

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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Filed: 11/21/95
49th DAY: 1/9/96
180TH DAY: N/A
STAFF: MV-LB MV
STAFF REPORT: 11/30/95
HEARING DATE: 12/15/95
COMMISSION ACTION:



STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Laguna Beach

DECISION: Permit granted with conditions by the Laguna Beach Board of Adjustment.

APPEAL NUMBER: A-5-LGB-95-261

APPLICANT: Steve Contursi

PROJECT LOCATION: 1601 South Coast Highway, Laguna Beach, Orange County

PROJECT DESCRIPTION:

Construction of a single family dwelling that:
1) encroaches into the front yard; 2) encroaches into the side yard; 3) encroaches into the additional building setback; and 4) includes a pool in the side yard.

APPELLANT: Susan Colaninno

STAFF RECOMMENDATION:

Staff recommends that the Commission open and continue the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons:

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. On November 20, 1995 the Commission received Notice of Final Local Action for the above described action. An appeal of the above described decision by the City of Laguna Beach was received in the Commission office on November 21, 1995, within the ten working day appeal period. The 49th day from the date of appeal falls on January 9, 1996. The Commission's January hearing will occur January 9-12, 1996. Although the 49th day falls on a tentatively scheduled hearing date, the Commission has in the past reduced the number of hearing days by eliminating the first day. Consequently, there is a possibility that the Commission will not meet on January 9, 1996. In order to meet the requirements of the Coastal Act and assure that the the hearing is set within 49 days from the date of the appeal, the appeal must be scheduled for the December hearing.

In accordance with Section 13112 of the California Code of Regulations, on November 22, 1995 staff mailed the Notification of Appeal to the City of Laguna Beach requesting the City to forward all relevant documents and materials regarding the subject permit to the Commission's South Coast District office. The City must transmit all relevant documents within five working days of their receipt of the Notification of Appeal. These documents had not yet been received as of November 30, 1995, the deadline for staff reports and recommendations to be mailed for the December hearing. Consequently, analysis of the appealed project by Commission staff, which is necessary to prepare a staff report and recommendation for the December hearing, is not possible.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the Commission should open and continue the Substantial Issue hearing at the December 12-15, 1995 meeting. Section 13112 states:

Section 13112. Effect of Appeal

(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 all relevant materials are received from the City of Laguna Beach and a staff recommendation has been prepared for Commission review.