



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: March 15, 2005

SUBJECT: Consideration of Final Certification of an Amendment to the Manhattan Beach Local Coastal Program (LCP) Implementation Program Pertaining to Temporary Sporting Events

RECOMMENDATION:

Staff recommends that the City Council **CONDUCT** the public hearing, **WAIVE FURTHER READING**, and **INTRODUCE** Ordinance No. 2074.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

On September 30, 2005 the City Council adopted Ordinance No. 2064 amending the Implementation Program of the Manhattan Beach Local Coastal Program (LCP) allowing partial paid admission at temporary sporting events. The proposed amendment was submitted to the Coastal Commission on September 30, 2004 and scheduled for public hearing on January 13, 2005. At the January 13th hearing the Coastal Commission voted to approve the LCP amendment subject to suggested modifications (see attached letter). A revised ordinance with all required modifications must now be approved by the Council and re-submitted to the Coastal Commission for final certification.

DISCUSSION:

The purpose of the LCP amendment is to permit admission fees to be charged for up to 25% of sporting event seating area. This is consistent with State Coastal policy and the proposal received tentative approval, however, the Coastal Commission decided to add language defining the "seating area" to be considered toward free and paid admission. The temporary uses table of Section A.24.030 of the LCP, which is the subject of the amendment, is shown below. The original city approved language to be deleted is shown in ~~strikeout~~ format, and the proposed Coastal Commission language is shown in *italics*.

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

After introduction of Ordinance 2074, staff would return for City Council adoption at the April 5th meeting along with a resolution transmitting the Ordinance to the Coastal Commission.

ALTERNATIVES:

The alternatives to the recommended action available to the City Council include:

1. **REVISE** the proposed Ordinance as the City Council determines to be appropriate.
2. **DENY** the proposed amendment.

Attachments:

- Ordinance No. 2074
- Correspondence from Coastal Commission Approving LCP Amendment
- Ordinance No. 2064

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:

Temporary Uses		(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

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



January 24, 2005

Richard Thompson, Director
Community Development Department
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266-4795

Re: Manhattan Beach Local Coastal Program Amendment Request No. 2-04 (MNB-MAJ-2-04).

Dear Mr. Thompson:

You are hereby notified that the California Coastal Commission, at its January 13, 2005 meeting in Long Beach, approved City of Manhattan Beach Local Coastal Program (LCP) Amendment No. 2-04 with a suggested modification. The LCP amendment request, contained in City Council Ordinance No. 2064 and 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 approved 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 (more than 75% of the total seating area shall be available free of charge).

Since the Commission approved the LCP amendment with a suggested modification, LCP Amendment No. 2-04 will not be effective for implementation in the City's coastal zone until: 1) the Manhattan Beach City Council adopts the Commission's suggested modification, 2) the City Council forwards the adopted suggested modification to the Commission by resolution, and, 3) the Executive Director certifies that the City has complied with the Commission's January 13, 2005 action. The Coastal Act requires that the City's adoption of the suggested modification be completed within six months of the Commission's January 13, 2005 action.

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:

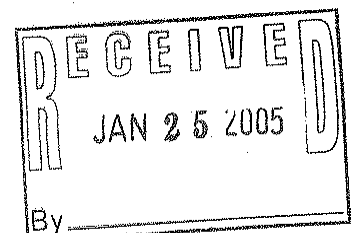
Sporting events for which no admission is charged for more than 75% of seating capacity where more than 75% of the total seating area is available free of charge, including admission fees and memberships, for general public use. The "seating area" includes areas clearly and visibly designated for spectators 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 currently certified LCP language is shown in italics, the City's proposed change is identified with bold text, and the Commission's suggested modification (new language) is underlined.* The text suggested to be deleted is crossed-out.]

Thank you for your cooperation and we look forward to working with you and your staff in the future. Please call Charles Posner or myself at (562) 590-5071 if you have any questions regarding the modification required for effective certification of City of Manhattan Beach LCP Amendment No. 2-04.

Sincerely,

Teresa Henry
District Manager



cc: Eric Haaland, Planner

ORDINANCE NO. 2064

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO THE IMPLEMENTATION PROGRAM OF THE MANHATTAN BEACH LOCAL COASTAL PROGRAM PERTAINING TO PAID ADMISSION TO TEMPORARY SPORTING EVENTS

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 Association of Volleyball Professionals requested that the City of Manhattan Beach initiate an amendment to the City's Local Coastal Program to permit paid seating at temporary sporting events within the City's coastal zone.
- B. The Planning Commission conducted a public hearing on August 11, 2004, pursuant to applicable law to consider an amendment to Section A.24.030 of the Implementation Program of the Manhattan Beach Local Coastal Program
- C. The Planning Commission adopted Resolution No. PC 04-15 recommending City Council approval of an amendment to the Manhattan Beach Local Coastal Program permitting partial paid admission to temporary sporting events.
- D. On September 7, 2004, the City Council conducted a public hearing, received testimony, and considered the proposed Local Coastal Program amendment.
- E. The proposed project will not have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. 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.
- G. 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	
Sporting Events for which no admission is charged for more than 75% of seating capacity	U	

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 21st day of September, 2004.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk