

**CALIFORNIA COASTAL COMMISSION**

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**TU 196**

Filed: 12/10/1999  
 49th Day: 1/28/2000  
 180th Day: 6/7/2000  
 Staff: JLR-LB  
 Staff Report: 12/17/2000  
 Hearing Date: 1/11/2000  
 Commission Action:

**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City Manhattan Beach

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-MNB-99-453

**APPLICANT:** City of Manhattan Beach.

**PROJECT LOCATION:** Various locations in Downtown Manhattan Beach, including two locations in the appeal area: either five metered parking spaces in front of 1017 Manhattan Avenue or five metered parking spaces in front of 815 Manhattan Avenue; two similar sites on the east side of Manhattan Avenue are located outside the appeal area.

**PROJECT DESCRIPTION:** Implementation of a Downtown valet parking program. The program will utilize the following areas as vehicle drop-off locations: west side of Manhattan Avenue north of 10<sup>th</sup> street (alternative location between 8<sup>th</sup> Place and 9<sup>th</sup> street.) Vehicles dropped off at these locations will be stored at various sites in the Downtown area. Proposed hours of operations are Tuesday, Wednesday, Thursday and Friday between 6:00 PM and midnight and Saturday and Sunday between 11:00 AM and Midnight.

**APPELLANTS:** William Victor

**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 filed on December 10, 1999. The 49<sup>th</sup> day falls on January 28, 1999. The only Coastal Commission meeting scheduled between the date the appeal was filed and the 49 day limit is the January 11-14, 2000 meeting.

In accordance with Section 13112 of the California Code of Regulations, staff requested on December 14, 1999, that the City of Manhattan Beach forward all relevant documents and materials regarding the subject permit to the Commission's South Coast District office in Long Beach. The documents and materials relating to the City's approval of the project are necessary to analyze the project's consistency with the Coastal Act in relation to the grounds of the appeal.

In order to be ready for the Commission's September 1999 meeting, the staff report and recommendation for the appeal would have to be completed by December 16, 1999. The City's documents and materials relating to the local approval were received by facsimile at 11:00 AM on December 16, 1999 by the Commission's Long Beach office. Since the staff report would have had to be mailed that day, it is not possible to thoroughly analyze the appealed project and City approval in time to prepare a staff recommendation in time for the Commission's January 2000 meeting.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the staff recommends that the Commission open and continue the Substantial Issue hearing at the January 11, 2000 meeting.

Section 13112 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 forth 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 public hearing after staff fully analyzes the local approval of the appealed project.