

CALIFORNIA COASTAL COMMISSION

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

F15b

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Commission Action:



STAFF REPORT: APPEAL
DE NOVO COASTAL DEVELOPMENT PERMIT

APPEAL NUMBER: A-5-MNB-04-108

APPLICANT: Association of Volleyball Professionals (Matt Gage, AVP Tour Director)

PROJECT LOCATION: Beach area south of the Manhattan Beach State Pier and Pier Public Beach Parking Lots, City of Manhattan Beach, Los Angeles County.

PROJECT DESCRIPTION: Appeal of City of Manhattan Beach local coastal development permit approving the 2004 Manhattan Beach Open Volleyball Tournament on June 4-6, 2004, including set-up (commencing June 1st) and take-down of the tents, bleachers, restrooms and stage associated with the event.

APPELLANTS: William Victor & Bill Eisen, Residents for a Quality City

SUMMARY OF STAFF RECOMMENDATION

The proposed temporary event is a professional volleyball tournament. The applicant (AVP) is requesting a coastal development permit to occupy for eight days (June 1-8, 2004) a three-acre portion of one of the most popular beaches in Southern California. The proposal also includes a request to reserve, for the exclusive use of the AVP and its sponsors, three of the four public beach parking lots (105 of 134 spaces) located at the base of the Manhattan Beach State Pier. The proposed bleachers on the beach would seat approximately 3,000 persons, and the pier would be occupied by bleacher seating for 250 persons. Admission to this event is free to the general public. Based on past years' events, attendance to the event is expected to reach 6,000 persons a day.

Finding a parking space in Manhattan Beach during the summer is always a challenge. It will be even more challenging during the proposed event because of the increased demand for parking and the reduction in the parking supply resulting from the AVP's occupation of part of the public beach parking supply. Even with the opening of the City's new 460-stall parking structure (Metlox), the lack of sufficient parking and the resultant traffic congestion will adversely affect the public's ability to access the shoreline. In order to mitigate the adverse impacts to public access caused by the proposed event and its exclusive use of public beach parking, the AVP is proposing to provide a remote parking supply and to operate a free beach shuttle bus on Saturday and Sunday (Exhibit #4).

The staff recommends that the Commission, after public hearing, **approve with conditions** a de novo coastal development permit for the proposed event and the associated development. The recommended special conditions would limit the amount of public parking reserved for the AVP to 71 parking stalls located in the two lower public parking lots at the base of the Manhattan Beach State Pier. In order to replace the public parking spaces utilized by the AVP, and to offset the additional parking demands generated by the proposed event, the special conditions require the AVP to provide the remote public parking supply and the free public shuttle bus service to the beach as proposed. Special conditions also ensure free public access to the event area, require a fifty-foot setback from the water, protect public access on the pier, bike path and The Strand, and require the removal of all trash, debris and temporary improvements from the beach by 6:00 p.m. on Tuesday, June 8, 2004. **See Page Two for the motion and resolution** necessary to carry out the staff recommendation.

STAFF NOTE: The proposed event is located in the City of Manhattan Beach, a local jurisdiction that issues local coastal development permits pursuant to the certified City of Manhattan Beach Local Coastal Program (LCP). The application for the proposed event is before the Commission as the result of two appeals of the City-approved local coastal development permit (CA 03-42) for the proposed event. On April 14, 2004, the Commission found that the appeals raise a **substantial issue** in regards to the locally approved event's conformity with the City of Manhattan Beach Certified LCP and the public access policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Commission Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements, Adopted 1/12/93.
2. City of Manhattan Beach Local Coastal Program (LCP), certified 5/12/94.
3. Coastal Commission Substantial Issue Determination for Appeal No. A-5-MNB-04-108 (2004 Manhattan Beach Open), Staff Report dated 3/25/04.
4. City of Manhattan Beach Local Coastal Development Permit No. CA 03-42 (2004 Manhattan Beach Open).
5. City of Manhattan Beach Agreement with the Association of Volleyball Professionals to Co-sponsor the 2004 Manhattan Beach Open (Exhibit #5).
6. City of Manhattan Beach LCP Amendment Request No. 1A-97, Rejected 5/13/97.
7. City of Manhattan Beach LCP Amendment Request No. 3-97, Not Certified.
8. Appeal/Permit No. A-5-MNB-97-84 (1997 Manhattan Beach Open), 5/13/97.
9. Appeal No. A-5-MNB-99-111 (1999 Manhattan Beach Open), NSI 6/11/99.
10. Appeal No. A-5-MNB-01-343 (2001 Manhattan Beach Open), NSI 10/8/01.
11. Appeal/Permit No. A-5-MNB-03-075 (2003 Manhattan Beach Open), 6/11/03.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve Coastal Development Permit A-5-MNB-04-108 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby approves, subject to the conditions below, a coastal development permit on the grounds that the development as conditioned will be in conformity with the certified Manhattan Beach Local Coastal Program and the public access and recreation policies of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Permit Compliance

Coastal Development Permit A-5-MNB-04-108 permits the 2004 Manhattan Beach Open Volleyball Tournament on June 4-6, 2004, and associated development, with set-up commencing no sooner than Tuesday, June 1, 2004. Any proposed change in the approved event, site plan, parking plan, shuttle bus plan, or any other deviation from the approved development as conditioned, shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until the permit is amended by the Commission and issued by the Executive Director.

2. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the terms and conditions of the City of Manhattan Beach Agreement with the Association of Volleyball Professionals to Co-sponsor the 2004 Manhattan Beach Open. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A5-MNB-04-108 shall prevail.

