

RESOLUTION NO. 15-0018

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING A COASTAL DEVELOPMENT PERMIT APPROVING THE 2015 MANHATTAN BEACH OPEN ON PROPERTY LOCATED AT THE SOUTH SIDE OF THE MANHATTAN BEACH PIER, AND ADJACENT PARKING LOTS, IN THE CITY OF MANHATTAN BEACH (CA 15-11)

THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, RESOLVES AND DETERMINES AS FOLLOWS:

SECTION 1. International Merchandising Company, LLC (“Applicant” or “IMC”) has applied for a coastal development permit (“Permit” or “CA 15-11”) to allow temporary spectator bleachers, a VIP platform with beer and wine service, and related structures for an 11-day period (including setup and breakdown) and to host the 2015 Manhattan Beach Open volleyball tournament (“Project”). The Project includes stadium/bleacher seating and similar temporary structures located on the beach, and a portion of the South Lower Pier.Parking Lot and abutting County Bikepath. The Applicant is also seeking permission to charge an admission fee for a certain percentage of the stadium seating.

SECTION 2. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section pursuant to Sections 15304(e) "Minor Alterations to Land", 15311(c) "Accessory Structures", and 15323 "Normal Operations of Facilities for Public Gatherings". The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

SECTION 3. On April 21, 2015, the City Council conducted a duly noticed public hearing on the Project, at which time it received oral and written testimony.

SECTION 4. Based upon the evidence presented at the public hearing, the City Council hereby finds that the Project, as conditioned herein, is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, including Policies I.A.1 – I.A.3 regarding accessways, traffic flow, parking, and pedestrian access, as follows:

- a) The proposed temporary bleacher structures comply with the applicable standards of the Manhattan Beach Coastal Program Zoning Code.
- b) The structures shall not obstruct accessways within the coastal zone. While they will occupy some space on the beach, access from the Strand, bike path, and pier to the coastline and surrounding beach area shall remain available.
- c) Any displacement of normal views or use of the space shall be temporary for the period allowed by the proposed permit.
- d) Installation and use of the bleachers and related structures shall be subject to the restrictions (timing, shuttle, signs, trash, etc.) of the City’s tournament agreement with the Applicant.

SECTION 5. Based upon the foregoing, the City Council hereby approves the proposed Coastal Development Permit for temporary bleachers, a VIP platform with beer and wine service, and related structures for the 2015 Manhattan Beach Open volleyball tournament during the period of August 13-16, 2015, subject to the conditions listed below. The Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.

1. The Project shall be in substantial conformance with the plans submitted to, and approved by the City Council for the 2015 Manhattan Beach Open, on April 21, 2015.
2. The Applicant shall conform to all terms and provisions of that certain agreement between the City and IMC, referenced in Section 4 herein.
3. The Applicant shall provide access to Community Development Department, and other responsible agency Staff to inspect the site and the development during construction.
4. The Applicant shall comply with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program..
5. The Applicant shall indemnify, defend and hold harmless City, its officers, agents and employees (collectively "the City" hereinafter) from any and all claims and losses whatsoever occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies in connection with the performance of the use permitted hereby or the exercise of the rights granted herein, and any and all claims, lawsuits or actions arising from the granting of or the exercise of the rights permitted by this Permit, and from any and all claims and losses occurring or resulting to any person, firm, corporation or property for damage, injury or death arising out of or connected with the performance of the use permitted hereby. Applicant's obligation to indemnify, defend and hold harmless the City as stated herein shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits or actions, expert witness fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action. Applicant shall deposit an amount determined by the City to pay such costs and fees.
6. All structures associated with the project shall be limited to 41.5 feet in height, as measured from the beach sand.
7. The general public shall be provided with free public access to viewing and seating areas within the event area. If any admission is charged for any seating or access, the Applicant shall post clearly legible signs to designate at least 75% of the total seating capacity at each court (including bleachers, sand areas and viewing platforms/risers surrounding each court) that is reserved for the general public for free on a first-come, first-served basis. The signs, at least two square feet in area, shall state "Free Admission Area". The remaining 25% (or less) of the total seating capacity at each court (including bleachers sand areas and viewing platforms/risers surrounding each court) may be paid seating, or reserved for preferred Beach Club/VIP seating and/or access. The applicant is permitted to collect

fees to access the preferred seating areas. On Saturday and Sunday of the tournament, the applicant shall count and record the number of Beach Club members and VIP's within the event area, and shall provide the City and the Coastal Commission with the data within one month of the end of the tournament.

8. Applicant shall implement a traffic and parking management plan and free beach shuttle bus plan. The plan shall address Handicapped Parking including: All existing handicapped (HC) parking spaced in the upper and lower pier parking lots, and lower pier parking lots, and along Manhattan Beach Boulevard, are reserved for use by persons with vehicles displaying valid handicapped placards; and vehicles associated with the Applicant or the event shall not reserve or occupy any handicapped parking spaces unless such vehicle displays a valid handicapped placard.
9. Commencing on the Monday prior to the tournament, and continuing through the Wednesday following the tournament, IMC shall be permitted exclusive use of only the two lower pier parking lots located at the base of the Manhattan Beach State Pier (71 stalls, not including HC stalls). All public parking spaces within the upper pier parking lots shall be reserved for the general public on a first-come, first served basis (54 stalls including HC stalls).
10. On Saturday and Sunday of the tournament, IMC shall provide the free remote parking supply at the Mira Costa High School, or similar, parking lot for the general public (i.e., beachgoers, event spectators and IMC guests). IMC shall monitor and record the number of persons and cars using the remote parking lot on each day and provide the City and the Commission with the data within one month of the end of the tournament.
11. On Saturday and Sunday of the tournament, IMC shall provide a free shuttle bus service to transport people (i.e., beachgoers, event spectators and IMC guests) between the remote 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 15 minutes.
12. Commencing on Tuesday prior to the tournament, IMC 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 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, Ardmore Avenue, and Aviation Boulevard). The signs and banners shall be no smaller than 2'X3'. All signage shall be retrieved and properly removed on Monday following the tournament.
13. Commencing on Tuesday prior to the tournament, IMC shall provide no fewer than eight radio announcements and three newspaper advertisements within the Los Angeles County area informing the public of the shuttle

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 Coastal Commission within one month of the end of the tournament.

14. 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. A safe level pathway with a minimum clear width of 4 feet shall be maintained between the pier and any bleacher or other obstructions. No tents, vehicles (except for emergency vehicles), fences, barriers or other similar structures shall be placed in the pier. The applicant shall monitor the pier in order to prevent any unpermitted encroachments by event sponsors and vendors.
15. The event shall not interfere with the public's use of the bicycle path and The Strand (the public walkway that parallels the beach). The bicycle path and The Strand shall remain open and unobstructed. Temporary re-routing of the bike path during bleacher/platform construction shall be in compliance with the requirements of Los Angeles County, and be addressed in the parking and traffic management plan. No fences, vehicles, materials or structures shall otherwise 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.
16. The proposed event, and all associated development, shall not encroach any closer to the shoreline than fifty feet (50'), measured from the highest water mark.
17. Beer and wine service, and consumption, shall be limited to the VIP platform area subject to all applicable requirements of the State of California, and County of Los Angeles. Such service and consumption shall only occur between 9am and 9pm on August 13-16, 2015.
18. By acceptance of this coastal development permit, the Applicant agrees to remove and legally dispose of all trash, waste, oil, grease, and other materials that may be deposited on-site incidental to the volleyball tournament, associated activities, and the general public's use of the event site, pier and adjacent parking facilities. Such clean-up and disposal shall be completed at the end of each day's activities.

SECTION 3. Section 1094.6 of the California Code of Procedure governs the time within which judicial review, if available, of the decision reflected in this resolution must be sought, unless a shorter time is provided by other applicable law. 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 California Code of Civil Procedure Section 1094.6.

SECTION 4. The entitlements conferred by this Resolution shall become effective when all time limits for appeal as set forth in Manhattan Beach Municipal Code Section 10.100.030, and the Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable), which is 10 working days following notification of final local action. This Resolution upon its effectiveness constitutes the Coastal

Development Permit for the 2015 Manhattan Beach Open volleyball tournament, that conforms to the description and conditions provided herein. Concurrently with its approval, the City Council approved an agreement with IMC to partner with the City of Manhattan Beach to produce the event during the period of August 13 - 16, 2015.

SECTION 5. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED and ADOPTED this 21st day of April, 2015.

Ayes:  
Noes:  
Absent:  
Abstain:

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Wayne Powell, Mayor  
City of Manhattan Beach, California

ATTEST:

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Liza Tamura, City Clerk