

**CITY OF MANHATTAN BEACH**

**\* D R A F T \***

**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**

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

13  
14 **BUSINESS ITEMS**

15  
16 **PUBLIC HEARINGS**

17  
18 **01/24/07.1 Consideration of an AMENDMENT to the City of Manhattan Beach Local**  
19 **Coastal Program Pertaining to Special Events**  
20

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

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1 under the authority of the Coastal Commission, which may decide on appropriate paid seating  
2 quantities.

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

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

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

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

34  
35 In response to a question from Commissioner Schlager, Director Thompson stated that the City  
36 Council will address the question of profitability of the event in determining the necessity of  
37 charging for seating. He indicated that the Commissioners should consider the land use aspect in  
38 making their decision, and the financial agreement between the City and the AVP is not before  
39 them. He indicated that the Council felt that it was more of an issue of local control and felt that  
40 charging for seating is not an environmental coastal issue that should be restricted in the Local  
41 Coastal Plan. He said that the Council feels that they can evaluate and negotiate with the AVP

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1 an appropriate agreement on an annual basis that will allow the tournament to continue. He  
2 commented that amending the LCP as proposed would allow the City Council full discretion in  
3 establishing the percentage of paid admission or paid seating to one event per year.

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

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

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

20  
21 Chairman Bohner opened the public hearing.

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

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

37  
38 In response to a question from Commissioner Lesser, **Mr. Williams** pointed out that the event is  
39 owned by the City and operated by the AVP on its behalf, and the City is asking for the rights  
40 from the Coastal Commission rather than the AVP. He commented that the event was born out  
41 of the community and is part of the City's identity. He said that they are asking the City to

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1 request the rights to charge for more than 25 percent of the seating and then reach an agreement  
2 with the AVP as felt appropriate.

3  
4 Commissioner Powell indicated that his understanding from the staff report is that the Coastal  
5 Commission guidelines are applied to cities that do not have a certified Local Coastal Program,  
6 and Manhattan Beach is limited to the provisions of its Local Coastal Program which currently  
7 allows up to 25 percent of paid seating.

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

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

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

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

41

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

4  
5 Commissioner Cohen said that her impression is that charging for even up to 100 percent of the  
6 seating would not result in the event becoming profitable, and she is not certain that it is the  
7 solution for generating additional revenue.

8  
9 **Mr. Williams** commented that ticket sales are the key economic driver to every sporting event.

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

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

24  
25 **Carol Wahlberg**, commented that there is a cost to using the brand that is Manhattan Beach  
26 which has an economic value. She said that the City is in a special position which benefits the  
27 AVP. She said that she feels the tournament has become less of a local event, and it does create  
28 negative impacts to the residents who live adjacent to the downtown area.

29  
30 Chairman Bohner closed the public hearing.

31  
32 Commissioner Lesser indicated that he has been to a number of AVP events. He indicated that  
33 the tournament is very important to the City and has been one of its major events for many years.  
34 He commented, however, that he cannot support the subject proposal. He stated that the  
35 Commission is being asked to make the finding that the proposal is consistent with the goals and  
36 policies of the City's General Plan and Local Coastal Program, and he does not feel that there is  
37 any evidence to support the finding other than the history of the event in the City. He said that  
38 he also does not feel the amendment can be adopted without knowing the criteria that the Coastal  
39 Commission would apply. He indicated that the Coastal Commission is subject to the Coastal  
40 Act of 1976 for the protection and expansion of public access to the shoreline and recreational  
41 opportunities and resources. He said that in the absence of further data, he does not see that

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1 charging for seating beyond the current threshold of 25 percent achieves the goal of protecting  
2 public access. He indicated that he feels the decision of state rather than local control over the  
3 amount of paid seating for the tournament was decided with the adoption of the California  
4 Coastal Act and the City’s Local Coastal Program. He stated that the guidelines provide a  
5 balance of the authority of cities and the point at which the State limits their authority, which  
6 includes charging for seats at temporary events.

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

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



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1 certain of the appropriate percentage. He stated would not want to permit more than 50 percent  
2 paid seating. He indicated that the paid seating could be for the courtside VIP seats. He said  
3 that he does not feel that paid seating above 50 percent would be reasonable. He commented  
4 that he does not see that charging for 50 percent of the seating would make a significant increase  
5 in the generation of revenue for the tournament.

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

30  
31 Chairman Bohner said that he is not certain that the Coastal Commission is going to allow the  
32 City the discretion for charging admission for up to 100 percent of the seating. He said that  
33 although the representative of the AVP feels that the Coastal Commission will allow the City full  
34 discretion, there is nothing in the record to indicate that the Coastal Commission will approve the  
35 subject proposal. He said that he does sympathize with the desire to maintain local control over  
36 the event. He said that he feels it would be more effective for the proposed Amendment to  
37 include a specific percentage of paid seating in order to make the Coastal Commission more  
38 comfortable with the proposal. He indicated that he would have preferred that the proposed  
39 Amendment include a percentage below 100 percent which would be agreeable to the City and  
40 the AVP. He said that he does want the event to continue in the City. He commented that he  
41 realizes the tournament does cause an inconvenience to some for a temporary period of time, but

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1 it is an event that the City wants to promote and continue. He said that requesting 50 percent  
2 paid seating does seem like an arbitrary figure, and he would have liked for a request of a  
3 specific percentage to have been provided. He said, however, that including a limit to allow 50  
4 percent paid seating is a better option than requesting discretion to allow up to 100 percent paid  
5 seating. He said that although it is a figure that has not been tested, he could probably support  
6 allowing a limit of 50 percent paid seating. He said that he does not feel the Coastal  
7 Commission is going to allow the City to have full discretion for up to 100 percent paid seating.

8  
9 Commissioner Schlager pointed out that the proposed Resolution is allowing the City Council  
10 the discretion to determine the appropriate amount of paid seating on an annual basis. He said  
11 that he would assume that the City will negotiate with the AVP on an annual basis and use the  
12 percentage as a yard stick which can be altered as felt appropriate. He said that the publicly  
13 elected officials would be entrusted to make the correct decision on behalf of the City. He said  
14 that he is in favor of the Resolution as written because he feels the City has smart Council  
15 members and smart staff who can make the appropriate decision.

16  
17 Commissioner Lesser said that the role of the Planning Commission is to make findings. He  
18 indicated that there has not been any substantive facts that have been referenced on which to  
19 make the findings for the proposed Amendment.

20  
21 Director Thompson pointed out that staff could not find any specific language in the General  
22 Plan or Coastal Act to guide the Commissioners in their decision.

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

36  
37 Commissioner Cohen commented that she is not considering allowing 50 percent paid seating in  
38 terms of profitability for the AVP but rather in terms of the greatest amount she is willing to  
39 allow in terms of denying equal access to the beach and infringing in the Coastal Act's  
40 protection of free and equal access to the beach.

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

3  
4 Commissioner Lesser commented he does not want the discussion to be ended entirely, but he  
5 cannot support the draft Resolution as presently written. He said that the motion would allow  
6 the Commission to perhaps consider a more tangible Resolution and a more complete  
7 presentation. He said that the Commission is typically presented with findings which fall within  
8 the criteria of the General Plan beyond only abstract ideas.

9  
10 Chairman Bohner indicated that he would agree that he has questions about whether the draft  
11 Resolution is a practical proposal, and he would like further guidance from the City Council with  
12 a solid determination as to the maximum percentage of paid seating that would be permitted. He  
13 said that he would like for the proposed Amendment to be brought in front of the Coastal  
14 Commission with a good opportunity of passing, and he does not believe it would pass as  
15 written.

16  
17 Commissioner Powell said that he would like to see a specific proposal including the number of  
18 parking spaces which the AVP would utilize, along with a traffic mitigation plan to alleviate the  
19 traffic concerns. He said he is not certain how the Coastal Commission would rule on the  
20 proposed Amendment, and the Coastal Commission’s position will be more clear after the  
21 Hermosa Beach proposal is decided. He said that there also is not a concrete proposal before the  
22 Commission as is typically the case when they decide matters.

23  
24 A motion was made (Schlager/Lesser) to deny the Resolution as presented.

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

30  
31 Commissioner Schlager said that he supports the draft Resolution as is on the basis that he  
32 entrusts the Council to work with AVP on an annual basis to determine the appropriate  
33 percentage of paid seating that will be allowed at the tournament to be determined each year.

34  
35 Commissioner Lesser said that he cannot support the amendment as drafted because he cannot  
36 make the required findings. He indicated that he feels the Amendment is too broad and grants  
37 too much discretion without requesting a specific percentage of paid seating beyond the current  
38 25 percent. He commented that he also would like further information regarding traffic impacts  
39 and further information in order to provide substance for their decision.

40  
41 Commissioner Powell said that he agrees with the comments of Commissioner Lesser. He

**PLANNING COMMISSION [DRAFT] MINUTES**

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1 indicated that he believes there is insufficient data provided and would like a more specific  
2 proposal that addresses the number of parking spaces and a plan to mitigate the additional strains  
3 on traffic. He stated that he would also like to have guidance in the decision of the Coastal  
4 Commission regarding Hermosa Beach’s current request. He indicated that his recommendation  
5 would be to allow a percentage of paid seating less than 100 percent, and perhaps 50 percent.

6  
7 Commissioner Cohen said that she would recommend limiting local control to allow perhaps 50  
8 percent paid seating based on more information provided by the City and AVP on alternative  
9 methods of making the event profitable. She stated that she would like more guidance on how  
10 expanding local control would comply with the General Plan and Local Coastal Program and  
11 how it would offset the concerns of the Coastal Commission.

12  
13 Chairman Bohner said that he would echo the comments made by the other Commissioners. He  
14 indicated that he also feels that the draft Resolution is too broad and that there are other criteria  
15 that should also be taken into consideration.

16

17 **DIRECTOR’S ITEMS** None

18 **PLANNING COMMISSION ITEMS**

19

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

21 A. Minor Exception 3604-3408 The Strand

22

23 **ADJOURNMENT**

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

27

28

29 \_\_\_\_\_  
RICHARD THOMPSON  
Secretary to the Planning Commission

\_\_\_\_\_   
SARAH BOESCHEN  
Recording Secretary