3. Fees for Preferred Courtside Seating

No admission fee shall be charged to attend the 2004 Manhattan Beach Open Volleyball Tournament. The general public shall be provided with free public access to viewing and seating areas within the event area. At least 76% of the total seating capacity at each court (including bleachers, sand areas and viewing platforms/risers surrounding each court) shall be available to the general public for free on a first-come, first-served basis. The remaining 24% (or less) of the total seating capacity at each court (including bleachers, sand areas and viewing platforms/risers surrounding each court) may be reserved for preferred Beach Club/VIP seating and/or access. The applicant is permitted to collect fees to access to the preferred seating areas. On Saturday and Sunday (June 5&6, 2004), the applicant shall count and record the number of Beach Club members and VIPs within the event area, and shall provide the City and the Commission with the data by June 30, 2004.

4. Parking and Traffic Management and Beach Shuttle Bus Plan

The applicant shall implement a traffic and parking management plan and free beach shuttle bus plan consistent with the terms of this condition and as proposed and described in the applicant's letter dated April 8, 2004 and attached as Exhibit #4 of the staff report dated April 22, 2004. In the event of any conflict between the applicant's proposed plans and the terms of this condition, the terms of this condition shall prevail. The applicant shall implement the traffic and parking plan and shuttle bus plan as follows:

- b) **Handicapped Parking.** All of the existing handicapped (HC) parking spaces in the upper and lower pier parking lots, and along Manhattan Beach Boulevard, are reserved for use by persons with vehicles displaying valid handicapped placards. Vehicles associated with the applicant or the event shall not reserve or occupy any handicapped parking spaces unless such vehicle displays a valid handicapped placard.
- b) **Public Beach Parking Lots.** Commencing on Tuesday, June 1, 2004, and continuing through Tuesday, June 8, 2004, the applicant shall be permitted exclusive use of only the two lower pier parking lots located at the base of the Manhattan Beach State Pier (71 stalls not including HC stalls). All public parking spaces within the upper pier parking lots shall be reserved for the general public on a first-come, first served basis (54 stalls including HC stalls).
- c) **Remote Parking Supply.** On Saturday and Sunday (June 5&6, 2004), the applicant shall provide the free remote parking supply at the Northrop Grumman parking lot for the general public (i.e., beachgoers, event spectators and AVP guests). The applicant shall monitor and record the number of persons and cars using the remote parking lot on each day and provide the City and the Commission with the data by June 30, 2004.
- d) **Free Shuttle Bus Service.** On Saturday and Sunday (June 5&6, 2004), the applicant shall provide a free shuttle bus service to transport people (i.e.,

beachgoers, event spectators and AVP guests) between the remote parking lot (Northrop Grumman parking lot) and the downtown drop-off point (Von's Supermarket). At least two shuttle buses, each holding at least fifty persons, shall run continuously between the drop-off point and the remote parking lot each day between the hours of 7 a.m. to 7 p.m. One or both of the shuttle buses shall accommodate wheelchairs and handicapped persons. The "headway" time between shuttle service pick-ups shall be not more than fifteen (15) minutes.

- e) **Signage.** Commencing on Tuesday, June 1, 2004, the applicant shall provide conspicuously posted on-street informational signs and banners to direct visitors to the free remote parking lot and inform them of the free beach shuttle bus stops. The signs and banners shall also inform the public of the availability of a free bus shuttle for both event spectators and the general public. No fewer than ten informational signs shall be placed along major intersections leading into the City (i.e., I-405 Inglewood exit, Manhattan Beach Boulevard, Highland Avenue, Manhattan Avenue, Valley Drive, Ardmore Avenue, and Aviation Boulevard). The signs and banners shall be no smaller than 2' x 3'. All signage shall be retrieved and properly disposed on Monday, June 7, 2004.
- f) **Advertisements.** Commencing on Tuesday, June 1, 2004, the applicant shall provide no fewer than eight radio announcements and three newspaper advertisement within the Los Angeles County area informing the public of the availability of the free remote parking supply and the free beach shuttle bus service. These stations shall represent all diverse ethnic and cultural Los Angeles radio markets and shall include Spanish language, youth and news stations. The applicant shall provide copies of each print advertisement to the City and the Commission by June 30, 2004.

5. Manhattan Beach Pier

The event shall not interfere with the public's access to and use of the Manhattan Beach Pier. Pedestrian access to and from the pier shall remain open and unobstructed at all times. No tents, vehicles (except for emergency vehicles), fences, barriers or other similar structures shall be placed on the pier. If authorized by the City of Manhattan Beach Fire Department and the California Department of Parks and Recreation, the applicant may erect one set of bleachers on the pier, with a seating capacity not to exceed 250 persons. The applicant shall monitor the pier in order to prevent any unpermitted encroachments by event sponsors and vendors.

6. Bicycle Path and The Strand

The event shall not interfere with the public's use of the bicycle path and The Strand, a public walkway that parallels the beach. The bicycle path and The Strand shall remain open and unobstructed. No fences, vehicles, materials or structures shall be parked or placed on the bicycle path or The Strand. The applicant shall monitor The Strand and bicycle path in order to prevent any encroachments by event sponsors and vendors.

7. Public Access to and Along the Water

The proposed event, and all associated development, shall not encroach any closer to the shoreline than fifty feet (50'), measured from the highest water mark.

8. Removal of Temporary Improvements

All temporary improvements permitted herein shall be removed in their entirety and the site restored to its pre-existing condition by no later than 6:00 p.m. Tuesday, June 8, 2004.

9. Protection of Water Quality

By acceptance of this coastal development permit, the applicant agrees to remove and legally dispose of all trash, waste, oil, grease, and other materials that may be deposited on-site incidental to the volleyball tournament, associated activities, and the general public's use of the event site, pier and adjacent parking facilities. Such clean-up and disposal shall be completed at the end of each day's activities, with a final clean-up and inspection on Tuesday, June 8, 2004.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Event History

The applicant (AVP) proposes to conduct the 2004 Manhattan Beach Open Volleyball Tournament on the public beach area situated on the south side of the Manhattan Beach Pier (Exhibit #2). The applicant is also requesting approval to reserve and use the public beach parking facilities that are situated at the base of the pier for parking by AVP staff and its sponsors (Exhibit #4, p.7). The proposed tournament would be held on Friday, June 4 through Sunday, June 6, 2004, with set-up starting on Tuesday, June 1st.

The site of the annual Manhattan Beach Open Volleyball Tournament is a three-acre sandy beach area (450' x 300') located on the south side of the Manhattan Beach Pier (Exhibit #2). Approximately 24 public volleyball courts currently occupy the event site. There will not be a fence installed around the perimeter of the event area, and the proposed development and activities would not block public access to the pier or to the shoreline. The proposed site plan includes restrooms and interactive areas for the public, tents for the competitors and event sponsors, inflatable advertising signs, and a stage at center court (Exhibit #3).

The City of Manhattan Beach and the AVP have a written agreement (City Agreement) that includes the terms, obligations and restrictions for each to co-sponsor and operate the proposed 2004 tournament. [See Exhibit #5: *City of Manhattan Beach Agreement with the Association of Volleyball Professionals to Co-sponsor the 2004 Manhattan Beach Open.*] The City Agreement states that, "No admission may be charged" and that "the event shall not exceed a total of 4,500 seats" (Exhibit #6, ps.1-2). The City Agreement requires that the AVP

provide a shuttle bus service on Saturday and Sunday of the event, and to complete all take-down activities and remove all equipment from the beach before by 6 p.m. Tuesday, June 8, 2004 (Exhibit #5, p.7). The City agreement also lists the City's responsibilities, including the reservation of certain public beach parking facilities for the event (Exhibit #5, ps.2&3).

In letters dated April 8 and April 20, 2004, the AVP provides additional information regarding its plans for the proposed event (Exhibit #4). The AVP letter states that the center court would have seating capacity of 2,430 persons on bleachers and risers as shown on the site plan that is attached to this staff report as Exhibit #3. On the Manhattan Beach State Pier, the AVP proposes to place another 250 bleacher seats that would overlook the center court (Exhibit #3). Additional bleachers would be installed around one of the nine outside courts. According to the AVP, all seating would be available free of charge to the general public, except for 552 seats that would be reserved as preferred Beach Club/VIP seats. The reserved seating area, situated on the center court risers and in the top five rows of the center court's southern bleacher, would be available only to VIPs and persons who pay a fee to join the AVP Beach Club (Exhibit #5, p.5).

With the cooperation of the City, the AVP is proposing to implement a traffic and parking management plan and a free shuttle bus service (Exhibit #4, ps.3-11). The Northrop Grumman (formerly TRW) parking lot is proposed to be the event's main parking supply (over 1,500 parking spaces) and the free shuttle bus pick-up point (Exhibit #1). As proposed, three of the four public beach parking lots at the base of the pier would be reserved for television and AVP trucks, event staff, and sponsors' parking (Exhibit #4, p.7). Valet parking for VIPs would be provided at a nearby church (American Martyrs), or if necessary, at the Northrop Grumman parking lot. The shuttle bus drop-off point would be located three blocks inland of the pier and beach, near the Von's Supermarket (Exhibit #4, p.8). Two shuttle buses, each with a capacity for at least fifty people, are proposed to run continuously on Saturday and Sunday of the proposed tournament.

Event History

The annual Manhattan Beach Open Volleyball Tournament has a long tradition that dates back to 1960. During all past events, the general public has been able to view the event on a first-come, first-served basis from the sand, the temporary bleachers, or from the pier. No admission fee has been required for spectators, and the bleachers have always been open to the general public. Even though the event area can get quite congested, the City maintains public access to the pier and along the water, and the bicycle path is kept open (although bikes must be walked).

The event has always been located on the south side of the Manhattan Beach Pier in a sandy area owned and operated by the Los Angeles County Department of Beaches and Harbors (Exhibit #2). The event area is occupied by several sets of sand volleyball courts used for public recreation. Although the beach is actually owned by Los Angeles County, it falls within the City limits of Manhattan Beach and the within the jurisdiction of the certified City of Manhattan Beach LCP. As property owners, the Los Angeles County Department of Beaches and Harbors regulates the many special events that occur on the beach. The Manhattan Beach Open is one of several annual volleyball tournaments and other special events that

occur on the beach each summer with the permission of the Los Angeles County Department of Beaches and Harbors.

As previously stated, the annual Manhattan Beach Open volleyball tournament has a long tradition that dates back to 1960. Even though there are no provisions in the certified LCP that allow the City to exempt temporary events on the beach from permit requirements, the first local coastal development permit for the annual event was not approved until 1997 when the City approved Local Coastal Development Permit No. 10-97.¹ Prior to 1997, the City asserted that the event did not fall under the definition of development as defined in the certified LCP.

On March 18, 1997, the City of Manhattan beach approved Local Coastal Development Permit No. 10-97 for the 1997 Miller Lite Manhattan Beach Open Volleyball Tournament. The City required the AVP to apply for a local coastal development permit for the volleyball tournament because the AVP was proposing to charge admission fees to spectators. The City's approval would have allowed the AVP, for the first time ever, to sell tickets to all of the seating for the final matches of the Manhattan Beach Open. Subsequent to the City's approval of the local coastal development permit, three appeals of the local permit were submitted to the Coastal Commission. The primary ground of the appeal was that the proposed event, with the City-approved admission fees for spectators, was inconsistent with the certified LCP's Open Space (OS) land use designation for the beach. The certified OS land use designation permits "sporting events for which no admission is charged", but does not permit sporting events for which admission is charged.

