

CALIFORNIA COASTAL COMMISSION

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

Filed: 3/7/2005
 49th Day: 4/25/2005
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 Staff: PE-LB
 Staff Report: 3/25/2005
 Hearing Date: April 13, 2005
 Commission Action:

**W6b**

RECORD PACKET COPY

STAFF REPORT: APPEAL

APPEAL NUMBER: A-5-VEN-05-088

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approved with Conditions

APPLICANT: Trammel Crow Residential (TCR) Southern California II

APPELLANTS: Daniel Whalen, Steve Freedman & Robert Levy

PROJECT LOCATION: 3224-3226 Thatcher Avenue and 3221 Carter Avenue, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Appeal of City of Los Angeles approval of Local Coastal Development Permit Application No. APCW-2002-7626 (aka Alexan Marina Project) for demolition of existing structures and pavement, grading of site, and construction of 298 apartment units with 24 units for very-low income affordable housing.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission **open and continue** the public hearing to determine whether a substantial issue exists as to conformity with the Chapter 3 policies of the Coastal Act for the reason set forth below. **See Page Two for the motion.**

Pursuant to Section 30621 of the Coastal Act, a hearing on a coastal development permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. An appeal of the above-described decision was filed on March 7, 2005. The 49th day after March 7, 2005 falls on April 25, 2005.

In accordance with Section 13112 of Title 14 of the California Code of Regulations, staff requested on March 8, 2005 that the City of Los Angeles forward all relevant documents and materials regarding the local coastal development permit action to the Commission's South Coast District office in Long Beach. The documents and materials relating to the City's approval of the local coastal development permit are necessary to analyze whether a substantial issue exists with respect to conformity with the Chapter 3 policies of the Coastal Act.

In order to be ready for the Commission's April 13-15, 2005 meeting, the staff report and recommendation for the appeal would have to be completed by March 25, 2005. As of March 25, 2005, the City's documents and materials relating to the local action have not been received in the Commission's Long Beach office. Therefore, it is not possible to thoroughly analyze the appealed project and City's action in time to prepare a staff recommendation in time for the Commission's April 13-15, 2005 meeting.

Pursuant to Section 13112 of Title 14 of the California Code of Regulations, the staff recommends that the Commission open and continue the Substantial Issue Hearing at its April 13, 2005 meeting.

Section 13112 of Title 14 of the California Code of Regulations (Effect of Appeal) states:

(a) Upon receipt in the Commission office of a timely appeal by a qualified appellant, the executive director of the Commission shall notify the permit applicant and the affected local government that the operation and effect of the development permit has been stayed pending Commission action on the appeal by the Commission as required by Public Resources Code Section 30623. Upon receipt of a Notice of Appeal the local government shall refrain from issuing a development permit for the proposed development and shall, within five (5) working days, deliver to the executive director all relevant documents and materials used by the local government in its consideration of the coastal development permit application. If the Commission fails to receive the documents and materials, the Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.

As required by the above stated regulation, the Substantial Issue Hearing will be reopened at a subsequent Commission hearing after staff has received the local government record and fully analyzed the local action for the appealed project.

Staff recommends a **YES** vote on the following motion:

MOTION: *"I move that the Commission open and continue the public hearing for Appeal A-5-VEN-05-088 pursuant to the staff recommendation."*

Passage of this motion will open the public hearing for Appeal A-5-VEN-05-088 and continue the public hearing to a subsequent Commission hearing. The motion passes only by affirmative vote of the majority of the Commissioners present.

Resolution to Open and Continue the Public Hearing

The Commission hereby opens and continues the public hearing for Appeal A-5-VEN-05-088.