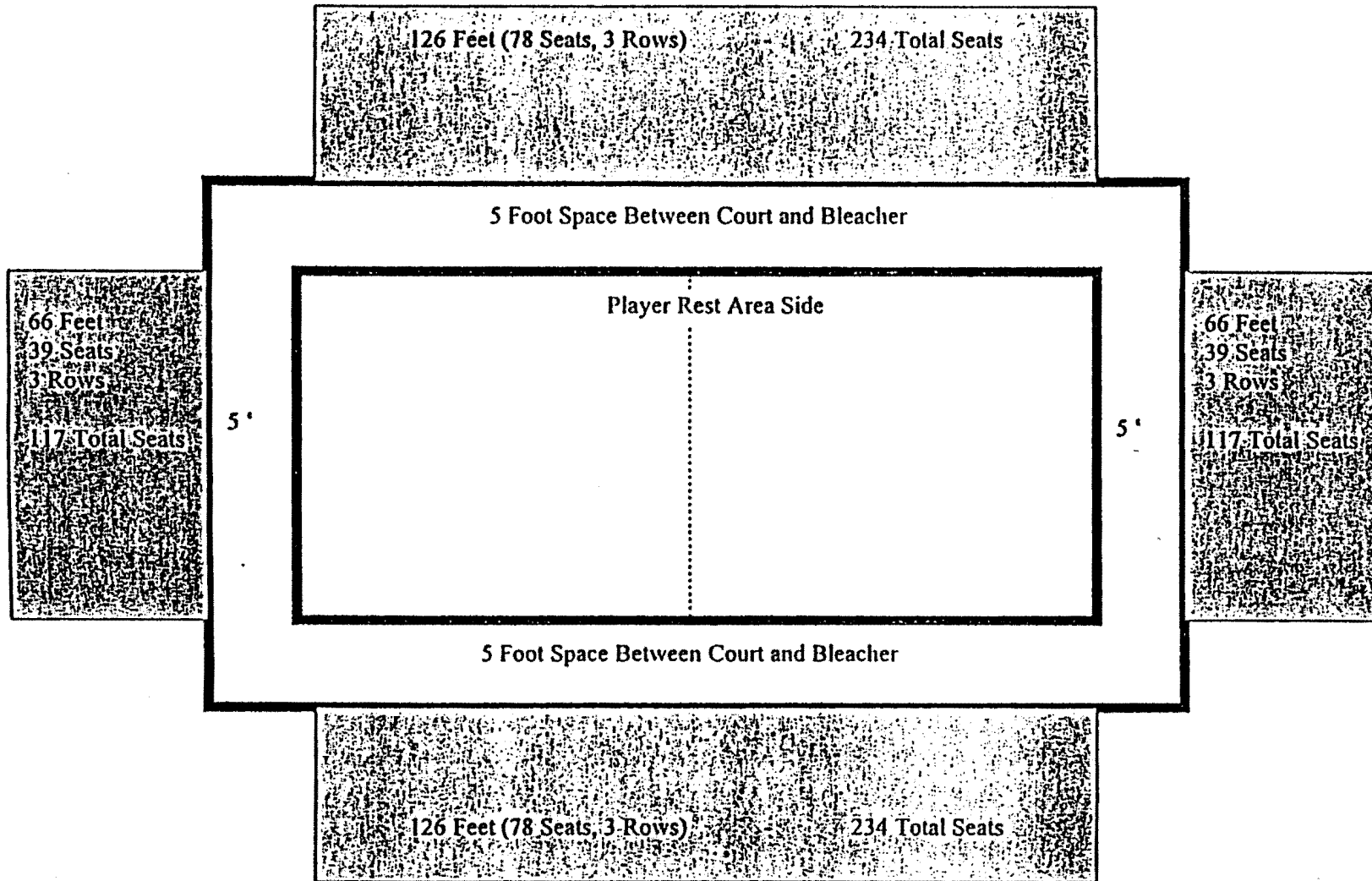
A :

COASTAL COMMISSION

EXHIBIT # 3

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AVP STADIUM MANIFEST



702 Total Bleacher Seats

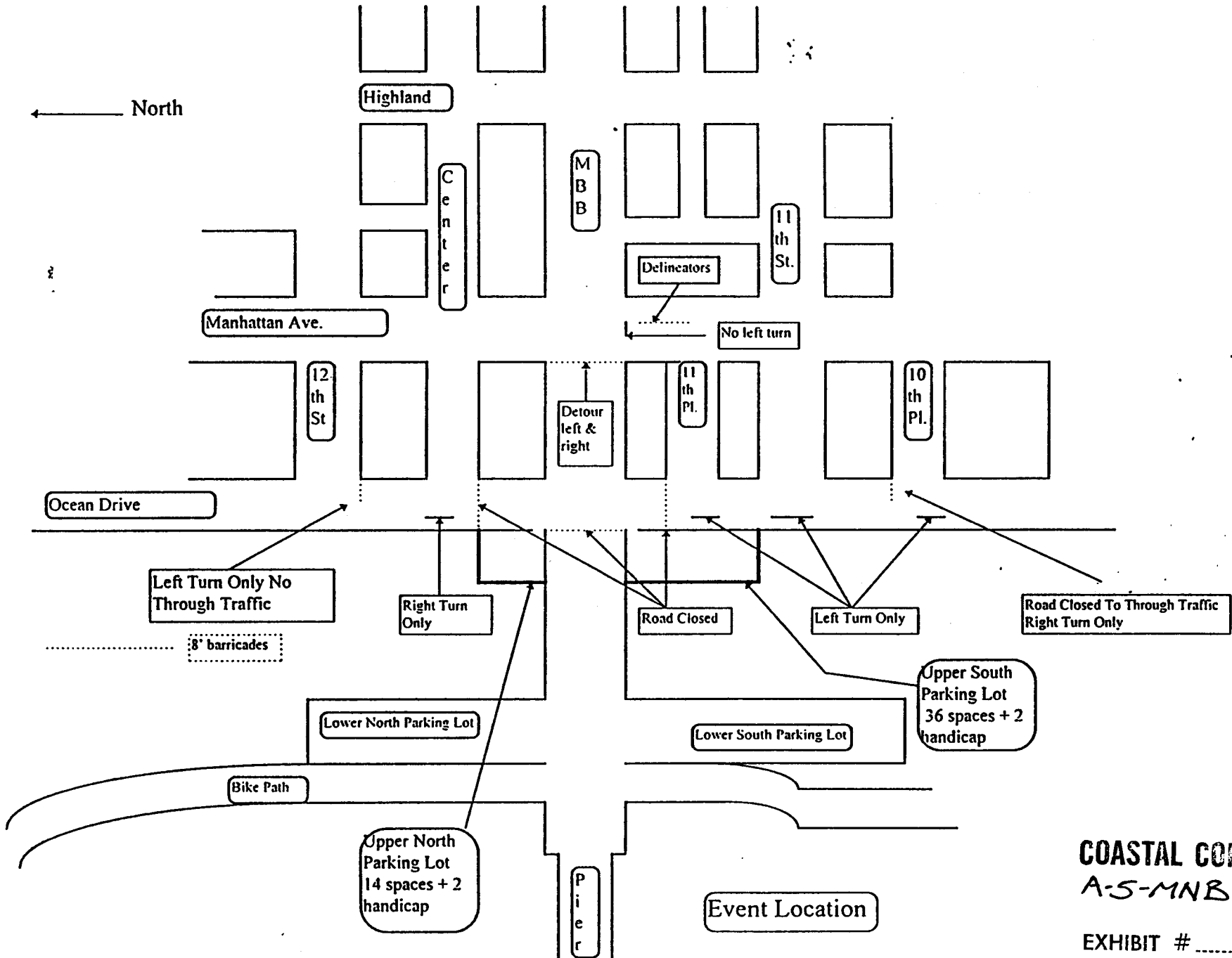
COASTAL COMMISSION

B & C

EXHIBIT # 3

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Parking and Circulation



COASTAL COMMISSION
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EXHIBIT # 4

PAGE 1 OF

City of Manhattan Beach
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(310) 545-5621
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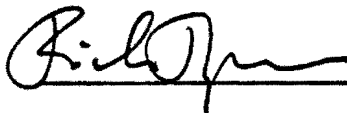
COASTAL DEVELOPMENT PERMIT

Project No CDP 10 - 97
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On March 18, 1997 the City Council of the City of Manhattan Beach conducted a public hearing and granted to the Association of Volleyball Professionals (Applicant) this permit for the temporary event described below, subject to the attached Standard and Special conditions.

Site: Beach Area south of the Manhattan Beach Pier
Description: Manhattan Beach Open Volleyball Tournament
Issued by: Richard Thompson, Director of Community Development

COMMUNITY DEVELOPMENT DEPARTMENT
Richard Thompson, Director

 3/20/97

Acknowledgment:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

3/20/97 
Date Signature of Permittee

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Required Findings: (Per Section A.24.030 "L-16" of the Local Coastal Program)

Written findings are required for all decisions on Coastal Development Permits. Such findings must demonstrate that the project, as described in the application and accompanying material, or as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program.

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.

(Finding): On February 27, 1997 the City of Manhattan Beach Community Development Department published a notice in the Beach Reporter advertising the acceptance of Coastal Development Permit applications for City Council consideration of temporary events charging admission fees for more than 25% of provided seating capacity. The period for application submittal was between February 27 and March 5, 1997. During this period the subject temporary event (Manhattan Beach Open) was the only application received requesting paid admission in excess of the above mentioned 25% limit. Since the deadline for application submittal has passed, this event is the only such event occurring during the calendar year of 1997.

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.

(Finding): The Certified Manhattan Beach Local Coastal Program (LCP) Implementation Program (upon approval by the Coastal Commission of Ordinance No. 1959) identifies the subject temporary event as a permitted use in the "PS" (Public and Semi-Public) zoning district, subject to issuance of a temporary use permit. Specifically the proposed event conforms with the following policies of the Certified LCP:

Policy II.B.4: 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.

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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.

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;

(Finding): All existing access points to the Pier will remain open and unobstructed during the duration of the proposed event. Access to the beach areas near the Pier will also remain open and unobstructed. Access to the three (3) main court areas will be limited to ticket holders, however this will not interfere with public access to the water west of the court areas.

- b. the event includes a parking plan which discourages exclusive use of public parking by event personnel;

(Finding): A parking management plan, enclosed with the accompanying attachments, has been prepared. Public parking in the upper pier lots, as well as on-street parking between Manhattan Avenue and Ocean Avenue, will be maintained for public use throughout the duration of the event. Event operations staff will occupy the lower pier lots.

- 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,

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(Finding): As indicated in Item B, above, the lower pier lots will be occupied by event operations staff. The spaces occupied by event staff will be replaced by providing general public parking access to the upper pier lots and on-street parking between Manhattan Avenue and Ocean Avenue. Additionally, a shuttle service located at Mira Costa High School will operate from 7:00 a.m. to 7:00 p.m. and will provide access to a drop-off point located near Valley / Ardmere and Manhattan Beach Boulevard.

- 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, incentive, radio or other measures required by the Department of Parks and Recreation or the Community Development Director.

(Finding): Due to the intensity of the proposed event (estimated attendance between 6,000 and 8,000) it is expected that public access to the coastline will be impacted. There will be impacts upon public parking. However, these impacts should be mitigated to a level of relative insignificance by implementation of the shuttle service (described above) and the provision of public parking at the upper pier lots. Access to the beach, and water, will be maintained during the duration of this event.

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.

(Finding): The Manhattan Beach Open Volleyball Tournament has been a long-standing event in the City of Manhattan Beach Coastal Zone. Past events have not resulted in any significantly detrimental impacts upon the public health, safety or welfare of residents or businesses in the vicinity. The only operational change proposed for this year's (1997) event is the fee for admission which will be charged for Saturday (6/14/97)

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and Sunday (6/15/97). City Staff is of the opinion that this proposed admission charge will have the result of actually limiting the total number of attendees for these two days, which will result in lessening total impacts upon surrounding properties.

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

(Finding): The City of Manhattan Beach, under direction of the Parks and Recreation Department, have initiated a Task Force to address concerns and develop appropriate conditions and recommendations governing the operation of this event. This Task Force was comprised of: a residential representative; a representative from the Downtown Manhattan Beach Business and Professional Association (appointed by the Mayor); two (2) representatives from the Association of Volleyball Professionals (applicant); a representative from the City Public Works Department; a representative from the City Police Department; and two (2) representatives from the City Parks and Recreation Department.

The Task Force met five (5) times from February 12 - March 16, 1997. Using the provisions outlined in Ordinance No. 1959, and concerns raised during the public hearing process, the Task Force developed a list of operational conditions. These conditions are reflected in the attached materials. It is the City's opinion that all feasible mitigation measures have been included to offset any significant impacts associated with the operation of the proposed event. Additionally, an agreement (attached) between the event operator and the City (dated January 14, 1997) has been entered executed which further stipulates certain operational conditions.

Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and the temporary event shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Community Development Department.

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COASTAL DEVELOPMENT PERMIT

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2. Expiration. The Coastal Development Permit shall expire if not implemented during the approved dates scheduled for the temporary event. The City Council 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 the expiration of the permit.
3. Compliance. All activities associated with the temporary event must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the Director of Community Development.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Director of Community Development.
5. Terms and Conditions are Perpetual. These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Special Conditions:

1. The subject Coastal Development Permit is conditioned upon, and shall not become effective until, final certification of Ordinance No. 1959 by the California Coastal Commission.
2. The subject Coastal Development Permit will be operated and implemented in conformance with all conditions and recommendations of the Task Force established for this event.
3. The subject Coastal Development Permit will be operated and implemented in conformance with all conditions and recommendations of the "Manhattan Beach Open Agreement" dated January 14, 1997.

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4. The subject Coastal Development Permit will be operated and implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program and the LCP - Implementation Program.

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Reasons include but are not limited to the following which are ~~not~~ supplemented and amended ~~appropriate~~:

1. The CEUP and LCP do not permit such events.
2. "Urgency Ordinance" no.1959 was unlawfully adopted and not certified by Coastal Commission.
3. Coastal Act public access policies will be violated by the event.
4. California Environmental Quality Act (CEQA) is violated by failure to comply including but not limited to properly conducting and submitting all initial studies, any EIR, and failure to provide mitigating measures.
5. Violations of Coastal Act 30251 thru 30254, 5002, public access policies, violations of Federal and State law including but not limited to State Constitution, Article 10, PRC 30251 through 30254,, 5002, AB 909.
6. This event has and will interfere with the scenic integrity of the California Coast. For example, the over 300 banners, pennants and signs permitted under the current agreement with joint venturer, City of Manhattan Beach and the "inflatables" which are inflated beer can and other objects over thirty feet high, the bleachers estimated at over thirty feet certainly interfere with scenic integrity and are a bad precedent for the over 90 events scheduled for 1997 at this beach.
7. Further, as CEQA requires, City, the "lead agency" must give evidence that its judgment was independent PRC 21082.1(c).

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see pages four and five for continued "reasons for appeal" which may be supplemented

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

- The 27 additional appellants did not have room to sign on this line and have signed on the (4) attached lists with names and addresses

William Victor
 X/ WILLIAM VICTOR
 Signature of Appellant or Authorized Agent

Date 3-27-98

27 additional appellants did not have room to sign here & have signed on attached 4 pages after page 5 and exhibit No. 1.
 NOTE: If signed by agent, appellant(s) must also sign below

Appeal by
Wm. Victor et al.

COASTAL COMMISSION
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EXHIBIT # 6
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Victor PAGE FOUR OF FIVE; CONTINUED FROM PAGE THREE--APPEAL FROM COASTAL DEVELOPMENT PERMIT DECISION OF MANHATTAN BEACH-RE: COASTAL DEVELOPMENT PERMIT PROJECT NO."PROJECT NO CDP 10-97".

8. The 9/95 deed of Manhattan State Beach to L.A. County prohibits "expanded commercial development". This coastal DEVELOPMENT permit further increases the number of paid seat by almost six times, from 1125 (25% of 4500) to at least 6000 paid seats, from one to three complete sets of bleacher seats, and has extended the hours and number of days to 8 days.

9. The access and use of the beach and coast will be severely interfered with because of the geometric increase in amplified sound /music over long hours for eight (8) days, traffic, diesel and other fumes from among others, the 24 hour generators, up to 30 + foot fences, traffic, closed parking lots for VIPs, AVP players, commercial sponsors and prospective customers, elimination of disabled parking spaces, elimination of at least 24 volleyball courts to the public for 8 days (depriving hundreds of beach users this recreational use of the beach) and strains on existing fire, police, paramedic and lifeguard personnel.

This is an overall exclusive use of the beach for private profit and gain essentially by a coventure promoted by the City of Manhattan Beach as a "coventurer" with sports entrepreneurs, large sponsors such as Miller Brewing Company et al. The City of Manhattan Beach is supposed to be independent in evaluating and granting such "coastal DEVELOPMENT permits" as it is required to show independence under the CEQA laws. In fact the City has binding multi-year agreement with the AVP to put on this tournament and were obligated thereunder (according to the agreement supplied at public hearings) to use its best efforts to procure the Coastal Development Permit and permission from the Coastal Commission on January 14, 1997 prior to receiving this instant permit application.

This clearly prevented the City from exercising the requisite independent judgment in evaluating such a permit application. To make matters worse, (or better for the City to overlook some of the important negative consequences of this event) this particular City Staff and Council were the recipients of at least 100 free tickets /passes to last years' events, were given photo opportunities with the star players, and enjoyed on the Coastal Area a free hospitality tent which excluded users of the beach from portions of the beach and where the City Staff and Council dined at a tent called the "VIP tent" excluding all others from the sand, and proportionally from the parking areas available to normal users of the coast, at an expense of thousands of dollars for days of breakfasts and gourmet luncheons (where over 125 guests were invited) each meal. While this was billed to the City, it was deducted from the \$50,000 grant of services waived and cash donated to the applicant for this permit when conducting its less than satisfactory 25% paid seating experiment during August 1996. Additionally during the 1996 AVP event conducted by the instant applicant certain members of the City Staff received "outside contractor" payments of from \$500.00 to \$600.00 each in addition to normal compensation from the City.

Victor PAGE FIVE. The fact that these conflicts of interest appears to affect the independent nature of this process, is important and is exemplified by the decisions in procuring the unlawful "urgency ordinance" upon which this application is ostensibly based where the City Staff explained it "destroyed" the original initial study prepared prior to a notice dated November 8, 1996 (the Notices evidencing its prior existence are attached to this appeal as Victor Exhibit 1A & 1B; please note that Exhibit 1A was published on November 21, 1996 but required people to give input on the initial study by October 15, 1996 for comments to be included in the Staff report ;this has been typical of the concern this City staff has shown for input from the public on this issue).TheCity concluded in the 12-31-96 initial study that such events as the instant application and proposal will have :

- * "NO IMPACT" on the creation of objectionable odors
- * "MAYBE" that it will result in increasing existing noise levels
- * "NO IMPACT" re: possible interference with an emergency response
- * "NO IMPACT" on the generation of additional vehicular traffic
- * "NO IMPACT" towards increase in traffic hazards to motor vehicles, bicyclists or pedestrians.
- * "MAYBE" effects on existing parking facilities
- * "NO IMPACT" " . . . when added to past, present or future projects in the area, the ..proposal:would result in a significant cumulative impact for the vicinity".
- * "NO IMPACT" "potential to degrade quality of environment"
- * "NO IMPACT" "...in the obstruction of any scenic vista or view open to the public or...creation of an aesthetically offensive site open to public view". !!!

The application procedure utilized a " token" task force with one lonely resident selected by the outgoing Mayor which task force was completely under the thumb of the City Parks and Recreation Department and appointed by a City Council who was considered by some to be " star struck ", ingenuine in the hearings, generating incomplete and misleading minutes (the minutes re: hearings on the application,forexample)eliminating considerable correspondence from persons desirous of having their input considered, ordinance eliminates notice to property owners.

Very little, if any, attention was given to mitigating where there "MAYBE" adverse impacts in the 12/96 study; it was left to the City and the Parks and Recreation Committe to "identify " and "mitigate" such impacts to a "level of insignificance" ; in the more than three months since 1996, this has not been done . What is worse, since that time City, the grantor, still considers "NO IMPACT" on the above items and has given no weight to the over-concentration of events and cumulative effects of the 96+ events appellants witnessed last year at Manhattan Beach and greater number that is anticipated this summer, this application represents a PERMANENT rather than temporary event in actuality. It is respectfully submitted, the application must be denied to comply with the Public Resource Code,the Coastal Act,the State Constitution, AB 909, CEQA; the urgency ordinance upon which the application procedure has been attempted must be recogized as unlawful for many reasons including but not limited to the fact that as a result Coastal Access , scenic integrity of the Coast, recreational use of the Coast will not be protected as required and this will also set a precedent which will impair objectives of the Coastal Act for years to come. Thank you for your consideration. W. Victor [REDACTED]

We, the undersigned residents and citizens, wish to add our names as appellants to the appeal by William Victor, whose views have represented ours against City of Manhattan Beach Coastal Development Permit granted by that City for Project No Coastal Development Permit 10-97 granting the Permit to the Association of Volleyball Professionals to have a special event with admission fees to be charged in excess of 25% of the provided seating capacity for no less than eight (8) days beginning June 9, 1997 at 7:30 AM and completing no earlier than 8:30 PM on the eighth day and we wish to receive all notices from the Coastal Commission, the City of Manhattan Beach, the permit applicant and all notices normally received by the appellant(s) in such proceedings.

