

**CALIFORNIA COASTAL COMMISSION**

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**F15b**

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Staff Report: 4/22/2004  
Hearing Date: May 14, 2004  
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: APPEAL  
DE NOVO COASTAL DEVELOPMENT PERMIT**

**APPEAL NUMBER:** A-5-MNB-04-108

**APPLICANT:** Association of Volleyball Professionals (Matt Gage, AVP Tour Director)

**PROJECT LOCATION:** Beach area south of the Manhattan Beach State Pier and Pier Public Beach Parking Lots, City of Manhattan Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Appeal of City of Manhattan Beach local coastal development permit approving the 2004 Manhattan Beach Open Volleyball Tournament on June 4-6, 2004, including set-up (commencing June 1<sup>st</sup>) and take-down of the tents, bleachers, restrooms and stage associated with the event.

**APPELLANTS:** William Victor & Bill Eisen, Residents for a Quality City

**SUMMARY OF STAFF RECOMMENDATION**

The proposed temporary event is a professional volleyball tournament. The applicant (AVP) is requesting a coastal development permit to occupy for eight days (June 1-8, 2004) a three-acre portion of one of the most popular beaches in Southern California. The proposal also includes a request to reserve, for the exclusive use of the AVP and its sponsors, three of the four public beach parking lots (105 of 134 spaces) located at the base of the Manhattan Beach State Pier. The proposed bleachers on the beach would seat approximately 3,000 persons, and the pier would be occupied by bleacher seating for 250 persons. Admission to this event is free to the general public. Based on past years' events, attendance to the event is expected to reach 6,000 persons a day.

Finding a parking space in Manhattan Beach during the summer is always a challenge. It will be even more challenging during the proposed event because of the increased demand for parking and the reduction in the parking supply resulting from the AVP's occupation of part of the public beach parking supply. Even with the opening of the City's new 460-stall parking structure (Metlox), the lack of sufficient parking and the resultant traffic congestion will adversely affect the public's ability to access the shoreline. In order to mitigate the adverse impacts to public access caused by the proposed event and its exclusive use of public beach parking, the AVP is proposing to provide a remote parking supply and to operate a free beach shuttle bus on Saturday and Sunday (Exhibit #4).

The staff recommends that the Commission, after public hearing, **approve with conditions** a de novo coastal development permit for the proposed event and the associated development. The recommended special conditions would limit the amount of public parking reserved for the AVP to 71 parking stalls located in the two lower public parking lots at the base of the Manhattan Beach State Pier. In order to replace the public parking spaces utilized by the AVP, and to offset the additional parking demands generated by the proposed event, the special conditions require the AVP to provide the remote public parking supply and the free public shuttle bus service to the beach as proposed. Special conditions also ensure free public access to the event area, require a fifty-foot setback from the water, protect public access on the pier, bike path and The Strand, and require the removal of all trash, debris and temporary improvements from the beach by 6:00 p.m. on Tuesday, June 8, 2004. **See Page Two for the motion and resolution** necessary to carry out the staff recommendation.

## II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. Special Conditions

### 1. Permit Compliance

Coastal Development Permit A-5-MNB-04-108 permits the 2004 Manhattan Beach Open Volleyball Tournament on June 4-6, 2004, and associated development, with set-up commencing no sooner than Tuesday, June 1, 2004. Any proposed change in the approved event, site plan, parking plan, shuttle bus plan, or any other deviation from the approved development as conditioned, shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until the permit is amended by the Commission and issued by the Executive Director.

### 2. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the terms and conditions of the City of Manhattan Beach Agreement with the Association of Volleyball Professionals to Co-sponsor the 2004 Manhattan Beach Open. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A5-MNB-04-108 shall prevail.

beachgoers, event spectators and AVP guests) between the remote parking lot (Northrop Grumman parking lot) and the downtown drop-off point (Von's Supermarket). At least two shuttle buses, each holding at least fifty persons, shall run continuously between the drop-off point and the remote parking lot each day between the hours of 7 a.m. to 7 p.m. One or both of the shuttle buses shall accommodate wheelchairs and handicapped persons. The "headway" time between shuttle service pick-ups shall be not more than fifteen (15) minutes.

- e) **Signage.** Commencing on Tuesday, June 1, 2004, the applicant shall provide conspicuously posted on-street informational signs and banners to direct visitors to the free remote parking lot and inform them of the free beach shuttle bus stops. The signs and banners shall also inform the public of the availability of a free bus shuttle for both event spectators and the general public. No fewer than ten informational signs shall be placed along major intersections leading into the City (i.e., I-405 Inglewood exit, Manhattan Beach Boulevard, Highland Avenue, Manhattan Avenue, Valley Drive, Ardmere Avenue, and Aviation Boulevard). The signs and banners shall be no smaller than 2' x 3'. All signage shall be retrieved and properly disposed on Monday, June 7, 2004.
- f) **Advertisements.** Commencing on Tuesday, June 1, 2004, the applicant shall provide no fewer than eight radio announcements and three newspaper advertisement within the Los Angeles County area informing the public of the availability of the free remote parking supply and the free beach shuttle bus service. These stations shall represent all diverse ethnic and cultural Los Angeles radio markets and shall include Spanish language, youth and news stations. The applicant shall provide copies of each print advertisement to the City and the Commission by June 30, 2004.

5. Manhattan Beach Pier

The event shall not interfere with the public's access to and use of the Manhattan Beach Pier. Pedestrian access to and from the pier shall remain open and unobstructed at all times. No tents, vehicles (except for emergency vehicles), fences, barriers or other similar structures shall be placed on the pier. If authorized by the City of Manhattan Beach Fire Department and the California Department of Parks and Recreation, the applicant may erect one set of bleachers on the pier, with a seating capacity not to exceed 250 persons. The applicant shall monitor the pier in order to prevent any unpermitted encroachments by event sponsors and vendors.

6. Bicycle Path and The Strand

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

provide a shuttle bus service on Saturday and Sunday of the event, and to complete all take-down activities and remove all equipment from the beach before by 6 p.m. Tuesday, June 8, 2004 (Exhibit #5, p.7). The City agreement also lists the City's responsibilities, including the reservation of certain public beach parking facilities for the event (Exhibit #5, ps.2&3).

In letters dated April 8 and April 20, 2004, the AVP provides additional information regarding its plans for the proposed event (Exhibit #4). The AVP letter states that the center court would have seating capacity of 2,430 persons on bleachers and risers as shown on the site plan that is attached to this staff report as Exhibit #3. On the Manhattan Beach State Pier, the AVP proposes to place another 250 bleacher seats that would overlook the center court (Exhibit #3). Additional bleachers would be installed around one of the nine outside courts. According to the AVP, all seating would be available free of charge to the general public, except for 552 seats that would be reserved as preferred Beach Club/VIP seats. The reserved seating area, situated on the center court risers and in the top five rows of the center court's southern bleacher, would be available only to VIPs and persons who pay a fee to join the AVP Beach Club (Exhibit #5, p.5).

With the cooperation of the City, the AVP is proposing to implement a traffic and parking management plan and a free shuttle bus service (Exhibit #4, ps.3-11). The Northrop Grumman (formerly TRW) parking lot is proposed to be the event's main parking supply (over 1,500 parking spaces) and the free shuttle bus pick-up point (Exhibit #1). As proposed, three of the four public beach parking lots at the base of the pier would be reserved for television and AVP trucks, event staff, and sponsors' parking (Exhibit #4, p.7). Valet parking for VIPs would be provided at a nearby church (American Martyrs), or if necessary, at the Northrop Grumman parking lot. The shuttle bus drop-off point would be located three blocks inland of the pier and beach, near the Von's Supermarket (Exhibit #4, p.8). Two shuttle buses, each with a capacity for at least fifty people, are proposed to run continuously on Saturday and Sunday of the proposed tournament.

### **Event History**

The annual Manhattan Beach Open Volleyball Tournament has a long tradition that dates back to 1960. During all past events, the general public has been able to view the event on a first-come, first-served basis from the sand, the temporary bleachers, or from the pier. No admission fee has been required for spectators, and the bleachers have always been open to the general public. Even though the event area can get quite congested, the City maintains public access to the pier and along the water, and the bicycle path is kept open (although bikes must be walked).

The event has always been located on the south side of the Manhattan Beach Pier in a sandy area owned and operated by the Los Angeles County Department of Beaches and Harbors (Exhibit #2). The event area is occupied by several sets of sand volleyball courts used for public recreation. Although the beach is actually owned by Los Angeles County, it falls within the City limits of Manhattan Beach and the within the jurisdiction of the certified City of Manhattan Beach LCP. As property owners, the Los Angeles County Department of Beaches and Harbors regulates the many special events that occur on the beach. The Manhattan Beach Open is one of several annual volleyball tournaments and other special events that

No. 3-97 with suggested modifications that would have laid out specific LCP standards for the exempting and permitting of temporary events on the beach. The City, however, declined to accept the Commission's suggested modifications, and the Commission's action on LCP Amendment Request No. 3-97 has lapsed. Therefore, there are still no provisions in the Manhattan Beach certified LCP to exempt temporary events on the beach.

There is no record of the Manhattan Beach Open volleyball tournament in 1998. In 1999, the City and the AVP significantly scaled down from prior years the size and scale of the Manhattan Beach Open Volleyball Tournament. The spectator admission fees proposed and ultimately denied in 1997 were not proposed again. In order to enhance beach access for event visitors and other beach goers, the AVP provided a shuttle service to and from the proposed event on Saturday and Sunday. The August 28-29, 1999 event, approved by City of Manhattan Beach Local Coastal Development Permit No. 99-4, included:

- No paid seating.
- Reduction in the total number of bleacher seats to a maximum of 1,500.
- Use of 45 parking spaces in the lower pier public parking lots.
- Reduction in the number of tournament days from three to two.
- Reduction in the number of days needed for set-up (3) and take-down (1).
- Six tents less than the 1996 event.
- An AVP agreement to pay the City's direct costs for the event.

City of Manhattan Beach Local Coastal Development Permit No. 99-4 was appealed to the Coastal Commission (See Appeal A-5-MNB-99-111). On June 11, 1999, the Commission found that no substantial issue existed with the City's approval of Local Coastal Development Permit No. 99-4 for the 1999 Manhattan Beach Open because it conformed entirely with the certified Manhattan Beach LCP and the public access policies of the Coastal Act. The 1999 Manhattan Beach Open volleyball tournament was held as scheduled.

In 2000, the Manhattan Beach Open Volleyball Tournament was conducted without the benefit of a local coastal development permit because the City determined that a coastal development permit is required only if bleachers are proposed as part of the event.

