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Agenda Item #:




Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH:  David N. Carmany, City Manager

FROM: Richard Gill, Parks & Recreation Director 

DATE: April 17, 2012

SUBJECT: Manhattan Beach Centennial Beach Ball Event on the Beach September 22, 2012 and Introduction of Ordinance No. 2159, An Uncodified Ordinance of the City of Manhattan Beach to Allow the Consumption of Wine and Beer on the Beach at the Centennial Beach Ball on September 22, 2012 and adoption of Resolution No. 6358, A Resolution of the City Council of the City of Manhattan Beach to Allow the Consumption of Wine and Beer Within a Designated Area in Conjunction with the Centennial Beach Ball on September 22, 2012. In addition, Staff and MB Centennial Committee Would Like the City Council to Reaffirm its Support for the Remaining Centennial Events: The Centennial Parade and Picnic; the Downtown Open House and Pier Event; the Centennial Beach Ball; and the Centennial Holiday Fireworks.

RECOMMENDATION:

Staff recommends that the City Council: (i) discuss the serving of beer and wine at the Centennial Beach Ball event on the beach on September 22, 2012. If the beer and wine will be served at the Centennial Beach Ball, then the City Council should: (i) introduce and waive full reading of Ordinance No. 2159 entitled, "An Uncodified Ordinance of the City of Manhattan Beach to Allow the Consumption of Wine and Beer on the Beach at the Centennial Beach Ball on September 22, 2012" and (ii) adopt Resolution No. 6358, A Resolution of the City Council of the City of Manhattan Beach to Allow the Consumption of Beer and Wine Within a Designated Area in Conjunction with the Centennial Beach Ball on September 22, 2012. In addition, Staff and MB Centennial Committee Would Like the City Council to Reaffirm its Support for the Remaining Centennial Events: The Centennial Parade and Picnic; the Downtown Open House and Pier Event; the Centennial Beach Ball; and the Centennial Holiday Fireworks.

FISCAL IMPLICATION:

This event will be funded by the Manhattan Beach Centennial Committee through sponsorships except for the support staffing which was approved by City Council on December 20, 2011.

BACKGROUND:

During the November 16, 2010 and December 20, 2011 City Council meetings, City Council discussed the implementation of six Centennial events which commemorate the 100th anniversary of the City's incorporation as a City concluding with the City's famous fireworks display on December 9th. Three Centennial events have been successfully implemented: the Manhattan Village Centennial Carnival, the Manhattan Beach School Art Contest, and the Taste of Manhattan. The following Centennial events will be implemented on their respective dates:

- The Manhattan Beach Parade/Picnic (May 19, 2012) will consist of community organizations who will be invited to create floats, costumes, and marching groups with a parade theme of "100 Years in Manhattan Beach." The parade will end in Polliwog Park with a picnic celebration including "A Walk Though Time" historic photo display, food, and entertainment.
- The MB Festival, Downtown Pier Event (July 7, 2012) will be held in the downtown area. The event will include a "concourse style" display of cars from decades that have come to symbolize life in "Southern California" from woodies to convertibles. The Manhattan Beach Downtown Business Owners will also hold an "Open House" with historic photos in each of the stores to display the fun history of the buildings, businesses, and history of our wonderful downtown community.
- The Centennial Beach Ball (September 22, 2012) invites everyone to spend an evening on our famous beach with live entertainment and dancing. This event will be similar to our Concerts in the Park. Bring your picnic baskets, beach chairs, and enjoy grand entertainment as the City hosts the Centennial Beach Ball. This unique beach-inspired event will be a once in a hundred year opportunity to indulge in one of our City's most famous legacies, the beach!
- The official Manhattan Beach Centennial Celebration will end at the Holiday Fireworks Show (December 9, 2012). A Centennial fireworks display will be added to the crescendo of the regular fireworks.

DISCUSSION:

County Approval of Beach Ball Event

The Manhattan Beach Centennial Beach Ball scheduled for September 22, 2012 is proposed to take place on the beach on the north side of the pier. The event is open to all Manhattan Beach residents and will be a concert on the beach with live entertainment, an area for dancing and have an enclosed area for sponsors of the event where dining will take place, including the serving of wine and/or beer (Attachment C – Site Plan). Alcohol will not be permitted in any other area of the beach. The exact time of the event has not been selected; however staff believes it will be in the late afternoon to early evening hours.

Since the beach is owned by Los Angeles County, staff on behalf of the Centennial Committee submitted an application to Los Angeles County Beaches and Harbors for approval of the event including approval for the serving of alcohol. Staff received approval from Los Angeles County Beaches and Harbors on January 26, 2012 (Attachment D) to hold the event on September 22, 2012. The County also indicated its approval for the serving of alcohol, however, indicated that the City would need to address the City's own local ordinances regarding the consumption of alcohol in order for alcohol to be served. In addition, alcohol service would be subject to certain

permit conditions including securing an ABC license. These are listed on Attachment E to this report.

As can be seen in the site plan (Attachment C), the Centennial Committee is proposed to rope/fence the area where alcohol will be served. Further, the Centennial Committee will provide security at each entrance/exit and comply with the insurance and indemnification conditions and all other conditions as specified in the Beach Use Permit (Attachment E).

Review of City's Municipal Code

The City Attorney's office was requested to review the City's Municipal Code based on the receipt of the County's letter. It was determined by the City Attorney's office there are two relevant provisions (Section 4.48.030 and Section 4.48.090) that address the issues of consumption of alcohol in public places and at special events. Each is discussed in more detail below.

• Section 4.48.030

Section 4.48.030 provides in general that the drinking of any alcoholic beverage is prohibited in public places, unless specifically permitted by prior written approval of the City. A public place is broadly defined and includes sidewalks, streets, parking lots, parks, the pier, the beach and recreational facilities owned or operation by any public agency. Accordingly, under Section 4.48.030 the City can grant prior written approval to allow the consumption of alcohol in any public place including the beach.

• Section 4.48.090

Section 4.48.090 also discusses the consumption of alcohol and that section provides that notwithstanding any other provision, the City Council may grant a special permit for the sale or consumption of wine or beer at special functions and activities in the City, including the Manhattan Beach Pier, however excluding the remainder of the public beach, subject to the recommendations of the Chief of Police. Accordingly, under Section 4.48.090, the City can grant a special permit to allow the consumption of alcohol at special functions and activities in the City, except at the beach.

