

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

January 15, 1998



TO: Commissioners and Interested Persons

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

SUBJECT: Major Amendment Request No. 3-97 to the City of Manhattan Beach
Certified Local Coastal Program (For Public Hearing and Commission
Action at the February 3, 1998 meeting in San Diego).

SYNOPSIS

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

The proposed LCP amendment would incorporate into the LCP specific standards and procedures to permit and exempt temporary events held on the beach. Currently, the LCP requires that all temporary events that involve development, regardless of the size or type of event, must obtain a Coastal Development Permit. The LCP contains no provisions which allow for small temporary events to be excluded from Coastal Development Permit requirements.

The LCP amendment request proposes specific thresholds to define which events must obtain Coastal Development Permits, and which events may be excluded from Coastal Development Permit requirements. The proposal also includes specific standards and mitigation measures that would apply to the temporary events that are required to obtain Coastal Development Permits. The proposed LCP amendment would also remove the current LCP prohibition against sporting events on the beach that charge admission for spectators, and would allow one event per year that charges admission for more than 25% of the seating.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, deny the amendment to the LCP Implementing Ordinances as submitted; and then approve, only if modified, the amendment to the LCP Implementing Ordinances.

This LCP amendment request involves the submittal of the identical proposal presented by City of Manhattan Beach LCP Amendment Request No. 1-97. On May 13, 1997, the Commission denied a portion of Amendment Request No. 1-97 and directed the City to work closely with Commission staff to bring the temporary event regulations back for further review. Since that time, the City and Commission staff have worked together in an attempt to develop a temporary

event permit and exemption process that conforms to the Chapter 3 policies of the Coastal Act. The City staff has indicated that some suggested modifications would be acceptable if they help to resolve the temporary events issue. The staff recommendation contains several suggested modifications.

The suggested modifications are necessary because, as submitted, a portion of the proposed amendment is not in conformance with, and not adequate to carry out, the provisions of the certified Land Use Plan (LUP) because it would not adequately protect public parking and access to the beach as called for in the certified LUP policies. The motions to accomplish this recommendation are on page three. The suggested modifications begin on page four.

The process proposed by the suggested modifications, if adopted and certified, will accomplish four things: 1) It will allow the City of Manhattan Beach to exempt the majority of temporary events from Coastal Development Permit requirements by establishing a threshold identifying those events that do require permits (Section A.96.050.F p.5); 2) It will establish standards of approval (findings) for those events that do require Coastal Development Permits (Section A.96.155 p.9); 3) It will establish an application process that requires consistent information from applicants for temporary events that may create impacts on public access to the beach (Section A.96.075 p.7); and 4) It will allow the City, with limitations, to approve temporary events on the beach that charge an admission fee to spectators.

Commission staff also recommends that the proposed elimination of the current LCP prohibition against sporting events on the beach that charge admission for spectators, and the proposed process for exempting temporary events from Coastal Development Permit requirements, be limited to a specific term of effectiveness so that the Commission can evaluate the proposed LCP amendment's impacts to public access after a trial period of five years.

SUBMITTAL OF LCP AMENDMENT

The proposed changes to the certified LCP are contained in Ordinance No. 1960 (Exhibit #2). The City submitted the proposed LCP amendment for Commission action with Resolution No. 5354 (Exhibit #1). The City Planning Commission held public hearings for the proposed LCP amendment on October 23, 1996, December 11, 1996 and January 22, 1997. The City Council held a public hearing on February 18, 1997, adopted Ordinance No. 1960 on March 4, 1997, and adopted Resolution No. 5354 on October 7, 1997.

STANDARD OF REVIEW

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

Copies of the staff report are available at the South Coast District office located at 200 Oceangate, 10th Floor, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Charles Posner in the Long Beach office at (562) 590-5071.

I. STAFF RECOMMENDATION

Staff recommends adoption of the following motions and resolutions:

DENIAL OF THE AMENDMENT TO THE LCP IMPLEMENTING ORDINANCES AS SUBMITTED

MOTION: "I move that the Commission reject amendment request No. 3-97 to the City of Manhattan Beach LCP Implementing Ordinances as submitted."

Staff recommends a YES vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution to reject the amendment to the Implementing Ordinances as submitted

The Commission hereby rejects the amendment to the Implementing Ordinances of the City of Manhattan Beach certified Local Coastal Program, as submitted, for the reasons discussed below on the grounds that it does not conform with, or is inadequate to carry out, the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the amendment to the Implementing Ordinances would have on environment.

APPROVAL OF THE AMENDMENT TO THE LCP IMPLEMENTING ORDINANCES IF MODIFIED

MOTION: "I move that the Commission approve amendment request No. 3-97 to the City of Manhattan Beach LCP Implementing Ordinances if it is modified in conformity with the modifications suggested below."

Staff recommends a YES vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution to certify the amendment to the Implementing Ordinances if modified

The Commission hereby approves the certification of the amendment to the Implementing Ordinances of the City of Manhattan Beach Local Coastal Program, for the reasons discussed below on the grounds that the amended ordinances, maps, and other implementing actions are consistent with, and adequate to carry out, the provisions of the certified Land Use Plan, as provided in Section 30513 of the Coastal Act, if amended according to the suggested modifications stated in Section II of this report. This amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) of the Coastal Act, and approval of the amendment will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

The Commission further finds that if the local government adopts and transmits its revisions to the amendment to the Implementing Ordinances in conformity with the suggested modifications, then the Executive Director shall so notify the Commission.

II. SUGGESTED MODIFICATIONS

Certification of amendment No. 3-97 to the City of Manhattan Beach LCP Implementing Ordinances is subject to the following modifications (Parts A-E).

The modifications to Ordinance No. 1960 (Exhibit #2) are underlined. The following suggested modifications, with the exception of the unmodified definitions contained Section A.96.030, replace Ordinance No. 1960 (the City's original proposal) in its entirety. The format of the following modified ordinance sections was suggested by the City staff as being more compatible with the City's permit processing procedures. In fact, much of the language contained in the following modifications was proposed by the City staff in consultation with Commission staff.

There are still, however, some points of contention on which the City staff and the Commission staff are not in agreement. One of the points of contention is the sunset clause recommended in Sections A.96.050.F and A.96.155.A which would limit to a period of five years the City's ability to exempt temporary events from Coastal Development Permit requirements or approve temporary events on the beach that charge for admission. The City would prefer that the recommended sunset clauses be deleted from the suggested modifications.

A. Modify Section A.24.030 (OS District: Additional Land Use Regulations):

Temporary Events

U (D)

L-16: Section L-16 DELETED.

Footnote (D) DELETED and REPLACED by the following:

(D): See Section A.96.050.F (Temporary Events) and Section A.96.155 (Findings - Temporary Events).

B. Modify Section A.96.030 (Definitions):

"Limited duration" means a period of time which does not exceed a 14 ~~14~~ day period on a continual basis, including the time involved in setting up and removing all materials associated with an activity at a site, ~~the~~ or does not exceed a consecutive four month period on an intermittent basis.

"Temporary event(s)" means an event or function of limited duration, including set-up and take-down that involves development within the meaning of the Coastal Act, including (but not limited to) exclusive use of a sandy beach, parkland, pier, filled tidelands, water, streets, sidewalks, bicycle path, or parking area which is otherwise open and available for general public use.

C. Section A.96.050.F (Temporary Events) DELETED and REPLACED by the following:

F. Temporary Events. Temporary Events within the City of Manhattan Beach coastal zone shall be subject to the following regulations.

1. A Coastal Development Permit shall be required for temporary events for which any one of the following apply:

- a. A temporary event held on a sandy beach with an anticipated attendance exceeding 1000 people (participants and spectators).
- b. A temporary event which involves the closure or exclusive use of more than 20 public parking spaces in the area located between the beach and Manhattan Avenue, or involves the issuance of more than 20 temporary parking passes for the use of public parking spaces in the area located between the beach and Manhattan Avenue.
- c. A temporary event which involves the closure of the Manhattan Beach Pier to the general public.
- d. A temporary event held on a sandy beach area which charges a fee for admission or seating. This applies to spectator fees only, not to instructional nor participant entry fees.
- e. A temporary event held on a sandy beach area which exceeds eight days in duration, including event set-up and take-down.
- f. A temporary event, which in conjunction with other planned or approved temporary events on the same day, would cause the closure of any beach parking lots, the closure of the Manhattan Beach Pier, the closure or exclusive use of more than 20 public parking spaces in the area located between the beach and Manhattan Avenue, or cumulatively create an anticipated attendance of 1000 or more total participants and spectators.
- f. Any temporary event proposed to occur on the sandy beach after August 30, 2003.

2. All temporary events not subject to the above Coastal Development Permit requirements shall be exempt from Coastal Development Permit requirements, with the following exceptions:

- a. The Director of Community Development may require a Coastal Development Permit for those temporary events which have the potential to directly or indirectly impact the following: coastal access; coastal resources; environmentally sensitive resources; and rare or endangered species.

- b. Annual or recurring temporary events which have obtained a Local Coastal Development Permit may be exempted from obtaining future Coastal Development Permits provided that: the temporary event is operated in a manner consistent with the City's Local Coastal Program including coastal access and resource policies; the operational characteristics and site plan of the temporary event are not substantially altered; and the operation of the temporary event remains consistent with and conforms to all terms and conditions of the previously issued Local Coastal Development Permit. This provision shall not apply to any temporary event proposed to occur on the sandy beach after August 30, 2003.
 - c. The annual Manhattan Beach Holiday Fireworks Festival and annual Pier lighting event, held in December of each year at the Manhattan Beach Pier, shall be exempted from obtaining a Coastal Development Permit, provided that the event is operated in a manner consistent with the policies and standards of the City's Local Coastal Program.
 - d. The Director of Community Development shall issue a Notice of Determination for each temporary event which is determined to be exempt from Coastal Development Permit requirements under Sections (b) and (c) above. On the day that the Notice of Determination is issued, it shall be posted in the calendar required by Section A.96.050.F.4 and a copy shall be sent to the Coastal Commission at least sixty days prior to the proposed temporary event. Unless a challenge is received in the Coastal Commission office pursuant to Section A.96.080.D within five working days of receipt by the Coastal Commission, the determination shall be deemed final.
- 3. Coastal Development Permits for temporary events shall be subject to, and processed in conformance with, all applicable procedures set forth in Chapter A.96.
 - 4. The City Manager or his/her designee shall keep a calendar or binder for public review and inspection that describes the location, duration, number of participants and attendees, and proposed charges of all approved temporary events and all events that have been proposed. The calendar or binder shall contain copies of Notices of Determination (exemptions) and Coastal Development Permits issued for all temporary events during the preceding 24 months. In addition, the City Manager or his/her designee shall place in the calendar or binder, within 48 hours of receipt from the Los Angeles County Department of Beaches and Harbors, all copies of applications for Beach/Harbor Use Permits forwarded by the County. The calendar or binder shall be available for public review and inspection at a public counter in City Hall.

- D. Section A.96.075 (Application Requirements - Temporary Events) DELETED and REPLACED by the following:

Section A.96.075 (Application Requirements - Temporary Events)

Application for temporary events requiring a Coastal Development Permit shall be made to the Department of Community Development on forms provided by the Director of Community Development. The application for a Coastal Development Permit shall be accompanied by:

- A. A complete description of the proposed temporary event, including, but not limited to:
1. For temporary events proposed on Los Angeles County maintained beach areas, a Beach/Harbor Use Permit issued by the Los Angeles County Department of Beaches and Harbors;
 2. The proposed dates and hours of operation of the proposed temporary event, including set-up and take-down;
 3. The estimated daily and total attendance at the proposed temporary event, including event organizers, sponsors, participants and spectators. Include materials used to determine the estimated attendance figures, such as records and photographs of prior events;
 4. A parking and traffic control plan and a description of the measures proposed to mitigate the proposed temporary event's impacts on the public parking supply in the area located between the beach and Manhattan Avenue;
 5. A description of all methods proposed to control admission to the proposed temporary event, including, but not limited to admission fees, tickets, reserved seating areas, etc...;
 6. A description of all events ancillary to the proposed temporary event, and/ or "pre-events";
 7. The location of the proposed temporary event, including the amount of sandy beach area to be used, the number of public parking spaces to be occupied or used, and a description of ingress and egress to the Pier and the event area;
 8. A description of any potential impacts from the proposed temporary event on residents and businesses and a description of the measures proposed to mitigate these potential impacts;
 9. A description of any potential impacts from the proposed temporary event on public services and a description of the measures proposed to mitigate these potential impacts;

10. A description of any potential impacts from the proposed temporary event on the general public's access to the beach, the Pier, the bicycle path, public parking, public streets, sidewalks, walkstreets, volleyball courts, and/or other access support facilities identified in the certified Local Coastal Program. The submittal shall include a description of the measures proposed to mitigate these potential impacts;
- B. A vicinity map, site plan and elevations showing the location of the proposed temporary event in relation to the Pier, bicycle path, surf zone, public parking facilities, vertical beach accessways, and recreation facilities. The site plan and elevations shall describe and identify the size and location of all objects proposed to be placed at the site of the proposed temporary event, including, but not limited to: fences, structures, barriers, bleachers, seating areas, activity areas, tents, booths, canopies, vendors, stages, judging stands, platforms, sets, sound equipment, vehicles, trailers, generators, toilets, advertisements, etc. The site plan shall also indicate whether any existing objects are proposed to be altered or removed from their current location.
- C. Address labels for all known interested parties, and all property owners, residents, tenants, leasees, and businesses within a 100 foot radius of the parcel on which the event is proposed, or within a 100 foot radius of the maximum extent of the proposed temporary event site, whichever results in a greater area.
- D. Evidence that the applicant has posted a notice in a conspicuous location at the site of the proposed event that clearly states the applicant's intent to apply for a Coastal Development Permit for a temporary event. The posted notice shall contain a brief description of the proposed temporary event, including proposed dates, times, expected attendance, location and activities.
- E. The required application fee.
- F. Any additional information determined by the Director of Community Development to be necessary for the evaluation of the proposed temporary event.
- G. A dated signature by or on the behalf of each of the applicants, attesting to the truth, completeness, and accuracy of the contents of the application, and if the signer is not the applicant, written evidence that the signer is authorized to act as the applicant's representative.

- E. Section A.96.155 (Findings - Temporary Events) REPLACES Section A.96.076 (Temporary Events - Procedures for Issuance of a Coastal Development Permit) which is DELETED:

Section A.96.155 (Findings - Temporary Events).

All decisions on Coastal Development Permits for temporary events shall be accompanied by written findings. A Coastal Development Permit for a temporary event shall be approved either as applied for, or as modified, only if all of the following findings can be specifically supported:

- A. The staging of this temporary event will not result in more than one (1) temporary event occurring on the beach during the calendar year that proposes to charge admission fees for more than 25 percent of the provided seating capacity. The staging of this temporary event will not result in a temporary event occurring on the beach after August 30, 2003 that proposes to charge admission fees to any of the provided seating capacity.
- B. 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.
- C. The temporary event, as described in the application and accompanying materials, as modified by any conditions of approval, 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:
 - 1. The event does not physically block or prohibit access to the shoreline, Pier, or bicycle path by the general public or impose conditions on the public for access to the shoreline, Pier or bicycle path. A specific requirement for a minimum fifteen (15) foot wide accessway to the Pier is included in the Coastal Development Permit as a condition of approval.
 - 2. The event includes a parking plan which minimizes exclusive use of public parking spaces in the area located between the beach and Manhattan Avenue by allowing the exclusive use of public parking spaces only for those vehicles deemed essential to the operation of the event. A specific description of the parking plan is included in the Coastal Development Permit as a condition of approval.
 - 3. If the event requires the use of more than twenty (20) public parking spaces in the area located between the beach and Manhattan Avenue, the parking spaces are replaced at a minimum one-to-one ratio in parking lots open for use by the general public, and adequate free transportation is provided between the replacement parking spaces and the intersection of Manhattan Avenue and Manhattan Beach Boulevard to assure that they effectively serve public beach access. A specific description of the replacement parking program is included in the Coastal Development Permit as a condition of approval.

4. If the expected attendance at the event exceeds 1,500 persons on any day, measures to effectively serve beach access are provided, including, but not limited to the provision of alternate parking and a beach shuttle service, and an interim traffic control plan. Such measures shall be adequately publicized by ticket sales, incentives, signs, radio and other measures required by the Department of Parks and Recreation or the Community Development Director. A specific description of the measures to be used are included in the Coastal Development Permit as conditions of approval.
 5. The temporary event, including all set-up and take-down days, does not exceed a fourteen (14) day period. Set-up and take-down time shall be minimized.
 6. The cumulative effects of the event, in conjunction with other past, concurrent, or future planned temporary events, will not result in unmitigated impacts on coastal access during the peak beach use period commencing May 1 and ending September 30. The calendar required by Section A.96.050.F.4 shall be used to track all temporary events.
- D. 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.
- E. All feasible mitigation measures and conditions to the Coastal Development Permit have been adopted to offset any adverse impacts of the proposed event.

III. FINDINGS

The following findings support the Commission's denial of the amendment to the LCP Implementing Ordinances as submitted, and approval of the amendment to the LCP Implementing Ordinances if modified as indicated in Section II (Suggested Modifications). The Commission hereby finds and declares as follows:

A. Amendment Description

The proposed LCP amendment, contained in Ordinance No. 1960 (Exhibit #2), incorporates into the LCP specific standards and procedures for the regulation of temporary events on the beach. Within the City limits of Manhattan Beach the public beach is designated as an OS (Open Space) district in the certified Land Use Plan (LUP) (Exhibit #7). The City's certified LCP contains land use regulations which specifically limit the types of uses permitted in the OS district (Exhibit #3, p.2). In regards to temporary events, the currently certified LCP allows only animal shows, circuses, carnivals, filming, and

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.

Currently, the LCP requires that all temporary events that involve development, regardless of the size or type of event, must obtain a Coastal Development Permit. The LCP contains no provisions which allow for small temporary events to be excluded from Coastal Development Permit requirements.

The proposed LCP amendment would incorporate into the LCP specific standards and procedures to exempt certain temporary events held on the beach or beach parking lots from Coastal Development Permit requirements. The proposed LCP amendment contains Coastal Development Permit thresholds and provisions for exempting some temporary events from Coastal Development Permit requirements. The proposed LCP amendment also proposes specific findings, standards and mitigation measures for temporary events that are not exempted and are required to obtain a Coastal Development Permit. The proposed LCP amendment would remove the current LCP prohibition on events on the beach that charge admission for spectators. As proposed by the City, the LCP amendment would allow only one event per year which charges admission for more than 25% of the seating capacity on the beach.

This LCP amendment request involves the submittal of the identical proposal presented by City of Manhattan Beach LCP Amendment Request No. 1-97. On May 13, 1997, the Commission denied a portion of Amendment Request No. 1-97 and directed the City to work closely with Commission staff to bring the temporary event regulations back for further review. Since that time, the City and Commission staff have worked together in an attempt to develop a temporary event permitting system that would conform to the Chapter 3 policies of the Coastal Act. The City staff has indicated that the suggested modifications would be acceptable if they help to resolve the temporary events issue.

The suggested modifications, with the exception of the unmodified definitions contained in Section A.96.030, would replace Ordinance No. 1960 (the City's original proposal) in its entirety with regulations developed by Commission staff with the assistance of the City staff. The format of the proposed ordinance sections was suggested by the City's staff as being more compatible with the City's permit processing procedures.

The process proposed by the suggested modifications, if adopted and certified, will accomplish four things: 1) It will allow the City of Manhattan Beach to exempt the majority of temporary events from Coastal Development Permit requirements by establishing a threshold identifying those events that do require permits (Section A.96.050.F p.5); 2) It will establish standards of approval (findings) for those events that do require Coastal Development Permits (Section A.96.155 p.9); 3) It will establish an application process that requires consistent information from applicants for temporary events that may create impacts on public access to the beach (Section A.96.075 p.7); and 4) It will allow the City, with limitations, to approve temporary events on the beach that charge an admission fee to spectators.

Commission staff also recommends that the proposed elimination of the current LCP prohibition against sporting events on the beach that charge admission for

spectators, and the proposed process for exempting temporary events from Coastal Development Permit requirements, be limited to a specific term of effectiveness so that the Commission can evaluate the proposed LCP amendment's impacts to public access after a trial period of five years.

In order to be certified by the Commission pursuant to Section 30513 of the Coastal Act, the proposed amendment to the Implementation Sections of the LCP must conform to the certified LUP and be adequate to carry out the provisions of the LUP. The proposed amendment will become effective immediately following certification by the Coastal Commission.

B. Background

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

In the past, most events on the beach have been free for all who wished to attend or participate. Recently, however, there have been more and more proposals for temporary events on the beach which require paid admission. One such event, the Association of Volleyball Professionals (AVP) 1997 Miller Lite Manhattan Beach Open Volleyball Tournament, resulted in the City of Manhattan Beach developing and submitting LCP amendment request No. 1-97 in March 1997.

In February 1997, the City adopted LCP amendment request No. 1-97 and forwarded it to the Commission for action at its May 1997 meeting. The City, because of timing issues, withdrew the portion of LCP amendment request No. 1-97 having to do with conditions of approval for temporary events that require a Coastal Development Permit. The Commission denied the portion of LCP amendment request No. 1-97 which would have allowed the City to approve temporary events on the beach that charge admission to spectators. While Commissioners gave a variety of reasons for this denial, one reason given was that the majority of the Commissioners were uncomfortable approving a fee without the accompanying controls and limitations.

In October of 1997, the City Council voted to resubmit the identical application by adopting Ordinance No. 1960 (Exhibit #2). After the submittal of LCP amendment request No. 3-97, the City staff conferred with Commission staff and submitted what the City staff believes would be suggested modifications acceptable to the City Council. Subsequently, members of the public provided a response to both City documents in the format of suggested modifications. These public comments are attached as Exhibit #10 (See also Exhibit #9-12).

The suggested modifications prepared by the Commission staff strongly reflect the modifications proposed by the City staff, but also include other ideas necessary to bring the ordinance language into consistency with the certified LCP and the access policies of the Coastal Act.

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

Oftentimes, but not always, temporary events involve the erection of non-permanent structures on the beach like fences, tents, bleachers, tables, portable toilets, sound systems and stages. Most temporary events last one to two days, but others last longer, especially if the time spent setting up and taking down the special equipment is included. Most temporary events probably involve less than one hundred persons (participants and spectators), but there are some very popular professional surfing and volleyball events that attract thousands of spectators.

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

Although most temporary events do not physically block public access to the water, they can impact the public's ability to access and use the coast in two direct ways: 1) by reducing the amount of public parking available for beach goers, and 2) by restricting the use of a portion of the sandy beach to the specific group of participants and spectators involved with the event.

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

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

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

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

Some temporary events are more exclusive than others, and some occupy the beach for much longer periods than others. For instance, some events include anyone from the general public who wants to attend, while others like weddings and private parties restrict who can attend. Some events occupy the beach for one day, while others last more than a week including the days spent setting up and taking down the equipment for the event.

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

The exclusive use of public beaches has always been an issue of prime importance to the Commission in terms of impacts on public access. The loss of informal public use of part of a beach resulting from one temporary event may be inconsequential, but the cumulative effect of many events held in a continuous manner on one beach would dramatically alter the public's use of that beach. In addition, if half of the time that one or more temporary events occupy a beach is spent just setting up and taking down equipment, the public's use of that area during that time, for an organized event or for general beach use, is not possible. In effect, no public access or use is available during the set-up and take-down times of temporary events.

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

C. Commission Regulation of Temporary Events

Many temporary events involve development within the meaning of the Coastal Act. Section 30610(1) of the Coastal Act allows the Commission to adopt guidelines for exempting from permit requirements those temporary events that

have no potential for significant adverse impacts. The Commission adopted such guidelines in 1993.

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

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

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

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

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

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

D. Manhattan Beach LCP

The City of Manhattan Beach Local Coastal Program (LCP) was certified by the Coastal Commission on May 12, 1994. The only temporary uses allowed on the beach (OS: Open Space district) by the currently certified Manhattan Beach LCP are animal shows, circuses, carnivals, filming, and sporting events for which no admission is charged. The permitted temporary events in the OS district must obtain a Use Permit from the City, as well as a Local Coastal Development Permit. There is no provision in the certified LCP which would allow the City to exempt temporary events from Local Coastal Development Permit requirements. There is also no provision in the certified LCP which would allow the City to permit a sporting event on the beach which charges admission.

The proposed LCP amendment would incorporate into the LCP specific standards and procedures to regulate temporary events held on the beach. Specifically, the proposed LCP amendment requires that any temporary event on the beach which charges admission for more than 25% of the seating capacity would be required to obtain a Local Coastal Development Permit while all other temporary could be excluded from Local Coastal Development Permit requirements by the City's Community Development Director. The Community Development Director would, however, have the discretion to require any temporary event proposed on the beach to obtain a Local Coastal Development Permit. In addition, the proposed LCP amendment would allow only one event per year which charges admission for more than 25% of the seating capacity on the beach. The procedures, findings and mitigation measures for the processing and issuance of a Local Coastal Development Permit for a temporary event are included in the proposed LCP amendment (Exhibit #2).

As stated above, the proposed amendment to the Implementation Sections of the LCP must conform to the certified LUP and be adequate to carry out the provisions of the LUP. The City of Manhattan Beach certified LCP contains specific LUP policies that apply to any proposed use of the beach. The following LUP policies are relevant:

Access Policies:

- POLICY 1.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach coastal zone.
- POLICY 1.A.2: The City shall encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access.
- POLICY I.A.8: The City shall maintain visible signage to El Porto accessways and beach parking, along Highland Avenue.

Transit Policies:

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

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

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

Parking Policies:

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

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

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

New Development Policies:

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

Long-Range Programs:

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

Short-Range Programs:

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

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

E. Reasons for Suggested Modifications

As submitted, Ordinance No. 1960 does not conform to the certified LUP and is not adequate to adequate to carry out the provisions of the LUP. The proposed LCP amendment shall be modified as indicated in Section II (Suggested Modification) in order to conform to the certified LUP and be adequate to carry out the provisions of the LUP.

The format of the modified ordinance sections was suggested by the City staff as being more compatible with the City's permit processing procedures. In fact, much of the language contained in the following modifications was proposed by the City staff in consultation with Commission staff. There are still, however, some points of contention on which the City staff and the Commission staff are not in agreement.

Sunset Clauses: Exemptions and Paid Admission

One of the points of contention is the sunset clause recommended to be inserted into Sections A.96.050.F and A.96.155.A which would limit to a period of five years the City's ability to exempt temporary events from Coastal Development Permit requirements or approve temporary events on the beach that charge for admission. The City would prefer that the recommended sunset clauses be deleted from the suggested modifications.

Sections A.96.050.F(1)(f) and A.96.050.F(2)(b), part of the permit threshold portion of the ordinances, states:

1. A Coastal Development Permit shall be required for temporary events for which any one of the following apply:
 - f. Any temporary event proposed to occur on the sandy beach after August 30, 2003.
2. All temporary events not subject to the above Coastal Development Permit requirements shall be exempt from Coastal Development Permit requirements, with the following exceptions:
 - b. Annual or recurring temporary events which have obtained a Local Coastal Development Permit may be exempted from obtaining future Coastal Development Permits provided that: the temporary event is operated in a manner consistent with the City's Local Coastal Program including coastal access and resource policies; the operational characteristics and site plan of the temporary event are not substantially altered; and the operation of the temporary event remains consistent with and conforms to all terms and conditions of the previously issued Local Coastal Development Permit. This provision shall not apply to any temporary event proposed to occur on the sandy beach after August 30, 2003.

Sections A.96.050.F(1)(f) and A.96.050.F(2)(b) above contain sunset clauses which effectively limit the City's ability to exempt temporary events from Coastal Development Permit requirements to a five year period terminating on August 30, 2003.

The five-year trial period will allow the City, Commission, and general public to observe this new process for five years in order to determine whether public access opportunities are truly protected by the proposed LCP amendment. Near the end of the five-year term the City can submit an LCP amendment request to remove the sunset clauses from the LCP. The Commission, at a public hearing on the matter, can reconsider whether LCP amendment request No. 3-97 has carried out the public access and recreation policies of

the certified LCP and the Coastal Act as anticipated. At that time, the Commission will have the opportunity to make the changes to the LCP that are deemed necessary to protect coastal resources.

Section A.96.155.A, the section that addresses paid seating at temporary events, also contains the sunset clause. Section A.96.155.A states:

- A. The staging of this temporary event will not result in more than one (1) temporary event occurring on the beach during the calendar year that proposes to charge admission fees for more than 25 percent of the provided seating capacity. The staging of this temporary event will not result in a temporary event occurring on the beach after August 30, 2003 that proposes to charge admission fees to any of the provided seating capacity.

All Coastal Development Permits issued by the City approving temporary events are required to conform to the finding contained in Section A.96.155.A above. As a result of the sunset clause, the City will not be able to permit any events with paid seating that occur after August 30, 2003 (unless the Commission certifies another LCP amendment to remove the sunset clause).

The sunset clause does not apply to Section A.96.030 (Definitions), Section A.96.075 (Application Requirements - Temporary Events), or parts B through E of Section A.96.155 (Findings - Temporary Events). These sections provide the specific instructions for the City to process Coastal Development Permits in compliance with the certified LCP. Because the City is now required to process Coastal Development Permits for all temporary events, and will continue to process Coastal Development Permits for all temporary events after August 30, 2003 (unless the Commission certifies another LCP amendment to remove the sunset clause), the sections of the LCP that lay out the permit process must be retained. The recommended sunset clause only applies to the sections of the LCP that allow the City to exempt temporary events from permit requirements and allow the City to approve temporary events that charge admission. The sunset clauses can be deleted from the LCP only through Commission certification of an LCP amendment to remove the sunset clauses.

Definitions

The modifications recommended for the definitions of "Limited Duration" and "Temporary Events" are necessary for consistency within the City's LCP and for consistency with the definitions used by the Commission in its guidelines for temporary events. The City does not object to the following modifications.

"Limited duration" means a period of time which does not exceed a 14 ~~day~~ day period on a continual basis, including the time involved in setting up and removing all materials associated with an activity at a site, these/xxxxxxx or does not exceed a consecutive four month period on an intermittent basis.

"Temporary event(s)" means an event or function of limited duration, including set-up and take-down that involves development within the meaning of the Coastal Act, including (but not limited to) exclusive use of a sandy beach, parkland, pier, filled tidelands, water, streets, sidewalks, bicycle path, or parking area which is otherwise open and available for general public use.

Permit Threshold

As proposed by Ordinance No. 1960, the LCP amendment would require the City to process a Local Coastal Development Permit for only one type of temporary event: one that charges a fee for admission for more than 25 percent of the seating capacity. All other temporary events could be exempted from permit requirements under the terms of the City's proposal contained in Ordinance No. 1960 (Exhibit #2).

Many types of temporary events have the potential to negatively impact public access to the beach and the public parking supply necessary for public access. The certified Land Use Plan (LUP) policies require the protections of beach access and public parking supplies. The certified LUP policies include the following:

- POLICY 1.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach coastal zone.
- POLICY 1.A.2: The City shall encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access.
- POLICY 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, 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.

In order to carry out the policies of the certified LUP, the LCP implementing ordinances must require that any temporary event with the potential for adverse impacts to coastal resources be subject to the Coastal Development Permit process to ensure that any negative impacts are mitigated by special conditions of approval.

Therefore, the LCP must contain a specific permit threshold section that clearly separates those temporary events with no potential for negative impacts, such as small events with few people and events that do not use any public parking spaces, from those events with the potential for adverse

impacts on public access. The events with the potential for adverse impacts on public access are events with large numbers of people, those that usurp public beach parking, those that charge fees for admission, those that last many days in duration, and those that close public access to the pier.

Section A.96.050.F shall be modified in order to require that all temporary events that could negatively impact public access be reviewed under the Coastal Development Permit process in order to ensure that the certified LUP Policies are carried out, especially Policy I.C.2 which states that, "The City shall maximize the opportunities for using available parking for weekend beach use", and that, "The beach shall be preserved for public beach recreation".

In order to carry out the policies of the certified LUP, the threshold requirements for temporary events which require a Local Coastal Development Permit must be expanded. The suggested modification to Section A.96.050.F would clearly define which temporary events have to go through the permit process, and which events can be exempted from the permit process.

Section A.96.050.F, as modified, states in part:

F. Temporary Events. Temporary Events within the City of Manhattan Beach coastal zone shall be subject to the following regulations.

1. A Coastal Development Permit shall be required for temporary events for which any one of the following apply:
 - a. A temporary event held on a sandy beach with an anticipated attendance exceeding 1000 people (participants and spectators).
 - b. A temporary event which involves the closure or exclusive use of more than 20 public parking spaces in the area located between the beach and Manhattan Avenue, or involves the issuance of more than 20 temporary parking passes for the use of public parking spaces in the area located between the beach and Manhattan Avenue.
 - c. A temporary event which involves the closure of the Manhattan Beach Pier to the general public.
 - d. A temporary event held on a sandy beach area which charges a fee for admission or seating. This applies to spectator fees only, not to instructional nor participant entry fees.
 - e. A temporary event held on a sandy beach area which exceeds eight days in duration, including event set-up and take-down.

- f. A temporary event, which in conjunction with other planned or approved temporary events on the same day, would cause the closure of any beach parking lots, the closure of the Manhattan Beach Pier, the closure or exclusive use of more than 20 public parking spaces in the area located between the beach and Manhattan Avenue, or cumulatively create an anticipated attendance of 1000 or more total participants and spectators.
 - g. Any temporary event proposed to occur on the sandy beach after August 30, 2003.
 - 2. All temporary events not subject to the above Coastal Development Permit requirements shall be exempt from Coastal Development Permit requirements, with the following exceptions:
 - a. The Director of Community Development may require a Coastal Development Permit for those temporary events which have the potential to directly or indirectly impact the following: coastal access; coastal resources; environmentally sensitive resources; and rare or endangered species.
 - b. Annual or recurring temporary events which have obtained a Local Coastal Development Permit may be exempted from obtaining future Coastal Development Permits provided that: the temporary event is operated in a manner consistent with the City's Local Coastal Program including coastal access and resource policies; the operational characteristics and site plan of the temporary event are not substantially altered; and the operation of the temporary event remains consistent with and conforms to all terms and conditions of the previously issued Local Coastal Development Permit. This provision shall not apply to any temporary event proposed to occur on the sandy beach after August 30, 2003.
 - c. The annual Manhattan Beach Holiday Fireworks Festival and annual Pier lighting event, held in December of each year at the Manhattan Beach Pier, shall be exempted from obtaining a Coastal Development Permit, provided that the event is operated in a manner consistent with the policies and standards of the City's Local Coastal Program.

The attendance threshold of one thousand persons is based on the anticipated impact to the public parking supply in the area near the pier where most events take place. At the rate of three person per car, an event with one thousand persons would occupy approximately 333 public parking spaces out of the approximately 4,000 located in the entire coastal zone of the City. The 4,000 parking spaces are used by residents, businesses and beach goers. The use of many of those spaces by visitors to a large event should be subject to the Coastal Development Permit process in order to ensure that the adverse impact to the public parking supply is mitigated.

In order to ensure that the provisions of the certified LCP which allow determinations by the Community Development Director to be challenged by interested persons, the following modification is required:

Section A.96.050.F

- d. The Director of Community Development shall issue a Notice of Determination for each temporary event which is determined to be exempt from Coastal Development Permit requirements under Sections (b) and (c) above. On the day that the Notice of Determination is issued, it shall be posted in the calendar required by Section A.96.050.F.4 and a copy shall be sent to the Coastal Commission at least sixty days prior to the proposed temporary event. Unless a challenge is received in the Coastal Commission office pursuant to Section A.96.080.D within five working days of receipt by the Coastal Commission, the determination shall be deemed final.

Permit Standards and Findings

Once the determination is made that an event requires a Coastal Development Permit, the event must be analyzed in order to determine whether it conforms to the policies of the certified LUP. As proposed by Ordinance No. 1960, the LCP amendment would require that any Local Coastal Development Permit approved for a temporary event shall conform to the policies of the certified LCP. However, the City's proposal does not go far enough to protect the coastal access opportunities identified in the LCP. Therefore, the proposal must be modified in order to carry out the policies of the LUP.

Section A.96.155 (Findings) shall be modified to require that permits for temporary events conform to the following specific findings:

Section A.96.155 (Findings - Temporary Events).

All decisions on Coastal Development Permits for temporary events shall be accompanied by written findings. A Coastal Development Permit for a temporary event shall be approved either as applied for, or as modified, only if all of the following findings can be specifically supported:

- A. The staging of this temporary event will not result in more than one (1) temporary event occurring on the beach during the calendar year that proposes to charge admission fees for more than 25 percent of the provided seating capacity. The staging of this temporary event will not result in a temporary event occurring on the beach after August 30, 2003 that proposes to charge admission fees to any of the provided seating capacity.
- B. 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.

C. The temporary event, as described in the application and accompanying materials, as modified by any conditions of approval, 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:

1. The event does not physically block or prohibit access to the shoreline, Pier, or bicycle path by the general public or impose conditions on the public for access to the shoreline, Pier or bicycle path. A specific requirement for a minimum fifteen (15) foot wide accessway to the Pier is included in the Coastal Development Permit as a condition of approval.
2. The event includes a parking plan which minimizes exclusive use of public parking spaces in the area located between the beach and Manhattan Avenue by allowing the exclusive use of public parking spaces only for those vehicles deemed essential to the operation of the event. A specific description of the parking plan is included in the Coastal Development Permit as a condition of approval.
3. If the event requires the use of more than twenty (20) public parking spaces in the area located between the beach and Manhattan Avenue, the parking spaces are replaced at a minimum one-to-one ratio in parking lots open for use by the general public, and adequate free transportation is provided between the replacement parking spaces and the intersection of Manhattan Avenue and Manhattan Beach Boulevard to assure that they effectively serve public beach access. A specific description of the replacement parking program is included in the Coastal Development Permit as a condition of approval.
4. If the expected attendance at the event exceeds 1,500 persons on any day, measures to effectively serve beach access are provided, including, but not limited to the provision of alternate parking and a beach shuttle service, and an interim traffic control plan. Such measures shall be adequately publicized by ticket sales, incentives, signs, radio and other measures required by the Department of Parks and Recreation or the Community Development Director. A specific description of the measures to be used are included in the Coastal Development Permit as conditions of approval.
5. The temporary event, including all set-up and take-down days, does not exceed a fourteen (14) day period. Set-up and take-down time shall be minimized.
6. The cumulative effects of the event, in conjunction with other past, concurrent, or future planned temporary events, will not result in unmitigated impacts on coastal access during the peak beach use period commencing May 1 and ending September 30. The calendar required by Section A.96.050.F.4 shall be used to track all temporary events.

The City has proposed the limitation of one event per year that charges admission to more than 25 percent of the seating. In addition, the City has proposed the following mandatory Coastal Development Permit findings:

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

The certified Land Use Plan (LUP) policies require the protection of beach access and public parking supplies. Only as modified does the proposed LCP amendment conform with and carry out the policies of the certified LUP by requiring that temporary events conform to the following LUP policies:

- 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.C.2: The City shall maximize the opportunities for using available parking for weekend beach use.
- POLICY I.C.3: The City shall encourage additional off-street parking to be concentrated for efficiency relative to the parking and traffic system.
- POLICY I.C.9: Use of existing public parking, including, but not limited to, on-street parking, the El Porto beach parking lot, and those parking lots indicated on Exhibit #9, shall be protected to provide public beach parking...
- 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.

Application Requirements

Section A.96.075, as modified, requires applicants to submit the information that is necessary for the City to properly analyze a proposed temporary event for possible adverse impacts. Only as modified to require the specific information necessary can the proposed LCP amendment carry out the policies of the certified LUP. The list of application materials was developed in concert with the City staff.

Public Noticing Requirements

In order to track the cumulative impacts of temporary events and to allow the public to participate in the Coastal Development Permit process, the City shall keep a record of all temporary events proposed in the coastal zone. Section A.96.050.F.4, as modified, requires:

The City Manager or his/her designee shall keep a calendar or binder for public review and inspection that describes the location, duration, number of participants and attendees, and proposed charges of all approved temporary events and all events that have been proposed. The calendar or binder shall contain copies of Notices of Determination (exemptions) and Coastal Development Permits issued for all temporary events during the preceding 24 months. In addition, the City Manager or his/her designee shall place in the calendar or binder, within 48 hours of receipt from the Los Angeles County Department of Beaches and Harbors, all copies of applications for Beach/Harbor Use Permits forwarded by the County. The calendar or binder shall be available for public review and inspection at a public counter in City Hall.

The required record keeping can be used by the City and the Commission to analyze and track the patterns of temporary events, both permitted and exempted, during the next five years before the sunset clause takes effect and eliminates the City's ability to exempt temporary events from permit requirements. The calendar also serves a useful purpose to inform members of the public of impending events in the area.

F. Public Input

Concerned and interested citizens have raised issues concerning the impacts of amplified music and littering associated with large temporary events. When the findings state the the matter is a local issue, it means that while this is an issue that is important to neighbors of the development, it is not an issue that the Commission can take action to resolve.

Chapter 3 of the Coastal Act identifies resources of statewide importance that the Commission is required to protect. These resources include habitat areas,

scenic resources, and public access to beaches. Protection of these resources and access opportunities is a statewide interest. Every development raises other issues that are not of a statewide interest, but which can be addressed by local government. These include noise, if no statewide protected environmentally sensitive habitat is involved, the placement of crowd control barriers on local streets, lewd conduct, alcohol and tobacco advertising, details of police operations, and numerous other issues which the Legislature did not identify for management by the Commission as a statewide resource.

Commission staff has responded to the concerned citizens' ideas regarding the Commission's oversight of temporary event, and has in fact incorporated some of the ideas into the suggested modifications. In addition, the written comments from concerned citizen are attached to this report as Exhibits #9-12.

G. Events which charge admission vs. free events on the beach

The proposed LCP amendment would allow the City to permit one temporary event per year to charge admission on more than 25% of the available seating. The certified LCP states that, "The beach shall be preserved for public beach recreation". Paid admission fees have the effect of limiting access to an event to those persons willing to buy tickets. This is a limitation on public access if the event is on the public beach.

However, the proposal to allow one such event per year can be found consistent with the certified LUP because it protects public access and beach recreation by limiting to one per year the number of events on the beach which charge admission for more than 25% of the available seating. All other events will be free or will have at least 75% of their seating reserved for free public use.

In addition, one event per year with 75% to 100% paid seating is not likely to negatively impact public access any more than each of the other events which are free and draw similar numbers of people, so long as adequate mitigation measures are implemented in order to provide additional parking and beach transit service to the public and event attendees. The recommended modifications to the LCP submittal contain the requirement for the implementation of adequate mitigation measures.

The recommended revisions to the LCP amendment, along with the proposed limitation of one event per year with fees charged for more than 25% of the seating, enable the City (and the Commission upon appeal) to review the major temporary events and the events which propose to charge admission for more than 25% of seating for compliance with the policies of the certified LUP and the public access and recreation policies of the Coastal Act.

H. California Environmental Quality Act (CEQA)

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

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

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

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

0321G:CP

RESOLUTION NO. 5354

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUBMITTING ORDINANCE NO. 1960 TO THE CALIFORNIA COASTAL COMMISSION FOR AMENDMENT OF SECTIONS A.24.030 AND A.96.050 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) - IMPLEMENTATION PROGRAM

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

WHEREAS, the City Council approved the proposed amendments at the hearing of February 18, 1997; and

WHEREAS, Ordinance No. 1960 was adopted on March 4, 1997 and became effective on April 4, 1997; and

WHEREAS, an Initial Study was prepared for this project consistent with the provisions of the California Environmental Quality Act (CEQA), and the City of Manhattan Beach CEQA guidelines, finding no significant environmental impacts associated with the project; and

WHEREAS, based upon the Initial Study, and the finding of no significant environmental impact, a Negative Declaration was prepared in accordance with CEQA, and the City of Manhattan Beach CEQA guidelines, there having been no substantial changes in the proposed project, nor substantial changes with respect to the circumstances under which the project is undertaken the City, pursuant to 14 Cal. Code of Regs. section 15162, relies upon the environmental review conducted for the Negative Declaration in resubmitting this matter to the California Coastal Commission; and

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

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

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

1. The proposal involves an amendment to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Program, adopted by the City Council on March 4, 1997 as Ordinance No. 1960.
2. The adopted Ordinance incorporates the California Coastal Commission's guidelines regarding temporary events into the City's LCP, and establishes a Coastal Development Permit procedure for the review of temporary events.
3. The City Council certifies that the subject amendments will be implemented in a manner fully in conformity with the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Coastal



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

JF

City Clerk of
the City of
Manhattan
Beach

COASTAL COMMISSION
LCP 3-97

EXHIBIT # 1

PAGE 1 OF 2

Program.

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

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

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

PASSED, APPROVED and ADOPTED this 7th day of October, 1997.

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

/s/ Joan Jones
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
City Clerk



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

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Liza Tamura
City Clerk of the City of
Manhattan Beach, California

COASTAL COMMISSION

EXHIBIT # 1

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ORDINANCE NO. 1960

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

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

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

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

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

- A. The issues of temporary events in general, and temporary events which charge admission fees for more than 25% of the provided seating capacity in the Coastal Zone have become of considerable concern to the residents of, and visitors to, the City of Manhattan Beach.



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- B. Such temporary events have the potential for impact upon the availability of public parking, increased traffic, the creation of excessive noise incompatible with surrounding residential and commercial properties, and increased pedestrian congestion.
- C. The guidelines and standards established by this ordinance will provide adequate measures to limit the extent of these potential impacts to a level of insignificance.
- D. In the interest of providing additional protection for the public welfare, the number of temporary events which charge admission for more than 25% of the provided seating capacity shall be limited to one such event per calendar year. The review and approval of applications for all temporary events shall be subject to the standards and findings established by this ordinance.

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

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

[Chart inserted to make reading easier ONLY]

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

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

OS District: Additional Land Use Regulations

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

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



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

(D)

Temporary events in the "OS" District shall be reviewed according to the standards in Section A.96.050 (F) to determine whether a Coastal Development Permit is necessary. If the Community Development Director, or the Executive Director of the Coastal Commission upon

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appeal pursuant to Section A.96.080 (D), determines that a Coastal Development Permit is necessary, the permit shall be subject to all applicable procedures as set forth in Chapter A.96 of the Local Coastal Program - Implementation Program, and the development standards and criteria set forth in subsection L-16 above.

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

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

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

- F. Temporary Events. The Community Development Director will utilize the following standards in determining whether a temporary event requires a Coastal Development Permit or is exempt. The determination of the Community Development Director may be challenged by the applicant, or interested person, consistent with the procedures set forth in Section A.96.080 (D).
1. Temporary events which the Community Development Director determines do not require a Coastal Development Permit pursuant to either subsection (2) or (3) below, shall be exempted from Coastal Development Permit requirements consistent with the procedures in this Section A.96.050 (F). Upon receipt by the Community Development Director of

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

2. A temporary event which is on the beach and charges a fee for more than 25% of the provided seating capacity shall require a Coastal Development Permit pursuant to Chapter A.96 of the Local Coastal Program - Implementation Program (Coastal Development Permit issuance).
3. In addition to the temporary events identified in subsection two (2) above, the Community Development Director may also require a Coastal Development Permit for temporary events which have the potential for significant adverse impacts on coastal resources. The determination of the potential significant adverse impacts may include, but are not limited to the following:
 - a. The proposed temporary event, including the particular event's set-up and take-down time precludes the general public from use of a sandy beach or public beach parking area in excess of a five day period;
 - b. The proposed temporary event, together with other temporary events scheduled either before or after the particular event, cumulatively precludes the general public from use of a sandy beach or public beach parking area during a significant number of summer weekends;
 - c. A temporary event held during the period commencing May 1 and ending September 30 which would close to the general public the pier, or any roadways, public beach parking areas, bicycle paths; or, otherwise significantly impact public use or access to coastal waters;
 - d. The temporary event will directly or indirectly impact environmentally sensitive habitat areas or rare or endangered species;
 - e. The temporary event will be held during the period commencing May 1 and ending September 30;
 - f. The temporary event will occupy any portion of a sandy beach area or public beach parking area;
 - g. The temporary event will take place for a period longer than 24 hours including set-up and take-down time.



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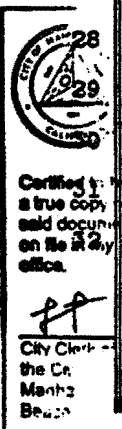
- j. A description of any potential impacts on the general public's access to the beach, the Pier, public beach parking, public streets, walk streets and/or bike path or other access support facilities identified in the certified LCP. The submittal shall include a description of any measures to mitigate these potential impacts; and,
 - k. Any additional information determined to be necessary by the Community Development Director or by the Director of Parks and Recreation.
2. A vicinity map showing the location of the proposed temporary event in relation to the bike path, vertical accessways, the surf zone, the Pier, and other public access points and recreation facilities.
 3. Address labels for all residents and businesses within a 500 foot radius of the event.
 4. Complete development plans, including a site plan and elevations, which show all proposed permanent or temporary physical structures.
 5. Applicable application fee.