NAME (please print)	MAILING ADDRESS	TEL. NUMBER	SIGNATURE
1. <u>SUSANNE M. BAILEY</u>	<u>133 13th M.B</u>	<u>545-6304</u>	<u>Susan M. Bailey</u>
2. <u>MARY WALDRICKIE</u>	<u>1215 Manhattan Ave.</u>	<u>545-5050</u>	<u>Mary Waldrickie</u>
3. <u>NEIL LEVENTHAL</u>	<u>128 13th ST. MB</u>	<u>796-0728</u>	<u>Neil Leventhal</u>
4. <u>Judy Leventhal</u>	<u>128 13th ST. MB</u>	<u>796 0728</u>	<u>Judy Leventhal</u>
5. <u>David Scott</u>	<u>1300 B Manhattan Av.</u>	<u>546-2071</u>	<u>David Scott</u>
6. <u>Hunter Scott</u>	<u>1300 B Manhattan Av.</u>	<u>546-2071</u>	<u>Hunter Scott</u>
7. <u>Edith Bowman</u>	<u>121-13th St-MB</u>	<u>545-5415</u>	<u>Edith Bowman</u>
8. <u>WENDELIN JOYCE</u>	<u>1751 62 ST MB</u>	<u>379-5617</u>	<u>Wendelin Joyce</u>
9. <u>TANN K. JOYCE</u>	<u>45 AYO A</u>	<u>"</u>	<u>Tann K. Joyce</u>
10. <u>David Hillis</u>	<u>P.O. Box 3470</u>	<u>310/546-0258</u>	<u>David Hillis</u>
11. <u>TANNA GURVICH</u>	<u>1430 9th ST MB</u>	<u>374-2274</u>	<u>Tanna Gurvich</u>
12. <u>DAVID ROBEL</u>	<u>1430 9th MB</u>	<u>374-2274</u>	<u>David Robel</u>
13. <u>JOHN J. HALLY</u>	<u>1420 11th ST MB</u>	<u>372-5497</u>	<u>John J. Hally</u>
14. <u>WINIFRED S. GRACEY</u>	<u>1421-11th ST MB</u>	<u>274-6092</u>	<u>Winifred S. Gracey</u>
15. <u>GARY T. POZE</u>	<u>1427-11th ST M.B.</u>	<u>374-2166</u>	<u>Gary T. Poze</u>
16. <u>JOHN SIDNEY</u>	<u>1436 11th ST MB</u>	<u>798 8987</u>	<u>John Sidney</u>
17. <u>ALAN STASSI</u>	<u>1447 11th St MB</u>	<u>572-4435</u>	<u>Alan Stassi</u>
18. <u>Leticia Stassi</u>	<u>1447 11th St M.B.</u>	<u>372 4437</u>	<u>Leticia Stassi</u>
19. <u>ROBERT STEWERS</u>	<u>1467 11th ST MB</u>	<u>374-9881</u>	<u>Robert Stewers</u>
20. <u>WINIFRED STEWER</u>	<u>1467 11th ST MB</u>	<u>374-9881</u>	<u>Winifred Stewer</u>
21. <u>DAVE BARKS</u>	<u>1451-11th ST MB</u>	<u>374 7028</u>	<u>Dave Barks</u>
22. <u>MARY M. GURVICH</u>	<u>1430-11th ST MB</u>	<u>379-5204</u>	<u>Mary M. Gurvich</u>
23. <u>MARINA GURVICH</u>	<u>1430-11th ST MB</u>	<u>379-5204</u>	<u>Marina Gurvich</u>
24. <u>Harold Fore Jr</u>	<u>54 VILLAGE CIRCLE (30-546-5117)</u> <u>MANHATTAN BEACH CA 90246-7222</u>	<u>Harold Fore Jr</u>	<u>Harold Fore Jr</u>
25. <u>Don Falkenstein</u>	<u>1412 Palm Dr. Hermosa Beach, CA</u>	<u>(310) 372-0872</u>	<u>Don Falkenstein</u>
26. <u>JENNIFER PATZ</u>	<u>1412 PALM DRIVE HB, CA 90254</u>	<u>310 372-0872</u>	<u>Jennifer Patz</u>
27. <u>Jennifer Levinson</u>	<u>211 S. 14th Ave. RB</u>	<u>310 574 6886</u>	<u>Jennifer Levinson</u>

COASTAL COMMISSION

SECTION IV. Reasons Supporting This Appeal

The City of Manhattan Beach has a Local Coastal Program (LCP) that was certified by the California Coastal Commission on May 24, 1994. The LCP does not provide guidelines for the review or management of temporary events in the Coastal Zone. As indicated in the letter, dated April 5, 1996, from the California Coastal Commission staff to the Association of Volleyball Professionals (see attached copy of letter), pursuant to the Guidelines for the Exclusion of Temporary Events, adopted by the Coastal Commission on May 12, 1993, a coastal development permit is required for a proposed event if it will be held between Memorial Day weekend and Labor Day, it will occupy all or a portion of a sandy beach area and it will involve a charge for general public admission or seating where no fee is currently charged for use of the same area.

On January 14, 1997, the City of Manhattan Beach entered into an agreement with the Association of Volleyball Professionals to conduct "The Manhattan Beach Open" volleyball events for 1997 and 1998. A copy of the agreement is attached as Exhibit 4 to the City's letter, dated March 19, 1997, to the Coastal Commission. Also attached to the City's letter, as Exhibits 1 and 2, respectively, is a copy of the Coastal Development Permit granted to the AVP by the City on March 18, 1997, a copy of the City Manager's report, dated March 18, 1997, and a copy of the City's Urgency Ordinance No. 1959, adopted on February 18, 1997, amending the City's LCP to provide for implementation of the Manhattan Beach Open.

According to the City Manager's report, the Manhattan Beach Open is scheduled to be held from Thursday through Sunday, June 12, 1997 through June 15, 1997. Reserved seating for the entire tournament will cost \$30 to \$60. On the weekend, children under 11 will be admitted free with all other spectators (except for those holding reserved seats) being charged \$10 on Saturday and \$12 on Sunday. According to page 12 of the Coastal Development Permit, "Due to the intensity of the proposed event (estimated between 6,000 and 8,000) it is expected that public access to the coastline will be impacted. There will be impacts upon public parking."

Chapter 3, Article 2, of the California Coastal Act, codified as Section 30210 of the Public Resources Code, provides that in carrying out the requirements of the California Constitution maximum access and recreational opportunities shall be provided for all the people. Section 30211 further provides that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization.

Unfortunately, the Manhattan Beach Open, as it is presently proposed, clearly violates both the spirit and letter of Sections 30210 and 30211. The impact of the public's use and enjoyment

Appeal by Bill Eisen &
Viet Ngo

COASTAL COMMISSION

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SECTION IV. Reasons

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is severe. This is because the event is scheduled for a weekend in the middle of summer when parking spaces near the beach are hard to find. Public parking is impacted not just near the Manhattan Beach pier but all along the beach for as much as a mile north and a mile south of the pier. This is because attendees can walk or jog along the beach from their parking place to the event or they can skateboard, rollerskate or bicycle along the strand to the event. Beach parking up to a half mile from the beach is, therefore severely impacted. Anyone wishing to drive to the public beach during the Manhattan Beach Open and who can't afford a ticket will, obviously, choose another beach.