On May 13, 1997, the Commission found that a substantial issue existed with respect to the grounds of the appeals (See Appeal A-5-MNB-97-84). Also on May 13, 1997, the Commission held a public hearing on a City of Manhattan Beach LCP amendment request that would have added "sporting events for which admission is charged" to the OS permitted use list (See LCP Amendment Request No. 1A-97). On May 13, 1997, the Commission rejected Manhattan Beach LCP Amendment Request No. 1A-97, and approved the de novo permit for the 1997 event as a free event (See Appeal A-5-MNB-97-84). The Commission denied the applicants' request to charge admission fees to spectators. Ultimately, Coastal Development Permit A-5-MNB-97-84 was never issued, and the 1997 Miller Lite Manhattan Beach Open was cancelled.

In its action on Appeal A-5-MNB-97-84 the Commission found that, pursuant to the certified LCP, a coastal development permit was required for the annual volleyball tournament because it falls within the definition of development contained in Section A.96.030 of the certified LCP and Section 30106 of the Coastal Act ("Development" means...the placement or erection of any solid material or structure;...change in the intensity of use of water, or of access thereto;...), and that the certified LCP contains no provision for the exclusion or exemption of the proposed event. Furthermore, admission fees for spectators may not be charged for sporting events on the beach because such a use is not permitted by the certified LCP.

In October of 1997, the City submitted LCP Amendment Request No. 3-97 to the Commission in an attempt to insert new provisions into the certified LCP to permit and exempt temporary events on the beach. As stated above, there currently are no provisions in the LCP that allow temporary events on the beach to be exempted from permit requirements, regardless of size or type of event. On February 3, 1998, the Commission approved LCP Amendment Request No.

¹ The Commission certified the City of Manhattan Beach LCP on May 12, 1994.

3-97 with suggested modifications that would have laid out specific LCP standards for the exempting and permitting of temporary events on the beach. The City, however, declined to accept the Commission's suggested modifications, and the Commission's action on LCP Amendment Request No. 3-97 has lapsed. Therefore, there are still no provisions in the Manhattan Beach certified LCP to exempt temporary events on the beach.

There is no record of the Manhattan Beach Open volleyball tournament in 1998. In 1999, the City and the AVP significantly scaled down from prior years the size and scale of the Manhattan Beach Open Volleyball Tournament. The spectator admission fees proposed and ultimately denied in 1997 were not proposed again. In order to enhance beach access for event visitors and other beach goers, the AVP provided a shuttle service to and from the proposed event on Saturday and Sunday. The August 28-29, 1999 event, approved by City of Manhattan Beach Local Coastal Development Permit No. 99-4, included:

- No paid seating.
- Reduction in the total number of bleacher seats to a maximum of 1,500.
- Use of 45 parking spaces in the lower pier public parking lots.
- Reduction in the number of tournament days from three to two.
- Reduction in the number of days needed for set-up (3) and take-down (1).
- Six tents less than the 1996 event.
- An AVP agreement to pay the City's direct costs for the event.

City of Manhattan Beach Local Coastal Development Permit No. 99-4 was appealed to the Coastal Commission (See Appeal A-5-MNB-99-111). On June 11, 1999, the Commission found that no substantial issue existed with the City's approval of Local Coastal Development Permit No. 99-4 for the 1999 Manhattan Beach Open because it conformed entirely with the certified Manhattan Beach LCP and the public access policies of the Coastal Act. The 1999 Manhattan Beach Open volleyball tournament was held as scheduled.

In 2000, the Manhattan Beach Open Volleyball Tournament was conducted without the benefit of a local coastal development permit because the City determined that a coastal development permit is required only if bleachers are proposed as part of the event.

The 2001 Manhattan Beach Open Volleyball Tournament (held August 23-26, 2001) approved by Local Coastal Development Permit No. CA 01-20 included:

- No authorization for any paid seating.
- Maximum of 1,500 bleacher seats (increased to 3,000 by an amendment).
- Use of 45 parking spaces in the lower pier public parking lots.
- Four tournament days (August 23-26, 2001).
- Set-up starts Wednesday, August 22 & takedown completed Monday, August 27.
- Tents and stage.
- Shuttle service on Saturday and Sunday.

City of Manhattan Beach Local Coastal Development Permit No. 01-20 was not appealed to the Coastal Commission. A subsequent permit amendment, however, was appealed to the Coastal Commission (See Appeal A-5-MNB-01-343). The subject of the appeal, Local Coastal Development Permit Amendment No. CA 01-31, amended the event layout that had been

previously approved as part of Local Coastal Development Permit No. CA 01-20. The City deleted its 1,500-person limit on bleacher capacity and approved the permit amendment to increase the bleacher capacity to a total of 3,000 persons. On October 8, 2001, after the 2001 tournament was already over, the Commission found that no substantial issue existed with the City's approval of Local Coastal Development Permit Amendment No. CA 01-31.

The 2002 Manhattan Beach Open volleyball tournament, held August 6-13, was approved by Local Coastal Development Permit No. CA 02-09. The 2002 event included free public admission and 4,500 bleacher seats. Local Coastal Development Permit No. 02-09 was not appealed to the Coastal Commission.

The 2003 Manhattan Beach Open volleyball tournament, held August 7-10, was approved by Local Coastal Development Permit No. CA 03-01. The 2003 event included free public admission, 4,500 bleacher seats, and reserved seating areas for AVP VIPs. Local Coastal Development Permit No. 03-01 was appealed to the Coastal Commission (See Appeal A-5-MNB-03-075). On April 8, 2003, the Commission found that a substantial issue existed with regards to the locally approved event's conformity with the City of Manhattan Beach certified LCP and the public access policies of the Coastal Act. On June 11, 2003, the Commission conditionally approved the de novo permit for the 2003 event as a free event with limited VIP seating areas (See Appeal A-5-MNB-03-075). Also, the Commission denied the AVP's 2003 request to place bleachers on the State Pier.