The City has utilized the process established by these sections of the Municipal Code to permit the consumption of alcohol in public places. Specifically, Resolution 5878 adopted in 2004 permitted the consumption of alcohol at the Summer Concerts in the Park series as well as during art exhibition program openings at the Creative Arts Center. As it pertains to allowing alcohol consumption for a special event at the beach, one section allows it through prior written approval but the other section prohibits it. In researching the origins of Section 4.48.090, the agenda report indicated that at the time when the ordinance was adopted, which was 1994, the prohibition of possession of alcohol on the beach was consistent with regulations of the County of Los Angeles. The County, however, has amended their ordinance regarding the consumption of alcoholic beverages on the beach several times since 1994 and the current provision, Section 17.12.320, prohibits consumption of alcoholic beverages except in connection with a special event authorized by the Department of Beaches and Harbors.

In order to allow the consumption of beer and wine at the Centennial Beach Ball in the area designated by the site plan, the City Attorney recommends the following:

▪ Introduce an ordinance to allow for the serving and consumption of wine and beer on the beach at the Centennial Beach Ball pursuant to the provisions of the proposed Ordinance 2159 and not Section 4.48.090 of the Municipal Code. This would be an uncodified ordinance and would apply only to this one event on the beach. The ordinance does not repeal or suspend the City's existing provision. Rather, the ordinance sets forth the process for the approval of serving of wine and beer for this one event notwithstanding the language in the Municipal Code. That process is for the City Council to adopt a resolution. The serving of beer and wine would also be subject to the license requirements of the Alcohol Beverage Control Act of the State of California.

▪ Adopt a resolution to allow the serving and consumption of beer and wine at the Centennial Beach Ball. The resolution would be effective upon the effective date of the ordinance and would be subject to the conditions listed in the County permit. In addition, additional conditions were included by the City Attorney's office.

Last, the City Attorney also recommends that she return to the City Council at a later date with an ordinance to remedy the inconsistencies in Chapter 4.48.

CONCLUSION:

In conclusion, the County has approved the application for the Centennial Beach Ball to be held on September 22, 2012. If alcohol is to be served in the area designated by the site plan, the City Council should introduce the attached ordinance and adopt the attached resolution. This would satisfy the conditions set forth in the County's letter dated January 26, 2012.

ATTACHMENTS:

- A. Ordinance No. 2159
- B. Resolution No. 6358
- C. Site Plan
- D. Los Angeles County Beaches and Harbor Letter Dated January 26, 2012
- E. Beach Use Permit Pertaining to Serving of Alcohol

ORDINANCE NO. 2159

**AN UNCODIFIED ORDINANCE OF THE CITY OF MANHATTAN BEACH TO
ALLOW THE CONSUMPTION OF WINE AND BEER ON THE BEACH AT THE
CENTENNIAL BEACH BALL ON SEPTEMBER 22, 2012**

**THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH HEREBY ORDAINS AS
FOLLOWS:**

Section 1. The City Council finds:

A. In accordance with Section 4.48.090 of the Manhattan Beach Municipal Code, the City Council may grant a special permit for the consumption of wine and beer at special functions or activities in the City of Manhattan Beach including the Manhattan Beach Pier, but excluding the remainder of the public beach, subject to the recommendations of the Chief of Police. In addition, Section 4.48.030 of the Manhattan Beach Municipal Code provides that the drinking of any alcoholic beverage is prohibited in a public place, including the beach, unless specifically permitted by the prior written approval of the City.

B. In the year 2012, the City of Manhattan Beach is celebrating its centennial year through a variety of public events including the Manhattan Beach Centennial Ball. The Manhattan Beach Centennial Ball is set to take place on September 22, 2012 on the north side of the Manhattan Beach Pier on the beach in a designated area. This special event is open to all Manhattan Beach residents and will feature live entertainment, an area for dancing and will have an enclosed area where catered dining will take place, including the serving of wine and/or beer.

C. The legislative history of Section 4.48.090 provides that at the time of its adoption in 1994, the City Council expressed a desire to issue a special permit on a case-by-case basis to allow the consumption of alcoholic beverages on public property, including the Manhattan Beach Pier, for special events. Beaches, however, were excluded because at the time of adoption, this exclusion was consistent with the ordinances of the County of Los Angeles on county-controlled beaches. Section 17.12.320 of the Los Angeles County Code, however, currently permits the consumption of alcoholic beverages on the beach solely in connection with a special event approved by the Director of the Los Angeles County Department of Beaches and Harbors ("County"). The County has approved the holding of the Centennial Beach Ball, including the serving of alcohol but only upon the condition (among others) that Section 4.48.090 be suspended to allow the City Council to permit the consumption of wine and beer on the beach.

D. The City Council considered this matter at a public meeting held on April 17, 2012 and finds that it desires to adopt an ordinance to allow the serving and consumption of wine or beer on the beach for this special event to be held on September 22, 2012, notwithstanding Sections 4.48.030, 4.48.090 or any other provision of the Municipal Code.

Section 2. Notwithstanding the provision of Sections 4.48.030 and 4.48.090 of the Manhattan Beach Municipal Code or any other applicable section of the Manhattan Beach Municipal Code, the serving and consumption of wine and beer on the beach may be permitted by the City Council solely in conjunction with the Manhattan Beach Centennial Ball, which is to take place on September 22, 2012 (or on such other date within calendar year 2012), pursuant to the adoption of a City Council resolution. If permitted by resolution of the City Council, the

serving of beer and wine is subject to the license requirements of the Alcoholic Beverage Control Act of the State of California. As used in this Section 2, the term "beach" is defined as all that portion of the City of Manhattan Beach lying west of the Strand and the term "Strand" is defined as the paved public right-of-way between the beach and the westerly property line of the properties nearest the Pacific Ocean.

Section 3. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this ordinance to be published within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code.

Section 4. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED, APPROVED AND ADOPTED this _____ of _____, 2012.

AYES:
NOES:
ABSENT:
ABSTAIN:

NICHOLAS W. TELL, JR.
Mayor, City of Manhattan Beach, California

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:



ROXANNE M. DIAZ
City Attorney

RESOLUTION NO. 6358

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MANHATTAN BEACH TO ALLOW THE CONSUMPTION OF
BEER AND WINE WITHIN A DESIGNATED AREA IN
CONJUNCTION WITH THE CENTENNIAL BEACH BALL ON
SEPTEMBER 22, 2012

Whereas, in the year 2012, the City of Manhattan Beach is celebrating its centennial year through a variety of special events including the Manhattan Beach Centennial Beach Ball. This special event is set to take place on September 22, 2012 on the north side of the Manhattan Beach Pier on the beach in a designated area as depicted by the map attached hereto as Exhibit A. This event is open to all Manhattan Beach residents and will feature live entertainment, an area for dancing and will have an enclosed area where catered dining will take place, including the serving of wine and/or beer. This designated area is also depicted on the map attached as Exhibit A;

Whereas, Manhattan Beach Municipal Code Section 4.48.090, as amended by Ordinance No. 2159, allows the City Council to grant a special permit for the consumption of wine or beer on the beach at special functions or activities subject to the recommendations of the Chief of Police and in the case of any sale of wine or beer, subject to the license requirements of the Alcoholic Beverage Control Act of the State of California;

Whereas, Manhattan Beach Municipal Code Section 4.48.030 provides that the drinking of any alcoholic beverage is prohibited in a public place, including the beach, unless specifically permitted by the prior written approval of the City.

Whereas, the City Council has adopted Ordinance No. 2159 to allow the serving and consumption of wine or beer on the beach solely in conjunction with the Centennial Beach Ball to held on September 22, 2012 (or such other date in calendar year 2012), notwithstanding Sections 4.48.030, 4.48.090 or any other provision of the Municipal Code.

Whereas, Section 17.12.320 of the Los Angeles County Code, permits the consumption of any alcoholic beverage in connection with a special event duly authorized by the Director of the Los Angeles County Department of Beaches and Harbors ("County");

Whereas, the County has approved application #00011-12 for the use of the beach in the area depicted on Exhibit A for the holding of the Centennial Beach Ball;

Whereas, the County has also approved the consumption of alcoholic beverages on the beach in conjunction with the Centennial under certain conditions as set forth in such permit; and

Whereas, as required by the County, Ordinance No. 2159 has been adopted to permit the consumption of beer and wine on the beach in connection with the Centennial Beach Ball upon adoption of a resolution by the City Council and

NOW, THEREFORE, the City Council of the City of Manhattan Beach, California does hereby find, resolve and determines as follows:

Section 1. The recitals above are true and correct and incorporated herein as if set forth in full.

Section 2. The City Council hereby approves the serving of and consumption of wine and beer solely in connection with the Centennial Beach Ball scheduled to take place on September 22, 2012 or on such other date in calendar year 2012 pursuant to the following conditions:

a. This approval is solely for the serving of beer and wine within the designated area depicted on Exhibit A, wherein the serving of dinner, including beer and wine will be provided and/or catered by a third party. Such third party shall be required to obtain the appropriate license from the California Department of Alcoholic Beverage Control.

b. The serving of distilled spirits is prohibited.

c. The sale of beer and wine or any distilled spirits is prohibited.

d. The conditions set forth in Permit # 00011-12 issued by the County of Los Angeles Department of Beaches and Harbors regarding the serving of alcohol on a public beach shall be strictly followed. Such conditions are attached and incorporated herein as Exhibit B.

Section 3. This Resolution (Resolution No. 6358) shall take effect on the effective date of Ordinance No. 2159. If Ordinance No. 2159 fails to become effective, this Resolution shall automatically be null and void.

Section 4. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED and ADOPTED this 17th day of April, 2012.

Ayes:
Noes:
Absent:
Abstain:

NICHOLAS W. TELL, JR.
Mayor, City of Manhattan Beach, California

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:



