



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Fahey and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Eric Haaland, Associate Planner

**DATE:** April 5, 2005

**SUBJECT:** Adoption of an Ordinance Approving a Modified Amendment to the Manhattan Beach Local Coastal Program (LCP) Pertaining to Charging Admission for Temporary Events

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### **RECOMMENDATION:**

Staff recommends that the City Council **ADOPT** Ordinance No. 2074 approving the proposed amendment, and **ADOPT** Resolution No. 5970 transmitting the ordinance to the California Coastal Commission.

### **FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action.

### **DISCUSSION:**

The City Council, at its regular meeting of March 15, 2005, **INTRODUCED** (5-0 vote) Ordinance No. 2074 regarding final certification of a proposed Local Coastal Program amendment pertaining to paid admission to temporary sporting events within the City's coastal zone. The Coastal Commission required a minor change to Ordinance No. 2064, which the City had previously submitted to accomplish this Coastal Program amendment.

The purpose of the amendment is to eliminate a conflict between the City's Local Coastal Program and a common statewide practice of allowing partial paid admission at professional volleyball tournaments. The proposed amendment would permit charging for sporting events for which free admission is provided at least 75% of seating area. This provides for the option of charging admission for preferred seating, and is consistent with the Coastal Commission's general policy for temporary events in the coastal zone.

After adoption of Ordinance 2074 and Resolution 5970 staff would submit the Local Coastal Program Amendment to the Coastal Commission for certification.

### **Attachments:**

Ordinance No. 2074 & Resolution No. 5970

C: Matt Gage, AVP

ORDINANCE NO. 2074

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:

<b>Temporary Uses</b>		(B)
Animal Shows	U	
Circuses and Carnivals	U	
Commercial Filming	U	

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.	U	
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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:  
 NOES:  
 ABSENT:  
 ABSTAIN:

\_\_\_\_\_  
 Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
 City Clerk



RESOLUTION NO. 5970

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 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:  
Noes:  
Absent:  
Abstain:

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Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

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