The Coastal Development Permit's contention, on page 4, that "these impacts should be mitigated to a level of relative insignificance by implementation of the shuttle service....and the provision of public parking at the upper pier lots" is absurd. According to the City Manager's report, at p. 4, the AVP will receive 28 parking spaces. But any parking allocated to the AVP will, obviously, eliminate parking for other people who will then be looking for parking nearby. The proposed shuttle service to the beach also hardly mitigates parking problems since attendees are not required to use the shuttle and any member of the general public desiring to drive to a public beach for his or her own recreation and enjoyment will, obviously, choose a beach that doesn't require a shuttle.

Additionally, although the Coastal Commission's letter, dated April 5, 1996, to the AVP (see attached letter) suggests that a portion of the revenues generated by the proposed event "be allocated for beach maintenance and/or public access and recreational improvements, to offset any impacts holding the events during the peak summer season may have on general public use of these beach areas" none of the revenues from the proposed event are so allocated. In short, the City's Coastal Development Permit doesn't even begin to mitigate the public's loss of beach access.

And, from a policy perspective, it stands to reason that the Manhattan Beach's Coastal Development Permit sets a bad precedent and can only encourage other cities to commercialize their public beaches with attendant loss of beach access.

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PAGE 2 OF 2

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

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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

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A-5-MNB-97-084

EXHIBIT # 8

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A B C D E F

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

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

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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 on behalf of
himself and Viet Ngo

COASTAL COMMISSION

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

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PAGE 4 OF 4



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 545-5621 FAX (310) 545-5234 TDD (310) 546-3501

April 18, 1997

Post-it* Fax Note	7671	Date	4/18/97	# of pages	13
To	Chuck Posner	From	Rich Thompson		
Co./Dept.	CA Coastal Comm.	Co.	City of M.B.		
Phone #		Phone #			
Fax #	7-562-590-5084	Fax #	312-545-9322		

Mr. Charles Posner, Coastal Program Analyst
California Coastal Commission
South Coast Area
P.O. Box 1450
Long Beach, CA. 90802-4418

RE: Appeal No. A-5-MNB-97-084

Dear Mr. Posner,

The City of Manhattan Beach would like to submit the following material regarding the above referenced Coastal Development Permit appeal. Additionally, the City respectfully requests that this correspondence be transmitted to the Coastal Commission as an attachment to the subject report.

Amendment of Manhattan Beach Local Coastal Program

As indicated in Section IV of the subject appeal, the City of Manhattan Beach Local Coastal Program (LCP) was certified by the Coastal Commission on May 24, 1994. The LCP as adopted did not address the issue of temporary events, nor did it provide any guidelines for the regulation of such events. For this reason, the City utilized the Commission adopted guidelines (adopted May 12, 1993) for the review of proposed temporary activities. At the Coastal Commission hearing of January 8, 1997, the Executive Director of the Coastal Commission recommended that cities with certified LCP's incorporate the Commission's temporary event guidelines into their respective implementation programs. The City of Manhattan Beach, with the adoption of Ordinance No. 1959, attempted to incorporate these guidelines into the LCP.

The City's efforts at addressing the issue of temporary events preceded the Commission's January 8th hearing. The City's Community Development Department had presented recommendations to the Planning Commission, at noticed public hearings, beginning on October 23, 1996. The City's interest in adopting temporary event guidelines was in preparation for the expected temporary events during the summer of 1997. While the Manhattan Beach Open qualifies as a temporary event, it was not the sole reason for the adoption of this Ordinance.

Fire Department Address: 400 15th Street, Manhattan Beach, CA 90266 FAX (310) 545-8925
Police Department Address: 420 15th Street, Manhattan Beach, CA 90266 FAX (310) 546-5000
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 546-1752

COASTAL COMMISSION

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EXHIBIT # 2

PAGE 1 OF 4

City Agreement with AVP

The City did enter into a two-year agreement with the Association of Volleyball Professionals (AVP) to conduct the Manhattan Beach Open. This Agreement was executed on January 14, 1997 and specifically indicates that the Agreement is contingent upon the Coastal Commission's approval of the City's proposed LCP Amendment (Ordinance No. 1959). As indicated above, the LCP amendment process was begun four (4) months prior to the execution of this Agreement.

The Manhattan Beach Open is scheduled for the period of June 12 - 15, 1997. Admission is free and open to the public on Thursday (6/12) and Friday (6/13) with the exception of those reserved seats (approximately 867) which have been purchased for the entire four days of the tournament. Admission will be charged for all attendees on Saturday (6/14) and Sunday (6/15), except that children 10 and under will be admitted free of charge.

Impacts of Manhattan Beach Open

A. Public Access

The City has been holding the Manhattan Beach Open for 36 years in the same location. It takes up approximately 18,000 square feet of the 40 acres of beach in Manhattan Beach. All access points to the beach remain open during the tournament. The AVP has been conducting the Manhattan Beach Open in conjunction with the City since 1984. The only significant change to the event proposed for 1997-1998 is the requirement of admission for all adults on Saturday and Sunday only. This change should have the effect of actually limiting the number of spectators attending and creating a smaller event since the number of spectators is limited to about half of estimated attendance in many earlier years.

It is the appellant's contention that the Coastal Development Permit violates the "spirit and intent" of the California Coastal Act by severely limiting available parking and thus limiting public access. It is the City's belief that spectators attending this long-standing event are equally members of the public whose desires should be taken into consideration. It is not the City's intent to impact public access to, nor public enjoyment of the beach. The Coastal Development Permit, as approved, was an attempt to balance the interests of two disparate groups. Through the recommended conditions of approval outlined in the Permit, and the operational requirements of the Agreement, it is the City's assessment that the event can proceed without substantial impact to either party.

B. Public Parking

The Coastal Development Permit does contain a statement recognizing that public parking will be impacted by the event. However the City has attempted to mitigate this impact through the provision of a shuttle service for beach access, and by maintaining the upper Pier parking lots for public parking. In fact, public parking may actually be increased during the event because beach-goers, as well as volleyball spectators, will be able to use the off-site parking and the free shuttle service.

Once again, these impacts must be viewed in light of the fact that the tournament is not a new event and has been in existence for over 36 years. Beach parking is always difficult on a summer weekend. This

COASTAL COMMISSION

EXHIBIT # 9
PAGE 2 OF 4

*tournament however, only lasts for 4 days and there is significant attendance only on Saturday and Sunday only. Additionally, the City of Manhattan Beach has approximately two (2) miles of public beach of which the tournament, will occupy a very small portion. It is anticipated that beach access will be increased during the tournament by the availability of the shuttle service.

C. Size and Length of Event

As indicated in the City Council Staff report submitted with the Coastal Development Permit, the event is scheduled for Thursday (6/12) - Sunday (6/15). Set-up for the event will begin on Monday, June 9th with striking of the event beginning immediately following the last match on Sunday. It is anticipated that striking of the venue will be completed by Monday, June 16th. It is anticipated that the estimated attendance at the event will vary on Thursday and Friday since the admission is free, but generally attendance is light on these days. Attendance on Saturday and Sunday is limited to a maximum of 6,000.

Conflict of Interest

The appeal alleges that City officials and Staff had a conflict of interest because of previous tickets and privileges received from the AVP. The Manhattan Beach Open Volleyball Tournament is owned by the City. It started as a amateur event and recently has been a professional event in partnership with the AVP. In prior years, the City reserved seats and set up a hospitality tent as a token of gratitude to its volunteer Commissioners and their families. Because the AVP and the City were partners in running the event, these were not perks given to the City by the AVP. The newly signed Agreement creates an "arms length" business arrangement between the City and AVP and there are no free tickets or hospitality tent for City officials or Staff.

Information Requested by Coastal Commission Staff

Pursuant to the requirements of the Commission Notification of Appeal, received on April 7, 1997, the City is obligated to submit all relevant documents to the Commission Staff. To date the Commission has received copies of the following: Staff report to the City Council dated March 18, 1997; Coastal Development Permit No. 10-97; Ordinance No. 1959; Public Notice provided; Event exhibits; and a copy of the Manhattan Beach Open Agreement. Included with this letter are copies of public correspondence received on this issue, a copy of the minutes from the City Council meeting of March 18th, and a copy of the application form submitted by the AVP. We trust that with submission of these documents the Coastal Commission Staff are in receipt of all relevant materials.

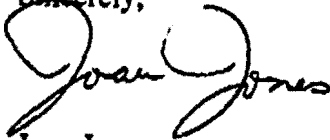
In conclusion, the City would like to reiterate the fact that the Manhattan Beach Open has been in existence for a number of years and has generated crowds similar to the number estimated for 1997. The only change for the upcoming year is the fee for admission required for Saturday and Sunday. No other changes are proposed, other than positive operational changes developed during the Coastal Permit process. The City contends that admission fees will limit the number of attendees on these two days, and in conjunction with the operational requirements of the Agreement and Coastal Permit, this year's event will be under greater local control than past events.

COASTAL COMMISSION

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PAGE 3 OF 4

Should you have any questions, or require additional information, please do not hesitate to contact Richard Thompson, Community Development Director, at (310) 545-5621, Extension 290.

Sincerely,



Joan Jones
Mayor

xc: Geoff Dolan, City Manager
Robert Wadden, City Attorney
Richard Thompson, Director of Community Development
James Wolfe, Director of Parks and Recreation

COASTAL COMMISSION

EXHIBIT # 9
PAGE 4 OF 4

Harry A. Ford, Jr.
54 Village Circle
Manhattan Beach, California 90266-7222
Phone & Fax: (310-546-5117)
e-mail: Seaimage9@aol.com

HP

Harry A. Ford, Jr. - Fax

RECEIVED
APR 18 1997

CALIFORNIA
COASTAL COMMISSION

To: **Chuck Posner, California Coastal Commission**

From: Harry A. Ford, Jr., Manhattan Beach Resident and concerned about commercialization of our Beaches and cumulative effect of events with negative "CEQA" impacts that exceed service capacities, and use of public beaches for exclusive use for profit organizations (AVP) with nuisance & noise & negative aesthetics & lack of parking & new development (AB 909), etc. !

Fax: (310 -590 - 5084)

Pages: FIVE, including this page

Phone: (310 - 590 - 5071)

Date: April 6, 1997; 12:17 PM

Re: **Preliminary written comments and questions for the Coastal Commission Hearing on the City of Manhattan Beach Local Coastal Permit, Urgency Ordinance, Temporary Events, and Coastal Development Permit (CDP 10-97) for the AVP event 6/9/97 to 6/16/97, previously faxed to Teresa Henry on 3/16/97 with no return calls or letters ???**

Urgent For Review Please Comment Please Reply Please Recycle

1. Dear Chuck Posner, attached are some preliminary comments and questions for this item which should come before the Coastal Commission in May. Please respond to my questions that are not fully answered by the City. I sent a 48 page fax to Teresa Henry on March 16 but have not gotten any calls or letters. I know it was received from my fax confirmation and phone bill. I talked to Bill Victor and he said you were the person who was handling the matter. Since I didn't get an answer from Teresa Henry perhaps you can answer my questions, and include my materials in the package that goes to the Coastal Commission in May? I have also signed Bill Victor's appeal form.
2. Please let me know what the procedures are for inclusion of my materials in the package that goes out to the commissioners prior to the meeting. Will sending you this fax suffice ? Will you please give me written notice of the meeting on these subjects?
3. As you can see from my correspondence the City of Manhattan Beach has been giving me and others the run around (to put it nicely).