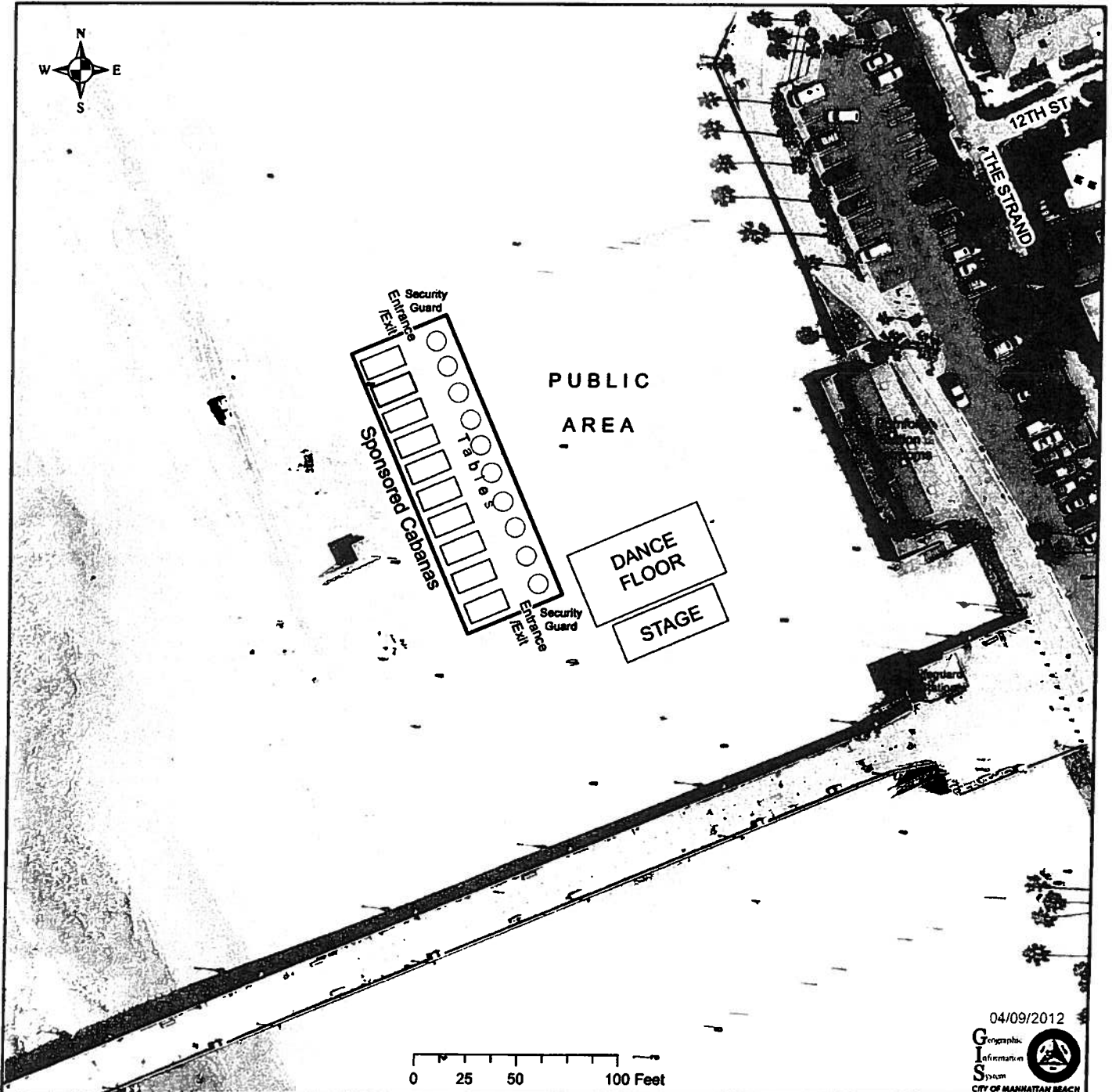
ROXANNE M. DIAZ
City Attorney

EXHIBIT A

MAP OF EVENT AND LOCATION OF DESIGNATED AREA FOR THE SERVING
AND CONSUMPTION OF WINE AND BEER

City of Manhattan Beach Centennial Ball

Sept 22, 2012



04/09/2012



EXHIBIT B
CONDITIONS OF COUNTY PERMIT NO. 00011-12



To enrich lives through effective and caring service



Santos H. Kreimann
Director
Kerry Silverstrom
Chief Deputy
Gary Jones
Deputy Director

January 26, 2012

The Honorable Nicholas W. Tell, Mayor
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Dear Mayor Tell:

CITY OF MANHATTAN BEACH CENTENNIAL CELEBRATION

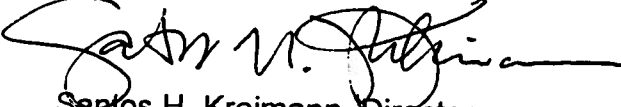
This letter confirms receipt of permit application #00011-12 wherein you request the use of beach located on the north side of Manhattan Beach pier to celebrate the 100th anniversary of the City of Manhattan Beach on September 22, 2012.

A review of your application noted that your event is open to all Manhattan Beach residents with an expected attendance of 300-500 participants. Section 17.12.320 of the County Beach Ordinance allows the consumption of alcoholic beverages in connection with a special event duly authorized by the Director of Beaches and Harbors for which the sponsoring organization is properly licensed by the State Department of Alcoholic Beverage Control.

While County ordinance allows that alcohol may be served under strict conditions at certain beach locations, your City's ordinance prohibits serving alcohol at public events. We are prepared to approve the attached permit provided your city suspends its ordinance banning alcohol for this public event and that any alcohol service is subject to strict conditions, including securing an ABC license and meeting public safety requirements, as outlined on the attached permit.

The Department of Beaches and Harbors would like to offer our assistance as you prepare for this momentous occasion. I await your response, but in the meantime I have reserved your requested date and location pending the outcome of your application. If you have any questions, please contact Carol Baker, Community and Marketing Services Division Chief, at (310) 305-9562 or cbaker@bh.lacounty.gov.

Very truly yours,


Santos H. Kreimann, Director

SHK:CB:dk

c: Wayne Powell, Mayor Pro Tem, City of Manhattan Beach
Council Members
City Manager

BACKGROUND MUSIC

County of Los Angeles
 Department of Beaches and Harbors
Beach/Harbor Use Permit ONLY
 Trailer #4, 13483 Fiji Way, Marina del Rey CA 90292

Permit # 00011-12

Type of Program
<input checked="" type="radio"/> Special Event <input type="radio"/> Community Service <input type="radio"/> Department Event

Organization Name or
 Permittee Name: City of Manhattan Beach Centennial Celebration
 Permittee Address: 1400 Highland Avenue
 City: Manhattan Beach State: CA Zip: 90286
 Phone: 310-802-5405 Fax: 310-802-5401
 E-mail Address: mleyman@citymb.info

Beach/Harbor Area: Manhattan Beach Location: [Pier (n/s)]
 Event Date & Time: 09/22/2012 [Sa] 05:00 PM - 09:00 PM
 Setup Date & Time: 09/22/2012 [Sa] 07:00 AM - 05:00 PM
 Tear Down Date & Time: 09/22/2012 [Sa] 09:00 PM - 10:00 PM

Program Description: OTHER - MUST CONTACT DBH
 Number of Participants: 400 Number of Spectators: 0
 On-Site Contact: Mark Leyman Phone: 310-877-0518
 Comments: ***** PERMIT D-R-A-F-T *****

Fees			
Permit Fee	\$	<u>0.00</u>	
Gross Receipts	\$	<u>0.00</u>	Alcohol Permit
Security Deposit	\$	<u>500.00</u>	Security Deposit Refund
County Insurance	\$		\$ <u>150.00</u>
Misc./Other Fee	\$	<u>0.00</u>	\$ <u>0.00</u>
		Total	\$ <u>650.00</u>

Parking Fees: Pay Per Entry As Posted.
Permit Does Not Include Parking.

Acceptance

The permit is accepted on the terms set forth in this permit form:

Signature of Permittee	Date
Director or Authorized Representative	Date

HIRE LIFEGUARD

125' x 80' = 10,000sqft

Manhattan Beach Pier

1 inch = 50 feet

0 25 50 100 Feet

County of Los Angeles
Department of Beaches and Harbors
Special Event Permit Addendum

Permit #
00011-12

EVENT SPONSORSHIP

Will your event have sponsorship? Yes No
If Yes, must report on Addendum A form.
Will sponsor's name appear on signage? Yes No

What type of signage are you proposing to have at your event? How will it be secured, and where will it be placed?

Note: Automobile, bottled water and carbonated beverage signage is prohibited.

Anticipated attendance is 300-500 participants. Signage displaying the sponsors names will be placed near the entrance on easels.

PUBLICITY/FILMING

How will event be publicized? Check all that apply.
 Invitation Only Printed Material Television
 Radio Other

Will your event be filmed? Yes No
Will there be live media coverage during your event? Yes No

*If you answered, "Yes" to filming or media questions, please contact:
Entertainment Industry Development Corp (EIDC) at 323/957-1000 for film permits, or for
information only, go to the EIDC website. (<http://www.eldc.com>)*

RENTAL COMPANY

Will your event secure the services of a rental Company? Yes No
If Yes, must report on Addendum A form.

AMPLIFIED SOUND

LIVE AMPLIFIED BANDS PROHIBITED

Will your event have amplified sound? Yes No
If yes, check all that apply: Announcements Pre-Recorded Music D.J.

Requirements for all events with music:
● Background music only ● Speakers must face the water

Note: No amplified music permits will be issued for Dockweiler State Beach, Marina "Mother's" Beach, or Venice Beach.

BIKE PATH

Will your event utilize the bike path (triathlon, bike ride, etc.)? Yes No

SITE PLAN

Will your event have Bleachers, Stages, Platforms or Scaffolding? Yes No
If your event will have bleachers, scaffolding, platforms, or staging, you must provide a detailed, legible site plan to scale (1/8" to 1 foot). Please show specific locations of the following: tents, canopies, generators, tables and chairs, portable toilet facilities, scaffolding, bleachers, platforms, stages, dumpsters, exit openings and pathways and other event components not covered above.

County of Los Angeles
Department of Beaches and Harbors
Special Event Permit Addendum

Permit #
00011-12

TENTS/CANOPIES

Will your event have tents? Yes No Undecided
If yes: Quantity 1 Size(s) 125' x 80'

Will your event have Canopies? Yes No Undecided
If yes: Quantity 0 Size(s) _____

Note: All tents or Canopies 20X20 or larger will require a Building & Safety permit. All tents in excess of 200 sq ft or canopies in excess of 400 sq ft will also require a Fire Marshal permit.

FOOD

Will your event secure the services of a caterer? Yes No
If Yes, must report on Addendum A form.

Will food be cooked on site? Yes No

What cooking source do you propose use? Gas Briquettes Propane

Note: Fires are prohibited on County owned and/or operated beaches by County Ordinance (17.12.370). If your event is at Dockweiler or Cabrillo, you may cook in the fire rings. All other beach events must cook in parking lot (if parking lot under County control). A fire extinguisher will be required.

ALCOHOL

Will your caterer be serving alcohol? Yes No

Note: Only catered events may request alcohol permits. No alcohol permits will be issued for Dockweiler State Beach, Manhattan Beach, Redondo Beach, Torrance Beach, or Venice Beach.

If yes, will the alcohol be sold or given to the guests? Given Sold
If sold, contact: ABC (Alcohol Beverage Control), phone: (310) 412-6311

REFUND

City of Manhattan Beach
c/o Mark Leyman
1400 Highland Avenue
Manhattan Beach, CA 90266

MISCELLANEOUS

This permit is for the Manhattan Beach Centennial Ball. This event will be a fully enclosed ticketed event including a sit down dinner, and alcohol will be served (no-host bar). The event is open to all Manhattan Beach residents.

COMMENTS

*** D-R-A-F-T PERMIT ***

Permit #
00011-12

**County of Los Angeles
Department of Beaches and Harbors
Beach Use Permit
Addendum A - Gross Receipts Itemization**

A fee will be charged prorated on the Gross Receipts of all monies realized by the permittee in conjunction with the permitted occupancy, including sponsorship dollars, prize money, entry fees, product sales, in-kind donations, catering budget, rental equipment and any other related entity of budgeted and/or collected monetary value.

Prepayment of the estimated Gross Receipts Fee must be made prior to the event date, otherwise the event permit will not be issued.

Final Payment of any outstanding balance of the Gross Receipts Fee is due within 30 days of the last event day.

A Late Payment Charge of ten percent (10%) per annum will be added to any outstanding balance 30 days following the last event day. Additionally, future permit request(s) and refunds related to the occupancy granted will not be approved until the Gross Receipts Fee is paid in-full and the permit related reports(s) are received.

Permittee shall make all permit related records, including receipts, available to the County for inspection and photocopying within seven (7) calendar days of a written request.

List Below: Sponsors, Caterers and other related companies.

<u>Company Type</u>	<u>Company Name</u>	<u>Contact Name</u>	<u>Phone Number</u>	<u>Amount</u>
			Subtotal (at 0%)	<u>\$0.00</u>
			Subtotal	<u>\$0.00</u>
			Gross Receipts Total	<u>\$0.00</u>
			Payable to Los Angeles County Department of Beaches and Harbors	<u>\$0.00</u>

printed 12/19/2011

BEACH USE PERMIT ALCOHOL ADVISEMENT

ALL ALCOHOL PERMITS REQUIRE \$2,000,000 WORTH OF INSURANCE:	
• GENERAL LIABILITY	\$1,000,000
• HOST LIQUOR LIABILITY	\$1,000,000

When approval has been obtained to serve alcohol on a public beach (catered events only) the permittee must provide the Department of Beaches and Harbors with one of the following (whichever applies):

ALCOHOL (SALES AT EVENT)

- Proof of an ABC (Alcoholic Beverage Control) off-site liquor license
- Provide certificate in the amount of \$1,000,000 for Host Liquor Liability (in addition to the required \$1,000,000 General Liability Insurance), which names the County of Los Angeles and Parking Concepts, Inc. as additional insured.

ALCOHOL (NON-SALES)

- Provide certificate in the amount of \$1,000,000 for Host Liquor Liability (in addition to the required \$1,000,000 General Liability Insurance), which names the County of Los Angeles and Parking Concepts, Inc. as additional insured.

THE FOLLOWING CONDITIONS MUST BE ADHERED TO:

- Area where alcohol is being served must be roped off, and no one can leave that area with alcohol.
- Permittee must provide, at own expense, at least one uniformed security guard for every fifty people of drinking age. Must furnish contact name and number of security company.
- No bottles or cans.
- Alcohol must be served in containers 12 oz. or less.
- No BYOB.
- Alcohol must be served in containers that are white or have color (no clear containers).
- Alcohol must be served from a three-sided tent (open side facing water).
- Serving must cease one hour prior to event conclusion.
- No swimming or water activity by participants consuming alcohol.
- Wrist bands required by participants consuming alcohol.

County of Los Angeles
Department of Beaches and Harbors
Sale and/or Consumption of Alcoholic Beverages
Application Form and Permit Addendum B

Permit #
00011-12

Permit and Event Identification

EVENT DATE: 09/22/2012

LOCATION: Manhattan Beach (Pier (n/s))

Name and Title of Permittee: City of Manhattan Beach Centennial Celebration

Permittee Address: 1400 Highland Avenue, Manhattan Beach CA 90266

Phone: 310-802-6405 License Type: _____ License No. _____

Conditions of Permit Addendum

1. The sale and/or consumption of the alcoholic beverages must be limited to the "Location" described above and must be limited to the participants in the event who may legally consume such beverages.
2. Participants will not engage in water activity such as swimming, boating, or the operation of motorized vehicles or equipment or other similar activities.
3. Permittee agrees to obtain the appropriate license from the California Alcoholic Beverage Control Board (ABC) and comply with all license and operating requirements of ABC, federal, state, and local laws (documentation of such compliance will be provided to the Department by permittee with the written acceptance of the permit). **FOR SALES ONLY**
4. The permittee will provide at the permittee's expense the following number and type of peace officers or uniformed security guards determined by the Director and local law enforcement to be necessary for security at the special event: One uniformed security guard for every fifty people of drinking age.

- Security Contact (Name): _____

- Security Contact (Phone): _____

Permittee agrees to pay the County of Los Angeles 15% of Gross Receipts from the sale of alcoholic beverages. This fee is in addition to that specified in Addendum A of the Use Permit.

ACCEPTANCE

I do hereby agree to the conditions of this Addendum B to the Beach/Harbor Use Permit.

Permittee/Organization Representative (Signature) _____ Date _____

Director or Authorized Representative _____ Date _____

**SPONSORSHIP: NO AUTOMOBILE,
BOTTLED WATER OR CARBONATED
BEVERAGE SPONSORS**

List all sponsors and sponsorship fees on Addendum A.

RIGHT TO AUDIT

All accounting records shall be open for inspection at any reasonable time during the term of this permit and 5 years thereafter. County may audit the records of the Permittee to verify the accuracy thereof.

INSURANCE REQUIREMENT

Without limiting Permittee's indemnification of County and other named permitors, permittee shall provide and maintain at its own expense during the term of this permit the following policy or policies of insurance covering its operations hereunder. Such insurance shall be secured through a carrier satisfactory to the County Risk Manager and **MUST NAME THE COUNTY OF LOS ANGELES AS AN ADDITIONAL INSURED.** Evidence of such insurance satisfactory to the Risk Manager shall be delivered to the Department of Beaches and Harbors before the date of this permit. Such evidence shall specifically identify this permit and shall contain expressed conditions that the County is to be given written notice at least thirty (30) days in advance of any modification or termination of policy of insurance.

COMPREHENSIVE GENERAL LIABILITY A. Certificate of General Liability insurance in the amount of \$1,000,000 with a \$2,000,000 aggregate and an Additional insured Endorsement (AI) naming the County of Los Angeles as an additional insured.

OR .

B. Participation in the County's Special Event Liability Insurance Program (SELIP) through the payment of an insurance premium fee based on the event risk category and attendance.

WORKER'S COMPENSATION

Permittee shall cover its employees with Worker's Compensation Insurance in an amount and form to meet all applicable requirements of the Labor Code of the State of California and which specifically covers

the persons and risks involved in this permit.

INDEMNIFICATION

Permittee agrees to indemnify, defend and hold harmless the County of Los Angeles and any other agencies designated as permittor, their agents, officers, employees, and contractors from and against any and all liability, expense, including those arising from the conditions of the County-owned, occupied, or operated facilities or property; such claims may include, but shall not be limited to those alleging bodily injury, death, personal injury, or property damage arising from the operation, acts or omissions of permittee, its contractors, licensees, agents, servants, or employees hereunder. Permittee further agrees to indemnify, defend, and hold harmless County and any other named permitors from any and all Worker's Compensation suits, liability, or expense arising from or connected with any services for or on behalf of permittee by any persons pursuant to this permit.

RELEASE

In addition to the indemnification described above, Permittee agrees to require each participant in any athletic event undertaken in connection with this permit, to execute a written "Release of Liability" form. Permittee further agrees to retain each release form for a period of not less than one year after the event.

AUTHORITY

Permission is granted pursuant to the authority conferred by the Board Of Supervisors under the Provisions of Section 2.116.020 of the Los Angeles County Code.

LAWS AND REGULATIONS

The permittee is required to ensure that participants and spectators of the event abide by the rules and regulations contained in the Los Angeles County Beach Code and all other applicable local, state, and federal laws. Permittee shall obtain any additional necessary permits to stage this event.

PARKING

Certain events may require additional parking lot staffing. If so, Permittee will incur additional personnel costs.

NON-DISCRIMINATION

The permittee certifies and agrees that during the term of this permit they will not exclude any qualified person from being an employee, a sub-contractor, a vendor, a participant, a spectator, or a guest, or otherwise subject anyone to discrimination because of the person's race, color, religion, national origin, sex, age or handicap.

COMMERCIAL ACTIVITIES

There will be no commercial activities or sales on the premises in connection with this event without prior written permission of the County.

AUTHORITY TO STOP/CANCEL

In the event that an authorized representative of the County finds that the activities being conducted by the permittee unnecessarily endangers the health or safety of any person or that said activities are or will cause damage to real or personal property, said representative, at his sole discretion, may suspend or cancel this permit. The County reserves the right to cancel this permit at any time without incurring any liability to the permittee whatsoever.

SIGNS

Any signs intended to be placed in the area must be approved by the Department before being posted, and all signs must be removed at the expiration of the permit.

SOUND

Amplified sound and music for event activities may not be utilized prior to 10:00 a.m. Amplified sound for event activities must cease by 9:00 p.m. Sound shall not exceed such levels as may be prescribed by law and/or the County.

NO LIVE AMPLIFIED BANDS.

FIREWORKS

FIREWORKS ARE PROHIBITED.

MAINTENANCE

Permittee is to maintain event area clean of trash. Permittee is required to move event-generated trash and place in the trash receptacles.

WATER EVENTS

Permittee agrees that permission to commence with any in-the-water event is contingent upon approval of this permit by the Los Angeles County Fire Department/Lifeguard Division or Harbor Master within Marina del Rey. Permittee may incur additional personnel costs due to their water activities.

PREMISE CONDITION

The County does not assume any expressed or implied obligations on behalf of the County with respect to a duty to provide extraordinary maintenance and repairs to the area by reason of the occupancy. Therefore, the permittee must accept the area in its present condition, assume any and all legal duties arising out of this occupancy, and waive any and all legal rights to have such duties performed by the County.

OCCUPANCY

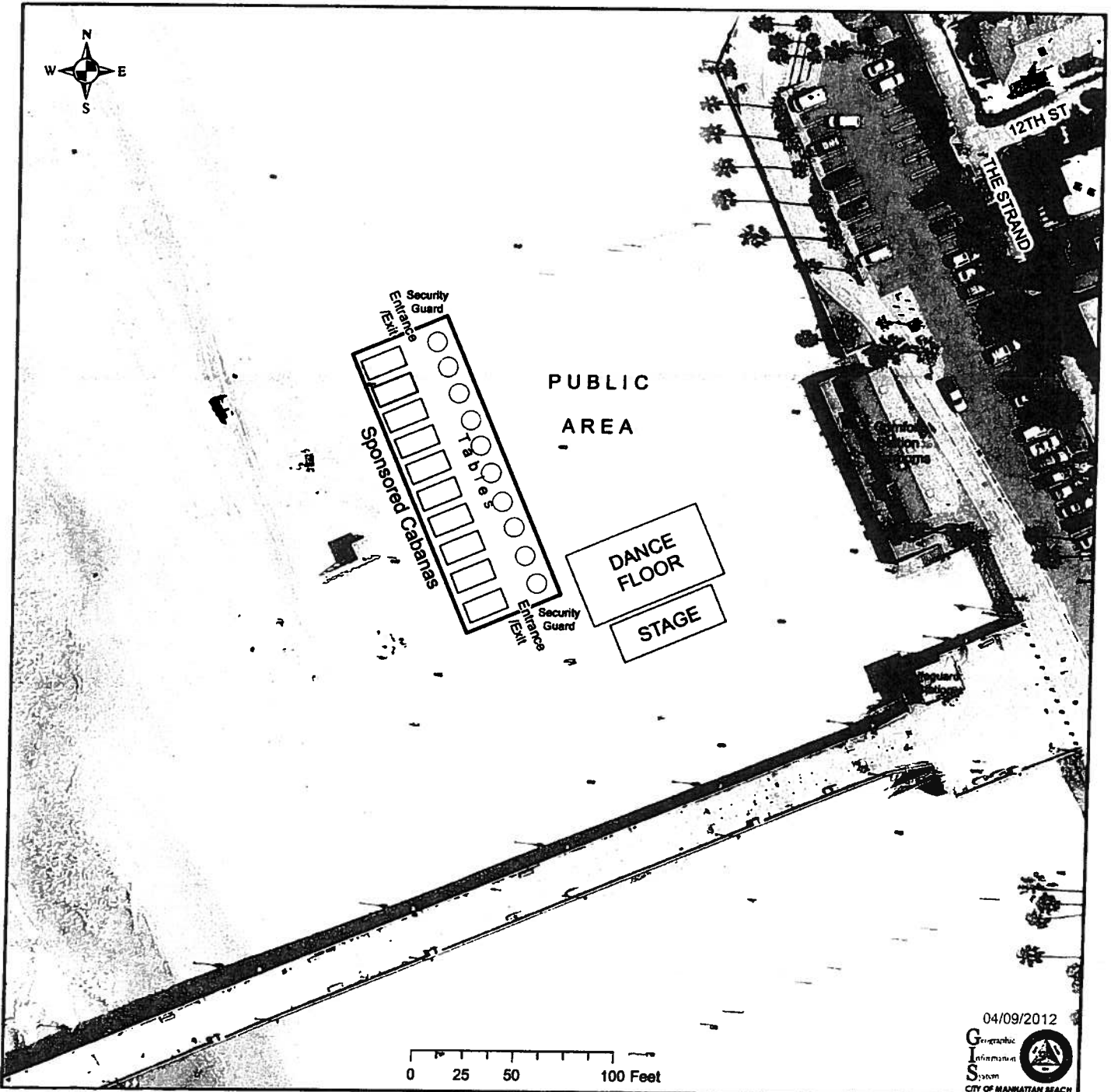
Permission is intended to create only a personal unassigned right of occupancy without conveyance of an estate or interest in the real property, and is granted to the permittee in permittee's capacity as an independent contractor occupying the real property for personal use of permittee in engaging in an activity in which the County has no interest or participation other than as the owner and/or property manager of the area to be occupied. Occupancy is restricted to the area designated in area to be occupied. Permittee assumes complete responsibility for securing, preparing and policing (including the placing of all refuse in proper trash receptacles) said area as needed to protect the safety of the beachgoing public and/or participants in said events.

ENTIRE CONTRACT

ALL THE TERMS OF THE CONTRACT RELATING TO YOUR OCCUPANCY OF THE AREA ARE SET FORTH IN THIS FORM AND YOU SHOULD NOT RELY ON ANY OTHER TERMS, PROMISES OR REPRESENTATIONS OTHER THAN THOSE CONTAINED IN THIS DOCUMENT.

City of Manhattan Beach Centennial Ball

Sept 22, 2012





To enrich lives through effective and caring service



Santos H. Kreimann
 Director
 Kerry Silverstrom
 Chief Deputy
 Gary Jones
 Deputy Director

January 26, 2012

The Honorable Nicholas W. Tell, Mayor
 City of Manhattan Beach
 1400 Highland Avenue
 Manhattan Beach, CA 90266

Dear Mayor Tell:

CITY OF MANHATTAN BEACH CENTENNIAL CELEBRATION

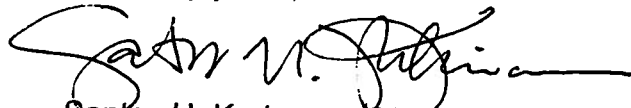
This letter confirms receipt of permit application #00011-12 wherein you request the use of beach located on the north side of Manhattan Beach pier to celebrate the 100th anniversary of the City of Manhattan Beach on September 22, 2012.

A review of your application noted that your event is open to all Manhattan Beach residents with an expected attendance of 300-500 participants. Section 17.12.320 of the County Beach Ordinance allows the consumption of alcoholic beverages in connection with a special event duly authorized by the Director of Beaches and Harbors for which the sponsoring organization is properly licensed by the State Department of Alcoholic Beverage Control.

While County ordinance allows that alcohol may be served under strict conditions at certain beach locations, your City's ordinance prohibits serving alcohol at public events. We are prepared to approve the attached permit provided your city suspends its ordinance banning alcohol for this public event and that any alcohol service is subject to strict conditions, including securing an ABC license and meeting public safety requirements, as outlined on the attached permit.

The Department of Beaches and Harbors would like to offer our assistance as you prepare for this momentous occasion. I await your response, but in the meantime I have reserved your requested date and location pending the outcome of your application. If you have any questions, please contact Carol Baker, Community and Marketing Services Division Chief, at (310) 305-9562 or cbaker@bh.lacounty.gov.

Very truly yours,



Santos H. Kreimann, Director

SHK:CB:dk

c: Wayne Powell, Mayor Pro Tem, City of Manhattan Beach
 Council Members
 City Manager

**BEACH USE PERMIT
ALCOHOL ADVISEMENT**

**ALL ALCOHOL PERMITS REQUIRE \$2,000,000
WORTH OF INSURANCE:**

- | | |
|-------------------------|-------------|
| • GENERAL LIABILITY | \$1,000,000 |
| • HOST LIQUOR LIABILITY | \$1,000,000 |

When approval has been obtained to serve alcohol on a public beach (catered events only) the permittee must provide the Department of Beaches and Harbors with one of the following (whichever applies):

ALCOHOL (SALES AT EVENT)

- Proof of an ABC (Alcoholic Beverage Control) off-site liquor license
- Provide certificate in the amount of \$1,000,000 for Host Liquor Liability (in addition to the required \$1,000,000 General Liability Insurance), which names the County of Los Angeles and Parking Concepts, Inc. as additional insured.

ALCOHOL (NON-SALES)

- Provide certificate in the amount of \$1,000,000 for Host Liquor Liability (in addition to the required \$1,000,000 General Liability Insurance), which names the County of Los Angeles and Parking Concepts, Inc. as additional insured.

THE FOLLOWING CONDITIONS MUST BE ADHERED TO:

- Area where alcohol is being served must be roped off, and no one can leave that area with alcohol.
- Permittee must provide, at own expense, at least one uniformed security guard for every fifty people of drinking age. Must furnish contact name and number of security company.
- No bottles or cans.
- Alcohol must be served in containers 12 oz. or less.
- No BYOB.
- Alcohol must be served in containers that are white or have color (no clear containers).
- Alcohol must be served from a three-sided tent (open side facing water).
- Serving must cease one hour prior to event conclusion.
- No swimming or water activity by participants consuming alcohol.
- Wrist bands required by participants consuming alcohol.

Permit #
00011-12

County of Los Angeles
Department of Beaches and Harbors
Sale and/or Consumption of Alcoholic Beverages
Application Form and Permit Addendum B

Permit and Event Identification

EVENT DATE: 09/22/2012

LOCATION: Manhattan Beach (Pier (n/s))

Name and Title of Permittee: City of Manhattan Beach Centennial Celebration

Permittee Address: 1400 Highland Avenue, Manhattan Beach, CA 90266

Phone: 310-802-5405 License Type: _____ License No. _____

Conditions of Permit Addendum

1. The sale and/or consumption of the alcoholic beverages must be limited to the "Location" described above and must be limited to the participants in the event who may legally consume such beverages.
2. Participants will not engage in water activity such as swimming, boating, or the operation of motorized vehicles or equipment or other similar activities.
3. Permittee agrees to obtain the appropriate license from the California Alcoholic Beverage Control Board (ABC) and comply with all license and operating requirements of ABC, federal, state, and local laws (documentation of such compliance will be provided to the Department by permittee with the written acceptance of the permit). **FOR SALES ONLY**
4. The permittee will provide at the permittee's expense the following number and type of peace officers or uniformed security guards determined by the Director and local law enforcement to be necessary for security at the special event: One uniformed security guard for every fifty people of drinking age.

- Security Contact (Name): _____

- Security Contact (Phone): _____

Permittee agrees to pay the County of Los Angeles 15% of Gross Receipts from the sale of alcoholic beverages. This fee is in addition to that specified in Addendum A of the Use Permit.

ACCEPTANCE

I do hereby agree to the conditions of this Addendum B to the Beach/Harbor Use Permit.

Permittee/Organization Representative (Signature)

Date

Director or Authorized Representative

Date

Date Printed
12/19/2011

**SPONSORSHIP: NO AUTOMOBILE,
BOTTLED WATER OR CARBONATED
BEVERAGE SPONSORS**

List all sponsors and sponsorship fees on Addendum A.

RIGHT TO AUDIT

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Permit #
00011-12

**County of Los Angeles
Department of Beaches and Harbors
Beach Use Permit
Addendum A - Gross Receipts Itemization**

A fee will be charged prorated on the Gross Receipts of all monies realized by the permittee in conjunction with the permitted occupancy, including sponsorship dollars, prize money, entry fees, product sales, in-kind donations, catering budget, rental equipment and any other related entity of budgeted and/or collected monetary value.

Prepayment of the estimated Gross Receipts Fee must be made prior to the event date, otherwise the event permit will not be issued.

Final Payment of any outstanding balance of the Gross Receipts Fee is due within 30 days of the last event day.

A Late Payment Charge of ten percent (10%) per annum will be added to any outstanding balance 30 days following the last event day. Additionally, future permit request(s) and refunds related to the occupancy granted will not be approved until the Gross Receipts Fee is paid in-full and the permit related reports(s) are received.

Permittee shall make all permit related records, including receipts, available to the County for inspection and photocopying within seven (7) calendar days of a written request.

List Below: Sponsors, Caterers and other related companies.

<u>Company Type</u>	<u>Company Name</u>	<u>Contact Name</u>	<u>Phone Number</u>	<u>Amount</u>
			Subtotal (at 0%)	<u>\$0.00</u>
			Subtotal	<u>\$0.00</u>
			Gross Receipts Total	<u>\$0.00</u>
			Payable to Los Angeles County Department of Beaches and Harbors	<u>\$0.00</u>

printed 12/19/2011