

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 9/9/97
49th Day: 10/28/97
180th Day: N/A
Staff: Padilla-LB
Staff Report: 9/16/97
Hearing Date: 10/7-10/97
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: APPEAL****SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Los Angeles

DECISION: Approved with Conditions

APPEAL NUMBER: A-5-VEN-97-289

APPLICANT: Pep Boys

AGENT: Mr. J. Lyons

PROJECT LOCATION: 115-251 Lincoln Boulevard, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Establishment of a Pep Boys Super-center with approximately 9,440 square feet of retail area and 10 automobile service bays within an existing commercial center.

APPELLANT: Neighborhoods First!: Jack Barthell, Juliet Musso & Deborah Aaron.

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, unless the applicant waives the 49 day requirement. An appeal of the above described decision was filed in the Commission's Long Beach office on September 5, 1997. The 49th day falls on October 24, 1997. The only Coastal Commission meeting which this appeal could be scheduled within the 49 day limit is the October 7-10, 1997.

In accordance with Section 13112 of the California Code of Regulations, staff requested on June 25, 1997 that the City of Los Angeles forward all relevant documents and materials regarding the subject permit to the Commission's Long

Beach Office. In order to be presented at the Commission's October meeting, the staff's report and recommendation for the subject appeal had to be completed by September 18, 1997. However, as of September 17, 1997, all of the City's materials have not been received. The City still needs to provide project plans (i.e., site plans, parking plans, floor plans, etc.) and a parking analysis to support the project's reduced parking requirements. Therefore, the preparation of a staff report and recommendation for the Commission's October meeting 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 October 7-10, 1997 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 30626. 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 a full analysis of the appealed project and the City's materials by the Commission staff.

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