COASTAL COMMISSION
A-5-MNB-97-084

EXHIBIT #10.....

PAGE1... OF ..3.....

4. The Commission policy on the Internet says "The Commission must meet at least once a month in a location that is convenient to the public having an interest in matters coming before the Commission." Since there have been up to 50 people attending the meetings on this subject (probably have been 8 meetings so far), and Donley Falkenstein of Hermosa Beach has a petition signed by 4700 people will the hearing for this matter be held in Manhattan or Hermosa Beach ? There are a number of individuals who are going to sign and submit an appeal. Will the appeal be held in Manhattan or Hermosa Beach, and noticed to the residents ?

5. Is the City of Manhattan Beach LCP for temporary events, Municipal Code, contract with the AVP, Urgency Ordinance, consistent with the California Coastal Act, the Agreement that transferred Manhattan Beach from the State to the County (AB 909), and the Agreement for Manhattan Beach to operate the County parking lots, ? What specific section of the California Coastal Act allows the AVP and City of Manhattan Beach 1) Set up a snow fence to enclose a VIP hospitality tent and players tent that is for the exclusive use of the VIP's with closed tents?, 2) use up to 24 heavily used public volleyball courts for 8 days without replacing them down the Beach, 3) Use a beach set aside for public recreation for a professional for profit entertainment organization's exclusive use, 4) Use a prime portion of the beach, with available parking, for 8 days, 5) Provide cumulative negative CEQA impacts with inadequate mitigation and no enforcement clauses in the AVP contract (note: the City has not enforced the noise, signs, and other ordinances (Title 12) in the past (City police & staff at the event) and the City Council has not said they will pro actively enforce the municipal code this year (they didn't provide a written report of problems with solutions in prior years, why? Will the Coastal Commission require this year ?)? 6) added two new sets of bleachers which are additional development, a violation of AB909? 7) 24 hour generators with no restriction on hours of operation?, 8) noisy speakers that this year are pointing towards the pier and homes to the north instead of away from the homes to the west (ocean) and last year could be heard over a quarter a mile away, 8) no closing hours on Sunday or starting hours on Monday, and 9) no summary of citizen complaints and comments during the many meetings that were held and only included letters in the Council package of people that supported their position, etc. , etc. Has the Coastal Commission attorney determined that these types of events are in compliance with the California Coastal Act, & CEQA? If so, please provide me a copy of their opinion with the specific Act sections cited.

→ PC 5002.6 + DEC.

COASTAL COMM. 5/2/97

→ SETTING A PRECEDENT WITH 100% RMD SETTING! WHO DOES IT STOP??

6. The City has not addressed the impact of the huge number of other events with large crowds that crowd the beach, close parking lots, etc. Why shouldn't the same restrictions on this event (AVP) apply to all events on the Beach (25% or less paid seating), and why shouldn't there be "event free" weeks during the summer ? The log that the City developed does not even show estimated attendance figures. The County Lifeguards keep numbers for the Manhattan Beach pier and the impact of the AVP event per the lifeguard numbers is significantly more than the actual attendance due to the people that come down to the event but don't pay. The 1996 City Downtown Strategic Action Plan indicated that parking is at or near capacity during the summer weekends. How can 6000 more cars park without a significant impact (CEQA restriction) ? This and other events offend the eyes, ears and nose, and is a cancer on our beach ! How CAN 400 CARS AT MIPACOSTA MITIGATE ?

7. Included in my package was a listing of 100 tickets for the City Council and staff to last years event for seats and the hospitality tent (meals, etc.). What was the value of the amount the City officials received and isn't that a conflict of interest (reported & disclosed)? This year when I asked in writing I got not answer from the City, so I went to the Council meeting and the minutes indicate that the City Council members will not received free tickets but it says nothing about the City Staff, and their families, friends and quests and other politicians (Jane Harman on last years list). Perhaps you can get an answer from the City/AVP as to who will get free tickets to the event and the hospitality tent ?

8. These large temporary events and rampant commercialization are a "cancer" on our beach, and they should be removed before they become fatal and the residents, their children, and grandchildren lose the aesthetic impact and recreational use and quiet enjoyment of the public beach and parking for many future years (summers/winters)!!!

9. Please call to confirm receipt of this fax, and to confirm that my written materials will be in the package that goes to the Coastal Commissioners in May, and that the citizens questions will be answered in the staff package for the Coastal Commission and not ignored like they were at the City of Manhattan Beach. Thanks for your assistance in advance.

Cc: Executive Director and Chairman of the Coastal Commission.

CALLED 4/7/97 AT 12:21AM TO CONFIRM RECEIPT OF FAX,
 NOTE: NOT ALL COMMENTS FOR PUBLIC HEARING INCLUDED W 3/19/97 SUBMISSION FROM
 THE CITY OF MANHATTAN BEACH (MISSING 36 PAGES) PLUS PLANNING COMMISSION
 WRITTEN COMMENTS (EXHIBIT 3).
COASTAL COMMISSION
 EXHIBIT #10.....
 PAGE ...3... OF ...3...

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

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A5MNB-97-084

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Coastal Commission
April 16, 1997
p.2

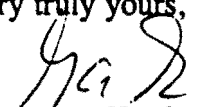
common with the community based, small scale, non-commercialized event of only a few years ago. Now, to further aggravate the situation, the city of Manhattan Beach is essentially a joint venturer, sharing profits with the AVP. Among other things, this position has plainly compromised the city's ability 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

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PAGE .. 2 .. OF .. 2 ..

**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)

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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

2

EXHIBIT # 12
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

3

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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)

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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

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