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

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

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

- A. Limitation. Temporary events of limited duration which charge admission fees for more than 25% of provided seating capacity shall be limited to one (1) event per calendar year.
- B. A noticed public hearing may be held by the Parks and Recreation Commission, consistent with the procedures set forth in Section A.96.090 if so desired by the City Council.
- C. The City Council shall conduct a noticed public hearing on all Coastal Development Permit applications.



COASTAL COMMISSION

EXHIBIT # 2
PAGE 7 OF 9

D. If, in any given year, there is more than one competing application for a temporary event which charges admission for more than 25% of the seating capacity, the City Council shall choose the event to receive the permit from among the competing applications by weighing: (a) all of the information contained on the applications as required by Section A.96.075 A, 1 through 5 as it pertains to the potential impact on the community; (b) any local tradition or history surrounding the proposed event; (c) the compatibility and appropriateness of the proposed event to the community in general and the beach in particular; and (d) the benefits of the proposed event to the community.

E. After the close of the public hearing, the City Council shall, based upon appropriate findings as required by Section A.96.150, approve, conditionally approve, or disapprove the Coastal Development Permit application.

F. Notification and procedures for the public hearing shall be consistent with the requirements set forth in Section A.96.100.

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

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

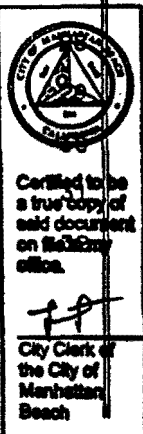
SECTION 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6. PUBLICATION AND EFFECTIVE DATE. This notice shall be published by one insertion in the *The Beach Reporter*, the official newspaper of the City, and this ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 7. The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is

COASTAL COMMISSION

EXHIBIT # 2
PAGE B OF 9



Ord. 1960

1 passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof
2 cause the same to be published by one insertion in *The Beach Reporter*, the official newspaper
3 of the City and a weekly newspaper of general circulation, published and circulated within the
4 City of Manhattan Beach hereby designated for that purpose.

5
6 PASSED, APPROVED and ADOPTED this 4th day of March, 1997.

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

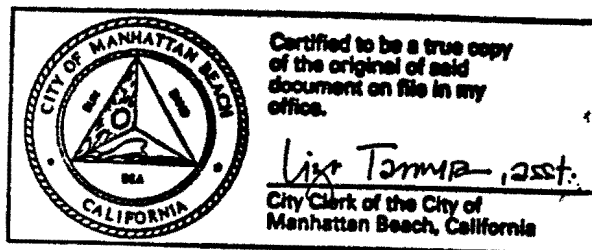
10
11 /s/ Steve Barnes

12 Mayor, City of Manhattan Beach, California

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14 ATTEST:

15
16 /s/ Win Underhill

17 City Clerk



COASTAL COMMISSIC

EXHIBIT # 2

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Chapter A.24. OS Open Space District

A.24.010. Specific purposes.

A.24.020. Applicability.

A.24.030. Land-use regulations.

A.24.040. Development regulations.

A.24.010. Specific purposes.

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

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

A.24.020. Applicability.

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

A.24.030. Land-use regulations.

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

COASTAL COMMISSION

LCP 3-97

OS DISTRICT: LAND USE REGULATIONS

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

Public and Semipublic

Park & Recreation Facilities

Jogging Trail

Beach and Recreation Support parking approved in CDP 5-89-414

Public Safety Facilities

Utilities, Major

Utilities, Minor

P

P

U

P

U

P

Commercial Uses

Commercial Recreation and Entertainment

Eating & Drinking Establishments

With Take-Out Service, Limited

Vehicle/Equipment Sales and Services Commercial Parking Facility

L-14

L-14

L-14

L-15

Accessory Uses

Accessory Uses and Structures

P/U

(A)

Temporary Uses

Animal Shows

Circuses and Carnivals

Commercial Filming

~~Sporting events for which no admission is charged~~

Temporary events on the beach

U

U

U

U

U / L-16

(B)

(D)

Nonconforming Uses

(C)

OS District: Additional Land Use Regulations

L-14 Allowed with a use permit only as an ancillary use operated by a non-profit organization approved by the City Council that is compatible with and part of a park or recreational facility, except on the Strand, where no such use is permitted.

L-15 Public parking permitted, but commercial parking facilities on City-owned land require a use permit.

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

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

COASTAL COMMISSION

1. The staging of this temporary event will not result in more than one (1) temporary event occurring on the City beach during the calendar year that proposes to charge admission fees for more than 25% of the provided seating capacity.
 2. The temporary event, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the Certified Manhattan Beach Local Coastal Program.
 3. The temporary event is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 commencing with Section 30200 of the Public Resources Code, specifically:
 - a. the event does not physically block or prohibit access to the Pier and shoreline by the general public;
 - b. the event includes a parking plan which discourages exclusive use of public parking by event personnel;
 - c. if the event requires reservation of beach parking lots for exclusive use of the event, the spaces in these lots are replaced in lots open to the general public and adequate transportation to these lots is provided to assure that they effectively serve public beach access; and,
 - d. if the event will significantly reduce the ability of the general public to access the coastline, additional measures to effectively serve beach access shall be provided. Such measures may include, but are not limited to, the provision of alternate parking and / or beach shuttle service. Such measures shall be adequately publicized by ticket sales, incentives, radio or other measures required by the Department of Parks and Recreation or the Community Development Director.
 4. The event will not be significantly detrimental to the public health, safety or welfare of persons residing or working in the vicinity of the proposed event; the event will not be significantly detrimental to properties or improvements in the vicinity of the event; and, the proposed event will not be significantly detrimental to the general welfare of the City.
 5. All feasible mitigation measures and conditions to the Coastal Development Permit have been adopted to offset any adverse impacts of the proposed event.
- (A) Limited to facilities incidental to an open space use.
- (B) See Section A.84.110: Temporary use permits.
- (C) See Chapter A.68: Nonconforming uses and structures.

COASTAL COMMISSION

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

A.24.040. Development regulations.

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

COASTAL COMMISSION

Chapter A.96. Coastal Development Permit Procedures

- A.96.010. Specific purpose.
- A.96.020. Zoning map designator.
- A.96.030. Definitions.
- A.96.040. Requirement for coastal development permit.
- A.96.050. Exemptions/categorical exclusions.
- A.96.060. Pre-application conference.
- A.96.070. Application requirements.
- A.96.075. Temporary events - procedures for applying for a Coastal Development Permit
- A.96.076. Temporary events - procedures for issuance of a Coastal Development Permit
- A.96.080. Action on coastal development permit.
- A.96.090. Public hearing and comment.
- A.96.100. Notice for appealable development.
- A.96.110. Notice for other projects.
- A.96.120. Standards for application review.
- A.96.130. Precedence of local coastal program.
- A.96.140. Conditions.
- A.96.150. Findings.
- A.96.160. Appeals.
- A.96.170. Expiration of coastal development permit.
- A.96.180. Permit amendment.
- A.96.190. Emergency Coastal Development Permit.
- A.96.200. Reapplication.
- A.96.210. Revocation.
- A.96.220. Assignment of Permits.
- A.96.230. Judicial Review, Enforcement and Penalties.
- A.96.240. Coastal Commission Review of Recorded Documents.
- A.96.250. Local Coastal Program Amendments.
- A.96.260. Public Hearing Waiver for Minor Development

A.96.010. Specific purpose.

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

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

A.96.020. Zoning map designator.

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

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

A.96.030. Definitions.

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

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

COASTAL COMMISSION

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

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

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

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

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

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

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

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

COASTAL COMMISSION

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

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

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

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

"Public works" means the following:

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

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

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

COASTAL COMMISSION

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

COASTAL COMMISSION

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

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

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

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

A.96.040. Requirement for coastal development permit.

Except as provided by Section A.96.050, any person, partnership, or corporation, or state or local government agency wishing to undertake any development, as defined in Section A.96.030, in the CZ District, shall obtain a Coastal Development Permit in accordance with the provisions of this chapter, in addition to any other permit required by law. Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved or imposed in granting the permit. (Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

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

A.96.050. Exemptions/categorical exclusions.

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

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

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

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

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

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

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

4. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within twenty (20) feet of any coastal waters and streams that include:

- a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.
- b. The presence, whether temporary or permanent, of mechanized equipment or construction materials, except that the use of such equipment solely for routine beach cleaning and park maintenance shall not require a coastal development permit.

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

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

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

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

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

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

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

2. A temporary event which is on the beach and charges a fee for more than 25% of the provided seating capacity shall require a Coastal Development Permit pursuant to Chapter A.96 of the Local Coastal Program - Implementation Program (Coastal Development Permit issuance).
3. In addition to the temporary events identified in subsection two (2) above, the Community Development Director may also require a Coastal Development Permit for temporary events which have the potential for significant adverse impacts on coastal resources. The determination of the potential significant adverse impacts may include, but are not limited to the following:
 - a. The proposed temporary event, including the particular event's set-up and take-down time precludes the general public from use of a sandy beach or public beach parking area in excess of a five day period;
 - b. The proposed temporary event, together with other temporary events scheduled either before or after the particular event, cumulatively precludes the general public from use of a sandy beach or public beach parking area during a significant number of summer weekends;
 - c. A temporary event held during the period commencing May 1 and ending September 30 which would close to the general public the pier, or any roadways, public beach parking areas, bicycle paths; or, otherwise significantly impact public use or access to coastal waters;
 - d. The temporary event will directly or indirectly impact environmentally sensitive habitat areas or rare or endangered species;
 - e. The temporary event will be held during the period commencing May 1 and ending September 30;
 - f. The temporary event will occupy any portion of a sandy beach area or public beach parking area;
 - g. The temporary event will take place for a period longer than 24 hours including set-up and take-down time.

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

F. G. Categorical Exclusions. Specific types of development may be exempted from coastal permit requirements per the provisions of California Coastal Commission Administrative Regulations Sections 13250 - 13253. Such exemptions shall require approval, per an order of categorical exclusion, from the California Coastal Commission. Records of any future categorical exclusions shall be kept on file with the Community Development Department.

A.96.060. Pre-application conference.

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

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

A.96.070. Application requirements.

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

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

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

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

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

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

1. A complete description of the temporary event, including but not limited to:
 - a. Approval by the Los Angeles County Department of Beaches and Harbors;

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- b. The proposed dates and times of the events, including set-up and take-down;
 - c. The estimated attendance at the event;
 - d. A parking plan and a description of any measures proposed to mitigate the parking impacts of the event;
 - e. A description of the admission fee, if any, to be charged;
 - f. A description of all events ancillary to the event, and or "pre-events";
 - g. The proposed location including the amount of sandy beach area to be used and a description of ingress and egress to the event area;
 - h. A description of any potential impacts from the event on residents and businesses and a description of any measures proposed to mitigate these impacts;
 - i. A description of any potential impact on public services and any measures proposed to mitigate such impacts;
 - j. A description of any potential impacts on the general public's access to the beach, the Pier, public beach parking, public streets, walk streets and / or bike path or other access support facilities identified in the certified LCP. The submittal shall include a description of any measures to mitigate these potential impacts; and,
 - k. Any additional information determined to be necessary by the Community Development Director or by the Director of Parks and Recreation.
- 2. A vicinity map showing the location of the proposed temporary event in relation to the bike path, vertical accessways, the surf zone, the Pier, and other public access points and recreation facilities.
 - 3. Address labels for all residents and businesses within a 500 foot radius of the event.
 - 4. Complete development plans, including a site plan and elevations, which show all proposed permanent or temporary physical structures.
 - 5. Applicable application fee.

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

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

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

A.96.080. Action on coastal development permit.

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

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

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D. Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, categorically excluded, non-appealable or appealable:

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

A.96.090. Public hearing and comment.

- A. The appropriate person or body specified in Section A.96.080 shall hold a public hearing prior to any action on a Coastal Development Permit where:
 1. Action or recommendation on other permits or approvals required for the project require the holding of a public hearing;
 2. The permit is for development appealable to the Commission as defined in §A.96.030 and §A.96.160.
- B. A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the project but all decisions on coastal development permit applications must be accompanied by separate written findings.
- C. Any person may submit written comment on an application for a Coastal Development Permit, or on a Coastal Development Permit appeal at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the public notice. Written comments shall be submitted to the Director of Community Development who shall forward them to the appropriate person, commission, board, or the Council, and to the applicant.

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A.96.100. Notice and Procedures for appealable development.

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

A. Contents of Notice.

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

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

1. Applicant;
2. Owner of the property;
3. All property owners and residents within ~~500~~ 100 feet from the perimeter of the subject parcel;
4. All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permit applications and all persons who at any time have requested to be on the mailing list for that development project; [13565]
5. The Coastal Commission;
6. Public agencies which, in the judgment of the Director of Community Development, have an interest in the project; and
7. A newspaper of general circulation in the Coastal Zone. The notice is to be published once.

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

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G. Failure to Act - Notice.

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

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

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

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

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

A.96.110. Notice for other projects.

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

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

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

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

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

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

A.96.120. Standards for application review.

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

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

A.96.130. Precedence of local coastal program.

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

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

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A.96.140. Conditions.

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

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

A.96.150. Findings.

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

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

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

A.96.160. Appeals.

Development pursuant to an approved Coastal Development Permit shall not commence until the Coastal Development Permit is effective. The Coastal Development Permit is not effective until all appeals, including those to the Coastal Commission, have been exhausted. In the event that the Coastal Commission denies the permit or issues a permit on appeal, the Coastal Development Permit approved by the City is void.

- A. Action by the Director of Community Development may be appealed to the Planning Commission. Action by the Planning Commission may be appealed only to the City Council. Any appeal by an aggrieved person, except an appeal by a City Councilperson or the Mayor, must be initiated within 15 days from the date of the decision. The appeal period ends at the close of the business day for City Hall on the first City Hall working day no less than fifteen days after the decision maker's action.
 - 1. The matter shall be scheduled for City Council review at the first regularly scheduled meeting following the decision for which the matter can be legally noticed. The Mayor or any City Council member may appeal the permit at the time of or before the City Council meeting at which the decision is reported to the City Council.
 - 2. An appeal from the decision of the Director of Community Development shall be filed with the Department of Community Development on a form provided by the Director of Community Development. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.

COASTAL COMMISSION

3. An appeal from the decision of the Planning Commission shall be filed with the City Clerk on a form provided by the City Clerk. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.
 - a. The Mayor or any member of the City Council may appeal any matter by requesting a public hearing on the appeal within the time limit set forth in Section A.96.160 A. The Mayor or City Council member appealing any matter shall be disqualified from hearing the appeal unless he or she certifies that the appeal was made in the public interest or welfare.
 - b. Decisions that are appealed shall not become effective until the appeal has been resolved or withdrawn.
 4. It shall be the duty of the Director of Community Development to forward a Coastal Development Permit appeal, together with recommendation thereof, to the appropriate body specified in Paragraph A above for its action.
- B. Appeals to the Coastal Commission. Within ten (10) working days from the date of Coastal Commission receipt of the notice of final action, all appealable development, as defined in 5A.96.030, may be appealed to the Coastal Commission in accordance with Coastal Commission regulations by a qualified appellant, as defined in 5A.96.160 D.
1. The ground for appeal to the Commission of a final local approval shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of Chapter 3. [30603(b)(1)]
 2. The grounds for appeal to the Commission of a denial of a major public works project or major energy facility shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program or the public access policies of Chapter 3. [30603(b)(2)]
- C. A final decision on an application for an appealable development shall become effective after the 10th working day appeal period to the Coastal Commission has expired unless either of the following occur:
1. an appeal is filed in accordance with the procedures set forth by the Coastal Commission;
 2. the notice of final local government action does not meet the requirements of 5A.96.100 F and G above.
- D. An appeal pursuant to this chapter may only be filed by the applicant for the Coastal Development Permit in question, an aggrieved person as defined in 5A.96.030(a) , or any 2 members of the Coastal Commission.
- (Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

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A.96.170. Expiration of coastal development permit.

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

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

A.96.180. Permit amendment.

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

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

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

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

- A. Application. Application shall be made to the Director of Community Development by letter if time allows, or in person or by telephone, if time does not allow. The information, to be reported at the time of the emergency or within three days after the emergency, shall include the following:
1. Nature of the emergency;
 2. Cause of the emergency, insofar as this can be established;
 3. Location of the emergency;
 4. The remedial, protective, or preventative work required to deal with the emergency;
 5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.
- B. Limitations. The Director of Community Development shall not grant an emergency coastal development permit for any development that falls within an area in which the Coastal Commission retains direct permit review authority, or for any development that is appealable to the Coastal Commission. In such areas and for such developments, a request for an emergency authorization must be made to the Coastal Commission.

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1. In addition, a waiver from coastal development permit requirements may be obtained from the Coastal Commission Executive Director for development that is required to protect life or public property in accordance with Section 30611 of the Coastal Act.
- C. Noticing. The Director of Community Development shall provide notice of the proposed emergency action. The extent and type of the notice shall be determined on the basis of the nature of the emergency. If the nature of the emergency does not allow sufficient time for public notice to be given before the emergency work begins, the Director of Community Development shall provide public notice of the action taken, or being taken, as soon as is practical. Public notice of the nature of the emergency and the remedial actions to be taken shall be posted on the site in a conspicuous place and mailed to all persons the Director of Community Development has reason to know would be interested in such action and to the Coastal Commission.
- D. Findings and Conditions. The Director of Community Development may grant an emergency coastal development permit upon reasonable terms and conditions, which shall include an expiration date and the necessity for a regular permit application later, if the Director of Community Development finds that:
1. An emergency exists that requires action more quickly than permitted by the procedures for a Coastal Development Permit and the work can and will be completed within thirty (30) days unless otherwise specified by the terms of the permit.
 2. Public comment on the proposed emergency action has been reviewed, if time allows.
 3. The work proposed would be consistent with the requirements of the Certified Local Coastal Program.
- E. Expiration of the Emergency Permit. An emergency permit shall be valid for sixty (60) days from the date of issuance by the Director of Community Development. Prior to expiration of the emergency permit, the permittee must submit a regular coastal development permit application for the development even if only to remove the development undertaken pursuant to the emergency permit and restore the site to its previous condition.
- F. Report to City Council and Coastal Commission. The Director of Community Development shall report in writing and orally, the granting of an emergency permit to the City Council at its next scheduled meeting, and to the Coastal Commission. The report shall include a description of the nature of the emergency, the development involved and the person or entity undertaking the development. Copies of the report shall be available at the meeting and shall be mailed to the Coastal Commission and to all persons requesting such notification of local coastal development decisions.

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A.96.200. Reapplication.

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

A.96.210. Revocation.

A. Grounds for revocation of a permit shall include:

1. Intentional inclusion of inaccurate, erroneous or incomplete information where the City finds that accurate and complete information would have caused additional or different conditions to be required on a permit or denial of an application; or
2. Failure to comply with the notice provisions of this Chapter where the views of the person not notified were not otherwise made known to the City and could have caused the City to require additional or different conditions or deny an application.

B. Initiation of the proceedings to revoke a permit may be made by any person who did not have an opportunity to fully participate in the original permit proceedings because of the reasons stated in Subsection (A) and who applies to the Director of Community Development specifying the particular grounds for revocation. The Director shall review the stated grounds for revocation and, unless the request is patently frivolous and without merit, shall initiate revocation proceedings. The Director may initiate revocation proceedings when the grounds for revocation have been established.

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

A.96.220. Assignment of Permits.

A. Any person who has obtained a coastal development permit pursuant to the provisions of this Subchapter may assign such permit to another person subject to the following requirements:

1. Submission of an application fee as set by resolution of the City Council; and
2. An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit; and

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3. Evidence of the assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit; and
 4. The original permittee's request to assign all rights to undertake the development to the assignee; and
 5. A copy of the original permit showing that it has not expired.
- B. The applicant for assignment shall submit the above documents together with a completed application form to the Director of Community Development. The assignment shall be effective upon written approval of the documentation submitted, and the reassigned permit shall be granted subject to the terms and conditions of the original permit.

A.96.230. Enforcement.

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

A.96.240. Coastal Commission Review of Recorded Documents.

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

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

A.96.250. Local Coastal Program Amendments.

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

- A. Initiation of Amendments to the Local Coastal Program. An amendment to the Local Coastal Program may be initiated by one of the following:
 1. A resolution of intention initiated by the Planning Commission.

COASTAL COMMISSION

2. A resolution of intention initiated by the City Council directing the Planning Commission to initiate an amendment.
3. An application from a property owner or his/her authorized agent provided that such application involves the development or modification of property located within the area affected by such amendment.

B. Planning Commission Action on Amendments.

1. Upon receipt in proper form of a completed amendment application or duly adopted resolution of intention, and following any necessary investigation, a public hearing before the Planning Commission must be held and notice of such hearing given consistent with the Coastal Act and California Code of Regulations.
2. The Planning Commission must make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove.
3. Planning Commission action recommending that the proposed Local Coastal Program amendment be approved, or approved in modified form, must be considered for adoption by the City Council. Planning Commission action disapproving a proposed Local Coastal Program amendment, regardless of how such amendment was initiated, may be appealed by any interested person, including a Commissioner or Council member, to the City Council provided such appeal is filed in writing within 14 consecutive calendar days of the Planning Commission's action.

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

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

- E. Coastal Commission Certification of Amendments. Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to this Local Coastal Plan as certified by the California Coastal Commission shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations and also certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act, as follows:

COASTAL COMMISSION

1. A denial by the City Council on an amendment request shall be final and no appeal to the Coastal Commission shall be allowed except as provided by subsection 2 of this section (below).
2. Pursuant to Section 30515 of the Coastal Act, any person or agency authorized to undertake a public works project or major energy facility development, who was denied a request to amend the Local Coastal Program, may file the request for amendment with the Coastal Commission.

A.96.260. Public hearing waiver for minor development.

Consistent with the provisions of A.B. 1303, effective January 1, 1996, the public hearing requirement for minor development, as defined herein, may be waived subject to the requirements of this section.

- A. Minor development means a development which satisfies all of the following requirements:
 1. The development is consistent with the City of Manhattan Beach Certified Local Coastal Program;
 2. The development requires no discretionary approvals other than a coastal development permit;
 3. The development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
- B. The public hearing requirement on a coastal development permit application for a minor development, as defined above, may be waived if all of the following occur:
 1. Notice is sent to all persons consistent with the provisions of Section A.96.100 of this Title, as well as all other persons known to be interested in receiving such notice,
 2. The notice states that a public hearing will be held upon the request of any person,
 3. No request for public hearing is received by the City within 15 working days from the date of sending the notice pursuant to paragraph (1).
- C. Requests for hearing must be made in writing to the City Community Development Department. Said request for hearing must identify the reasons for such request. Upon receipt of a request for hearing the matter shall be scheduled for a public hearing.
- D. Following receipt of a request for hearing, public notification must be made regarding the scheduled hearing date, consistent with the provisions of Section A.96.100 of this Title.

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- E. The notice provided pursuant to subdivision (B) shall include a statement that failure by a persons to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a coastal development permit application.

COASTAL COMMISSION

**COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS
BEACH USE PERMIT REQUIREMENTS**

Beach Use Permits are required under the following conditions:

1. Group of 50 or more
2. Canopies or tents (greater than 10x10)
3. Scaffolding or bleachers
4. Amplified sound (conditional on beach)
5. Cooking in the parking lots (cooking on the sand prohibited unless in the fire rings on Dockweiler State Beach or Cabrillo Beach)
6. Generators
7. Catered events
8. Commercial events (e.g., surf contests, volleyball tournaments, private parties)
9. Alcohol (conditional on beach and must be catered)

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There may be other circumstances that would constitute necessitating a permit.

COASTAL COMMISSION

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**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)

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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

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)

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

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

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

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

OCTOBER

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

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

NOVEMBER

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

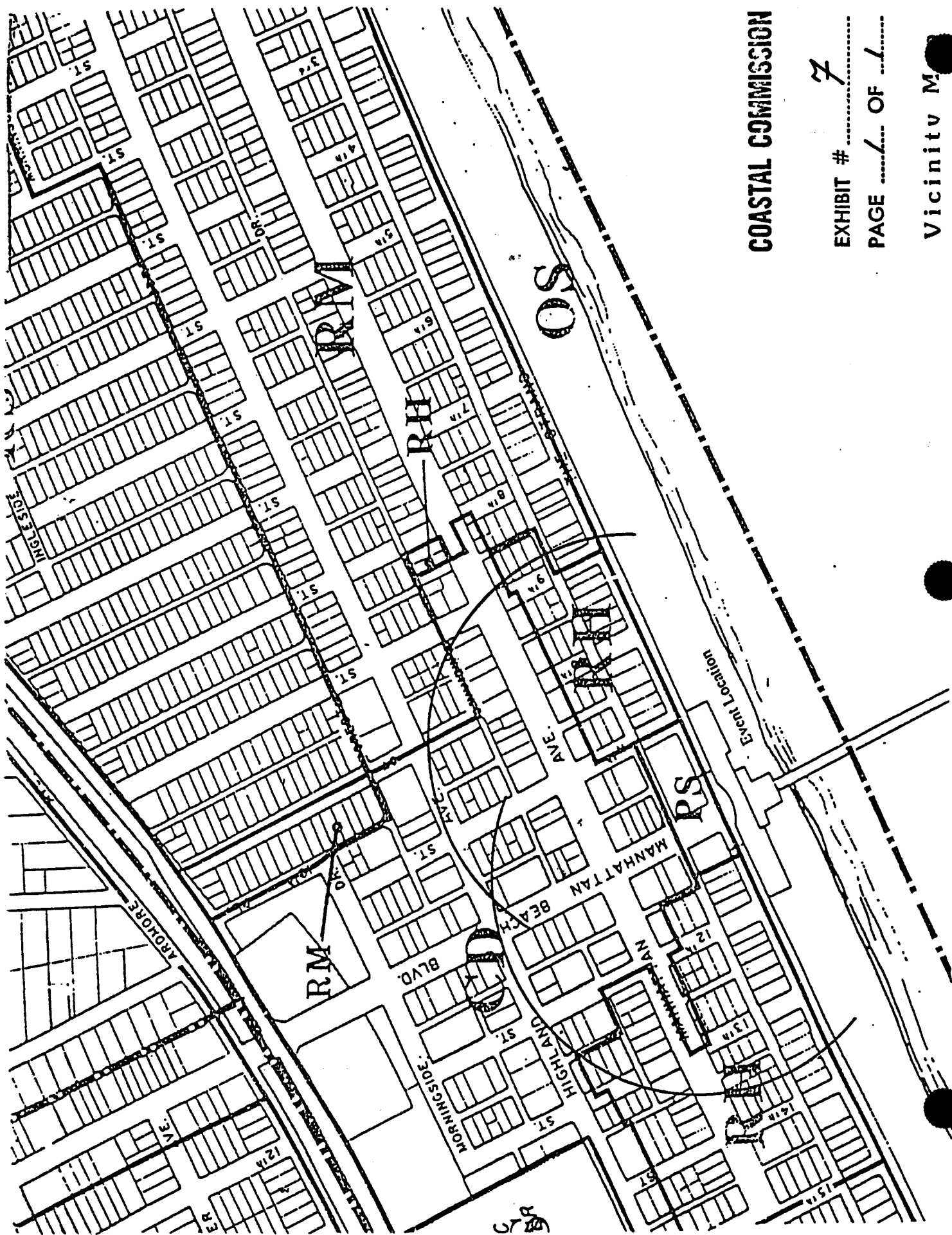
*Total of all days

April 8, 1997

COASTAL COMMISSION

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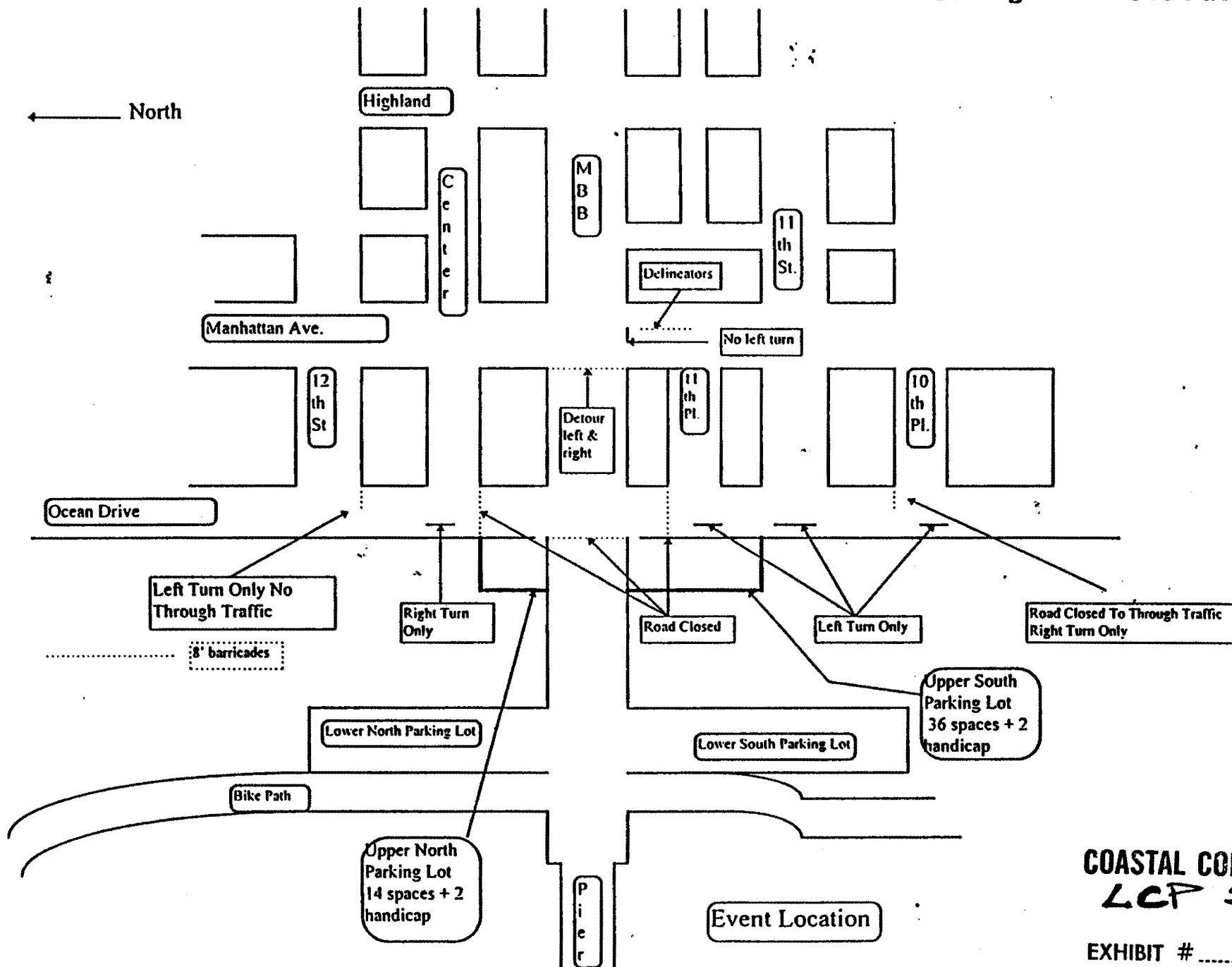
COASTAL COMMISSION

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Vicinity Map

Parking and Circulation



COASTAL COMMISSION

LCP 3-97

EXHIBIT # 8

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COMMISSIONER PAVLEY (Who I understand has been and was at that time in communication with MB City Council Member(s)) cut off my attempt to focus on the following concerns in October 1997 meeting ; this is not necessarily an all inclusive list since neither the City nor Coastal Commission Staff has supplied additional information to me since that date:

1. The present guidelines are NOT working for the southbay Cities of MB and HB.

2, Coastal Commission must realize that a City such as MB cannot be expected to enforce the Coastal Act when it is in the position of an applicant as a coventurer in these events,

3. The guidelines should be for the entire year;

4. no fences should be allowed.

5. No bleachers should be permitted

6. No heavy construction

7, No amplified sound

8, No paid advertisements such as bill boards, signs except where to park

9. No inflatables whatsoever (disturb visual integrity of coast)

10. No car or other such commercial displays

11. No exclusive use of parking

12. Players, nets, balls, towels, folding chairs should be permitted and only those without a permit and reasons consistent with the Coastal Act and free use of the beaches;

13. Notice of any application and determination that no permit is needed send by mail to all those known to be interested thirty days before any appeal needs to be filed indicating the procedure clearly and without fee;

14. appeal process only after adequate public hearings set for times and places where the public may be able to appear, for example, not a 2 PM on a friday ; weekday evenings are preferable.

15. Mitigation measures , if not met, should have consequence of termination of event;

16. Such events with or without permits should not interfere with access to sea, visual integrity not cause odors, increase noise levels, compromise emergency response levels or increase vehicular, pedestrian or bike safety or compromise any element of the Coastal Act.

W. Victor 1-12-98

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Harry A. Ford, Jr.
54 Village Circle
Manhattan Beach, California 90266-7222
e-mail: Seaimage9@aol.com

Sunday, January 11, 1998 - Hand deliver 25 copies to Pam Emerson on Monday, 1/12/98

California Coastal Commission, via Pam Emerson, Supervisor, Regulation and Planning
California Coastal Commission, South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, California 90802-4302

Re: Written comments for the February 3-6, 1998 meeting in San Diego on the agenda item for the Manhattan Beach LCP Amendment 3-97 - Temporary Events

Dear Coastal Commission Members and staff:

Thank you for the opportunity to again comment on the proposed Manhattan Beach LCP amendment for Temporary events (3-97). I again appreciate your protection of Manhattan Beach last year, with your decision to not have the negative impacts and commercialization associated with the AVP event. I trust that your decisions this year will follow along those lines to embrace the following goals:

- 1) Consistent with the Downtown Vision Statement, protect the small town atmosphere of the City; instead the City is creating a trashy tourist town with the Beach and public parking for rent to commercial interests. Many of these events have outgrown Manhattan Beach, and should be in stadiums with adequate parking, and access, and facilities that are more conducive to their negative impacts.
- 2) Restrict events to those that provide low cost public recreation, and not those professional spectator events with excessive commercial advertising, exclusive use of the beach and parking lots, excessive noise and negative aesthetics, and other negative impacts. NO COMMERCIAL GRAFFITI!
- 3) Restrict the cumulative impact of the temporary events on the beach and Downtown during the summer, and provide event free weeks during the summer and during Holiday weeks.
- 4) The City has continued to increase/intensify development, particularly fast food, and temporary events with no new public parking in 16 years! Isn't this a violation of the LCP, which the Coastal Commission is responsible for enforcing? Ensure that mandatory parking (and a Coastal Development Permit) is provided off site for any event, or combination of events, that has more than 500 spectators whether admission fees are charged or not. The 1996 City Parking Study indicates that Downtown parking "demand equals or exceeds supply during typical summer weekends both for on-street and off-street spaces..." In addition the 12/5/97 parking consultant analysis indicates that theoretical Peak Demand (28% ULI adjustment for mixed use) is 96% of SUPPLY. This is up from 69% in the 1990 parking study. Also the 11/97 draft Parking Plan indicates that there is a SIGNIFICANT land use difference from the City's approved LCP. Is this legal per the City's LCP? Who Enforces?
- 5) Close the LOOPHOLES in the City procedures and LCP that have caused large events, and multiple events on one weekend, that exclusively use the beach and public parking and have not required any public hearings, or a Coastal Development Permit. Many of the events that have no admission are almost as bad as the AVP event. These guidelines would also provide for better reporting, monitoring, and enforcement of the Municipal Code and LCP.
- 6) Ignore the RED HERRING that the events only use a small portion of the Beach, as the portion of the Beach used is where much of the public parking, Pier, public services, etc. are and that is why more people are by the Pier at any time of the year (verify with lifeguard data, access to the beach & public services, PARKING and impact on nearby residents are critical issues!).

EXHIBIT # 10

PAGE 1 OF 17

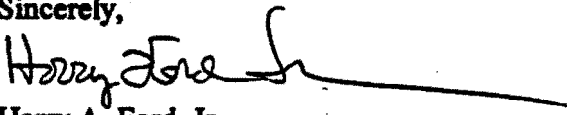
- 7) Provide better notice to the residents of Manhattan Beach and Hermosa Beach who have been involved in this process over the last several years, with an adequate opportunity to send letters to the Commission or attend the (non-local) meeting(s) (Refer to petition signed by 4,700 residents - sample attached from prior meeting). Specifically incorporate the items suggested in my October 9, 1997 letter to Pam Emerson. Please send me the staff report on this issue, and keep me on the Coastal Commission mailing list for Agenda's, and temporary event matters.

Attached are detail suggested revisions to the Manhattan Beach LCP suggested guidelines of 12/18/97 (best effort made to underline changes) which will be discussed with the Coastal Commission staff on Monday, January 12, 1998 by a group of concerned residents, along with documentation (including pictures, newspaper articles, etc.) for the file on this matter to support the various suggested changes. I have also attached an example of a City application for one event (copied from public files after Public Records Request) I reviewed to demonstrate why these changes are suggested (note this event with projected attendance of 1,000 to 2,000 occurred in 9/97 with no amplified sound permit and major negative impacts and no Coastal Development Permit ???). These comments are in addition to my prior comments at the Coastal Commission meetings and correspondence on Manhattan Beach and other temporary events of 11/2/97, 10/9/97, 10/7/97, 9/17/97, 5/11/97, 4/18/97, 4/6/97, 3/16/97, 1/3/97, etc. By having more detail guidelines and procedures, it should minimize the Coastal Commission staff time in approving and reviewing applications, and ensure that the events meet the letter and spirit of the Coastal Act and Manhattan Beach LCP, CEQA requirements, and Downtown Vision statement. In addition, the monitoring and reporting of the impact on the Coastal Zone should be significantly enhanced.

If you don't believe that the sponsors are making millions on these events look at all the TV commercials and print advertising associated with the Ford Ranger promotion(s) on the LA County Lifeguard trucks. The many Miller, Bud, and Bud light promoted events also indicate the perilous trend of commercial advertising of our beaches, which needs to be stopped now. 15 years ago these events may have better met the objectives of the Coastal Act, but they clearly don't now and won't with the Pot Of Gold the Cities and Counties are placing on the beaches for the promoters, sponsors, and professional athletes to claim for their own. As a resident of Manhattan Beach who appreciates the sun, sand, surf, wild life and public recreation of the beach, the trend of these events will ruin the reasons I come to the Beach, like millions who come to enjoy the natural wonders, and the "minimal commercialization," of the National Parks. The events will hurt many local businesses as their regular local customers will not come as they cannot find available parking, and it will cost 50 cents, \$1, or more just to get out of our cars; if parking exists.

Thank you for your consideration of these suggested changes. I am looking forward to being at the February 1998 meeting. If you have any questions, please contact me. I trust that you will look to the long-term future of our Coastal Zone and protect it, like the National Park Service protects the magnificent National Parks like Yosemite, Yellow Stone, and the Grand Canyon. Your children, and grand children, and many of the residents of Manhattan Beach and California will be eternally grateful.

Sincerely,



Harry A. Ford, Jr.

Attachments - 19 pages

EXHIBIT #10.....

PAGE ...2... OF 17

cc: Richard Thompson, Director of Community Development for the City of Manhattan Beach
Sherilyn Sarb, Temporary Events Coordinator, California Coastal Commission

Item 11a

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

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

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

NAME Taylor P. Personne LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 3500 Bayview Dr. PHONE# 310 545-1370
NO CITY OR ZIP REQUIRED SIGNATURE Taylor P. Personne

NAME Juan Sale LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 1525 5th St PHONE# 310-312-5458
NO CITY OR ZIP REQUIRED SIGNATURE Juan Sale

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

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

NAME SCOTT BREWSTER LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 434 OCEAN PL. PHONE# 310 546-7847
NO CITY OR ZIP REQUIRED SIGNATURE Scott Brewster

NAME JUDY T. PETERSEN LIST PHONE # IF WILLING TO VOLUNTEER
ADDRESS 915 1/2 Manhattan Beach Blvd PHONE#
NO CITY OR ZIP REQUIRED SIGNATURE Judy Petersen

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

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

10
PAGE 3 OF 17

EXHIBIT 10

Harry A. Ford, Jr.
54 Village Circle
Manhattan Beach, California 90266-7222
e-mail: Seaimage9@aol.com

Thursday, October 09, 1997

Pam Emerson, Supervisor, Regulation and Planning
California Coastal Commission, South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, California 90802-4302

Dear Pam Emerson:

Re: This letter constitutes written comments for the public file on the upcoming Manhattan Beach LCP amendments, and suggestions for the process.

I have attached the materials that I provided to the City for their consent calendar item on the proposed LCP amendments. I have also provided you a draft of my comments to the Commission for the 10/10/97 temporary events workshop in Del Mar. That has as an attachment the new City list of events Downtown and at the Pier. As you can see this list is substantially larger than the County list of Beach events. It is also incomplete. It also does not include the items (attendance, etc.) staff suggested for the list to be kept by the City.

As we discussed, I would appreciate it if you could send a early warning of the notice for the Manhattan Beach LCP to those individuals who provided written comments for the AVP appeal. I think there are about 30 listed. I would also request that you send a copy of the notice to those who testified, for either side, in the many public meetings; Parks and recreation commission, Planning commission, and City Council meetings on the 1996 and 1997 AVP event, and LCP. There are probably another 50 names here (address included in the minutes of the various meetings). This should help get a better sample of residents. I can help with the list if you wish.

I would also suggest the notice indicate 1) The date the written or faxed comments are due and who and where to send them, 2) the length of comments that will be included with the staff report for each individual, 3) whether those persons who submit comments will get a copy of the staff report, 4) who, when, and how many sets of written comments are needed (25?) if additional comments are requested to be sent to the Commissioners over and above the number of pages that will be included with the staff report, etc. As has been suggested before, and consistent with the Commission guidelines, it would be most helpful if the Manhattan Beach and Hermosa Beach LCP changes and the next Temporary events workshop could be held in the South Bay. It could be on the Agenda for the last day of another meeting held in the Los Angeles area. 4,700 people signed a petition expressing an interest in this matter, and the City has submitted their old proposal to include 100% paid seating and almost complete local control of most events, and none of the comments the staff suggested.

I would also request that the main proponents of more restrictive guidelines for Temporary events have a chance to meet with you and your staff prior to the completion of the Staff report. The individuals who attended the last meeting, who were part of the AVP appeal, and who have been the most involved are; Donley Falkenstein, Bill Victor, Bill Eisen, George Kaufman, and myself.

Thank you for your consideration of my comments and suggestions.

Please call me if you have any questions or comments.

Sincerely,

Harry A. Ford, Jr.

Attachments - 63 pages

COASTAL COMMISSION

EXHIBIT # 10

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LEGEND: *These revision started from the 12/18/97 City of Manhattan Beach Suggested LCP document, changes to the 12/18 document have been attempted to be underlined or shown as deleted or shown as no change; notes have been attempted to be shown in ITALICS. As we are not familiar with all the form requirements for LCP's or the Coastal Act, we ask you bear with us in any form, or regulatory misinterpretations or mistakes.*

Section A.24.030 "OS District - Land Use Regulations" by adding Temporary Events, and deleting Animal Shows and Circuses and Carnivals *(note: if these items are retained as permitted uses they should have guidelines like the temporary events to insure compliance with the Coastal Act and LCP and Code; also the 7/24/97 staff report on page 20 shows other Uses in the "CD" district such as Street Fairs???) as Follows:*

OS DISTRICT: LAND USE REGULATIONS

P - Permitted

U - Use Permit

Commercial Filming

U *(Needs Guidelines)*

Temporary Events, for which no admission fee is charged

U **(D)**

Section A.24.030 "OS District: Additional Land Use Regulations" by adding subsection "(D)," as follows:

OS District: Additional Land Use Regulations

(D) See Section A.96.050 F: Exemptions / Categorical Exclusions

Section A.96.030 "Definitions" by adding subsections "H", "K", "M", "Q", "X", "BB", and "CC", and "DD" as follows:

NO changes to H, K, M, Q, X.

BB "Temporary Event(s)" means an event or function of limited duration, including set-up and take-down and restoring the site to it's pre-existing condition, and/or, involves exclusive use of a sandy beach, Downtown Coastal Zone, Manhattan Beach State Pier and 4 (four) Pier parking lots, El Porto County Parking lots, parkland, filled tidelands, water, streets, sidewalks, or parking area which is otherwise open and available for general public use.

CC "Downtown Coastal Zone" means an area within the area bordered by the Pacific Ocean on the west, 15th Street on the north, Ardmore Avenue on the east, and 9th Street on the south.

DD Temporary Event(s) requiring a Coastal Development Permit shall be defined as "commercial development" regardless of whether or not they have ever been required to obtain a Coastal Development Permit in the past.

COASTAL COMMISSION

EXHIBIT # 10

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

F. Temporary Events. Temporary events within the City of Manhattan Beach Coastal Zone shall be subject to the following regulations.

1. A Coastal Development Permit shall be required for temporary events for which any of the following apply:

- a. A temporary event held on a sandy beach area, or in the Downtown Coastal Zone, which an anticipated attendance of five hundred (500) or more (including, spectators and participants, and event, sponsor or City staff).
- b. A temporary event which involves the closure, or issuance of temporary parking passes, of more than twenty (20) beach, or Downtown Commercial Zone parking spaces open to the general public.
- c. A temporary event which involves the closure of the Manhattan Beach Pier to the general public, or significantly restricts access to, or use of, the sandy beach area, bike path, beach parking, or the Strand.
- d. A temporary event held on a sandy beach area, or in beach or public parking areas available to the general public for beach parking, or which charges an instructional or participant entry fee exceeding \$50.00 per participant per event.
- e. A temporary event held on a sandy beach area, or Downtown Commercial Zone, which exceeds twenty four (24) hours in duration on a continual basis (from start to end of event), including set-up and take-down and restoring the site to it's pre-existing condition.
- f. A temporary event, which in conjunction with other planned or approved temporary events on the same day would cause the exclusive use of more than twenty (20) parking spaces generally used for public parking in the Downtown Commercial Zone for any part of the day, the closure or commercial use of the Manhattan Beach Pier for any period of time, the Manhattan Beach Police to use temporary barriers or other means to control traffic and parking at the Pier parking lots, the commercial use of the Pier parking lots, or cumulatively create an anticipated total attendance of five hundred (500) or more (including, shoppers, spectators and participants, and event, sponsor or City Staff).
- g. A temporary event which requires an amplified sound permit under the Manhattan Beach Municipal Code "MBMC".
- h. A temporary event which uses bleachers or seating for more than three hundred (300) people.
- i. A temporary event which proposes the sale of food, beverage, or merchandise on public property in the Downtown Commercial Zone, other than sidewalk sales or art festivals held entirely east of the Strand.

- j. A temporary event which proposes commercial advertising. Any tobacco or alcohol advertising, on public property in the Downtown Commercial Zone is prohibited.
 - k. A temporary event which proposes any inflatable signs, or proposes total commercial, event, or sponsor signage in excess of one thousand (1,000) square feet, or proposes any individual sign greater than fifty (50) square feet, excluding one event sponsor(s) identification sign per event not to exceed thirty (30) square feet per side with a maximum of three (3) sides. The maximum square footage of advertising and sponsor identification signs is ¼ square foot per spectator.
 - l. The event has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources.
2. All temporary events not subject to the above regulations shall be exempt from Coastal Development Permit requirements, with the following exceptions:
 - a. The Director of Community Development shall require a Coastal Development Permit for those temporary events which have any potential to directly or indirectly adversely impact any of the following: coastal access; coastal resources; environmentally sensitive resources; rare or endangered species, or residents living within one thousand (1000) feet of the event.
 - b. deleted - no grandfathering. - not renumbered
 - c. Manhattan Beach Holiday Fireworks - no changes.
 - d. The Community Development Department shall provide public notice, consistent with the requirements of Section A.96.100 for all temporary events exempted from Coastal Development Permit requirements as provided for by sub-section(?) (a) & (c) above
 3. Coastal Development Permit for temporary events shall be subject to, and processed in conformance with, Public Resources Code 5002.6, and all applicable procedures set forth in Chapter A.96, and shall comply with all sections of the Manhattan Beach Municipal Code, including but not limited to the issuance of appropriate permits, collections of appropriate revenues, and payment by the Applicant of all necessary fees and City expenses, compliance with the municipal noise Ordinance, and providing of all appropriate insurance for the protection of the City, and State of California in the case of the Pier and Pier parking lots.

Section A.96.075 "Application requirements - Temporary events"

Application for temporary events requiring a Coastal Development Permit shall be made to the Department of Community Development on forms provided by the Director of Community Development which incorporate all the requirements and findings of Chapter A.96 and the Local Coastal Plan. The application for a Coastal Development Permit shall be accompanied by:

- A. A complete written description of the temporary event, including execution (signature) by an authorized officer or representative of the organization requesting

the event on the application and certifying that the information provided is "true and correct", including but not limited to:

1. Written approval by the Los Angeles County Department of Beaches and Harbors, and evidence that the Applicant has paid all County fees for the event;
2. The written proposed dates and times of the event, including set-up and take-down, and restoring the event site and parking to it's pre-existing condition; and a complete written description of the steps taken to minimize set-up and take-down time and the time to restore the site to it's pre-existing condition;
3. The written estimated attendance for the event, with any supporting documentation for the estimate including but not limited to available photographs of prior events documenting attendance and equipment and signs at the event, and records (verified if possible) of the attendance from prior events and verification of the usage of the off-site transportation to the event. The estimated seating for any day, and for any event, shall not exceed six thousand (6,000) spectators, participants, and event, sponsor or City staff. Animal shows, Circuses and carnivals, "bathing beauty" contests, and concerts are prohibited. (Note - refer to the provisions of the proposed 1997 AVP agreement which provided for 6,000 center court seats, and 2,000 for each of two side courts for a proposed total of 10,000 seats, a clear increase in seating from the prior years(? an increase in development per PRC 5002.6) If any paid admission is unfortunately approved by the Commission; then verification of the ticket sales and transportation usage and location of the ticket purchasers should be required to be submitted to the City, as well as a provision to be able to audit the ticket sales and event revenues and expenses, or any aspect of the event. In the event the Commission approves the 25% guideline for paid admission, then the 25% should apply to each days event for each court; i.e. the seating for Sunday's center court event is 6,000 then only 1,500 seats can sold, you can't take the free days on Thursday and Friday, and other courts, and triple the seats on Sunday to 75% paid seating or 4,500 on center court. Refer to 1996 AVP event).
4. A comprehensive written parking and traffic circulation plan and a description of all measures proposed to mitigate to insignificant levels the parking and traffic impacts of the event on beach goers and the residents and businesses in the Downtown Commercial Zone, and to strongly discourage the exclusive use of any beach parking for the event, and any personnel or participants associated with the event. The parking plan must provide for the reimbursement to the State of California in the case of use of the State Pier lots and to the County of Los Angeles in the case of the El Porto parking lots for 100% of the usage of the lots either through closure or the issuance of parking permits, or the closure of the lots by the Manhattan Beach Police due to safety of traffic control considerations. The parking plan must provide for one off-site parking place for every three (3) spectators and participants at the event, and must provide enough shuttle capacity to transport the expected persons to and from the event during the peak event and beach access hours required for those spectators, participants; and beach goers use. In addition the

off-site parking shall provide sufficient space for all truck and trailers that are not absolutely necessary for the event to function at all. Off-site parking locations and shuttle service must be adequately advertised and noticed so as to assure it is used to its maximum potential. Actual off-site parking usage shall be documented on a form provided by the City and shall note the total number of vehicles parked per day, total number of shuttles departing the lot per day, the number of persons on each shuttle and it's departure time, and total number of rides per day. The Applicant shall submit a valid lease or licensing agreement for the required number of off-site parking spaces. 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. (Note 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. Downtown land use parking utilization has increased from 69% in 1990 to 96% of supply in 1997 per City Parking studies, and per the 1996 City parking study public parking is effectively 100% utilized during the summer weekends. - Documentation from studies provided to Coastal Commission Staff)

5. Delete - Admission Fee deleted. No admission fee may be charged for events held on, or partially on, the public sandy beach. A complete written description of any participant or instructional fees, or any type of fees whatsoever. A complete written description, including the dollar value, of any free tickets or benefits intended to be provided to any governmental official, including their families or business associates. A City business license, and related fees are required by the Code.
6. A complete written description of all events ancillary to the event, and or "pre-events", including but not limited to the items described in this Section A.
7. A detailed written description of the proposed location including the amount of sandy beach area, and any other public areas in the Downtown Commercial Zone, to be used and a complete written description including actual dimensions of ingress and egress to the event area and parking. A written statement executed by the applicant that the event complies with PRC Section 5002.6, which conditions specify in part 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.", and that the County "shall use, operate, and maintain the granted lands and improvements thereon for public recreation and beach purposes in perpetuity." The proposed event, and all associated development, shall not encroach any closer than 50 feet to the highest water mark. (Note: the beach has eroded significantly from the level at the 1996 AVP event.)
8. A written description of all potential impacts from the event on residents and businesses and a complete written description of any measures proposed to mitigate each impact to insignificant levels;
9. A complete written description of any potential impact on public services, including but not limited to Police, Fire, County Lifeguards, Paramedics, City

Public Works or other staff, streets, sidewalks, parking, trash, noise abatement, pollution, electrical usage, rest rooms, the bike path, the Pier, the Strand, and a complete written description of any measures proposed to mitigate to insignificant levels each of such potential impacts;

10. A complete written description of any potential negative impacts on the general public's access to the beach, the Pier, public beach parking, public streets, public sidewalks, walk streets, the Strand, and/or bike path or other access support facilities identified in the certified LCP. The submittal shall include a complete written description of any measures to mitigate to insignificant levels each of these potential impacts. In addition, a complete written description of the Applicants proposed event security, and who from the Applicant, including their emergency number, will coordinate with the Police Department the event security, and the placement of "Walk Your Bike" signs on the bike path adjacent to the northern and southern ends of the lower Pier parking lots.;
11. The City's goal is to minimize commercial advertising on the sandy beach areas and beach parking lots, even for events not requiring a Coastal Development Permit. A complete written description of any sponsor identification sign (sponsor(s) identification sign per event not to exceed thirty (30) square feet per side with a maximum of three (3) sides) to be proposed at the event, including the size of each sign (no sign is to exceed 50 square feet, except the sponsor identification sign), and the total signage, and the location of the proposed signs, and all information required for the Temporary Sign permit and bond for that permit required by the Code (MBMC 10.72.100 Sign Fees and 10.72.040.C.3, and MBMC 10.72.070 Prohibited Signs C. Signs on public property, unless otherwise permitted by this chapter.). A complete description of any proposed banners (permit & fees required by Code);(Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development.)
12. A complete written description of any generators, or compressors, or any other noisy equipment including a detail scale map showing their proposed location, noise and pollution, and all proposed measures to mitigate sound and pollution to insignificant levels to insure that the noise and pollution do not affect persons at the event site, the Strand or the residents east of the Strand and that any piece of equipment will comply with the Municipal Noise Ordinance (MBMC Chapter 5.48). Commercial banner towing aircraft and rolling billboards of sponsors and event Applicants are prohibited.
13. A complete written description of the proposed hours of operation, including any times for set-up and take-down and restoring the site to it's pre-existing condition, and documentation showing that the times comply with the Municipal Noise Ordinance (MBMC Chapter 5.48). Any proposed hours of operation outside the hours for 1) Saturday before 9:00 a.m. or after 7:00 p.m., 2) for Sunday or City Holidays before 9:00 a.m. and after 7:00 p.m., and 3) weekdays before 8:00 a.m. and after 7:00 p.m., will have to be specifically approved by the City Council at the public hearing on the temporary event.

14. A complete written description of all solicitation and handbills, and any other free item that is proposed to be handed out at the event, and the details for processing the information for the local Solicitation and Handbill permit required by the Code (MBMC ?). A sample of the proposed handouts, if not from this event, then those used in the prior year(s) or at other events. A complete written description of any alcohol or tobacco advertising proposed to be included in the advertising, programs, handbills, signs, or any other item used at or for the event.
15. A complete written description of any amplified sound, including but not limited to hours of operation. A complete written play list must be provided 10 working days prior to the event, and approved by the Police Department. All information to process the Local Amplified Sound Permit (MBMC 5.48.120 and 130 and 150 - Amplified Sound Permits) must be provided, including a map showing all speakers, and confirmation that they will be facing directly towards the Pacific Ocean and opposite the residential neighborhoods at all times, and written confirmation by the applicant that any audible amplified sound(s) will not extend more than one hundred (100) feet beyond the perimeter of the event in any direction.
16. A complete written description of the person who will be responsible at all hours the event is in operation, including set-up or take-down, including their mobile number(s), and back-up emergency numbers during the event.
17. A complete written description of any electrical power requirements, and a plan of how the wiring will run, and what mitigation measures will be done to safely cover all wiring and exposed equipment.
18. A complete written description of any equipment to be used, including but not limited to: equipment to be driven on the Beach (requires a City permit & fees), and safety personnel for crossing the bike path, and for the areas around where the equipment will operate on the Beach and Parking areas. It shall also include the Applicants written confirmation that all heavy equipment will be operated in accordance with California Occupational Safety and Health Administration rules and regulations.
19. A complete written description of any filming equipment, which requires a local permit and fee, to be used at the event including any towers, equipment, power, etc. requirements and location and maximum height for that equipment.
20. A complete written description of any vehicles that are proposed to park in the beach parking lots or public parking east of Ocean Avenue on Manhattan Beach Boulevard, and written verification by the Applicant that those vehicles are absolutely necessary for the event to function at all, and do not include personal vehicles of event staff, sponsors or their staff, VIP's, City County, or State staff, or any official involved in the approval of the Application or Coastal Development Permit.
21. A complete written description of any fencing, or tenting (restricted by Code - two sides must be open, etc.), that is proposed to be used at the event, which

fencing is highly discouraged except for safety reasons and in no case will any perimeter fencing be allowed.

22. A complete written description of all trash cans proposed for the event including the calculation for the total trash can capacity, and how and when trash pick-ups will be required, and an emergency number for the trash pickup provider.
23. A complete written description of all permanent and temporary public rest room facilities that will be required for the spectators, participants, and event sponsor, and City staff, and handicap accessibility, and their location, including the emergency number for the temporary rest room facility provider.
24. A complete written description of any flammable, explosive, or other hazardous or dangerous chemicals proposed to be used in conjunction with the event and a written plan for their transportation and storage, which must be approved in writing the City fire department at least ten (10) working days prior to the event. In addition, all participants in demonstrations and clinics will be required to wear the most current safety equipment available, and sign a hold harmless Agreement suitable to the City of Manhattan Beach.
25. A complete written description of any tents, VIP areas, hospitality areas, etc. with written confirmation from the applicant that they understand that alcohol is prohibited on the sandy beach areas and the public parking areas by the Municipal Code and that the Applicant will use their best efforts to prohibit alcohol use, including notifying the Manhattan Beach Police, and any private event security, in a timely manner of any potential violations.
26. A signed City of Manhattan Beach Indemnification and Hold Harmless Agreement to be executed by an authorized officer, or representative, of the event Applicant. This Agreement must cover all subcontractors, participants, and sponsors hired or allowed to participate in the temporary event.
27. A copy of the Applicants, and it's subcontractors, General Liability and Automobile Insurance, and workman's compensation insurance (\$1,000,000 per claim for workman's compensation insurance), in the amount of \$1,000,000 (or an amount determined appropriate by the City's risk manager for the size and risk of the event - note \$1,000,000 may be low in today's environment - collapse of bleachers ?) with the City named as the additional insured. A signed Manhattan Beach Insurance Endorsement Forms #1 and #2 to be executed by Insurance Underwriters for the Applicant. Compliance with the City Administrative Instruction # 83 which provides for standard insurance guidelines whenever there is an encroachment by a private party onto the public right of way. An executed statement by the Applicant that they are operating as an Independent Contractor and under no circumstances shall the Agreement by the City to hold the event be construed as one of agency or partnership between the City and the Applicant, and that neither the City or the Applicant has nor will give the appearance or impression of having the legal authority to bind or commit the other party in any way other than through the express written contents of any written Agreement between the City and the

Applicant. An executed statement by the Applicant that any Agreement with the City cannot be assigned.

28. A written description of any proposed use of the twenty four (24) volleyball courts in close proximity to the south of the Pier, and a written description of how they will be replaced in close proximity, at the expense of the Applicant, so as to continue to promote low cost public recreation.
- B. A "to scale" vicinity map showing the "height" and location of the proposed temporary event, and any major equipment or noisy equipment or speakers, in relation to the bike path, vertical and horizontal access ways, the high tide line and surf zone, the Pier, The Strand, the lower Pier Parking lots and the sidewalks to those lots, handicap parking and space on the Pier for handicap viewing, and any other public access points and recreational facilities.
- C. Address labels for all residents and businesses within a one thousand (1000) foot radius of the outer perimeter of the event site, to be provided to the City at least forty-five (45) days prior to the date of any public hearing.
- D. Complete written development plans, including a "to scale" site plan and elevations, which show all proposed permanent or temporary physical structures, or parking, or utilities, or restroom(s), or telephones, public access ways, handicap parking, high tide line of the Pacific Ocean (and a point fifty (50) feet inland), surf zone, or other public services.
- E. The required application fee. The required refundable, subject to conditions imposed by the City, deposit of \$1,000 per five hundred (500) estimated spectators and participants, and event staff. If the Applicant does not comply with the Municipal Code, LCP, and requirements or written descriptions set forth in the Application, the deposit will not be refunded. If there were any violations of the Municipal Code or City permit requirements, the application fee will double for the next years event.
- F. Any additional information determined by the Director of Community Development, or Coastal Commission, to be necessary for evaluation of the proposed temporary event.
- G. The completed application shall be routed in a timely manner by the Director of Community Development, or his/her designee, to each City department head responsible for fees, permits, revenues, expenses, personnel, safety, signs, crowd control, enforcement, liability or other required insurance, for their written approval, and written noting of any conditions, fees, permits, expenses, or restrictions on the event, including letters or calls of complaint from the public or Coastal Commission regarding the last such event.
- H. The completed application and all correspondence, complaints, video tape, digital images, e-mail, faxes, maps, pictures, contracts, agreements, insurance binders, hold harmless agreements, song play lists, brochures, permits, log of all temporary parking permits issued for public parking spaces, City staff reports and minutes of the City Council meeting(s) where the subject was discussed, any written agreements or contracts, minutes of any meeting with the Applicant, complaints from the prior three (3) years events, and any other documentation related to the

Application shall be maintained by the Director of Community Development for viewing and copying (at the City Code copying fee) by the public during normal business hours at the Community Development counter, without having to submit a City Request For Public Records Form.

- I. (A.96.050.F.4. per Coastal Commission 4/30/97 staff report - enhanced) The Community Development Director shall keep a calendar for public review and inspection that describes the location, duration, number of participants, spectators, event staff, sponsor staff, filming staff, City Staff, parking spaces reserved, off-site parking spaces, detail log of temporary parking permits issued, total square feet of any signs (including sponsor identification signs), detail of all permits and revenues and expenses for the event, any permits or charges or Code sections that have been waived by the City council, any compensation or waiver of fees by the City Council, of all events in the Coastal Zone, of all events that have been requested or expected to be requested, and all events that have been issued Coastal Development Permits. Copies of all Notices of Determination (exemptions) and Coastal Development Permits prepared for all temporary events during the preceding twelve (12) months shall be kept with the calendar for public review and inspection. The calendar will also enable the City to track and analyze the cumulative impacts of all temporary events on the public beach(s), public parking, and Downtown Coastal Zone.
- J. (A.96.050.F.1. per 4/30/97 Coastal Commission staff report) The Community Development Director shall prepare a Notice of Determination for each temporary event which is determined to be exempt from Coastal Development Permit requirements. On the day that the Notice of Determination is prepared it shall be posted in the calendar required by Section A.96.050.F.4 and a copy shall be sent to the Coastal Commission, and mailed to the residents within 500 feet of the Pier for events over 300 spectators or participants. Unless a challenge is received in the Coastal Commission office pursuant to Section A.96.080.D within ten (10) working days of posting and receipt by the Coastal Commission, the determination shall be deemed final *(Note: how will residents find out that a Notice has been prepared?)*

A.96.155. Findings - Temporary events.

A Coastal Development Permit for temporary events shall be approved either as applied for, or as modified, only if the following findings are specifically supported in writing by the Community Development Director, and/or other qualified City staff:

- A. No paid admission is charged for any event on the sandy beach, on the Pier, or the Pier parking lots, or the El Porto parking lots.
- B. The temporary events, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the Certified Manhattan Beach Local Coastal Program, Public Resources Code (and specifically Section 5002.6), and the California Environmental Quality Act (CEQA) and any potential CEQA impacts have been mitigated to an insignificant level.
- C. The temporary event is in conformity with the public access and recreation policies of Chapter three (3) of the Coastal Act of 1976, as amended, commencing with Section

30200 of the Public Resources Code, and any other Section of the Coastal Act that apply to the operation of the temporary event, and specifically:

1. the event does not physically block or prohibit access to the shoreline by the general public; and provides penalties for violation of the public access policies;
2. the event includes a detail written parking and traffic circulation plan which strongly discourages the exclusive use of public parking by event personnel and equipment and vehicles, and sponsors or their staff, City staff, County staff, VIP's, participants or their families, the applicant's staff, or any personal vehicles except vehicles for handicapped persons, and provides penalties for not complying with the parking plan;
3. if the event requires reservation of twenty (20) or more public parking spaces, for exclusive use of the event, event personnel or equipment, the spaces in these lots are replaced in off-site parking lots open to the general public and adequate transportation to and from these lots is provided to assure that they effectively serve public beach and event access times; and, that the event will provide 1 handicap parking space in the lower pier parking lots and viewing space on the Pier for those handicap persons for every forty (40) spectators to the event;
4. if the event will significantly reduce the ability of the general public, and handicapped, to access the Coastline, additional measures to effectively serve beach access shall be provided. Such measures shall include, but not be limited to, the provision of off-site parking and it's documented use, and a beach shuttle service which provides numerical calculations showing sufficient shuttle service is available for transportation at maximum usage of off-site parking during peak beach and event access periods, and an interim traffic control plan. Such measures shall be adequately publicized by, signs, radio and other measures required by the City Department of Parks and Recreation or the Director of Community Development, or the Coastal Commission. A specific written description of the measures to be used shall be included in the Coastal Development Permit as conditions of approval. All methods of advertising the event shall specifically state that there is no parking at the event, and that parking is off-site with FREE shuttle service, with the available shuttle hours noted;
5. The temporary event, including all set-up and take-down days and days to restore the site to it's pre-existing condition, does not exceed a eight (8) day period;
6. The cumulative effects of the event, in conjunction with other past, concurrent, or future planned temporary events, will not result in unmitigated adverse impacts on coastal access during the peak beach use period commencing May 1 and ending September 30, or provide for any repeat events, or other temporary events during the peak public access periods of Memorial day weekend, and the July 4th weekend or weekdays as observed, and the Labor day weekend through Monday, and during August, and not provide for any more than two (2) weekends of temporary events per month.

nor a cumulative total of more than six (6) weekends from the period from May 1 through September 30 in the sandy beach areas and Downtown Coastal Zone. (Consistent with Coastal Act Section 30210 to protect natural resource areas from overuse, and Section 30211 (and 30212(a) to not interfere with the public's right to access the sea, and Section 30213 for lower cost visitor and recreational facilities - Refer to Staff Report for Appeal A-5-MHB-97-084 for the May 1997 hearing):

7. The noise from any event will comply with the Municipal Noise Ordinance (Chapter 5.48), and not disturb the peaceful and quiet enjoyment of the residents within one thousand (1,000) feet of any event;
 8. The sponsor identification signs at the event will not include any tobacco or alcohol sponsors. The commercial advertising and signs, other than a "sponsor identification" sign, will not include any alcohol advertising. The City policy is to discourage advertising in the sandy beach area and beach parking lots, even for events that do not require a Coastal Development Permit;
 9. The Application and the temporary event comply with PRC Section 5002.6, and PRC Section 30610 (small D(1);
 10. All notice requirements have been complied with;
 11. All Municipal Codes sections have been complied with and all permits, fees, and expenses required by the Code, and the Agreements with the State and County to operate their parking lots, have been assessed, and best efforts will be made to collect any amounts due to the City, State or County. Any permits or fees that are waived must be done so in writing by the City Council at the Public Hearing;
 12. The application for the event has been completed, executed by an authorized officer, or representative, of the Applicant, and all items required by the application have been complied with; and,
 13. A final detailed written report from the last same event has been submitted, and any deficiencies, public or Coastal Commission complaints or problems from any prior events have been documented in writing and provided, along with their proposed solutions, in writing as part of the written materials for the Public Hearing on the Application for the temporary event. The City Council must make a finding at the Public Hearing that adequate steps have been taken to resolve any prior violations of the Municipal Code, and that the violations will not re-occur, or among or remedies the event will be not allowed to return.
- D. The event will not be significantly detrimental to the public health, safety, or welfare, including but not limited to the noise and pollution to nearby residents, or 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 have the potential to be significantly detrimental to the general welfare of the City, and the nearby residents and businesses, and is consistent with the City goal of minimizing the commercial use of the sandy beach areas and beach public parking.

- E. All feasible mitigation measures and conditions to the Coastal Development Permit have been adopted to offset any potential adverse impacts of the proposed event, especially to those residents within one thousand (1000) feet of the event.
- F. The temporary event complies with the provisions of the California Environmental Quality Act ("CEQA") and a written CEQA evaluation has been completed and signed, and included in the City files for the temporary event at least 10 working days prior to the Public Hearing.
- G. The event complies with the Operating Agreement as of August 1, 1988, by and between the State of California, acting through the Department of Parks and Recreation, and the City of Manhattan Beach, and any successor agreements. This Agreement provides for the operation of the Manhattan State Beach Pier, and four (4) adjacent parking lots. Section 2. Use of Premises: states in part: While this agreement is in force and effect, said property shall be accessible and subject to the use and enjoyment of all citizens of the State of California...and Any such rules and regulations adopted by City shall conform to and be consistent with the rules and regulations adopted by State and generally applicable to the State Park System, including this property. Section 4. Fees: states Any charges, fees, or collections made by the City for services, benefits, or accommodations to the general public shall be limited to the actual needs for maintenance and control, and improvements of said property, and that commercialization for profit shall not be engaged in by the CITY. (Note: a copy of the State Policy 1.5 has been provided to Coastal Commission Staff. Note there appears to be no exclusion for temporary events in the Agreement.).
- H. The Coastal Development Permit is not valid and the temporary event shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledges receipt of the permit and acceptance of the terms and conditions, is returned to the Director of Community Development.
- I. The Coastal Development Permit shall expire if not implemented during the approved dates scheduled for the temporary event.
- J. All activities associated with the Coastal Development Permit must occur in strict compliance with the proposals as set forth in the application for the permit, and will be operated and implemented in strict conformance with all the provisions and policies of the Certified Manhattan Beach Local Coastal Program and the LCP - Implementation Program.
- K. Any major questions of intent or interpretation of any condition of the Coastal Development Permit shall be resolved by the Executive Director of the Coastal Commission, and any minor questions of intent or interpretation of any condition of the Coastal Development Permit shall be resolved by the Director of Community Development. Any major changes from the Coastal Development Permit that occur after the City Council approval at the Public Hearing, must also be approved by the City Council at a duly noticed public hearing.
- L. After the close of the public hearing the City Council shall, based on appropriate written findings as required by Sections A.24.030, A.96.075.(?), A.96.155.(?) and A.96.150 approve, conditionally approve, or disapprove the Coastal Development Permit application. (Note: from 4/30/97 Coastal Commission staff report - see italic ?).

George A. Kaufman
121 10th Street
Manhattan Beach, CA 90266
January 14, 1998

VIA FAX
California Coastal Commission
c/o Mr. Charles Posner
200 Oceangate, 10th floor
Long Beach, California 90802-4302

Re: Amendment to Manhattan Beach Local Coastal Plan re Temporary Events
On calendar for the February 1998 meeting in San Diego

Dear Commissioners:

Mr. Charles Posner of your staff has assured me that this letter will be submitted to you along with the staff report concerning the above-referenced matter.

I take a strong interest in this issue in that I and many coastal zone residents will be greatly affected by whatever course of action the Coastal Commission takes on this very important issue.

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.

I urge the Coastal Commission to take a very strong role in preventing the beach from turning into just another commercial zone. Judging from my experience (and, indeed the Coastal Commission's experience) in dealing with the city of Manhattan Beach, particularly in connection with the Manhattan Beach Open, this issue cannot be safely left in the loosely restricted discretion of local officials. I urge the Coastal Commission to adopt guidelines which would apply yearround and closely regulate and restrict proposed coastal zone events which involve any of the following: (1) substantial obstruction of beach access, including via parking for the beach, (2) extensive advertising content, (3) amplified Public Address systems, (4) attendance by more than a couple of hundred people. At minimum, approval of events featuring any of the above should be subject to public hearing and appealable to the Coastal Commission. Further, I endorse the Commission's previously stated position against paid admission events on the beach and against the commercialization of the beach. Please note additionally however, that even events without paid attendance per se, can be violative of the goal of preservation of the coastal zone. Event promoters will make it their business to push the envelope as far as you will allow.

As the LCP amendment is currently drafted by the City, the discretion sought by the Manhattan Beach Community Development director concerning so-called "exempt" temporary events, is excessive. Without appealability to the Coastal Commission the situation would be further aggravated. Essentially, the director seeks the power to approve without requiring a permit and without any public notice or hearing, for example: (i) events "anticipated" to be attended by up to 1500 people (1500 is a lot of people. Beyond that, in the real world, estimates such as these, particularly when there are no consequences, are bound to be falsely or recklessly given. "Anticipated" by whom? What safeguards or consequences are provided for a phony "estimate"?), (ii) events littered with advertising, (iii) events with blaring PA systems, (iv) events extending up

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LCP 3-97

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To	Charles Rosner	From	George Korman		

to 8 days. 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 and given the Coastal Commissions unfavorable experience with Manhattan Beach on the subject of temporary events, is simply too much unrestricted power to repose unchecked, with the Community Development Director. Additionally, as to events which the City concedes a permit should be required, again, the City's proposed LCP amendment does not go far enough.

Mr. Harry Ford, also a resident of Manhattan Beach, has made the considerable effort to prepare and submit to you in connection with this hearing, a set of proposed revisions to the LCP amendment prepared by the City of Manhattan Beach. I urge the Commission to closely consider each of these proposed revisions, and the critical goals these revisions would work towards achieving: (1) preservation of the natural state of the beach to the greatest possible extent, (2) preserve beach access to the public, (3) preservation of the character of the beach as a beach, and not a commercial site, (4) detailed enough provisions so that the City's powers and obligations are clearly defined, the event applicant understands what is expected of it (and the consequences of violation of those expectations), and in the event Coastal Commission review is needed, the record presented to the Coastal Commission will contain enough detailed information and findings for the Coastal Commission to avoid having to "reinvent the wheel" in order to be fully aware of the issues before it, (5) provision for adequate public notice, rights and remedies concerning temporary events.

I also note to you that while the city of Manhattan Beach seeks to put 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 in which the City Council approved an LCP amendment to allow 100% paid beach events (which this Commission later rejected), Councilman (now Mayor) Cunningham made the emphatic point that he understood that the guardians of the beach were the members of the Coastal Commission (as opposed to the City Council 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 and certainly does not warrant turning the protection of the coastal zone over to the City. We urge the Coastal Commission not to make the mistake of turning over to the City of Manhattan Beach loosely defined powers over the Coastal Zone.

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.

I do not accept the concept that we should be unconcerned because we are now talking "merely" about enacting a procedure and are not yet confronted with a problem with specific

COASTAL COMMISSION

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proposed event or events. You must act with foresight here. The procedure you are talking about is the functional equivalent of building a "road" to the beach for event promoters. As of now, the road does not exist. Once you build such a road however, it will certainly be used. This is an affluent community with an attractive beach area. This will not be lost on event promoters of events from skateboarding to volleyball to music concerts to who knows what. They will pursue permits aggressively. They will be concerned exclusively with generating the greatest possible profits for themselves, not with any benefit or detriment to the community. They will not lightly accept rejection. They will tie up the city and its residents with applications, appeals, hearings and legal proceedings and, you can be sure, at some point a promoter and/or his lawyer will argue that this procedure provides him an entitlement. These concerns are not exaggerated. These concerns are real and are borne out by comparable situations involving for example, the endless cycle with the conditional use permits issued to bars in Manhattan Beach, typified by relentless pursuit of more and more permits for more and more alcohol sales and related activities. Unless this amendment is drafted in an "airtight" manner, you will open the door to a similar nuisance here, on a larger scale.

We are certain that no residential area of Manhattan Beach would tolerate the introduction of such an intrusion. We anticipate the "argument" that coastal zone residents deserve this poor treatment by choosing to live in the coastal zone. This "argument" is not only offensive, it is also wrongheaded. Coastal zone residents, who pay a fortune to live near the beach, on postage stamp sized lots, are entitled to have the beach be treated as a beach and not an intensive commercial zone for event promoters.

We call a huge grandstand surrounded by fifty foot tall blow up beer cans an obstruction of a scenic view of the ocean, and this is practically the definition of an "aesthetically offensive" site.

The commercial event which has gained the most notoriety in connection with this subject is the Manhattan Beach Open ("MBO"). The 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 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

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California Coastal Commission

January 14, 1998

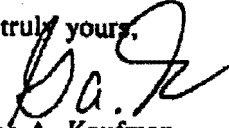
p. 4

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.

Regardless of attempted limitations, the inherent nature of paid as opposed to free events on the beach will result in an intensification of the 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 paid attendance, saturation with advertising, merchandise sales or whatever else pops into their creative minds. Even if, with all good intention, you believe that such events will not be approved, we submit you are in error. As demonstrated by the AVP/MBO controversy, we cannot rest assured that in the cyclical political climate a "case by case" discretionary evaluation of each proposed event would provide adequate protections. Further, how can you assure the citizens of our city that they will not have to attend endless hearing on applications for such events, or that the city will not waste its time and money getting tied up in proceedings dealing with various promoters' applications?

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. Thank you.

Very truly yours,


George A. Kaufman

COASTAL COMMISSION

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PAGE 4 OF 4

Bill Eisen
P.O. Box 1882
Manhattan Beach, CA 90266
(310) 546-2085
(310) 546-4965

HAND DELIVERY

January 14, 1998

Honorable Rusty Areias, Chairman, and
Members of the California Coastal
Commission
Staff Members Sherilyn Sarb, Pam
Emerson and Charles Posner
California Coastal Commission
200 Oceangate Ave., 10th Floor
Long Beach, CA 90802-4302

RECEIVED
JAN 14 1998
CALIFORNIA
COASTAL COMMISSION

Re: February 3, 1998 meeting, Item 14.a.,
Manhattan Beach LCP Amendment No. 3-97
(temporary events)

Dear Commissioners:

As a resident of Manhattan Beach and a person who has been adversely affected by the many "temporary" events held on the beach each year in Manhattan Beach, I feel that reconsideration of the above item, Manhattan Beach's proposed LCP Amendment No. 3-97, by the Commission at this time raises fundamental issues of due process.

The staff report, dated August 20, 1997, concerning the Commission's revised findings supporting the Commission's May 13, 1997 denial of Major Amendment Request No. 1A-97 to Manhattan Beach's LCP, states:

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

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

COASTAL COMMISSION

LCP 3-97

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

The staff report further states:

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

The Commission, at the May 13, 1997 hearing, thus denied Manhattan Beach's proposed LCP amendment on, essentially, two grounds, namely, that the amendment allowed Manhattan Beach to approve paid admission events on the public beach during the summer months when virtually no public parking at the beach is available, and that the amendment failed to include standards and procedures governing the City's approval of temporary events to insure that any such events would be consistent with the Coastal Act.

Since the May 13, 1997 hearing, the City has held no public hearings on temporary events nor has it considered, at any of the City Council Meetings, standards and procedures for temporary events. Pursuant to PRC Section 30513, the Commission is only authorized to consider a local government's "implementing actions." And, pursuant to PRC Section 30512.2, the Commission is expressly not authorized to "diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan."

Thus, as a matter of policy, the Commission does not endeavor to write LCPs for local governments. Its function is mainly to approve or disapprove LCPs, based upon compliance or non-compliance with the Coastal Act, and, in the event of denial, to give reasons so as to facilitate corrective action. However, with respect to Manhattan Beach's proposed LCP amendment, the Commission found a complete absence of regulations to guide the City in approving a temporary event. (See August 20, 1997 staff report) Thus, without an implementing action by Manhattan Beach enacting appropriate regulations governing temporary events, the Commission, in my view, lacks jurisdiction to consider such regulations.

Obviously, the City has had plenty of time, since May 13, 1997,

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Members of the Coastal
Commission
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to hold a required public hearing and to approve appropriate regulations. In the meantime, one of the city councilmembers has been replaced and we have a new mayor (Jack Cunningham). In that most of the City's residents, I believe, are opposed to holding large scale AVP-type paid seating events on the public beach, it is not at all clear to me how the City Council might propose to regulate temporary events. Thus, for the Commission to consider regulations of temporary events before the City has considered them is, in my view, tantamount to a denial of due process in as much as the Commission's action might tend to limit or restrict any implementation of regulations by the City.

AB 909 bars new or expanded commercial development on the beach recently deeded by the State to the County.

Whether the Commission expressly so finds or not, any action taken by the Commission impliedly includes a finding that the action is in compliance with all applicable laws. Although a court has not yet expressly considered the issue, I have not seen any evidence that the Legislature intended to exclude temporary events from the operation of AB 909, enacted as PRC Section 5002.6, which expressly bars "new or expanded commercial development" on the public beach granted by the State to the County.

If the Commission is inclined to approve an LCP amendment allowing paid seating on the public beach it would seem to me only prudent to require some sort of legal rationale - not simply that the courts have not yet ruled on the matter.

Sincerely yours,

Bill Eisen
Bill Eisen

cc: Harry Ford
Bill Victor
Donley Falkenstein
George Kaufman

COASTAL COMMISSION

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