B. Substantial Issues

This de novo coastal development permit application is before the Commission as the result of two appeals of the local coastal development permit (No. CA 03-42) that the City had approved for the proposed 2004 Manhattan Beach Open Volleyball Tournament. The appellants asserted that the proposed event would interfere with public access and enjoyment of the beach by usurping four public beach/pier parking lots for VIP parking during a busy summer weekend, by increasing the demand for parking at other public beach parking facilities, and by occupying a large section of the public beach for more than a week. The appellants also asserted that the AVP's preferred Beach Club/VIP seating areas, proposed around the center court, are a type of admission fee which is prohibited by the certified Local Coastal Program's (LCP) Open Space (OS) land use designation for the beach. The LCP's OS land use designation permits "sporting events for which no admission is charged", but does not permit sporting events for which admission is charged.

On April 14, 2004, the Commission found that the appeals did raise a substantial issue in regards to the locally approved event's conformity with the City of Manhattan Beach certified LCP and the public access policies of the Coastal Act. The substantial issues identified by the Commission on April 14, 2004, are: the public access impacts created by the traffic and parking congestion, the proposed bleachers on the Manhattan Beach State Pier, and the question of whether the AVP's restricted Beach Club/VIP seating area is allowed on the public beach. Each of these substantial issues is addressed below in relation to the standards of the City of Manhattan Beach certified LCP and the public access and recreation policies of the Coastal Act. The certified LCP and the public access and recreation policies of the Coastal Act are the standard of review for this coastal development permit application.

C. Exclusive Use of the Beach

The exclusive use of public beaches by special events, and the associated limitations on public access and recreation, has always been an issue of prime importance to the Commission. The following Coastal Act and City of Manhattan Beach LCP policies protect the public's right to public access and recreation opportunities:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot be readily provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The certified Manhattan Beach LCP contains the following policies that protect public access and recreation opportunities:

POLICY 1.A.2: *The City shall encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access.*

POLICY I.A.8: *The City shall maintain visible signage to El Porto accessways and beach parking, along Highland Avenue.*

POLICY I.B.1: *The City shall encourage public transportation service to mitigate excess parking demand and vehicular pollution. All transportation/congestion management plans and mitigation measures shall protect and encourage public beach access.*

POLICY I.B.3: *The City shall encourage pedestrian and bicycle modes as a transportation means to the beach.*

POLICY I.B.6: *The Strand shall be maintained for non-vehicular beach access.*

POLICY I.C.2: *The City shall maximize the opportunities for using available parking for weekend beach use.*

POLICY I.C.3: *The City shall encourage additional off-street parking to be concentrated for efficiency relative to the parking and traffic system.*

POLICY I.C.9: *Use of existing public parking, including, but not limited to, on-street parking, the El Porto beach parking lot, and those parking lots indicated on Exhibit #9 (in the certified LCP), shall be protected to provide public beach parking...*

POLICY: *The beach shall be preserved for public beach recreation. No permanent structures, with the exception of bikeways, walkways, and restrooms, shall be permitted on the beach.*

PROGRAM II.A.6: *Consider the establishment of alternative transportation systems and park-mall facilities, including a shuttle service to the El Porto beach area.*

PROGRAM II.B.13: *Improve information management of the off-street parking system through improved signing, graphics and public information and maps.*

PROGRAM II.B.14: *Provide signing and distribution of information for use of the Civic Center parking for beach parking on weekend days.*

POLICY 1.C.17

The proposed project is a temporary sporting event that will affect part of the public beach and its public parking supply. For eight days, from set-up to take-down (June 1-8, 2004), the general public will be excluded from using the sandy beach area and public volleyball courts on the event site, except to watch the proposed volleyball tournament and participate in the proposed event's interactive activities. The proposed event will occupy a 300-foot wide portion

of the approximately 350-foot wide beach area that exists between the bike path and mean high tide line (MHTL). In order to preserve lateral public access along the shoreline, the applicant will maintain a fifty-foot wide corridor on the beach between the sea and the event site (Exhibit #3). This fifty-foot wide corridor must be kept clear of structures and other obstructions. Direct unobstructed vertical access to the shoreline will be maintained at the southern end of the event site and on the beach area along both sides of the Manhattan Beach State Pier.

Although the proposed event will not physically prevent pedestrian access to the water, it will affect the public's ability access and use the coast by restricting the use of a portion of the sandy beach to a specific group of people: the organizers, participants and spectators of the proposed volleyball tournament. However, the Commission has previously found that temporary events, and specifically volleyball tournaments that are open (free) to the general public, can be held in a manner that is consistent with the public access and recreation policies of the Coastal Act, even though such events typically involve the exclusive use of sandy beach area. In fact, after several public hearings and a public workshop for temporary events on the beach, the Commission adopted specific guidelines to exclude temporary events similar to the Manhattan Beach Open from coastal development permit requirements. [See *Coastal Commission Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements*, Adopted 1/12/93.]

In the City of Manhattan Beach, however, the certified LCP controls the permitting requirements for development and use of the beach. The *Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements* do not supercede the requirements of the certified LCP. The Manhattan Beach certified LCP does not exclude or exempt temporary events from local coastal development permit requirements.

In prior appeals of City of Manhattan Beach local coastal development permit approvals, the Commission has found that the annual Manhattan Beach Open Volleyball Tournament is a temporary event that (as previously conditioned) can be found to be consistent with the certified LCP and the public access and recreation policies of the Coastal Act. [See Appeal/Permit No. A-5-MNB-97-84 (1997 Manhattan Beach Open), Appeal No. A-5-MNB-99-111 (1999 Manhattan Beach Open), Appeal No. A-5-MNB-01-343 (2001 Manhattan Beach Open), and Appeal No. A-5-MNB-03-075 (2003 Manhattan Beach Open).] The Commission found that temporary limitations on the general public's use of a limited beach area, and the temporary structures associated with the Manhattan Beach Open, do not necessarily conflict with the certified LCP or Coastal Act policies because the event provides the public with a unique type of recreational opportunity (i.e., a professional sporting event with free public admission) and it exists only for a few days. After the conclusion of the event, the temporary structures are quickly removed from the beach (usually within one day), and the general public's use of the area is restored.

In fact, the annual Manhattan Beach Open Volleyball Tournament (with no admission fee) is a type of land use that is specifically allowed on the beach by the certified LCP. The three-acre event site on the sandy beach south of the Manhattan Beach Pier, along with the rest of the beach, is designated in the certified LCP as an Open Space (OS) land use district. Section A.24.030 of the certified LCP, which lists the land use regulations for the OS land use district, allows "sporting events for which no admission is charged." Therefore, the proposed event is

an allowable use pursuant to the certified Manhattan Beach LCP, with the caveat that no admission is being charged to attend the event. The question of whether this year's proposed event's restricted Beach Club/VIP seating area constitutes a charge for admission is addressed in the following section.

D. Free Admission vs. Paid Admission

The certified LCP is clear in regards to sporting events on the beach (OS land use district). The certified LCP allows "sporting events for which no admission is charged." Sporting events that do charge admission are not an allowable use on the beach. The City Agreement for the proposed event, attached as Exhibit #5 to this staff report, states that, "No admission shall be charged" (Exhibit #5, p.2). The applicant is not proposing to charge admission and is not selling tickets to the proposed event (Exhibit #4, p.5).

The applicant is, however, selling AVP Beach Club packages for the event that include access to restricted seating areas around the center court. The AVP's website includes information about its AVP Beach Club packages (Exhibit #8, ps.10-11). The applicant makes a distinction between charging admission to the event and selling membership to restricted areas within the event. According to the AVP, all center court seating (2,430 seats) would be available free of charge to the general public, except for 552 seats that would be reserved as preferred Beach Club/VIP seats. The reserved seating area, situated on the center court risers and in the top five rows of the center court's southern bleacher, would be available only to VIPs and persons who pay a fee to join the AVP Beach Club. The proposed bleacher seating on the Manhattan Beach State Pier and around the outer courts would all be available free of charge to the general public. Therefore, admission to the event is free to the general public, but the additional perks that come with being a member of the AVP Beach Club are not free.

For the 2003 Manhattan Beach Open, the Commission authorized the same type of VIP/Beach Club reserved seating area (and free admission for the general public) that is being proposed as part of the 2004 event. The Commission imposed the following special condition for the 2003 event as part of Coastal Development Permit A5-MNB-03-175:

No admission fee shall be charged to attend the 2003 Manhattan Beach Open Volleyball Tournament. The general public shall be provided with free public access to viewing and seating areas within the event area. At least 76% of the total seating capacity at each court (including bleachers, sand areas and viewing platforms/risers surrounding each court) shall be available to the general public for free on a first-come, first-served basis. The remaining 24% (or less) of the total seating capacity at each court (including bleachers, sand areas and viewing platforms/risers surrounding each court) may be reserved for preferred Beach Club/VIP seating and/or access. The applicant is permitted to collect fees to access to the preferred seating areas.

One of the appellants has alleged that the AVP exceeded the 24% limit on reserved/paid seating during the 2003 Manhattan Beach Open (Exhibit #8, p.6). The appellant, however, has not presented any evidence to support this allegation, and Commission staff did not receive any other complaints regarding the general public being denied access to the 2003 event's free seating areas that were required to comprise at least 76% of the total seating capacity.

The AVP states that less than 5% of the total seating (138 of 3100 seats) was occupied by AVP Beach Club members (Exhibit #4, p.5). The AVP also states that, including reserved VIP seating areas, 19% of the total seating (600 of 3100 seats) was reserved for VIPs and AVP Beach Club members in 2003.

For the 2004 event, staff is recommending that the Commission again conditionally approve the same type of VIP/ Beach Club reserved seating area (and free admission for the general public) that was approved as part of the 2003 event. Special Condition Three would impose the 24% limit on reserved/paid seating, and require that at least 76% of the total seating capacity at each court (including bleachers, sand areas and viewing platforms/risers surrounding each court) shall be available to the general public for free on a first-come, first-served basis. No admission fee shall be charged, and the AVP this year shall count and record the number of Beach Club members and VIPs within the event area. The AVP shall provide the City and the Commission with the 2004 data by June 30, 2004.

As conditioned, the general public would be excluded from the restricted seating areas around the center court. Exclusive seating arrangements at temporary events is one of the issues that the Commission addressed in the public hearings and public workshop that resulted in the adoption of the Commission's *Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements*. The Commission guidelines do allow some limited preferred or exclusive seating arrangements as part of temporary events on the beach. The issue with the proposed event is the ratio between the available seating being reserved for VIPs and members of the AVP Beach Club, and the available seating for free access by the general public. Even though the public access and recreation policies of the Coastal Act and the certified LCP is the standard of review for this coastal development permit application, the Commission's *Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements* provide the Commission with guidance in regards to the proper ratio between free public seating and reserved seating for VIPs and members of the AVP Beach Club.

The Commission's *Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements* allow the Executive Director to exclude most temporary events from coastal development permit requirements, except for those that meet all of the following criteria:

- a. The event is held between Memorial Day weekend and Labor Day; and,
- b. The event occupies all or a portion of a sandy beach area; and,
- c. The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

The guidelines also allow the Executive Director to exclude from permit requirements temporary events meeting all of the above criteria when:

- d. The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or...[*criteria e, f & g not listed here*].

The *Guideline's* provision that allows temporary events to be excluded from permit requirements if more than 75% of the seating is available free of charge for general public use is applied in this case as a limit on the amount of the seating that may be reserved for VIPs and members of the AVP Beach Club. Therefore, the Commission finds that the applicant shall not charge any admission to the proposed event, but the applicant is permitted to reserve and/or sell preferred seating for up to 24% of the total amount of seating capacity. More than 75% of the provided seating capacity shall be available free of charge for general public use.

The applicant states that all seating would be available free of charge to the general public, except for 552 of the total 3,280 seats at the center court which would be reserved as preferred Beach Club/VIP seats (Exhibit #4, p.4). The proposed 552 reserved and for-fee seats represent 17% of the center court's total seating capacity ($552/3280 = 0.168\%$). As conditioned to prohibit admission fees and to protect at least 76% of the total seating capacity for free general public use, the Commission finds that the proposed preferred seating plan can be found to be consistent with the certified LCP and the public access and recreation policies of the Coastal Act.

E. Public Access to the Pier

The City operates and manages the Manhattan Beach State Pier and its four public parking lots under an agreement with the State of California Department of Recreation and Parks (the 1988 Pier Operating Agreement). In a letter dated April 12, 2004, the Department of Parks and Recreation requests that the City ensure that the State's concerns about the proposed event, as related by City of Manhattan Beach resident Harry Ford, are adequately addressed and enforced (Exhibit #7). The issues of concern include the event's proposed use of the State Pier and the public pier parking lots, advertising on the pier, and enforcement.

The applicant proposes to place bleachers along the southern railing of the pier (Exhibit #3). The proposed bleachers would seat about 250 persons and would allow the general public (for free) to view the center court from the elevated seating on the pier. In past years, the general public could view the center court from standing on the pier, but there were no bleachers placed on the pier. The applicant states that the proposed bleachers will improve public access because bleacher seating would make the pier viewing area more orderly than it has been in the past without bleachers.

The appellants object to the inclusion of the State Pier within the event area, and they assert that the applicant wants the bleachers on the pier to serve as a background for the television broadcast of the center court. The appellants decry the expansion of the event's bleachers beyond the historic event area on the beach and onto the State Pier, saying the use of the pier for a commercial event sets a bad precedent. They are also concerned that the proposed bleachers on the pier would obstruct public access to the end of the pier, and could also create a safety hazard when the area is congested or in the event of an emergency.

The proposed bleacher seats on the pier, and the passage between the front of the bleachers and the pier railing, would occupy more than half of the pier's 22-foot width (Exhibit #3). The California Department of Parks and Recreation does not object to the placement of bleachers on the pier if access is adequately protected (Exhibit #7). The City of Manhattan Beach Fire

Department states that the bleachers would not inhibit public safety if a nine-foot wide passage is maintained behind the bleachers (Exhibit #6, p.4).

Although a nine-foot wide passage is barely wide enough for a mid-sized car to pass, the City Fire Department it would not unduly compromise public safety. Although the proposed bleachers on the pier would narrow the width of the pier area that is usually open for pedestrian passage, they would not completely block such access. Therefore, the Commission finds that the proposed bleacher seating can be placed on the pier if authorized by the City of Manhattan Beach Fire Department and the California Department of Parks and Recreation.

Special Condition Five, which protects public access to the pier, states:

The event shall not interfere with the public's access to and use of the Manhattan Beach Pier. Pedestrian access to and from the pier shall remain open and unobstructed at all times. No tents, vehicles (except for emergency vehicles), fences, barriers or other similar structures shall be placed on the pier. If authorized by the City of Manhattan Beach Fire Department and the California Department of Parks and Recreation, the applicant may erect one set of bleachers on the pier, with a seating capacity not to exceed 250 persons. The applicant shall monitor the pier in order to prevent any unpermitted encroachments by event sponsors and vendors.

Only as conditioned can the proposed event be consistent with the certified LCP and the public access and recreation policies of the Coastal Act. The applicant's request to have exclusive use of the public beach parking supply located at the base of the pier is addressed in the following section.

F. Traffic and Parking

In regards to the public beach parking supply, the crowds generated by the proposed event, in association with the event's reserved use of public parking areas, will negatively affect beach goers' ability to find a parking space near the beach. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. The proposed event is expected to attract over 6,000 persons a day to an already crowded beach area. Even with the opening of the City's new 460-stall parking structure (Metlox), the additional visitors drawn by the proposed event will overburden the limited beach parking supply. There is simply not enough public parking available in the downtown area to accommodate all of the people who attempt to visit Manhattan Beach during summer weekends. Add to this the AVP's proposal to reserve 105 of the 134 parking spaces closest to the pier (3 of 4 of the State Pier parking lots), and the ability to find public parking near the pier will be nearly impossible.

The City's agreement with the AVP has authorized the AVP's reservation and exclusive use of 71 public parking spaces for television coverage equipment and AVP vehicles (Exhibit #5, p.3). The California Department of Parks and Recreation states, in a letter dated April 12, 2004, that its policy between Memorial Day and Labor Day is to limit the amount of reserved event

parking to one-half of the total amount (in this case, 67 of 134 spaces in the four State Pier parking lots).

Applicant's Request:	Reserve 105 stalls (three of four State Pier parking lots).
City's Approval:	Reserve 71 stalls (portions of three State Pier parking lots).
State Park's Policy:	Reserve 67 stalls (half of stalls in four State Pier parking lots).

As required by Policies 1.A.2, 1.B.1, 1.C.2 and 1.C.17 (Program II.B.14) of the certified LCP, the City is required to implement safe and efficient traffic flows, encourage transportation service, maximize parking for weekend beach use, and provide signing and information.

The City and the AVP both agree that the two lower pier parking lots are needed to stage the event, and that mixing public parking with the event staging area is not feasible or safe. In fact, during the annual event the City Police Department usually barricades the portion of Manhattan Beach Boulevard (below Ocean Avenue) that provides access to the two lower pier parking lots. The lower two pier parking lots have a total of 80 public parking stalls including nine stalls for vehicles displaying official handicapped placards. [Note: The lifeguard parking areas are not situated within the 80 public parking stalls]. The AVP's reservation of 71 stalls (handicapped stalls would be protected for vehicles displaying official handicapped placards) in the two lower pier parking lots is consistent with the City's agreement, and comprise about half of the total number of stalls (134) within the State Pier parking lots. The lower two pier parking lots are also inaccessible to the public when the City Police Department barricades the portion of Manhattan Beach Boulevard below Ocean Avenue. The two upper pier parking lots are accessible from Ocean Avenue, so they remain accessible when the City Police Department barricades the portion of Manhattan Beach Boulevard below Ocean Avenue.

The AVP has requested that the two lower lots (71 stalls) and all of the upper south State Pier parking lot (38 stalls) be reserved for VIP and sponsor parking during Friday, Saturday and Sunday of the event, even though the request would exceed the City's and the State Parks Department's limit on reserved parking. The request would also displace almost all of the public parking that is available at the State Pier. The AVP points out the availability of public parking about five blocks inland at the recently opened 460-stall (Metlox) City parking structure, but argues that the public, and not the AVP's VIPs and sponsors, should use the Metlox parking structure that is situated further inland (Exhibit #2).

In order to protect some of the public beach parking near the pier, the Commission finds that the two upper pier parking lots may not be reserved for the exclusive use by the AVP, and the two upper pier lots shall remain open on a first-come, first-served basis in order to provide for and to protect coastal access by the general public. Special Condition Two(b) imposes this restriction while authorizing the reservation of the two lower pier parking lots for the exclusive use of the AVP (except for the handicapped stalls).

Therefore, the Commission finds that the reservation of about half of the public pier parking supply for the general public, and about half for the temporary exclusive use of the event, is consistent with the State Park Department policy, the City agreements, the certified LCP (specifically LCP Policy I.C.2 which requires the City to maximize the opportunities for using available parking for beach use), and the public access and recreation policies of the Coastal Act.

The State Pier parking lots and the Metlox parking structure can provide only part of the total amount of parking that is needed to meet the parking demand of the event and the beach-going public. Therefore, other parking supplies must be identified as part of the annually required parking and traffic management plan. As in the past, the applicant this year has worked with the City to develop a parking and traffic management plan that involves a remote parking supply (over 1,500 parking spaces) at an inland parking lot, and a free shuttle bus service to provide public transportation between the remote parking supply and the downtown area (Exhibit #4).

In order to replace the public parking reserved by the AVP in the pier parking lots and to provide public parking to meet the increased demands generated during the tournament, Special Condition Four requires the applicant to provide the proposed remote parking supply (over 1,500 parking spaces) and to operate the proposed free beach shuttle bus for AVP guests and the general public as proposed and described in the letter dated April 8, 2004 and attached as Exhibit #4 of the staff report. The remote parking supply and free shuttle bus service is necessary to mitigate the increase in vehicle congestion, parking demand and vehicular pollution caused by the large numbers of persons who will drive to the area to attend the annual volleyball tournament on the busiest days of Saturday and Sunday. The AVP provided the remote parking/shuttle use data from the 2003 event to show that the shuttle is only needed on Saturday and Sunday, as a total of twelve vehicles parked in the remote lot on Thursday and Friday (Exhibit #4, p.11).

Special Condition Four also protects the parking spaces normally reserved for handicapped persons, and requires signage and newspaper and radio advertisements to inform the public of the free remote parking and shuttle bus service. The signs must be posted and advertising campaign must commence prior to the start of the tournament in order to adequately inform the public of their parking options prior to arriving at the beach during the days of the tournament. Only as conditioned to mitigate the effects of the exclusive use of public parking on public beach access can the proposed event be found to be consistent with the certified LCP (specifically LCP Policy I.C.2 which requires the City to maximize the opportunities for using available parking for beach use) and the public access and recreation policies of the Coastal Act.

G. Visual Resources and Noise

The temporary structures and advertising associated with temporary events like the Manhattan Beach Open are highly visible and block public views of the shoreline, but they do not conflict with the certified LCP or Coastal Act policies because they exist on a temporary basis for only a few days. The bleachers do not exceed the LCP height limit of thirty feet. After the event, the structures are quickly removed from the beach (within one day) and the public's view of the shoreline is restored. Therefore, the scenic resources of the coastal zone are protected from any long-term or permanent negative impacts.

While noise control is not an issue addressed by certified LCP policies, past appeals have raised it as an issue. The City Agreement requires that "All amplified speakers will be placed facing to the west" (Exhibit #5, p.2). Therefore, the City has addressed noise-control as an issue.

H. Water Quality

The certified Manhattan Beach LCP contains the following policies to protect marine resources from the effects of polluted runoff.

POLICY III.3: *The City should continue to maintain and enforce the City ordinances that prohibit unlawful discharges of pollutants into the sewer system or into the tidelands and ocean. (Title 5, Chapter 5, Article 2; Chapter 8).*

POLICY III.4: *The City should continue to maintain and enforce the City ordinances that prohibit disposal of oils or refuse in the ocean or on beaches. (Title 12, Chapter 6).*

POLICY III.7: *The City should continue to maintain enforcement codes for littering waters or shore. (Title 10 Public Health and Safety Code, Section 374.7).*

POLICY III.8: *he City should continue to have programs to educate both staff and the public on the value and protection of the marine environment.*

The proposed event poses a potential source of pollution due to trash generation, spillage from portable restroom facilities, and vehicles driving on the beach. The discharge of polluted runoff onto the sand and into to coastal waters can cause cumulative adverse impacts to water quality.

Therefore, Special Condition Nine require the applicant to (each day) remove and legally dispose of all trash, waste, oil, grease, and other materials that may be deposited on-site incidental to the volleyball tournament, all associated activities, and the general public's use of the event site, pier and adjacent parking facilities. Special Condition Eight requires that all temporary improvements permitted herein shall be removed in their entirety and the site restored to its pre-existing condition by no later than 6:00 p.m. Tuesday, June 8, 2004. As conditioned, the proposed event is consistent with the certified LCP and past Commission action with regards to water quality requirements and will minimize water quality impacts.

I. California Environmental Quality Act

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Manhattan Beach certified LCP and the public access and recreation policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no

feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp