

RESOLUTION NO. 19-0015

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING A COASTAL DEVELOPMENT PERMIT APPROVING THE 2019 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 19-02)

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

SECTION 1. AOS Group (“Operator” or “AVP”), in conjunction with the Manhattan Beach Parks & Recreation Department, has applied for a Coastal Development Permit (“Permit” or “CA 19-02”) to allow temporary spectator bleachers, a VIP platform with beer and wine service, and related structures for a 13-day period (including setup and breakdown) and to host the 2019 Manhattan Beach Open volleyball tournament (“tournament” or “event”) adjacent to the Manhattan Beach Pier. The event 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 Operator 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 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 or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

SECTION 3. On March 6, 2019, the City Council conducted a duly noticed public hearing regarding the event, 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 event, 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 tournament operator.
- e) The temporary event shall encourage coastal access by a broader than typical segment of the public due to national marketing, and free parking and free shuttle service available to all beach users.

SECTION 5. Based upon the foregoing, the City Council hereby approves a Coastal Development Permit for temporary bleachers, VIP platforms with beer and wine service, and related structures for the 2019 Manhattan Beach Open volleyball tournament during the period of August 15-18, 2019, 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 event shall be in substantial conformance with the plan submitted to, and approved by the City Council for the 2019 Manhattan Beach Open, on March 6, 2019.
2. The Operator shall conform to all terms and provisions of that certain agreement between the City and AVP, dated March 6, 2019.
3. The Operator shall provide access to the Community Development Department, and other responsible agency staff to inspect the site and the development during construction.
4. The Operator 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 Operator 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. The Operator'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. In the event a claim, lawsuit or action is filed, the Operator shall enter into a reimbursement agreement within 15 days of the date such claim, lawsuit or action is served on the City to reimburse the City for all costs and fees incurred by the City in its defense. The City may require a deposit in an amount estimated by the City to pay such costs and fees.

6. All structures associated with the event 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 Operator 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 VIP seating and/or access. The Operator is permitted to collect fees to access the preferred seating areas. On Saturday and Sunday of the tournament, the Operator shall count and record the number of 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. The Operator shall implement a Traffic and Parking Management Plan, subject to City review and approval. At a minimum, the Plan shall include: a free bicycle parking area; free remote parking; free beach shuttle bus service; and maintenance of existing handicapped parking spaces. The Plan shall include a requirement that all existing handicapped (HC) parking spaces in the upper and lower pier parking lots, lower pier parking lots, and along Manhattan Beach Boulevard, are reserved for use by persons with vehicles displaying valid handicapped placards. Vehicles associated with the Operator or the event shall not reserve or occupy any handicapped parking spaces unless such vehicle displays a valid handicapped placard.

9. Commencing on the Sunday prior to the tournament and continuing through the Wednesday following the tournament, the City will allow AVP the exclusive use of the two lower pier parking lots located at the base of the pier (71 stalls, not including HC stalls). AVP personnel, employees, agents, contractors and subcontractors shall not use any other City parking lots in the vicinity of the Pier, except the spaces identified in Condition 10 in conformance with the restrictions therein.
10. Commencing on the Wednesday prior to the tournament, and continuing through the Sunday of the tournament, the City will allow AVP the exclusive use of 14 parking spots in the south portion of the upper south pier parking lot. The remaining parking spaces within the upper pier parking lots shall be reserved for the general public on a first-come, first served basis. AVP personnel, officials, officers, employees, agents, contractors and subcontractors shall not use any other City parking lots in the vicinity of the Pier, except the parking lots identified in Condition 9 in conformance with the restrictions therein.
11. On Saturday and Sunday of the tournament, AVP shall provide free remote parking supply at the lower, easterly City-owned parking lot adjacent to the Manhattan Village Shopping Center, or similar parking lot for the general public (i.e., beachgoers, event spectators and AVPAVP guests). AVP shall monitor and record the number of persons and cars using the remote parking lot on each day and provide the City and the Coastal Commission with the data within one month of the end of the tournament.
12. On Saturday and Sunday of the tournament, AVP shall provide a free shuttle bus service to transport people (i.e., beachgoers, event spectators and AVP guests) between the remote parking lot and the downtown drop-off point (Von's Supermarket). At least two shuttle buses, each holding at least 50 persons, shall run continuously between the drop-off point and the remote parking lot each day between the hours of 7:00 a.m. to 7:00 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.
13. Commencing on Tuesday prior to the tournament, AVP 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. All signage shall be retrieved and properly removed on Monday following the tournament.
14. Commencing on Tuesday prior to the tournament, AVP 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 Operator shall provide copies of each print advertisement to the City and the Coastal Commission within one month of the end of the tournament.

15. The event shall not interfere with the public's access to and use of the 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 four 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 on the pier. The Operator shall monitor the pier in order to prevent any unpermitted encroachments by event sponsors and vendors.
16. 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 Operator shall monitor The Strand and bicycle path in order to prevent any encroachments by event sponsors and vendors.
17. The event, and all associated development, shall not encroach any closer to the shoreline than 50 feet, measured from the highest water mark.
18. Beer and wine service, and consumption, shall be limited to the VIP platform areas subject to all applicable requirements of the State of California, and County of Los Angeles. Such service and consumption shall only occur between 12:00 noon and 9:00 p.m. on August 15-18, 2019.
19. By acceptance of this Coastal Development Permit, AVP 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 6. 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 2019 Manhattan Beach Open volleyball tournament, that conforms to the description and conditions provided herein.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED March 6, 2019.

Ayes:
Noes:
Absent:
Abstain:

STEVEN A. NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk