

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 6-2-98
49th Day: 7-21-98
180th Day: 11-29-98
Staff: JLR:LB JWR
Staff Report: 6-17-98
Hearing Date: July 7-10, 1998
Commission Action:

STAFF REPORT: APPEAL CALENDAR

LOCAL GOVERNMENT: City of Manhattan Beach

DECISION: Approval

APPEAL NO.: A-5-MNB-98-223

APPLICANT: City of Manhattan Beach

PROJECT LOCATION: Downtown Parking Area

PROJECT DESCRIPTION: Appeal by Harry Ford from City of Manhattan Beach granting permit to City of Manhattan Beach to increase the fees for on-street parking meters in the downtown area from \$0.25 per hour to \$0.50 per hour.

APPELLANT: Harry Ford

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 on the above described decision was received in the Commission office on June 2, 1998. The 49th day falls on July 21, 1998. The only Coastal Commission hearing scheduled between the date the appeal was filed and the 49 day limit is July 7-10, 1998.

In accordance with Section 13112 of the California Code of Regulations, staff requested on June 2, 1998, that the City of Manhattan Beach 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 have not yet been received as of June 15, 1998. Consequently, a full analysis of the appealed project by Commission staff, which is necessary to prepare a staff report and recommendation for the July 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 July 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 Manhattan Beach.

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