

CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
JANUARY 24, 2007

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, January 24, 2007, at 6:35 p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6 Chairman Schlager called the meeting to order.

7
8 Members Present: Bohner, Cohen, Lesser, Powell, Chairman Schlager
9 Members Absent: None
10 Staff: Richard Thompson, Director of Community Development
11 Eric Haaland, Associate Planner
12 Sarah Boesch, Recording Secretary
13

14 **APPROVAL OF MINUTES** December 13, 2006

15
16 Commissioner Bohner requested that page 3, line 37, of the December 13 minutes be revised to
17 state: “She said that no interest has been expressed by the operators of the Shade Hotel.”

18
19 Commissioner Bohner requested that page 4, line 6, be revised to read: “She said that the
20 existing Petros Vintage clothing store near ~~to~~ the restaurant . . .”

21
22 Commissioner Bohner requested that page 4, line 14, be revised to read: “She indicated that the
23 other City departments did not have a concern about the proposal. . . .”

24
25 Commissioner Bohner requested that page 5, line 28, be corrected to read: “Commissioner
26 Powell commented that the word . . .”

27
28 Commissioner Bohner requested that Page 6, line 3, be revised to read: “Petros Benekos, the
29 applicant, said that ~~they want their~~ he wants his store to sell special products from Greece that
30 are sold at no other place in Los Angeles. He said that ~~they~~ his store would not sell sandwiches
31 at the retail store and ~~they do~~ he does not wish for the store to be in competition with the
32 restaurant.”

33
34 Commissioner Bohner requested that Page 6, line 12, be revised to read: “He said that his
35 operation is a restaurant and not a bar, and ~~they have~~ it has received no complaints.”

36
37 Commissioner Cohen requested that the language of page 1 of the Resolution under Section 1,
38 Item E be revised which states: “1997/1998 The City purchased the Metlox property to control
39 development and Master Plan the site.”
40

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1 Commissioner Cohen suggested that the next line of Section 1, Item E be revised to read:
2 “1998/2001 Numerous public meetings and workshops were held to solicit public input on the
3 site and Downtown.”
4

5 Commissioner Cohen requested that Item J(a) on page 2 of the Resolution be revised to read:
6 “Modification of the previous hours of operation . . .”
7

8 Commissioner Cohen asked whether page 6, paragraph 12 of the Resolution is appropriate to be
9 included as written or whether the reference to the hotel should actually be changed to the
10 restaurant.
11

12 Director Thompson commented that the provision applies to the Shade Hotel in referencing the
13 Master Use Permit for the entire center. He indicated that staff will take another look at the
14 language.
15

16 Commissioner Powell requested that page 12, line 10 be revised to read: “Commissioner Powell
17 commented that Manhattan Beach is one of the most beautiful beach town communities in the
18 country, which is attributable in large part to the excellent work by the Community Development
19 Director, planning staff, City employees, City Council, ~~Commission~~ Commissioners and
20 residents.”
21

22 A motion was MADE and SECONDED (Lesser/Bohner) to **APPROVE** the minutes of
23 December 13, 2006, as amended.
24

- 25 AYES: Bohner, Cohen, Lesser, Powell, Chairman Schlager
- 26 NOES: None
- 27 ABSENT: None
- 28 ABSTAIN: None
- 29

30 **REORGANIZATION**

31
32 Chairman Bohner presented Commissioner Schlager with a certificate and commended him on
33 his service as Chairman in his direction and keeping order during the meetings.
34

35 Commissioner Lesser thanked Commissioner Schlager for his practical approach and
36 observation on the issues with good humor which helped to move the process forward.
37

38 Commissioner Schlager said that he has thoroughly enjoyed his time of service as Chairman of
39 the Commission and has greatly enjoyed working with the other Commissioners.
40

41 **AUDIENCE PARTICIPATION**

42

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1 **Viet Ngo** commented that the Commissioners approved the minutes intentionally without
2 permitting members of the public an opportunity to make corrections in violation of the
3 California Penal Code Section 134. He cited a letter from California Attorney General Bill
4 Lockyer. He requested that the minutes be revised to correctly reflect his testimony. He cited
5 Penal Code Section 134 which states: “Every person guilty of preparing any false or ante-dated
6 book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or
7 allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, upon any trial,
8 proceeding, or inquiry whatever, authorized by law, is guilty of felony.” He commented that the
9 Commissioners are sworn to uphold the law. He indicated that he believes the Commission has
10 committed a felony and has taken action to commit conspiracy with Jonathan Tolkin to steal
11 public money.

12

13 **BUSINESS ITEMS**

14

15 **PUBLIC HEARINGS**

16

17 **01/24/07.1 Consideration of an AMENDMENT to the City of Manhattan Beach Local**
18 **Coastal Program Pertaining to Special Events**

19

20 Associate Planner Haaland summarized the staff report. He said that the City’s Local Coastal
21 Program approved in 1994 originally did not permit any paid admission to temporary sporting
22 events located on the beach. He commented that the provision was changed and approved by the
23 State Coastal Commission to allow a charge for up to 25 percent of seating a few years ago. He
24 said that the City Council has referred the issue to the Commission to consider allowing the City
25 the discretion to charge for up to 100 percent of the seating for a temporary sporting event. He
26 said that the last two Manhattan Beach Open tournaments did charge for 25 percent of stadium
27 seating. He indicated that there had been a charge for the preferred stadium seating in the lower
28 premium seats, and the upper grandstand seating remained free of charge. He said that the City
29 Attorney has provided draft language to allow for one event per year with the City Council’s full
30 discretion on the amount of paid seating that would be allowed. He stated that the Council did
31 indicate that it is unlikely that 100 percent would be approved for any given tournament, but that
32 it would be beneficial for the City and for the event to have the flexibility to charge for over 25
33 percent of the seating. He commented that the purpose of the item is to conduct a public hearing
34 and make a recommendation to the City Council. He said that the decision of the City Council
35 would be forwarded to the State Coastal Commission for their review. He pointed out that a
36 similar request is going before the Coastal Commission at their next meeting for approval of
37 more than 25 percent paid seating for APV events in the City of Hermosa Beach. He commented
38 that Manhattan Beach has its own Local Coastal Program, which must be amended to allow
39 more paid seating. He indicated that in Manhattan Beach, a Coastal Permit is approved by the
40 City Council for the tournament annually. He stated that in Hermosa Beach, the event is directly
41 under the authority of the Coastal Commission, which may decide on appropriate paid seating
42 quantities.

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1
2 Commissioner Lesser commented that the most substantive finding necessary for the
3 Commission to consider in making their recommendation is whether the proposed Amendment is
4 consistent with the goals and policies of the City's General Plan and Local Coastal Program. He
5 asked if there is any language in the General Plan that the Commission should use in considering
6 the proposed Amendment.

7
8 Associate Planner Haaland indicated that there are not any policies in the General Plan that
9 specifically address the issue of paid seating for events at the beach. He said that there are not
10 many references in the General Plan oriented toward the beach possibly because the City does
11 not have direct control over the beach itself. He said, however, that the beach is within the City
12 limits and under the City's coastal permitting authority. He indicated that the General Plan does
13 reference beach volleyball and the Manhattan Beach Open as a recreational asset to the City and
14 that public access to the beach is mentioned as being important. He stated that the Coastal
15 Program and its policies are aimed at public access to the beach and coastal zone in general. He
16 said that there is an argument that the event decreases public access to the beach; however, it
17 also increases access by providing shuttles and attracting people that might not otherwise come
18 to Manhattan Beach.

19
20 In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that
21 the Coastal Commission has not had a concern with the 25 percent threshold and had even
22 previously approved the 25 percent allowance under its own authority in appeals. He said that
23 staff has received no indication that the Coastal Commission would approve an exception to the
24 25 percent allowance in this case. He indicated that the issue is before the Commission because
25 the City Council felt that it may be appropriate to have flexibility to allow for more than 25
26 percent paid seating.

27
28 Commissioner Schlager indicated that it seems the AVP is attempting to have the proposed
29 Amendment passed because of their concern with the profitability of the event. He said that he
30 would assume the concern of the City Council is that an important tradition of the City could be
31 lost if the proposed Amendment does not pass.

32
33 In response to a question from Commissioner Schlager, Director Thompson stated that the City
34 Council will address the question of profitability of the event in determining the necessity of
35 charging for seating. He indicated that the Commissioners should consider the land use aspect in
36 making their decision, and the financial agreement between the City and the AVP is not before
37 them. He indicated that the Council felt that it was more of an issue of local control and felt that
38 charging for seating is not an environmental coastal issue that should be restricted in the Local
39 Coastal Plan. He said that the Council feels that they can evaluate and negotiate with the AVP
40 an appropriate agreement on an annual basis that will allow the tournament to continue. He
41 commented that amending the LCP as proposed would allow the City Council full discretion in
42 establishing the percentage of paid admission or paid seating to one event per year.

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1
2 Commissioner Cohen commented that there are competing interests between the Coastal Act and
3 local control. She said that there may also be other alternatives that would allow the AVP to
4 break even on the event.

5
6 Director Thompson said that it is not the purview of the Planning Commission to determine
7 whether the AVP is a viable business, those issues will be considered by the City Council. He
8 said that the question before the Commission is whether the issue of paid seating should be
9 determined by the City or regulated by the Coastal Commission.

10
11 Commissioner Powell pointed out that the proposed Amendment is for paid seating for
12 designated seating areas rather than paid admission to access the tournament area in general. He
13 also pointed out that if the proposed Amendment is approved, there is still an annual Coastal
14 Development Permit process for each event that includes an annual public hearing where
15 concerns can be expressed, and limitations imposed. He said that the permit also can be
16 appealed to the Coastal Commission.

17
18 Chairman Bohner opened the public hearing.

19
20 **Dave Williams**, representing the AVP, pointed out that there is no policy within the Coastal
21 Commission limiting paid seating to 25 percent, although such a policy has consistently been
22 reported in the newspaper and referenced in public hearings. He commented that the original
23 guidelines that were established in 1993 by the Coastal Commission allow control to local
24 jurisdictions to amend the LCP to permit up to 100 percent of paid seating for temporary events.

25
26 In response to a question from Chairman Bohner, **Mr. Williams** said that they are confident that
27 the Coastal Commission will now consider their arguments because they have sat down and
28 addressed the original guidelines with the Coastal Commissioners and shown them that the issue
29 does belong under local jurisdictions. He indicated that they prefer to work out the issue of paid
30 seating locally rather than with the Coastal Commission who has no vested interest in the event
31 being successful. He commented that the tournament has taken place for 48 years, and the AVP
32 has run it since 1983. He indicated that it is one of the longest running and largest special events
33 on Los Angeles County beaches, and the tournament warrants consideration.

34
35 In response to a question from Commissioner Lesser, **Mr. Williams** pointed out that the event is
36 owned by the City and operated by the AVP on its behalf, and the City is asking for the rights
37 from the Coastal Commission rather than the AVP. He commented that the event was born out
38 of the community and is part of the City's identity. He said that they are asking the City to
39 request the rights to charge for more than 25 percent of the seating and then reach an agreement
40 with the AVP as felt appropriate.

41
42 Commissioner Powell indicated that his understanding from the staff report is that the Coastal

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1 Commission guidelines are applied to cities that do not have a certified Local Coastal Program,
2 and Manhattan Beach is limited to the provisions of its Local Coastal Program which currently
3 allows up to 25 percent of paid seating.
4

5 In response to a question from Commissioner Powell, **Mr. Williams** stated that they do not
6 currently have a proposed seating capacity. He said that the tournament includes about 15
7 courts. He indicated that they have VIP seating, stadium seating for the central courts, and
8 seating on five rows of bleachers which can reach a total capacity of approximately 4,500. He
9 pointed out that it is difficult to expand beyond 4,500 because of the City's height limitation
10 which prevents them from building taller bleachers. He indicated that the tournament spans an
11 area of approximately 300,000 square feet, but the overall area becomes smaller as elimination
12 games are finished. He commented that they provide a free shuttle service to the beach from the
13 Northrop Grumman parking lot at Manhattan Beach Boulevard and Doolittle. He indicated that
14 they attempt to eliminate vehicles from coming into the downtown area and capture traffic for
15 the event at the Northrop lot. He pointed out that the shuttle is free for anyone wishing to visit
16 the beach and not only for people attending the event. He commented that the event does not
17 restrict access to the beach, and there are more people at the beach during their event.
18

19 Commissioner Cohen commented that she would think that charging money for seating would be
20 probably the least advantageous method for the AVP to make more money, and attracting more
21 sponsors and advertising would be more cost effective without asking residents and visitors to
22 pay to attend the event.
23

24 **Mr. Williams** commented that their business requires many different revenue sources to make it
25 break even and then profitable. He said that the bleachers are very expensive, and a single ticket
26 barely covers the cost of the seat. He said that they are very limited because they are unable to
27 charge for parking and unable to sell beer, which are two major methods of generating revenue.
28 He said that being unable to charge for the majority of the seats additionally limits their revenue.
29 He commented that there also is a maximum on the number of signage and banners that can be
30 provided to sponsors. He indicated that the City Council will have the financial information
31 which shows the cost of running the event and the revenue generated, and they will not blindly
32 having to guess in determining the appropriate percentage of paid seating.
33

34 Commissioner Powell commented that even if the tournament only breaks even or results in a
35 nominal loss, he has to believe that it is the prestige of the Manhattan Beach Open that drives
36 attendance at other AVP events and sponsorship.
37

38 **Mr. Williams** indicated that they would be willing to accept the event breaking even, but the
39 event currently results in such a loss that they need to find a way to help generate more revenue
40 to close the gap.
41

42 Commissioner Cohen said that her impression is that charging for even up to 100 percent of the

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1 seating would not result in the event becoming profitable, and she is not certain that it is the
2 solution for generating additional revenue.

3
4 **Mr. Williams** commented that ticket sales are the key economic driver to every sporting event.

5
6 **Dennis Duke Nor**, a resident of Hermosa Beach, said that he believes that the issue of paid
7 seating for the tournament is a regional rather than a local issue. He stated that people have the
8 right to enjoy the beach. He commented that the AVP seems to always request increasingly
9 more for their tournaments for seating and parking. He indicated that people have a right to free
10 access to the beach, and charging admission would set a bad precedent. He indicated that he
11 strongly suggests denying the request.

12
13 **Viet Ngo** stated that the beach is public land, and it is the civil right of United States citizens to
14 have free access to the beach. He said that the Commission does not have authority to restrict
15 access to the beach area. He commented that the area used to be a state beach, and control was
16 granted to the Los Angeles Department of Beach and Harbors to allow for recreational use only
17 with no commercial use. He said that allowing the AVP to charge money for seats in order for
18 people to step on to the public land is helping them to violate their own civil rights.

19
20 **Carol Wahlberg**, commented that there is a cost to using the brand that is Manhattan Beach
21 which has an economic value. She said that the City is in a special position which benefits the
22 AVP. She said that she feels the tournament has become less of a local event, and it does create
23 negative impacts to the residents who live adjacent to the downtown area.

24
25 Chairman Bohner closed the public hearing.

26
27 Commissioner Lesser indicated that he has been to a number of AVP events. He indicated that
28 the tournament is very important to the City and has been one of its major events for many years.
29 He commented, however, that he cannot support the subject proposal. He stated that the
30 Commission is being asked to make the finding that the proposal is consistent with the goals and
31 policies of the City's General Plan and Local Coastal Program, and he does not feel that there is
32 any evidence to support the finding other than the history of the event in the City. He said that
33 he also does not feel the amendment can be adopted without knowing the criteria that the Coastal
34 Commission would apply. He indicated that the City's Local Coastal Program is subject to the
35 Coastal Act of 1976 for the protection and expansion of public access to the shoreline and
36 recreational opportunities and resources. He said that in the absence of further data, he does not
37 see that charging for seating beyond the current threshold of 25 percent achieves the goal of
38 protecting public access. He indicated that he feels the decision of state rather than local control
39 over the coast was decided long ago by the adoption of Proposition 20 in 1972 and with adoption
40 of the California Coastal Act in 1976 and the City's Local Coastal Program. He stated that the
41 guidelines governing paid seating balance between the authority of coastal communities and the
42 state's limits on their authority, which includes paid seating at temporary events.

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1
2 Commissioner Schlager indicated that volleyball began in approximately the 1930's, and the
3 tournament has been in existence for 40 years. He stated that the first paragraph of the General
4 Plan is about the history of the City, its small town character, and the features which make the
5 City unique. He indicated that the Manhattan Beach Open is one of the City's unique features.
6 He pointed out that the City might have a brand which is important, but the City should not
7 assume that the AVP would not be willing to pull the tournament if it is not profitable. He
8 commented that revenue from selling seats at events does generate significant revenue, and the
9 AVP is going to find the revenue whether it is in Manhattan Beach or somewhere else. He
10 indicated that the amount of revenue that would be lost by the City if the tournament left is
11 measurable, but the flavor, tradition, and history that would be lost could not be measured. He
12 pointed out that the Resolution does not specify that 100 percent of the seats would be paid
13 admission, but rather that the City Council would have full discretion on an annual basis to make
14 the decision on behalf of the City regarding the amount of paid seating. He stated that the
15 residents as citizens elect the City Council, and he would hope that there would be sufficient
16 trust in the elected officials to allow them the discretion to make the determination on the City's
17 behalf. He said that he does support the proposed Resolution.

18
19 Commissioner Powell commented that the Coastal Commission is going to rule on the amount of
20 paid seating that will be allowed for the tournament in Hermosa Beach next month, and the City
21 Council will then have the benefit of knowing the outcome of that decision. He said that it
22 would have been beneficial to know the outcome of the Coastal Commission's decision
23 regarding the Hermosa Beach tournament in considering this issue. He said that he agrees that
24 the beach should remain open to the public, which was the intent of establishing the Coastal Act.
25 He said that he also agrees that the AVP operates under the watch of the City. He indicated that
26 access to the pier and the area of the beach is free during the event, and he would be opposed to
27 an area being roped off for access to only people who pay admission. He stated that the
28 proposed Amendment would give control to the City Council to determine the amount of paid
29 seating that would be appropriate. He pointed out that there is a provision of the Local Coastal
30 Program requiring an annual Coastal Development Permit for the tournament that provides for a
31 public hearing each year to allow members of the community to express their concerns. He
32 indicated that the decision of the Council can also be appealed to the Coastal Commission. He
33 said that he is concerned that it would be too much to request 100 percent of the seats for paid
34 admission and would be rejected by the Coastal Commission. He said that requesting a
35 percentage between 25 and 100 percent would either be approved or reduced by the Coastal
36 Commission, and he is not certain of the appropriate percentage. He stated would not want to
37 permit more than 50 percent paid seating. He indicated that the paid seating could be for the
38 courtside and VIP seats. He said that he does not feel that paid seating above 50 percent would
39 be reasonable. He commented that he does not see that charging for 50 percent of the seating
40 would make a significant increase in the generation of revenue for the tournament.

41
42 Commissioner Cohen said that paid admission for seating is not the answer for a long term plan

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1 of profitability. She indicated that she is not certain in considering the perspective of Manhattan
2 Beach within the sections of the Coastal Program that were provided, and she is hoping that the
3 Council looks at the General Plan, Local Coastal Program and Coastal Act in considering the
4 issue. She said that she trusts the current City Council to make the determination regarding paid
5 seating but is unsure of decisions that could be made by future Council members in their view of
6 the Coastal Act to protect the natural resources and free public access to the beach. She
7 commented that she feels the Manhattan Beach Open is of at least equal mutual benefit to both
8 the City and the AVP. She said that the tournament is part of the City's history and is cited
9 within the General Plan. She indicated that the tournament is valued because it is historical and
10 traditional, and it is to the mutual benefit of the City and AVP to work together to reach a long
11 term plan for it to become profitable. She indicated that she does not feel the proposed
12 Amendment is completely an effective long term plan for the success of the tournament, but she
13 is willing to vote in favor of the City seeking an amendment to the Local Coastal Plan with a
14 limit of allowing up to 50 percent paid seating. She commented that she feels allowing 50
15 percent paid seating is arbitrary, and she would require that alternative methods of making the
16 tournament profitable also be included. She pointed out that the tournament is a temporary event
17 and the bleachers are a non-permanent structure. She said that it is perhaps a public nuisance to
18 some for a period of a week a year, but the limitation is outweighed by the benefit to the
19 community. She said that she feels it is important that the City Council review the permit for the
20 tournament annually, which can be appealed to the Coastal Commission. She commented that
21 she is against the commercialization of events in the City, and she could support charging for up
22 to 50 percent of the seats for the event if it can perhaps eliminate some of the commercialization.

23
24 Chairman Bohner said that he is not certain that the Coastal Commission is going to allow the
25 City the discretion for charging admission for up to 100 percent of the seating. He said that
26 although the representative of the AVP feels that the Coastal Commission will allow the City full
27 discretion, there is nothing in the record to indicate that the Coastal Commission will approve the
28 subject proposal. He said that he does sympathize with the desire to maintain local control over
29 the event. He said that he feels it would be more effective for the proposed Amendment to
30 include a specific percentage of paid seating in order to make the Coastal Commission more
31 comfortable with the proposal. He indicated that he would have preferred that the proposed
32 Amendment include a percentage below 100 percent which would be agreeable to the City and
33 the AVP. He said that he does want the event to continue in the City. He commented that he
34 realizes the tournament does cause an inconvenience to some for a temporary period of time, but
35 it is an event that the City wants to promote and continue. He said that requesting 50 percent
36 paid seating does seem like an arbitrary figure, and he would have liked for a request of a
37 specific percentage to have been provided. He said, however, that including a limit to allow 50
38 percent paid seating is a better option than requesting discretion to allow up to 100 percent paid
39 seating. He said that although it is a figure that has not been tested, he could probably support
40 allowing a limit of 50 percent paid seating. He said that he does not feel the Coastal
41 Commission is going to allow the City to have full discretion for up to 100 percent paid seating.

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1 Commissioner Schlager pointed out that the proposed Resolution is allowing the City Council
2 the discretion to determine the appropriate amount of paid seating on an annual basis. He said
3 that he would assume that the City will negotiate with the AVP on an annual basis and use the
4 percentage as a yard stick which can be altered as felt appropriate. He said that the publicly
5 elected officials would be entrusted to make the correct decision on behalf of the City. He said
6 that he is in favor of the Resolution as written because he feels the City has smart Council
7 members and smart staff who can make the appropriate decision.

8
9 Commissioner Lesser said that the role of the Planning Commission is to make findings. He
10 indicated that there has not been any substantive facts that have been referenced on which to
11 make the findings for the proposed Amendment.

12
13 Director Thompson pointed out that staff could not find any specific language in the General
14 Plan or Coastal Act to guide the Commissioners in their decision.

15
16 Commissioner Powell said that he also is uncomfortable in recommending whether the
17 percentage of paid seating should be an arbitrary figure of possibly 50 percent or 75 percent. He
18 said that he is in favor of allowing local control over the issue; however, he feels that unlimited
19 control of allowing 100 percent paid seating is unreasonable. He indicated that the Coastal
20 Commission ruled on March 17, 2004, that unlimited or expansive reserve seating areas do
21 exclude the general public from the event and the public beach and that Section 30211 of the
22 Coastal Act states that development shall not interfere with the public right of access to the sea,
23 including but not limited to the use of dry sand. He said that his impression is that the Coastal
24 Commission has given their opinion that they would not support unlimited discretion to charge
25 for seating. He said that he would support making a recommendation to Council that the
26 Commission would like to see local control and that a percentage of paid seating is desirable
27 above the current 25 percent but less than 100 percent.

28
29 Commissioner Cohen commented that she is not considering allowing 50 percent paid seating in
30 terms of profitability for the AVP but rather in terms of the greatest amount she is willing to
31 allow in terms of denying equal access to the beach and infringing in the Coastal Act's
32 protection of free and equal access to the beach.

33
34 A motion was made (Schlager/Lesser) to **DENY** the draft Resolution as presented and allow the
35 City Council to utilize the Planning Commission's discussion in moving forward with the issue

36
37 Commissioner Lesser commented he does not want the discussion to be ended entirely, but he
38 cannot support the draft Resolution as presently written. He said that the motion would allow
39 the Commission to perhaps consider a more tangible Resolution and a more complete
40 presentation. He said that the Commission is typically presented with findings which fall within
41 the criteria of the General Plan beyond only abstract ideas.

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1 Chairman Bohner indicated that he would agree that he has questions about whether the draft
2 Resolution is a practical proposal, and he would like further guidance from the City Council with
3 a solid determination as to the maximum percentage of paid seating that would be permitted. He
4 said that he would like for the proposed Amendment to be brought in front of the Coastal
5 Commission with a good opportunity of passing, and he does not believe it would pass as
6 written.

7
8 Commissioner Powell said that he would like to see a specific proposal including the number of
9 parking spaces which the AVP would utilize, along with a traffic mitigation plan to alleviate the
10 traffic concerns. He said he is not certain how the Coastal Commission would rule on the
11 proposed Amendment, and the Coastal Commission's position will be more clear after the
12 Hermosa Beach proposal is decided. He said that there also is not a concrete proposal before the
13 Commission as is typically the case when they decide matters.

14
15 A motion was made (Schlager/Lesser) to deny the Resolution as presented.

16
17 AYES: Cohen, Lesser, Powell, Schlager, Chairman Bohner
18 NOES: None
19 ABSENT: None
20 ABSTAIN: None

21
22 Director Thompson requested the Commissioners to summarize their positions for the record.

23
24 Commissioner Schlager said that he supports the draft Resolution as is on the basis that he
25 entrusts the Council to work with AVP on an annual basis to determine the appropriate
26 percentage of paid seating that will be allowed at the tournament to be determined each year.

27
28 Commissioner Lesser said that he cannot support the amendment as drafted because he cannot
29 make the required findings. He indicated that he feels the Amendment is too broad and grants
30 too much discretion without requesting a specific percentage of paid seating beyond the current
31 25 percent. He commented that he also would like further information regarding traffic impacts
32 and further information in order to provide substance for their decision.

33
34 Commissioner Powell said that he agrees with the comments of Commissioner Lesser. He
35 indicated that he believes there is insufficient data provided and would like a more specific
36 proposal that addresses the number of parking spaces and a plan to mitigate the additional strains
37 on traffic. He stated that he would also like to have guidance in the decision of the Coastal
38 Commission regarding Hermosa Beach's current request. He indicated that his recommendation
39 would be to allow a percentage of paid seating less than 100 percent, and perhaps 50 percent.

40
41 Commissioner Cohen said that she would recommend limiting local control to allow perhaps 50
42 percent paid seating based on more information provided by the City and AVP on alternative

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1 methods of making the event profitable. She stated that she would like more guidance on how
2 expanding local control would comply with the General Plan and Local Coastal Program and
3 how it would offset the concerns of the Coastal Commission.
4

5 Chairman Bohner said that he would echo the comments made by the other Commissioners. He
6 indicated that he also feels that the draft Resolution is too broad and that there are other criteria
7 that should also be taken into consideration.
8

9 **DIRECTOR’S ITEMS** None

10 **PLANNING COMMISSION ITEMS**

11 **TENTATIVE AGENDA: February 14, 2007**

12 A. Minor Exception 3604-3408 The Strand

13 **ADJOURNMENT**

14 The meeting of the Planning Commission was **ADJOURNED** at 9:00 p.m. in the City Council
15 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, February 14, 2007, at 6:30 p.m. in
16 the same chambers.
17

18 _____
19 RICHARD THOMPSON
20 Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary