

## **Written Communication Report – Hermosa Fiesta Approval 2021**

This is submitted in a timely matter to be added to the Hermosa City Council Agenda July 27, 2021 for public comment and action.

### **History and summary of closed off private events on public property and public beaches**

Rarely do you see in Los Angeles County closed off public property for private paid admission events.

Attempts have been made for even paid VIP sections on beach concerts but have failed without obtaining coastal permits.

Thanks to many, through years of public hearings including coastal commission meetings, large scale events such as professional volleyball tournaments have been limited ensuring that the public has complete free ability to attend these events. Cities with approved Local Coastal Plans such as Manhattan Beach have it in their code. Hermosa does not have a Local Coastal Plan and requires direct Coastal Commission permit approval. The coastal act has prevented commercialization of our beaches, and we maintain a high quality of life maintaining free concerts on the beach, free concerts at Polliwog Park, free concerts on our piers, etc.

### **The need and requirement for a public hearing for approval.**

There has been no indication that any commission, council, or entity has approved anything.

So far, announcements have been made in the press of the details of the revised Fiesta Hermosa on Labor Day weekend. No doubt, the chamber of commerce should be applauded for their efforts in putting together their proposals. It is a great first step. They have provided videos for people to watch and posted on social media. This does not take the place however of a public meeting and public hearing where the citizens and the residents are the final stakeholders.

By scheduling a public meeting the residents are assured that this is a unique situation due to the health crisis we are in. This is readily admitted by the organizers, but has not been set in any policy of a hearing. And the public is fully informed of where the money is going and especially if charities will still obtain proceeds.

Furthermore, in a public hearing, to settle the curiosity of council critics, council members would be required to reveal ex-parte communications. This means that the process becomes public and we would know what has exchanged if any between any council members and event organizers regarding this subject matter.

And this is not just about the chamber of commerce. Nor is it just about a fundraiser, or a special circumstance due to a health crisis. This is about whether our elected officials and the citizens have a say so in the largest fully paid event to ever happen in Hermosa Beach history. And it just happens to be put on as a fundraiser for the largest lobby group in the city.

### **Coastal review**

To date, no indication has been made that a public hearing will occur. A public hearing would require and trigger other things such as a complete coastal review and coastal permit.

The previous fiesta Hermosa's have been approved with the concept that it is completely free and open for the public to attend, because it is on public property, and it takes up valuable parking and public access to our beaches.

Adding the element of a completely gated off paid admission for the draw of live music triggers not only a coastal review, but much more accommodation of public access than in the past. It is likely that it would be approved by the coastal commission as long as the public has the ability to view the event in some fashion without paying.

Coastal Commission staff does not have the ability to opine of whether a coastal commission permit is required unless they have the complete proposal. This would require an open process and ability for public input. If a proposal has been submitted to the commission, this needs to be publicly revealed immediately.

### **Setting a precedent**

This is vitally important for what it sets as a precedent for the future and including our future generations to come. If this event was allowed to continue without public hearings, then it is to say what other private paid events could come about without public hearings. A future council will lack the ability to do anything and could get out of hand. It may lead to paid concerts on the beach or in our parks.

### **Intended or unintended consequences of taking no action**

It is possible this event could occur without any public hearing. Bypassing the public hearing process also means no application to the coastal commission for a permit. The coastal commission is underfunded and has no ability to enforce or take any action unless a permit is requested. The commission cannot make a determination on if a permit is required or not until it gets a proposal.

The consequence of taking no action could expose the city to unneeded litigation and recently we have been subjected to lawsuits and payouts due to not taking correct action.

Furthermore, it is unclear who would give the authority and permit a private entity to collect money and charge admission on public property. This could create more confusion with the public who could insist that they be allowed in without paying when they show up at the gate. The PD may lack enforcement jurisdiction.

### **Summary and recommendation**

It is recommended that the city council schedule a public hearing to approve this event, properly accommodating the needs of public access.

The end result will most likely be a better and stronger event to move forward with. The Public right to access will be considered in the permitting process and proper accommodations can be made, such as ensuring that all fencing is see-through. Some type of barrier around the boundary for the public to view ... Especially the live music.

Naturally, measures need to be taken to control crowds outside as well as inside. And paid admission is not the only thing that will control crowds.

Those wandering outside to view it are most likely not the types that would go inside and pay. Those that want to go in and participate and eat and drink and enjoy the music will certainly be encouraged to do so.

And viewing it all from outside the fence makes it more open and encouraged those to enter. This maintains a sense of openness to the event on public property.

The end result will be a good strong event and something the community will support and rally around.

**Respectfully Submitted .....**