

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

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Filed: Dec. 4, 1995
49th Day: Jan. 22, 1996
180th Day: Jun. 01, 1996
Staff: JLR-LB-1/1
Staff Report: Dec. 20, 1995
Hearing Date: Jan. 9-12, 1996
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Rancho Palos Verdes

DECISION: Approval with Conditions

APPEAL NO.: A5-RPV-95-270

APPLICANT: City of Rancho Palos Verdes

PROJECT LOCATION: Sacred Cove (seaward of Palos Verdes Drive South near
Peppertree Road)
City of Rancho Palos Verdes

PROJECT DESCRIPTION: Appeal by Lois Larue from decision of City of Rancho Palos Verdes granting permit with conditions to City of Rancho Palos Verdes to construct an approximately 600' long access road from the blufftop to the beach to be used for transporting drilling equipment to perform geologic test borings.

APPELLANT: Lois Larue

SUMMARY OF STAFF RECOMMENDATION:

The 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. An appeal of the above described decision was received in the Commission office on December 4, 1995. The 49th day falls on January 22, 1996. The only Coastal Commission hearings scheduled between the date the appeal was filed and the 49 day limit is the January 9-12, 1996.

In accordance with Section 13112 of the California Code of Regulations, staff requested on December 4, 1995, that the City of Rancho Palos Verdes forward all relevant documents and materials regarding the subject permit to the Commission's South Coast Office. The City Must transmit all relevant documents within five working days of their receipt of a Notice of Appeal. These documents had not yet been received as of December 20, 1995. Consequently, a full analysis of the appealed project by Commission staff, which is necessary to prepare a staff report and recommendation for the January 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 January 9-12, 1996. 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 Rancho Palos Verdes.