The 2001 Manhattan Beach Open Volleyball Tournament (held August 23-26, 2001) approved by Local Coastal Development Permit No. CA 01-20 included:

- No authorization for any paid seating.
- Maximum of 1,500 bleacher seats (increased to 3,000 by an amendment).
- Use of 45 parking spaces in the lower pier public parking lots.
- Four tournament days (August 23-26, 2001).
- Set-up starts Wednesday, August 22 & takedown completed Monday, August 27.
- Tents and stage.
- Shuttle service on Saturday and Sunday.

City of Manhattan Beach Local Coastal Development Permit No. 01-20 was not appealed to the Coastal Commission. A subsequent permit amendment, however, was appealed to the Coastal Commission (See Appeal A-5-MNB-01-343). The subject of the appeal, Local Coastal Development Permit Amendment No. CA 01-31, amended the event layout that had been

**C. Exclusive Use of the Beach**

The exclusive use of public beaches by special events, and the associated limitations on public access and recreation, has always been an issue of prime importance to the Commission. The following Coastal Act and City of Manhattan Beach LCP policies protect the public's right to public access and recreation opportunities:

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

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

Section 30213 of the Coastal Act states:

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

Section 30220 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

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

The certified Manhattan Beach LCP contains the following policies that protect public access and recreation opportunities:



of the approximately 350-foot wide beach area that exists between the bike path and mean high tide line (MHTL). In order to preserve lateral public access along the shoreline, the applicant will maintain a fifty-foot wide corridor on the beach between the sea and the event site (Exhibit #3). This fifty-foot wide corridor must be kept clear of structures and other obstructions. Direct unobstructed vertical access to the shoreline will be maintained at the southern end of the event site and on the beach area along both sides of the Manhattan Beach State Pier.

Although the proposed event will not physically prevent pedestrian access to the water, it will affect the public's ability access and use the coast by restricting the use of a portion of the sandy beach to a specific group of people: the organizers, participants and spectators of the proposed volleyball tournament. However, the Commission has previously found that temporary events, and specifically volleyball tournaments that are open (free) to the general public, can be held in a manner that is consistent with the public access and recreation policies of the Coastal Act, even though such events typically involve the exclusive use of sandy beach area. In fact, after several public hearings and a public workshop for temporary events on the beach, the Commission adopted specific guidelines to exclude temporary events similar to the Manhattan Beach Open from coastal development permit requirements. [See *Coastal Commission Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements*, Adopted 1/12/93.]

In the City of Manhattan Beach, however, the certified LCP controls the permitting requirements for development and use of the beach. The *Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements* do not supercede the requirements of the certified LCP. The Manhattan Beach certified LCP does not exclude or exempt temporary events from local coastal development permit requirements.

In prior appeals of City of Manhattan Beach local coastal development permit approvals, the Commission has found that the annual Manhattan Beach Open Volleyball Tournament is a temporary event that (as previously conditioned) can be found to be consistent with the certified LCP and the public access and recreation policies of the Coastal Act. [See Appeal/Permit No. A-5-MNB-97-84 (1997 Manhattan Beach Open), Appeal No. A-5-MNB-99-111 (1999 Manhattan Beach Open), Appeal No. A-5-MNB-01-343 (2001 Manhattan Beach Open), and Appeal No. A-5-MNB-03-075 (2003 Manhattan Beach Open).] The Commission found that temporary limitations on the general public's use of a limited beach area, and the temporary structures associated with the Manhattan Beach Open, do not necessarily conflict with the certified LCP or Coastal Act policies because the event provides the public with a unique type of recreational opportunity (i.e., a professional sporting event with free public admission) and it exists only for a few days. After the conclusion of the event, the temporary structures are quickly removed from the beach (usually within one day), and the general public's use of the area is restored.

In fact, the annual Manhattan Beach Open Volleyball Tournament (with no admission fee) is a type of land use that is specifically allowed on the beach by the certified LCP. The three-acre event site on the sandy beach south of the Manhattan Beach Pier, along with the rest of the beach, is designated in the certified LCP as an Open Space (OS) land use district. Section A.24.030 of the certified LCP, which lists the land use regulations for the OS land use district, allows "sporting events for which no admission is charged." Therefore, the proposed event is

capacity. The AVP states that less than 5% of the total seating (138 of 3100 seats) was occupied by AVP Beach Club members (Exhibit #4, p.5). The AVP also states that, including reserved VIP seating areas, 19% of the total seating (600 of 3100 seats) was reserved for VIPs and AVP Beach Club members in 2003.

For the 2004 event, staff is recommending that the Commission again conditionally approve the same type of VIP/ Beach Club reserved seating area (and free admission for the general public) that was approved as part of the 2003 event. Special Condition Three would impose the 24% limit on reserved/paid seating, and require that at least 76% of the total seating capacity at each court (including bleachers, sand areas and viewing platforms/risers surrounding each court) shall be available to the general public for free on a first-come, first-served basis. No admission fee shall be charged, and the AVP this year shall count and record the number of Beach Club members and VIPs within the event area. The AVP shall provide the City and the Commission with the 2004 data by June 30, 2004.

As conditioned, the general public would be excluded from the restricted seating areas around the center court. Exclusive seating arrangements at temporary events is one of the issues that the Commission addressed in the public hearings and public workshop that resulted in the adoption of the Commission's *Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements*. The Commission guidelines do allow some limited preferred or exclusive seating arrangements as part of temporary events on the beach. The issue with the proposed event is the ratio between the available seating being reserved for VIPs and members of the AVP Beach Club, and the available seating for free access by the general public. Even though the public access and recreation policies of the Coastal Act and the certified LCP is the standard of review for this coastal development permit application, the Commission's *Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements* provide the Commission with guidance in regards to the proper ratio between free public seating and reserved seating for VIPs and members of the AVP Beach Club.

The Commission's *Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements* allow the Executive Director to exclude most temporary events from coastal development permit requirements, except for those that meet all of the following criteria:

- a. The event is held between Memorial Day weekend and Labor Day; and,
- b. The event occupies all or a portion of a sandy beach area; and,
- c. The event involves 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).

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

- d. The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or...[criteria e, f & g not listed here].



Department states that the bleachers would not inhibit public safety if a nine-foot wide passage is maintained behind the bleachers (Exhibit #6, p.4).

Although a nine-foot wide passage is barely wide enough for a mid-sized car to pass, the City Fire Department it would not unduly compromise public safety. Although the proposed bleachers on the pier would narrow the width of the pier area that is usually open for pedestrian passage, they would not completely block such access. Therefore, the Commission finds that the proposed bleacher seating can be placed on the pier if authorized by the City of Manhattan Beach Fire Department and the California Department of Parks and Recreation.

Special Condition Five, which protects public access to the pier, states:

*The event shall not interfere with the public's access to and use of the Manhattan Beach Pier. Pedestrian access to and from the pier shall remain open and unobstructed at all times. No tents, vehicles (except for emergency vehicles), fences, barriers or other similar structures shall be placed on the pier. If authorized by the City of Manhattan Beach Fire Department and the California Department of Parks and Recreation, the applicant may erect one set of bleachers on the pier, with a seating capacity not to exceed 250 persons. The applicant shall monitor the pier in order to prevent any unpermitted encroachments by event sponsors and vendors.*

Only as conditioned can the proposed event be consistent with the certified LCP and the public access and recreation policies of the Coastal Act. The applicant's request to have exclusive use of the public beach parking supply located at the base of the pier is addressed in the following section.

#### **F. Traffic and Parking**

In regards to the public beach parking supply, the crowds generated by the proposed event, in association with the event's reserved use of public parking areas, will negatively affect beach goers' ability to find a parking space near the beach. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. The proposed event is expected to attract over 6,000 persons a day to an already crowded beach area. Even with the opening of the City's new 460-stall parking structure (Metlox), the additional visitors drawn by the proposed event will overburden the limited beach parking supply. There is simply not enough public parking available in the downtown area to accommodate all of the people who attempt to visit Manhattan Beach during summer weekends. Add to this the AVP's proposal to reserve 105 of the 134 parking spaces closest to the pier (3 of 4 of the State Pier parking lots), and the ability to find public parking near the pier will be nearly impossible.

The City's agreement with the AVP has authorized the AVP's reservation and exclusive use of 71 public parking spaces for television coverage equipment and AVP vehicles (Exhibit #5, p.3). The California Department of Parks and Recreation states, in a letter dated April 12, 2004, that its policy between Memorial Day and Labor Day is to limit the amount of reserved

The State Pier parking lots and the Metlox parking structure can provide only part of the total amount of parking that is needed to meet the parking demand of the event and the beach-going public. Therefore, other parking supplies must be identified as part of the annually required parking and traffic management plan. As in the past, the applicant this year has worked with the City to develop a parking and traffic management plan that involves a remote parking supply (over 1,500 parking spaces) at an inland parking lot, and a free shuttle bus service to provide public transportation between the remote parking supply and the downtown area (Exhibit #4).

In order to replace the public parking reserved by the AVP in the pier parking lots and to provide public parking to meet the increased demands generated during the tournament, Special Condition Four requires the applicant to provide the proposed remote parking supply (over 1,500 parking spaces) and to operate the proposed free beach shuttle bus for AVP guests and the general public as proposed and described in the letter dated April 8, 2004 and attached as Exhibit #4 of the staff report. The remote parking supply and free shuttle bus service is necessary to mitigate the increase in vehicle congestion, parking demand and vehicular pollution caused by the large numbers of persons who will drive to the area to attend the annual volleyball tournament on the busiest days of Saturday and Sunday. The AVP provided the remote parking/shuttle use data from the 2003 event to show that the shuttle is only needed on Saturday and Sunday, as a total of twelve vehicles parked in the remote lot on Thursday and Friday (Exhibit #4, p.11).

Special Condition Four also protects the parking spaces normally reserved for handicapped persons, and requires signage and newspaper and radio advertisements to inform the public of the free remote parking and shuttle bus service. The signs must be posted and advertising campaign must commence prior to the start of the tournament in order to adequately inform the public of their parking options prior to arriving at the beach during the days of the tournament. Only as conditioned to mitigate the effects of the exclusive use of public parking on public beach access can the proposed event be found to be consistent with the certified LCP (specifically LCP Policy I.C.2 which requires the City to maximize the opportunities for using available parking for beach use) and the public access and recreation policies of the Coastal Act.

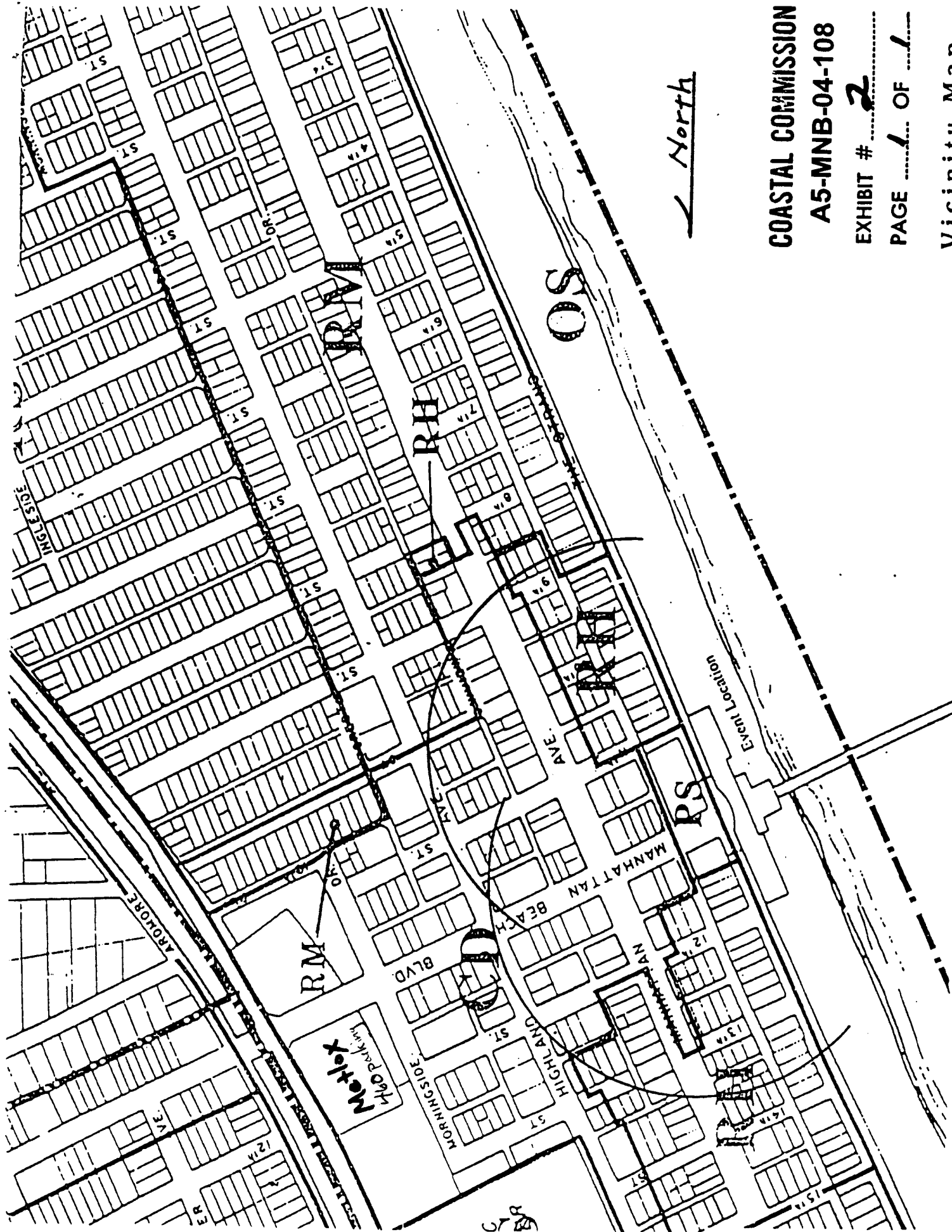
#### **G. Visual Resources and Noise**

The temporary structures and advertising associated with temporary events like the Manhattan Beach Open are highly visible and block public views of the shoreline, but they do not conflict with the certified LCP or Coastal Act policies because they exist on a temporary basis for only a few days. The bleachers do not exceed the LCP height limit of thirty feet. After the event, the structures are quickly removed from the beach (within one day) and the public's view of the shoreline is restored. Therefore, the scenic resources of the coastal zone are protected from any long-term or permanent negative impacts.

While noise control is not an issue addressed by certified LCP policies, past appeals have raised it as an issue. The City Agreement requires that "All amplified speakers will be placed facing to the west" (Exhibit #5, p.2). Therefore, the City has addressed noise-control as an issue.

feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp



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EXHIBIT # 2

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Vicinity Map

**Association Volleyball Professionals. Inc.**

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April 8, 2004

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RE: Commission Appeal No. A-5-MNB-04-108

**INTRODUCTION**

Thank you for forwarding the Commission Notification of Appeal to my attention. Based on that paperwork, I am aware that the AVP's coastal development permit to hold the Manhattan Beach Open volleyball tournament in June of 2004 has been appealed.

With regard to the 2003 Manhattan Beach Open, the event was a big success and was warmly received by the City and its citizens. The event included the following as mandated by the California Coastal Commission: a traffic plan also approved by the Manhattan Beach Police Department; a parking plan also approved by the City of Manhattan Beach Police Department; and a well coordinated free satellite parking / shuttle bus plan also approved by the City of Manhattan Beach. For the 2004 Manhattan Beach Open, we will coordinate and operate a tournament that is in compliance with the California Coastal Commission and that also meets the approval of the City of Manhattan Beach.

With regard to the coastal development permit appeal, my understanding is that there are a select number of issues that are germane to the appeal and of concern to the California Coastal Commission. Though the Manhattan Beach Open planning process between the AVP and City of Manhattan Beach is extensive and detailed, it appears that the event agreement upon which the appeal was based did not include sufficient detail to address these issues to the Coastal Commission's satisfaction. Therefore, please let me provide some additional information and background specific to these issues for your edification:

**TRAFFIC AND PARKING PLAN**

In 2003 the City of Manhattan Beach went to great lengths to eliminate the largest cause of traffic congestion and demand for parking in downtown Manhattan Beach by requiring all event promoters to synchronize event schedules. As a result, whereas there were as many as three events on the same weekend in the past, the Manhattan Beach Open will be

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the volleyball courts and will assure that each will be able to park their vehicle in these lots.

### **PARKING LOT USAGE**

In 2003, per California Coastal Commission guidelines, the AVP planned to use only the lower south pier parking lot from Monday thru Wednesday, the two lower pier parking lots from Thursday thru Sunday and again only the lower south lot on the following Monday and Tuesday. However, the lower south lot proved to be insufficient to accommodate the number of production and delivery vehicles that make deliveries (and pick-ups) during the set-up of the event. There ended up being considerable traffic back-up and the City of Manhattan Beach Police Department reviewed the situation and decided that the best way to avoid a potential hazardous situation was to allow the tournament to use the lower north lot as well. By allowing the tournament to use both the north and south lots, traffic congestion was eliminated and the area was made much safer. The appellants assertions are not only unfounded but false as well—despite the assertion by one of the appellants that the AVP was given and had exclusive use of the upper lots at the pier, this is not true.

Based upon the recommendation of the City of Manhattan Beach Police Department as a result of their experience in dealing with the safety circumstances noted above, for 2004 the City of Manhattan Beach has approved usage of the two lower pier parking lots from Tuesday before the event thru the Tuesday after the event which includes the set-up and breakdown of the event. It is essential that both lots be available for usage from the start of set-up to the end of breakdown to assure public safety and to prevent severe traffic congestion.

In addition, the City approved usage of the upper south lot during the three days of the event only. This again is an issue of safety. During the three days of the event, there are a significant number of deliveries that take place during the day. In order to avoid double-parking and traffic congestion (and possible impediment to pedestrians and bicyclists), the City of Manhattan Beach Police Department recommended and the City of Manhattan Beach approved the use of the upper south lot during this three-day period. The appellants argument that there is insufficient parking available for beachgoers if the parking lots are reserved for the event is simply false. **In fact, in 2004 there are an additional 460 parking spaces available to the public in the immediate area due to the completion of the "Metlox project". As a result, in actuality there is much more parking available to the beach-going public than ever before.**

### **SHUTTLE BUS SERVICE**

In order to mitigate traffic congestion and to ensure ample parking for the event, the event agreement calls for the AVP to provide all staff, equipment and materials, to adequately advertise and run a shuttle bus service to and from the Northrop Grumman parking lot and Von's market located at Valley Drive and Manhattan Beach Boulevard. The AVP implemented such a shuttle service plan at the 2003 Manhattan Beach Open

COASTAL COMMISSION

One of the appellants states as the basis for his appeal, "Bleachers on the pier would not allow enough space for ambulances and other emergency vehicles to pass thus effectively denying emergency access to the pier." The appellant is uninformed and does not have knowledge of this particular situation. The bleachers to be used are City of Manhattan Beach bleachers that have been used on the pier previously for other special events. **Tim O'Brien, the Fire Marshall of the City of Manhattan Beach, has first hand knowledge of such usage and is also responsible for maintaining emergency access and public access on the pier. He attests in the attached letter that neither public safety no public access will be prevented by usage of these bleachers.** Fire Marshall O'Brien is a man with tremendous experience and expertise in this area. To accept the appellant's assertion in the face of the Fire Marshall's experience and expertise would be illogical.

**Free Public Access – Of the 2430 seats provided at center court, only 552 would be designated for use by VIPs, corporate sponsors and the AVP Beach Club members. This constitutes only 23% of the available seating.** Such seating would be limited to riser seating and the top three rows of the southern bleacher; the eight rows closer to the main court in this southern bleacher section are open to the public. **All of the remaining seats (including all other bleacher seating - 1878 seats) are being provided by the AVP and are free to the public. Such free bleacher seating for the public represents 77% of all available seating.**

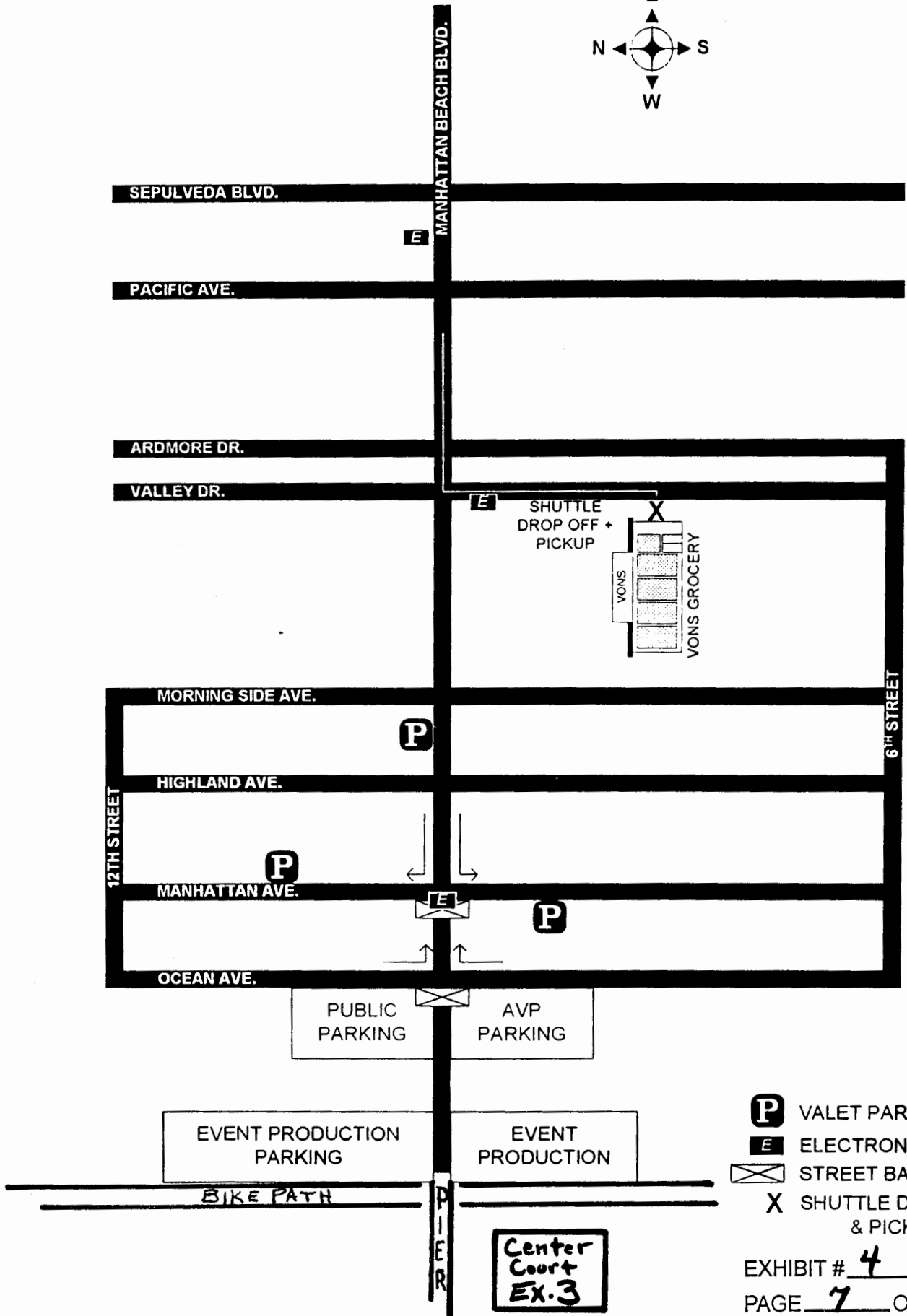
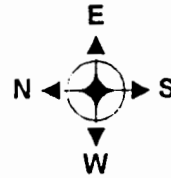
### **BEACH CLUB MEMBERSHIPS**

As was stated in 2003, the AVP is not selling tickets to the event. The AVP Beach Club is our fan club program. Members who sign up for a one-year membership receive our AVP newsletter, discounts on AVP merchandise, and access to the Beach Club onsite at selected events. Members designate which AVP event they wish to attend. Beach Club access is limited to local guidelines established with each city; therefore, access to the Beach Club is on a first come, first serve basis with no designated seating and with a pre-determined maximum in each market. The Beach Club area uses only a very limited area of the stadium court and allows these dedicated fans to congregate with one another and mingle with AVP players. The annual fee charged for the Beach Club membership goes to offset the costs of running and maintaining the fan club and handle the on-site costs of hospitality for the members. A portion of our riser seating is set aside for these members.

The California Coastal Commission approved the sale of Beach Club memberships in 2003 as long as at least 75% of the seating remained free and available to the public. One of the appellants states as the basis for his appeal, "...and AVP disregarded this restriction and allowed almost all of the seating last year to be of the paid seating variety." **This statement is patently false, outrageous and an outright lie.** If such had been the case, there would have been a public outcry that would have been heard long before the appellant's appeal. In actuality, the AVP spent over \$75,000 to provide free bleacher seating for the public. **Total seating capacity was approximately 3100. The AVP sold 138 Beach Club memberships for the 2003 Manhattan Beach Open that represents less than 5% of the total seating available.** In fact, all bleacher seating with the exception



# MANHATTAN BEACH OPEN TRAFFIC PLAN (NOT TO SCALE)



**Association Volleyball Professionals, Inc.**

Matthew H. Gage  
6080 Center Drive - 5<sup>th</sup> Floor  
Los Angeles, CA 90045  
(310) 426-8000  
Fax (310) 426-8010

April 20, 2004

Charles Posner  
California Coastal Commission  
PO Box 1450  
Long Beach, CA 90802-4416

RE: Commission Appeal No. A-5-MNB-04-108

Dear Charles,

As requested, supplied below is additional specific information related to the appeal of the 2004 Manhattan Beach Open. It is the AVP's hope that this information will help you in your effort to prepare the Coastal Commission staff report for the above noted appeal.

**SHUTTLE BUS SERVICE**

As discussed, the AVP asks the Coastal Commission not to require shuttle bus service at the Manhattan Beach Open on Friday, June 4, 2004. Friday is the amateur qualifier where the amateurs compete to play in the main draw with the professionals. The professional competition does not begin until Saturday. The amateur qualifier is sparsely attended and these attendees generally include only the amateur players, their family members and various local fans. There is almost no attendance from those there are out of the immediate beach area. In addition, and as confirmed by the usage numbers I forwarded to you at an earlier date, shuttle bus usage was negligible on the qualifier day (Thursday in 2003) in 2003. As a result, and as put forth by Richard Gill, Director of Parks and Recreation in the City of Manhattan Beach in his letter to the Coastal Commission, "based on last year's very low shuttle numbers, service for Thursday and Friday is not justified."

**CLOSURE OF PIER PARKING AREA**

At the Manhattan Beach Open, the City of Manhattan Beach Police Department closes Manhattan Beach Blvd. below Ocean Avenue to public traffic. If they did not restrict such traffic, the parking lots at the pier and the traffic below Ocean Avenue would be unmanageable and a tremendous safety hazard for bikers, pedestrians and motorists. Based on this reality, stable usage of the pier parking lots by the AVP during the event actually provides for a safer, more controlled traffic area for those bikers, pedestrians and motorists. Certainly, this is the position of the City of Manhattan Beach Police Department as they have approved the Manhattan Beach Open Parking and Traffic Plan.

**Associated Volleyball professionals**

Matthew H. Gage  
Howard Hughes Center  
6080 Center Drive - 5<sup>th</sup> Floor  
Los Angeles, CA 90045

**RECEIVED**  
South Coast Region

OCT 06 2003

CALIFORNIA  
COASTAL COMMISSION

October 1, 2003

Charles Posner  
California Coastal Commission  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

Dear Charles,

Thank you for your August 29, 2003 request for the free remote parking supply provided at the Manhattan Beach Open Volleyball Tournament as required in permit A-5-MNB-03-075. I apologize for this late feedback, but the AVP Tour has been non-stop and the final event of our season was only a little over a week ago.

Free shuttle service was supplied at Northrop Grumman from August 7 thru August 10, 2003. The shuttle system was used as follows by the public:


	<b>Vehicles</b>	<b>Individuals</b>
<b>August 7</b>	<b>2</b>	<b>5</b>
<b>August 8</b>	<b>10</b>	<b>27</b>
<b>August 9</b>	<b>89</b>	<b>268</b>
<b>August 10</b>	<b>108</b>	<b>343</b>

The AVP provided free valet parking for "AVP guests" at American Martyrs in an area not accessible to public parking. The valet service was used as follows:

	<b>Vehicles</b>
<b>August 9</b>	<b>200</b>
<b>August 10</b>	<b>217</b>

Charles, I hope the information provided above fulfills your request related to free remote parking supply provided at the 2003 Manhattan Beach Open Volleyball Tournament. Please let me know if you need more information and again, I apologize for the late receipt of the above information.

Sincerely,

  
Matt Gage  
Tour Director/AVP

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 11 OF 11

endzone bleachers; and (ii) on the pier head adjacent to the lifeguard tower (provided that access ways to and from the pier and beach are not obstructed). In connection with the preceding two sentences and subject to the approval of the Department of Public Works (which the CMB shall use good faith efforts to obtain), CMB shall provide "softball" style bleachers at no charge for AVP's use in connection with the outside courts, the pier and the pier head. The City shall supply 5 sets of bleachers, provided they are not being used by Manhattan Little League for an event.

E) All amplified sound speakers will be placed facing to the west.

F) No admission may be charged.

G) VIP tent and VIP seating shall be provided by the AVP as follows: (i) There shall be one (1) center court elevated VIP tent and one (1) sand VIP/"AVP Beach Club" tent; (ii) VIP/"AVP Beach Club" "riser" seating along one sideline and up to two (2) end zones; (iii) one (1) end zone bleacher reserved for VIP's, corporate sponsors, etc. All other seating shall be available to the public. Any additional center court VIP tents and/or seating will be subject to CMB approval.

H) AVP shall have the right to have on-site entertainment in connection with the event. Such entertainment may include musical acts provided such entertainment does not increase the sound level of the event or increase the support required by CMB (e.g., additional police, fire company coverage, etc.). In addition, AVP shall have the right (subject to any applicable federal and/or state laws) to have skydivers land on the beach as part of the on-site entertainment in connection with the event; provided, however, that the skydiving company that is used to provide such entertainment shall provide CMB and AVP with evidence of general liability insurance coverage of not less than five million dollars (\$5,000,000.00) per occurrence and shall name CMB and AVP as additional insured by endorsement to such policy.

## II. CMB RESPONSIBILITIES.

A) The CMB shall permit the AVP to conduct a Pro-Am Men's & Women's Two Person Volleyball Tournament and a Junior Two-Person Amateur Volleyball Tournament the weekend of June 4-6, 2004 or July 9-11, 2004.

B) The CMB shall provide an event director to oversee and monitor the total operation of the event especially in all matters pertaining to event liability and public safety. All decisions of the event director shall be final with respect to any issues that involve compliance with the agreement as well as any issues that directly and/or adversely impact the community. Said director shall consult with a designated representative of the AVP and it shall be the goal of the parties to reach mutual agreement on matters of event operation. The CMB shall be entitled to a fee of \$1,500 for all of such event director's services in connection with the event.

C) The MBO shall use AVP Tournament Rules in the conduct of the event. The AVP shall save the first 32 seeded spots for men & 24 seeded spots for women for AVP entries.

D) The CMB shall retain the right to conduct, if it desires, a pre-tournament qualifying round including non-AVP players and retain the proceeds. However, the CMB will grant the AVP permission to run these qualifying rounds if the AVP will open up the qualifiers and take sixteen (16) Men's teams and eight (8) Women's teams to play into the professional rounds of the MBO. If the AVP is in agreement, the AVP shall retain all the qualifying entry fees. As part of whatever these teams may win as prizes for winning in the qualifying rounds, an AVP membership will be provided to them by the AVP, it being acknowledged that all players must sign the standard agreement in order to compete in the main draw of the event.

**COASTAL COMMISSION**

CMB R. J. L. AVP MMH/B

EXHIBIT # 5  
PAGE 2 OF 13

ensure compliance with this date and time of removal, the AVP shall provide the CMB a \$10,000 security/clean-up deposit which the AVP will forfeit if the tear-down deadline is not met.

D) The AVP shall provide all necessary funds, staff, equipment, and materials necessary to adequately promote and seek sponsorship for the event at no expense to CMB. Also, the AVP shall provide a designated representative to consult as necessary with the CMB director regarding all facets of event operation. Final decisions will be made by the CMB Director regarding compliance with the agreement as well as any issues that directly and/or adversely impact the community.

E) The AVP shall provide for the television broadcast of the Manhattan Beach Open. Within the television broadcast, the AVP shall provide for the CMB to be highlighted and promoted.

F) The AVP shall provide on-site tournament staff to handle sponsor relations, television liaison, and player mediations.

G) The AVP shall reimburse the CMB for all its direct "in-house" services for the current year's event. An estimate of these costs equal to \$25,000 shall be paid to CMB 30 days in advance of the event. In addition, a \$10,000 refundable security deposit will be required 30 days in advanced of the event, to ensure post-event clean-up of the event. Actual City departmental costs shall be itemized and billed to the AVP upon completion of the event.

H) The AVP shall secure and pay for any permits required from the County of Los Angeles.

I) The AVP shall provide, at their expense, all staff, equipment and materials, to adequately advertise (including radio announcements) and run a shuttle bus service to and from the event from the TRW parking lots to the Von's market at Valley Drive and Manhattan Beach Boulevard. This service shall provide for a minimum of one bus running at no less than fifteen-minute intervals to and from the event. Starting time should be one hour prior to the event's starting time and ending one hour after the completion of the last daily game. Service shall be for Saturday and Sunday only. CMB shall have approval over such shuttle service, such approval to not be unreasonably withheld. In addition, CMB shall have the right to contract directly with such shuttle service and AVP shall reimburse CMB for the cost thereof provided such cost does not exceed the amount AVP would have incurred if AVP had contracted directly with such shuttle service.

J) The AVP, at their expense, shall provide for adequate trash removal. They shall be responsible for making arrangements with the proper City of Manhattan Beach waste contractor for trash containers to be placed at the proper beach location at least one day prior to the event and removed by the next morning following the completion of the event.

K) Unless otherwise expressly specified herein, the foregoing responsibilities of the AVP shall be discharged at the expense of AVP.

#### IV. MERCHANDISING, SPONSORSHIP AND LICENSING RIGHTS.

A) CMB grants to AVP a temporary exclusive license to the MBO which shall include, without limitation, all merchandising of the event plus the right to obtain sponsors and advertisers, to produce and sell programs, to produce programming and sell radio, television, and filming opportunities and to merchandise and license concessions.

B) AVP shall be allowed to solicit potential sponsors and contract with sponsors for sponsor exposure at the event so long as the following guidelines are observed:

**COASTAL COMMISSION**

CMB AD AVP MHD

EXHIBIT # 5  
PAGE 4 OF 13

Boulevard (from Artesia to Rosecrans) (subject to Caltrans approval); and additional mutually approved locations (which shall number approximately 50) in the downtown area on Manhattan Beach Boulevard, Highland Avenue and Manhattan Avenue.

3) All street and pole banner designs must be approved by the CMB. AVP shall be responsible for the costs of hanging and removing all such banners; provided, however, that CMB shall not charge any permit or other fees in connection with such banners.

4) AVP shall have the right to distribute store front posters for the downtown businesses. The AVP shall be prohibited from placing any posters on any City property. In addition, the AVP shall be prohibited from handing out fliers, posters, index cards, and any other promotional material in the downtown area. In return, the City will make every effort to prohibit other non-event sponsors of the AVP from distributing product or promotional literature in the downtown area. In addition, AVP shall have the right to issue local newspaper releases.

C) All support and point-of-purchase materials will list the MBO and all event posters, counter cards and schedules will mention the CMB.

D) CMB will cause the Multiple Systems Operator/The Cable Company (MSO) to run an AVP promotional tape once per hour on the Public Service Announcement Channel. CMB will also cause the MSO to include a slide for the AVP, such slide to be included with the upcoming events. The AVP will provide all promotional tapes and material to the MSO.

E) CMB will include AVP in any local television programming that highlights upcoming events.

F) CMB will give the AVP MBO preferred placement on its web site, if possible.

**VI. BROADCAST.** AVP shall have the exclusive right to solicit and negotiate all radio, film, and television broadcast agreement proposals.

A) The AVP shall have the right to conduct a modeling competition similar to the 2003 Sports Illustrated modeling competition as long as it is presented in a professional and tasteful manner, as determined by City staff.

B) A live broadcast by the sponsor radio station/filming of the event shall be allowed at the MBO. All broadcast and/or filming set-ups are to be approved and licensed by the proper city representatives who shall be available and on hand at the time of set up. Approval shall take into account the desire of the parties to allow a first quality broadcast and the technical needs of the broadcasters.

C) AVP shall provide one 3/4" video finished copy of the MBO, if filmed or taped, to CMB within one (1) month (or as soon as available) of such MBO.

D) AVP shall own all rights to all radio, film, and television productions of the MBO. CMB shall be afforded the right to use said radio, film, and television productions as long as they are used for non-commercial purposes such as historical documentation and promotion of the event.

**COASTAL COMMISSION**

CMB A.J. AVP MAD EXHIBIT # 5  
PAGE 6 OF 13

CMB expressly reserves to itself all other rights to use of the name "Manhattan Beach Open" which the parties hereto acknowledge is the sole property of CMB. Except as expressly provided herein, neither party shall have the right to use in any way the corporate or trade name, trademark(s), service mark(s), logo(s), or other identification of the other party without its prior written consent.

**XIII. CONTINGENCIES.** This Agreement is contingent upon issuance by CMB of all necessary governmental approvals, including but not limited, to all required City of Manhattan Beach and Los Angeles County, or Coastal Commission (if any) approvals and environmental review (if any) required under the California Environmental Quality Act ("CEQA").

**XIV. INSURANCE.**

A) **Commencement.** AVP shall not commence activities under this Agreement until it has obtained CMB approved insurance. Before beginning any activities hereunder, during the entire period of this Agreement, for any extensions hereto, and for periods after the end of this Agreement as indicated below, AVP must have and maintain in place, all of the insurance coverages required by this Section XIV. AVP's insurance shall comply with all items specified by this Agreement. Any subcontractors of AVP shall be subject to all of the requirements of this section XIV. and AVP shall be responsible to obtain evidence of insurance from each subcontractor and provide it to CMB before the subcontractor commences work.

All insurance policies used to satisfy the requirements imposed hereunder shall be issued by insurers authorized to do business in the State of California. Insurers shall have a current A.M. Best's rating of not less than A-VII unless otherwise approved by CMB.

B) **Coverages, Limits and Policy Requirements.** AVP shall maintain the types of coverages and limits indicated below:

1) **COMMERCIAL GENERAL LIABILITY INSURANCE** - a policy for occurrence coverage, including all coverages provided by and to the extent afforded by Insurance Services Office Form CG 0001 ed. 11/88 or 11/85, with no special limitations affecting CMB. The limit for all coverages under this policy shall be no less than two million dollars (\$2,000,000.00) per occurrence. CMB, its employees, officials and agents, shall be added as additional insureds by endorsement to the policy. The insurer shall agree to provide the CMB with thirty (30) days prior written notice of any cancellation, non-renewal or material change in coverage. The policy shall contain no provision that would make this policy excess over, contributory with, or invalidated by the existence of any insurance, self-insurance or other risk financing program maintained by CMB. In the event the policy contains such an "other insurance" clause, the policy shall be modified by endorsement to show that it is primary for any claim arising out of the work performed under this Agreement. The City of Manhattan Beach Insurance Endorsement Form No. 1 (General Liability) must be executed by the applicable insurance underwriters.

2) **COMMERCIAL AUTO LIABILITY INSURANCE** - a policy including all coverages provided by and to the extent afforded by Insurance Services Office form CA 0001, ed. 12/93, including Symbol 1 (any auto) with no special limitations affecting the CMB. The limit for bodily injury and property damage liability shall be no less than one million dollars (\$1,000,000) per accident. CMB, its employees, officials and agents, shall be added as additional insureds by endorsement to the policy. The insurer shall agree to provide the CMB with thirty (30) days

CMB

*RJ*

AVP

*MAB*

**COASTAL COMMISSION**

EXHIBIT #

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damages of any nature, including attorneys' fees arising out of, or in any way connected with performance of, this Agreement by CMB, CMB's agents, officers, employees, subcontractors, or independent contractor(s) hired by CMB, including, but not limited to, any legal action challenging the validity of the event or the permits therefore. This indemnity shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by CMB.

**XVI. INDEPENDENT CONTRACTOR.** CMB and AVP shall each be and act as independent contractors and under no circumstances shall this agreement be construed as one of agency or partnership between CMB and AVP. Each party acknowledges and agrees that it neither has nor will give the appearance or impression of having any legal authority to bind or commit the other party in any way other than as authorized by this Agreement. Nothing in this Agreement shall be construed to create a joint venture between the parties hereto or to obligate either party for debts or obligations incurred by the other party in the performance of this Agreement.

**XVII. FAILURE TO OBJECT NOT A WAIVER.** The failure of either party to this agreement to object to or to take affirmative action with respect to any conduct of the other party which is in violation of the terms hereof shall not be construed as a waiver thereof, nor of any future breach of subsequent wrongful conduct.

**XVIII. NOTICES.** All notices required or permitted hereunder shall be deemed duly given on the date sent by certified mail, postage prepaid, addressed to the parties as follows:

If to AVP: AVP  
Attn: Chief Operating Officer  
1600 Rosecrans Avenue, Building #7, Suite #310  
Manhattan Beach, CA 90266

If to CMB: City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, CA 90266  
ATTN: Richard Gill

**XIX. LIMITATION ON ASSIGNMENT.**

A) The rights and obligations under this Agreement may be assigned or delegated by the parties hereto only with the prior written consent of the other party. Any attempted assignment or delegation, without the prior written consent of the other party shall be voidable at the discretion of the non-assigning party.

B) This Agreement and all of the terms and provisions hereof will be binding upon and will insure to the benefit of the parties hereto and their respective successors and assigns.

**XX. APPROVAL.** Whenever approval, consent, information, or data is herein required of either or both parties, the same shall not be unreasonably or arbitrarily delayed or withheld.

**XXI. COMPLIANCE WITH THE LAW.** Should it be determined that this agreement or any provision hereof violates any federal, state, or local law or regulation, then the parties shall promptly modify this Agreement to the extent necessary to bring about compliance with such law and/or regulation; provided, however, that if such modification would cause this Agreement to fail in its essential purpose or purposes, it shall be deemed cancelled by mutual agreement of the parties and neither party shall have any further obligations or liabilities with respect to this Agreement.

**COASTAL COMMISSION**

CMB AK AVP MWD

EXHIBIT # 5  
PAGE 10 OF 13

## LETTER OF AGREEMENT – 2004 MBO/AVP AGREEMENT

This letter of agreement is made this 26<sup>th</sup> day of February 2004 by and between the City of Manhattan Beach and the Association of Volleyball Professional, Inc. ("AVP"). It is agreed to by the respective parties that the specific terms as detailed below will supersede those terms included in the "2004 MBO/AVP Agreement" and be binding to both parties.

### Opening Paragraph

The AVP address to read: 6080 Center Drive, Fifth Floor, Los Angeles, CA 90045

### Item IIC

Item to read: ....The AVP shall save the first 24 seeded spots for men & 24 seeded spots for women for AVP entries.

### Item IID

Item to read: ....However, the CMB will grant the AVP permission to run these qualifying rounds if the AVP will open up the qualifiers and take eight (8) Men's teams and eight (8) Women's teams to play into the professional rounds of the MBO. ....

### Item IIIC

Item to read: ....To ensure compliance with this date and time of removal, the AVP shall provide the CMB a \$10,000 security/clean-up deposit. The parties will meet "on site" Tuesday, June 8<sup>th</sup> at approximately 4:00 PM to determine if the site, to include the beach and parking lots, has been reinstated to its original condition. The parties agree that based on reasonable expectations, the AVP will henceforth rectify any outstanding "clean-up" deficiency. If such deficiency is not rectified by the timelines set forth below, the AVP will forfeit the amount shown.

Wednesday, June 9 @ 2:00 PM	\$3,000 plus city costs
Thursday, June 10 @ 2:00 PM	\$3,000 additional (\$6,000 total) plus city costs
Friday, June 11 @ 5:00 PM	Balance of \$10,000 (\$10,000 maximum)

CMB will return the \$10,000 security/clean-up deposit or remaining amount thereof by Friday, June 25, 2004.

### Item IX

Item to read: ....that AVP shall provide sixty-two thousand five hundred dollars (\$62,500) prize money for each of the Men's and Women's Open Division.

COASTAL COMMISSION

EXHIBIT # 5  
PAGE 12 OF 13



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

April 8, 2004

Chuck Posner, California Coastal Commission  
California Coastal Commission  
P.O. Box 1450  
Long Beach, CA 90802-4416

**COASTAL COMMISSION**  
**A5-MNB-04-108**

EXHIBIT # 6  
PAGE 1 OF 6

Re: Commission Appeal No. A-5-MNB-04-108

Dear Mr. Posner:

On behalf of the City of Manhattan Beach, I would like to address several of the issues that will be before the California Coastal Commission in April and reiterate the City's support for the Manhattan Beach Open (MBO) in June 2004.

Last year's Manhattan Beach Open was considered very successful in the eyes of the City Council, Parks and Recreation Commission, and community members. It was a positive, community-wide event with thousands of spectators.

The City of Manhattan Beach staff began meeting with the Association of Volleyball Professionals in September 2003 to negotiate the 2004 event agreement. To streamline the process, the City Manager asked the AVP to submit all their requests in writing. After reviewing the AVP requests, the City denied the following: alcohol at the event (beer garden and VIP area), Sunday set-up, increase of 30' height restriction for bleachers, additional VIP seating/area, Labor Day event request, and the request for a three-year agreement. In addition to denying these requests, the City added a \$10,000 security bond to the agreement. The objective of the security bond was to ensure that the AVP meet their deadline to tear down and have all debris removed returning the site to its pre-existing condition. The City also strengthened the language in the contract to prohibit illegal distribution of event posters and handbills which were distributed in the downtown area at last year's event.

The City did approve the use of portable bleachers on the pier. Staff still recommends the use of bleachers to increase safety and improve viewing for spectators. At previous events, there have been crowds viewing center court from the Pier handrail five to six people deep. Use of bleachers would allow a safe, convenient option for viewing. There is plenty of room for emergency access, even with

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 545-8925  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 545-7707  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 546- **EX.6**





## POLICE DEPARTMENT

City of Manhattan Beach

1501 N. PECK AVENUE (Temporary Facility)  
MANHATTAN BEACH, CALIFORNIA 90266  
(310) 802-5103 FAX (310) 802-5101

ERNEST M. KLEVESAH, JR.  
CHIEF OF POLICE

RANDOLPH M. LEAF  
CAPTAIN

DALE E. REISSIG  
CAPTAIN

April 9, 2004

Mr. Charles Posner  
California Coastal Commission  
P.O. Box 1450  
Long Beach, CA 90802-4416

Dear Mr. Posner:

The Manhattan Beach Open Volleyball Tournament is scheduled for June 3-6, 2004, from 8:00 a.m. until 6:00 p.m. Pursuant to your request, this letter is to notify you that the City of Manhattan Beach Police Department has approved the traffic, parking, and shuttle plan submitted by the Association of Volleyball Professionals.

I will be holding a meeting with AVP staff on May 14, 2004, to review the plan one more time and address any concerns relating to traffic congestion and parking issues to ensure that the event runs smoothly. A copy of the plan is attached for your review.

If you have any questions, please call me at (310) 802-5165.

Sincerely,

Ernest M. Klevesahl, Jr.  
Chief of Police

Andrew Harrod  
Lieutenant/Traffic Safety Bureau

ah:cs  
Attachment

c: Richard Gill, Director  
Manhattan Beach Parks & Recreation Department

COASTAL COMMISSION

"Policing through Partnerships"

City of Manhattan Beach Web Site: <http://www.citymb.info>

EXHIBIT # 6  
PAGE 3 OF 6



## Manhattan Beach Chamber of Commerce

Where business and lifestyle work together.

April 9, 2004

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

To Whom It May Concern:

The AVP is an important part of our community. They are good neighbors in many ways:

- The AVP traffic plan minimizes the negative impact downtown by an effective use of the shuttle busses and the Northrop Grumman lot.
- The AVP works closely with local businesses to ensure that the event appeals to the local community.
- The Manhattan Beach Open is one of the key events in the community each year and is enjoyed by thousands of residents.
- They are also generous with our Chamber and our school district as well as our Ed foundation.

Please consider their requests as we need them to be a part of our Manhattan Beach summers.

Sincerely,

Helen C. Duncan  
Executive Director

COASTAL COMMISSIO

EXHIBIT # 6  
PAGE 5 OF 6



April 12, 2004

**RECEIVED**  
South Coast Region

APR 14 2004

**CALIFORNIA**  
**COASTAL COMMISSION**

Mr. Geoff Dolan, City Manager  
City of Manhattan Beach  
1400 Highland Ave.  
Manhattan Beach, California 90266

Dear Mr. Dolan:

As you prepare for the annual Manhattan Beach Open, we would like to reiterate our concerns in regard to the use of State property as part of this event. We received a letter from Mr. Harry Ford, a Manhattan Beach resident, expressing concern for the lack of enforcement of the permit conditions, specifically in regard to maintaining public access to facilities and inappropriate advertising on State property.

As you know, the 1988 Operating Agreement between the City of Manhattan Beach and the Department requires that any rules and regulations adopted by the City for the management of the Department's properties "conform to and be consistent with the rules and regulations adopted by [the Department] and generally applicable to the state park system."

Because permit requirements must be enforced in order to be effective, we recommend the City charge AVP for the additional City staff time necessary to enforce the terms of the permit. Specifically, we would like the City to ensure the following concerns are addressed in the permit issued to AVP:

1. Installation of bleachers on the Pier: Any installation of bleachers on the Pier must meet the accessibility requirements of the Americans with Disabilities Act and must provide for continued public access to all normally accessible areas of the Pier. As always, installation of any equipment or development must not damage or otherwise degrade the Pier.
2. Public parking restrictions: It is standard Department practice to enforce parking restrictions in connection with a special event. However, no more than three-quarters of the available parking may be reserved, and, in high-use areas and/or during peak-seasons (i.e., Memorial Day through Labor Day annually), it is standard to allow only one-half of the parking lot to be reserved. Also, reserved parking generally is located at the rear of the parking lot, while general and disabled parking located near the main entrance of the park is maintained for use by the general public. It is essential that the accessible parking spaces remain available to the disabled.

**COASTAL COMMISSION**  
**AS-MNB-04-108**EXHIBIT # 7  
PAGE 1 OF 2





## RESIDENTS FOR A QUALITY CITY

P.O. Box 1882  
Manhattan Beach, CA 90267  
Phone 310-546-2085  
Fax 310-546-4965

March 31, 2004

*Wsu*

SENT BY FIRST  
CLASS MAIL TO  
ALL COMMISSION  
MEMBERS, ALTERNATE  
MEMBERS AND TO  
STAFF

**RECEIVED**  
South Coast Region

APR 06 2004

CALIFORNIA  
COASTAL COMMISSION

Honorable Mike Reilly, Chairman  
Members and Alternate Members of  
the California Coastal Commission  
Peter Douglas, Executive Director  
Charles Posner, Staff Analyst  
California Coastal Commission  
200 Ocean Gate, Suite 1000  
Long Beach, CA 90802-4302

Re: Appeal No. A-5-MNB-04-108  
Hearing Date: April 14, 2004  
Item No. W8A  
Appeal of Man.Bch. Coastal Development  
Permit Approving AVP Volleyball Tournament

Dear Commissioners:

With respect to the above-referenced appeal, filed by our neighborhood group on February 17, 2004, please consider our supplemental statement of reasons (copy enclosed\*) which was omitted from the staff report.

Although we agree with the staff report's conclusion that the appeal raises substantial issues some of the information included in or attached to the staff report necessitates our response.

Can our city legally use the public beach for sporting events which charge admission?

The staff report correctly notes, at p. 13, that Manhattan Beach's certified Land Use Plan "does not permit sporting events for which admission is charged" and that, therefore, "both the LCP and the local coastal development permit prohibit admission to be charged for entry to the event." But the AVP is insisting that its sale of tickets to the event somehow does not constitute "paid admission." This is absurd.

According to the AVP's web site (see attached Exb. "A"), the AVP is selling "tickets", costing from \$10 to \$75, to the

\* For purposes of brevity, only Exbs. "A" and "C" to our supplemental statement are included herein.

COASTAL COMMISSION  
A5-MNB-04-108

EXHIBIT # 8

PAGE 1 OF 14

In 1998 we began circulating a local (for Manhattan Beach) ballot initiative to bar paid admission to events on the public beach. More than 5,000 residents signed the petition. However, the city acknowledged the very substantial opposition to paid admission and agreed to approve no further paid admission beach events so our ballot initiative was dropped. Now the city is endeavoring to circumvent the restriction on paid admission by calling it something else. The city's position has not garnered widespread approval. The city's file, with respect to the currently proposed event, contains 8 letters from residents in opposition to the event and no letters in support of the event. At the city's February 17, 2004 public hearing on the event, ten residents spoke against the event and no residents spoke in favor of the event.

The event, in our view, has become overcommercialized - including the sale of food and merchandise on the public beach and beer ads on the state owned pier (even though the state bars advertising for alcoholic beverages on state owned property - see Exb. "C" and staff report Exb. 5, p. 5).

#### Use of the state owned pier parking lots.

Last year, the AVP commandeered, with the help of local police, virtually all of the parking in the four state owned pier parking lots. State policy is to allow only one half of state owned parking lots to be reserved (see Exb. "C"). Because of the congestion in and around the pier during an event the reservation of any portion of a parking lot usually results in police closure of the lot to the general public. In our view, the AVP should not be allowed to reserve any on-street parking or any portion of the two upper pier parking lots.

#### Bleachers on the pier.

Last year, the Coastal Commission denied the AVP's request to place bleachers on the pier. We feel that such bleachers - especially in the confined space of a pier and during a well attended event such as an AVP tournament - are inherently unsafe.

#### Set-up during the Memorial Day weekend

Although the staff report, at p. 2, indicates that the AVP has agreed to wait until after the Memorial Day weekend to start its set-up, I see no evidence of such an understanding in the AVP's letter attached to the staff report as Exhibit #8. To the contrary, the agreement between the city and the AVP provides that setup will began on "Monday [May 31] prior to the event." (See staff report, Exb.#5, p. 7.)



## RESIDENTS FOR A QUALITY CITY

P.O. Box 1882  
Manhattan Beach, CA 90267  
Phone 310-546-2085  
Fax 310-546-4965

March 23, 2004

VIA HAND DELIVERY

**RECEIVED**  
South Coast Region

MAR 23 2004

CALIFORNIA  
COASTAL COMMISSION

Honorable Mike Reilly, Chairman  
and Members of the California  
Coastal Commission  
Peter Douglas, Executive Director  
Charles Posner, Staff Analyst  
California Coastal Commission  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

Re: Appeal No. A-5-MNB-04-108  
Appeal of Manhattan Beach Coastal  
Development Permit for AVP Volleyball  
Tournament starting on May '31, 2004

Dear Commissioners:

Please consider the following information supplementing  
the above-referenced appeal of the AVP Volleyball event.

1. Our group of local Manhattan Beach residents is  
opposed to large-scale commercial events held on the public  
beach. Such events, in our view, counter the intent, if  
not the letter, of the Coastal Act which is designed to  
protect and to preserve free and equal access to the coast.

2. Paid Admission. Manhattan Beach's Land Use Plan allows,  
in connection with sporting events on the beach, only  
"sporting events for which no admission is allowed." In  
that the proposed event entails paid admission (see fee  
schedule attached hereto as Exb. "A"), the event clearly  
violates Manhattan Beach's Land Use Plan.

PRC § 30514 provides that a Land Use Plan may be amended -  
but only upon certification of the amendment by the Coastal  
Commission. Pursuant to PRC § 30514(e), an amendment would  
be required for "any action by a local government that  
authorizes the use of a parcel of land other than a use that  
is designated in the certified local coastal program as a  
permitted use of the parcel."

However, Manhattan Beach's Land Use Plan has not been

**COASTAL COMMISSION**

EXHIBIT # 8

PAGE 5 OF 14

I monitored the event last year on both Saturday and Sunday and I estimate that 70-80 percent of the attendees were ticket holders. During the public comment period before the Manhattan Beach City Council, with respect to the Coastal Development Permit for this year's event, I stated,

"At last year's event well over half of the seating was actually VIP and AVP Beach Club seating....so [the AVP] didn't really comply with the conditions that the Coastal Commission set last year." (See 2-17-04 video tape of the M.B. City Council meeting which is the "official" minutes of the meeting.)

Although Leonard Armatto, who is the owner and Chief Executive Officer of the AVP, did speak after I spoke (see 2-17-04 minutes attached hereto as Exhibit "B") he did not refute my contention as to the percentage of VIP/Beach Club attendees.

Our concern is that this event is being operated as a commercial event excluding those beachgoers who cannot afford, or who are unwilling to pay for, the price of a ticket. This is in contravention to the city's Land Use Plan (incorporated into the City's Local Coastal Program per PRC § 30108.6), the Commission's Guidelines for Temporary Events, and the Coastal Act which, according to the courts, mandates free and equal access to the public beach.

Although the AVP has reduced the price of a ticket (to \$10 for one day and \$17 for both Saturday and Sunday - see attached Exb. "A") for this year's event, this will result in the attendance of even fewer members of the non-paying public because more people will be purchasing tickets at the lower prices.

The issue of paid seating is not new. According to Jon Stevenson, a prior spokesman for the AVP, in an August 10, 1996 newspaper article, "Paid seating is a part of any serious, valid, credible, professional sporting event, and we consider ourselves that way." But, as pointed out by then Assemblywoman Debra Bowen in her letter, dated July 8, 1996, to the Coastal Commission,

"I can tell you without reservation that it was my intent and the intent of the Legislature to prohibit any and all commercial development" of the public beaches, including Manhattan Beach State Beach, transferred to Los Angeles County...."People....go to the beaches in part to get away from the commercialization that invade their daily lives."

5. The May 31, 2004 start date is inappropriate. The AVP's proposal to begin setting up the bleachers and other equipment on May 31 is entirely inappropriate. May 31, 2004 is the last day of the Memorial day weekend - perhaps the busiest summer weekend at the beach for the year. Many thousands of beachgoers will be converging on the beach with considerable congestion in the vicinity of the Manhattan Beach pier. These beachgoers should not be deprived of a pleasant beachgoing experience as a result of having to encounter large trucks, forklifts and other equipment being offloaded by the AVP onto the beach and pier parking lots and resulting in an inherently unsafe condition. Simple common sense dictates that the start date should be moved up to June 1.

We would also urge you to consider the comments by Bill Victor, Harry Ford and others on this matter. For your information, I am also enclosing, collectively as Exhibit "D", copies of the January 20, 2004 and February 17, 2004 staff reports, notices of public hearing, application for Coastal Development Permit, dated January 15, 2004, 2004 site plan for the event, and letters from the public to the city, including letters from Bill Eisen (dated January 20, 2004), Mona Cangialosi (dated Feb. 9, 2004), Emylin Brown (dated Feb. 10, 2004), Robert Caldwell (dated Feb. 10, 2004), Harry Ford (dated Feb. 11, 2004), Ginger Shearer (dated Feb. 13, 2004), and William Victor (dated Feb. 13, 2004).

Please let me know if you need further documentation or have any questions about this material prior to preparation of the staff report.

Thank you.

Sincerely yours,



Bill Eisen

Encl.

COASTAL COMMISSION

EXHIBIT # 8  
PAGE 9 OF 14

**TICKETS**

]]

Online ticket sales coming soon. To purchase tickets over the phone, please call 310-426-7171.

HERMOSA	
<b>Beach Club Passes (includes reserved section riser seating at Center Court, access to exclusive AVP Beach Club tent, lunch and beverages)</b>	
One Day Pass (Saturday or Sunday)	\$40.00
Weekend Pass (Saturday & Sunday)	\$75.00
<b>Reserved Section Tickets (includes reserved section riser seating at Center Court)</b>	
One Day Ticket (Saturday or Sunday)	\$10.00
Weekend Ticket Package (Saturday & Sunday)	\$17.00

MANHATTAN BEACH	
<b>Beach Club Passes (includes reserved section riser seating at Center Court, access to exclusive AVP Beach Club tent, lunch and beverages)</b>	
One Day Pass (Saturday or Sunday)	\$40.00
Weekend Pass (Saturday & Sunday)	\$75.00
<b>Reserved Section Tickets (includes reserved section riser seating at Center Court)</b>	
One Day Ticket (Saturday or Sunday)	\$10.00
Weekend Ticket Package (Saturday & Sunday)	\$17.00

LAS VEGAS	
<b>Premier Reserved Tickets (First row of riser seating)</b>	
All Session Premiere Reserved Ticket Package (Thursday, Friday, & Saturday)	\$90.00
<b>Reserved Seat Tickets (rows 2-4 of riser seating)</b>	
All Session Reserved Seat Package (Thursday, Friday, & Saturday)	\$60.00
<b>General Admission Tickets</b>	
Thursday General Admission Ticket	\$5.00
Friday General Admission Ticket	\$10.00
Saturday General Admission Ticket	\$10.00
All Session General Admission Package (Thursday, Friday, & Saturday)	\$20.00

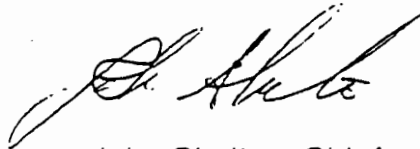
HAWAII	
<b>Beach Club Passes (includes reserved section riser seating at Center Court, access to exclusive AVP Beach Club tent, lunch and beverages)</b>	
One Day Pass (Saturday or Sunday)	\$40.00
Weekend Pass (Saturday & Sunday)	\$75.00
<b>Reserved Section Tickets (includes reserved section riser seating at Center Court)</b>	
One Day Ticket (Saturday or Sunday)	\$10.00
Weekend Ticket Package (Saturday & Sunday)	\$17.00

17

3. Advertising: It is Department policy that no permanent or temporary advertising for alcoholic beverages or tobacco be permitted on State Park property without prior written approval by the Department's director.
4. Indemnity and Liability: The Department must be indemnified and held harmless by the event sponsors. Furthermore, the event sponsors must provide \$1,000,000 in Commercial General Liability insurance under which the State of California, its officers, employees, and servants must be included as additional named insured.
5. Charges, Fees, and the State Pier Fund: In accordance with the 1988 Operating Agreement, Paragraph 5, Annual Report, "All income received and all expenditures made by the City in relation to concessions, special services, and all other matters incident to the development, maintenance, control, and operation for the State Beach Pier, adjacent parking lots, and comfort station . . . shall be deposited in a special fund and reported annually to the [Department] . . . all revenues received from lands subject to this agreement shall be expended only for the care, maintenance, operation, administration, improvement, or development of the subject [Department] property." Thus, any fees received by the City from AVP must be properly accounted and an amount proportional to the use of the Department facilities in relation to the use of the entire beach complex by AVP shall be allocated to the State Pier Fund. The accounting for the State Pier Fund must be reported to the Department by December 1, 2003.

Please provide notice to the Department of how these issues will be accommodated. If you have any questions, please contact me at (916) 653-7733 or [churd@parks.ca.gov](mailto:churd@parks.ca.gov).

Sincerely,



John Shelton, Chief  
Concessions and Reservations

Enclosure

cc: Chuck Posner, California Coastal Commission (w/o enclosure)  
Lynn Atkinson, County of Los Angeles (w/enclosure)  
Harry Ford, Manhattan Beach resident (w/o enclosure)

**A5-MNB-04-108**  
COASTAL COMMISSION  
**A5-MNB-03-07**

EXHIBIT # **8**  
PAGE **13** OF **214**



**CALIFORNIA COASTAL COMMISSION**

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

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT  
(Commission Form D)



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South Coast Region

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

MAR 17 2004

SECTION I. Appellant(s)

CALIFORNIA  
COASTAL COMMISSION

Name, mailing address and telephone number of appellant(s):

WILLIAM VICTOR

POST OFFICE BOX 24A72

LOS ANGELES, CA. 90024 Messages ( 310 ) 318-5000

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Manhattan Beach, (City of) co-sponsor, co-applicant

2. Brief description of development being appealed: AVP Profit making tournament on open beach closing access to beachgoers for over 7 days, closing off four parking lots, including safety hazard with 4500 bleachers plus bleacher on Pier, Large Video Board on Pier AND bleachers over 41 feet high

3. Development's location (street address, assessor's parcel no., cross street, etc.): Manhattan Beach Pier and 4 Parking lots North, South and East of Pier

## 4. Description of decision being appealed:

- PLEASE SEE THE FIVE PAGE LETTER DATED 2-13-04 which is attached hereto and incorporated herein-the only items not approved by the City is the alcohol on beach but the date is between two days
- a. Approval; no special conditions: both of which are Memorial Day weekend and /or Labor Day-where set up and take down will interfere with access during the most sought after days for beachgoers.
- b. Approval with special conditions: both of which are Memorial Day weekend and /or Labor Day-where set up and take down will interfere with access during the most sought after days for beachgoers.
- c. Denial: Denial: both of which are Memorial Day weekend and /or Labor Day-where set up and take down will interfere with access during the most sought after days for beachgoers.

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A5-MNB-04-108

DATE FILED: 3.17.04

DISTRICT: South Coast/Long Beach

H5: 4/88

COASTAL COMMISSION  
A5-MNB-04-108

EXHIBIT # 9

PAGE 1 OF 8

February 13, 2004

Mayor and Members of the City Council

City of Manhattan Beach

1400 Highland Avenue

Manhattan Beach, CA 90255

BY HAND

Dear Mayor and City Council Members:

Re: Request of Association of Volleyball Professionals (AVP) for Coastal Development Permit

The undersigned Manhattan Beach Property owner makes the following limited comments with respect to the above on behalf of all similarly situated persons with the reservation to supplement the same and make more detailed presentations at the City Council and should further proceedings become necessary before the City Council or other tribunals or hearings. This letter is intended merely as an outline of SOME of the primary objections and is not intended to be a complete list. I appreciate the cooperation of the City Staff in making available certain of the information I have requested, but suspect that due to the Presidents Day holiday on February 16, where the library and City Hall are to be closed, it will be difficult for most interested parties to gather information or sufficiently address the issues in the short time remaining. Therefore, I request that a date for this hearing be set so that all parties interested may meaningfully participate in their government. The Coastal Act and the LCP are violated by this proposed event, and the reduction of participation is also inconsistent with the Manhattan Beach LCP and the Coastal Act.

1. Labor Day weekend is not an appropriate date for the event even if smaller attendance is anticipated. In view of the fact that this is one of two weekends of the entire year drawing beachgoers in greatest numbers, the event would interfere with access and parking for those beachgoers. The continued demand of the CEO, Leonard Armato, is to put it simply, selfish and extremely greedy.
2. The request for additional seats should be denied in view of the fact that the AVP failed to control the situation with fewer seats this past year, and too frequently compromised the safety and access of attendees and others who wished to have use and access to the beach.
3. I have witnessed the set up for the event and personally was endangered. I witnessed others being endangered during the set up in 2003. The set up should not be made earlier nor the take down later. This event already takes too much time and interferes excessively with access to the beach.

**COASTAL COMMISSION**

9. The "evening corporate outing" could be accomplished by Mr. Armato inviting this group of VIP friends to his home on the Strand (after obtaining the necessary permits from the City), or the home donated by one his many VIP friends, or rented by the AVP for this time period. It is appropriate for the City Staff to have denied this and it is a violation of the LCP and therefore the Coastal Act. With the Five Million Dollars, certainly he could manage the lease payment or even a down payment on such a venue.
10. The City Departments should be applauded for their concern for safety. It is hoped that the City Council will encourage this concern and support the safety concerns in its decision.
11. For the record, it is noted that the Notice of this hearing with respect to the Coastal Appeal is not complete and appears defective. This would also be a reason for setting a later date for the hearing after proper notice, in addition to the reason that the review of the Staff report and files by interested parties was not as available due to Presidents' Day on February 16 (the City and Library where the Staff report and attachments would be available for review are closed). Mondays before a Council Meeting are normally a day available to the public to go to the library or City Hall to review the Staff report. Furthermore, it is difficult for the 30,000 residents in the City of Manhattan Beach to crowd around the one copy at the Police Station should they be lucky enough to learn to where the M.B. Police Station has been moved.
12. It is also noted that the City has refused to permit use of the City power point projector by a party who it knows will object to his this application. It is a form of censorship, since the City does permit use of the projector by other speakers before the Council. This objection by the undersigned was presented to the Council on January 20, and it appears that the Council will perpetuate this "uneven playing field" and censorship. The undersigned reserves his right to formalize a complaint for this failure to conduct the hearing fairly should the refusal be continued or reversed with too little advance notice for the interested party to use the power point projector.
13. As noted above, the height of 41.5 feet should be denied. The Local Coastal Plan prohibits it. If the AVP could ever come up with an argument around that, it is a permit application which the City has discretion. Additionally, consideration must be given to those residents in Manhattan Beach who believe that they did not purchase expensive property in the City to be adjacent to, instead of the ocean, a stadium which blocks the anticipated views, vistas and sounds of being at the ocean during the peak summer holiday. If the height is so important to the applicant, it is one more reason for the AVP and NBC to negotiate a stadium venue that will have those heights in place.
14. Of great importance is the necessity of denying requests for alcohol consumption in VIP areas on the public beach or pier, denial of height waivers, and having any curfew extended to after sunset for any of the events, or having any event larger then the Cal Cup-CBVA tournament already scheduled for this date.
15. Furthermore, should any date be permitted for this event, the City of Manhattan Beach has a duty to maximize its use of its name and should not waive permit fees for this for -profit event. This is the City that charges its resident's and property owners even if

## NBC, FSN team to invest \$5M in pro volleyball league

By Jennifer Lee, Staff writer

*Street & Smith's Sports Business Journal*  
(August 11-17, 2003)

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NBC and Fox Sports Net last week became minority investors in the Association of Volleyball Professionals thanks to a combined investment of about \$5 million over the next three years.

"This is a really innovative partnership between a sports property and media companies," said Leonard Armato, AVP founder and commissioner.

The deal gives NBC and Fox Sports Net one seat each on the AVP's board of directors, while guaranteeing the AVP significant promotion and programming on the networks through 2006.

"There were multiple reasons why we did this," said Randy Freer, chief operating officer for Fox Sports Net. "One is the success Leonard has had in putting together a business model that makes sense for the AVP. He's secured an A List of sponsors that includes involvement from all of them beyond a straight media buy." Another driving force for FSN was the belief that there's a growth opportunity with the AVP as a television vehicle, Freer said.

Armato founded the AVP in 1983, left in 1990, then rejoined the league as commissioner in 2001, with the vision of turning around a league that was plagued with disagreements among players and financial woes that ultimately led it to file for bankruptcy protection in 1998.

In the two years since he's regained charge of operations, Armato has landed the AVP back on television and back on the radar screens of blue-chip sponsors such as Nissan, Anheuser-Busch, Gatorade and McDonald's.

Fox Sports Net, which will air seven AVP events on a tape-delay basis this season, also plans to run a lifestyle show called "Dig" on some of its regional networks later this month. Network officials have begun discussing opportunities for additional AVP-related programming, Freer said, including reality, magazine and lifestyle-based programming, he said.

Freer wouldn't say how much Fox Sports Net will invest in the AVP. The investment, however, will come in the form of covering production costs, time and promotion, he said.

For NBC, the AVP investment represents an opportunity to complement its Olympic coverage by helping to grow the sport of beach volleyball, one of the most popular Olympic sports. "We've always liked the sport of beach volleyball and we felt that when properly managed and promoted it had the opportunity to be a great sport," said NBC Sports President Ken Schanzer. "When Leonard got involved, we felt the sport was getting into the right hands."

Schanzer wouldn't give specifics of NBC's deal, but sources said it provides on-air promotional support and discounted time buys, but no cash.

COASTAL COMMISSION

EXHIBIT # 9  
PAGE 7 OF 8