

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Long Beach, CA 90802-4302  
(562) 590-5071

**RECORD PACKET COPY**

April 21, 2005

**TO:** Commissioners and Interested Persons**W18a**

**FROM:** Peter Douglas, Executive Director  
Deborah Lee, Deputy Director  
Pam Emerson, Los Angeles County Area Supervisor  
Charles Posner, Staff Analyst

**SUBJECT:** Concurrence with the Executive Director's determination that the action of the City of Manhattan Beach accepting certification with a suggested modification of Major LCP Amendment No. 2-04 (MNB-MAJ-2-04) is legally adequate. For Commission review at its May 11, 2005 meeting in Palo Alto.

**STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

**BACKGROUND**

On October 25, 2004, City of Manhattan Beach Major Local Coastal Program (LCP) Amendment Request No. 2-04 was officially deemed submitted for Commission certification. The LCP amendment request, submitted by City Council Resolution No. 5936, amends the City's zoning regulations (LIP Section A.24.030) that apply to the OS (Open Space) land use district. The LCP amendment, which affects only the Implementing Ordinances (LIP) portion of the certified LCP, would allow sporting events for which some limited paid admission is charged (if at least 75% of the total seating area remains available free of charge).

On January 13, 2005, after a public hearing, the Commission approved City of Manhattan Beach LCP Amendment No. 2-04 with a suggested modification. Pursuant to the Commission's action on January 13, 2005, certification of City of Manhattan Beach LCP Amendment No. 2-04 is subject to the following suggested modification to the OS District's Temporary Use Schedule set forth in LIP Section A.24.030:

*Sporting events for which no admission is charged for more than 75% of seating capacity* where more than 75% of the total seating area is available free of charge, including admission fees and memberships, for general public use. The "seating area" includes areas clearly and visibly designated for spectators to use to view the event, including the spectator areas immediately adjacent to the court/field, and cannot include any areas from which the court/field cannot be seen at all.

[Note: The previously certified LCP language is shown in italics, the City's proposed change is identified with bold text, and the Commission's suggested modification (new certified language) is underlined. The deleted text is crossed-out.]

On April 5, 2005, the Manhattan Beach City Council unanimously adopted Resolution No. 5970 and Council Ordinance No. 2074 incorporating into the LCP the modification suggested by the Commission pursuant to its January 13, 2005 approval of LCP Amendment No. 2-04. On April 8, 2005, the City submitted the adopted modification to the Executive Director for a determination that it is consistent with the Commission's action on January 13, 2005 (See Attachment).

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of City of Manhattan Beach LCP Amendment No. 2-04 shall become effective upon Commission concurrence with the Executive Director's determination and upon filing of the notice of the Commission's certification with the Secretary of the Resources Agency as provided by Public Resources Code Section 21080.5(d)(2)(v).

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUBMITTING ORDINANCE NO. 2074 TO THE CALIFORNIA COASTAL COMMISSION TO AMEND SECTION A.24.030 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) - IMPLEMENTATION PROGRAM, RELATING TO PAID ADMISSION TO TEMPORARY SPORTING EVENTS

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

**SECTION 1.** The City Council hereby makes the following findings:

- A. The City Council of the City of Manhattan Beach, conducted a public hearing, pursuant to applicable law, on March 15, 2005 to consider the proposed amendment to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Plan; and,
- B. The City Council adopted Ordinance No. 2074 at the regular meeting of April 5, 2005, which became effective on May 5, 2004; and,
- C. The California Coastal Commission had conducted a public hearing considering the proposed amendment in the form of Ordinance No. 2064, at their regular meeting of January 13, 2005 and approved the amendment subject to recommended modifications, and the City was given a 6-month time frame within which to adopt these recommended modifications for inclusion in the City's certified Local Coastal Program.
- D. The subject amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061 (b)(3) in that it can be seen with certainty that the proposed project does not have the potential for causing a significant effect on the environment; and
- E. The City Council certifies that the subject amendment will be implemented in a manner fully in conformity with the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Coastal Program.

**SECTION 2.** Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

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

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

PASSED, APPROVED, and ADOPTED this 5th day of April, 2005.

Ayes: Tell, Aldinger, Montgomery, Ward and Mayor Fahey.  
 Noes: None.  
 Absent: None.  
 Abstain: None.

/s/ Joyce Fahey  
 Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura  
 City Clerk



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

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AMENDMENT REGARDING PAID ADMISSION TO TEMPORARY SPORTING EVENTS TO THE IMPLEMENTATION PROGRAM OF THE MANHATTAN BEACH LOCAL COASTAL PROGRAM PERTAINING TO FINAL CERTIFICATION OF MANHATTAN BEACH LCP AMENDMENT NO. 2-04

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

**SECTION 1.** The City Council hereby makes the following findings:

- A. The City Council of the City of Manhattan Beach adopted Ordinance No. 2064 on September 21, 2004, amending various sections of the Implementation Program of the City of Manhattan Beach Local Coastal Program (LCP).
- B. On September 30, 2004 the City's Local Coastal Program amendment, was submitted to the California Coastal Commission pursuant to the provisions of Section 30514 of the California Coastal Act.
- C. On January 13, 2005 the California Coastal Commission conducted a public hearing on the City's requested Local Coastal Program amendment and approved the amendment subject to recommended modifications.
- D. The City was given a 6-month time frame within which to adopt these recommended modifications for inclusion in the City's certified Local Coastal Program.
- E. On March 15, 2005, the City Council conducted a public hearing to consider incorporating the recommended modifications into the proposed Local Coastal Program amendment.
- F. The proposed project will not have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. The proposal is exempt from the requirements of the California Environmental Quality Act due to determination that it has no potential for causing a significant effect on the environment.
- H. The proposed amendment is consistent with the goals and policies of the City's General Plan and with the purposes of the Implementation Program of the Manhattan Beach Local Coastal Program.

**SECTION 2.** The City Council of the City of Manhattan Beach, California, hereby amends Section A.24.030 of the Implementation Program of the City of Manhattan Beach Local Coastal Program as follows:

Amend the specified portion of the OS District Land Use Regulations table of Section A.24.030 of the Implementation Program of the Manhattan Beach Local Coastal Program to read as follows:

Temporary Uses		(B)
Animal Shows	U	
Circuses and Carnivals	U	
Commercial Filming	U	



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

*[Signature]*

City Clerk of  
the City of  
Manhattan  
Beach

Sporting Events where more than 75% of the total seating area is available free of charge, including admission fees and memberships, for general public use. The "seating area" includes areas clearly and visibly designated for spectators to use to view the event, including the spectator areas immediately adjacent to the court/field, and cannot include any areas from which the court/field cannot be seen at all.

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**SECTION 3.** If any sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**SECTION 4.** That the time within which judicial review of this ordinance may be sought is not later than 90 days after the decision becomes final pursuant to California Government Code Section 65009.

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

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

**SECTION 7.** The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published by one insertion in *The Beach Reporter*, the official newspaper of the City and a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby designated for that purpose.

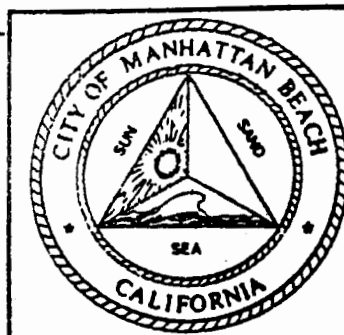
PASSED, APPROVED AND ADOPTED this 5th day of April, 2005.

Ayes: Tell, Aldinger, Montgomery, Ward and Mayor Fahey.  
 Noes: None.  
 Absent: None.  
 Abstain: None.

/s/ Joyce Fahey  
 Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura  
 City Clerk



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

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

