

CALIFORNIA COASTAL COMMISSION

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Filed: 10/26/2000
 49th Day: 12/14/2000
 180th Day: 4/24/2001
 Staff: CP-LB **CP**
 Staff Report: 11/16/2000
 Hearing Date: December 12-15, 2000
 Commission Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

Item M7a

LOCAL GOVERNMENT: City of Long Beach

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-LOB-00-434

APPLICANT: City of Long Beach Dept. of Parks, Recreation & Marine

AGENT: Mark Sandoval, Manager Marinas & Beaches

PROJECT LOCATION: La Verne Avenue Public Beach Parking Lot, located south of Ocean Boulevard, between Covina Avenue and Glendora Avenue, City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Appeal of City of Long Beach approval of a local coastal development permit for a one-year pilot program to allow overnight parking by permit in a public beach parking lot.

APPELLANTS: Michael L. Ruehle & Kenneth Wang

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. One appeal of the above-described decision was filed on October 26, 2000, and a second appeal of the same local approval was filed on October 27, 2000. The 49th day after October 26, 2000 falls on December 14, 2000.

In accordance with Section 13112 of the California Code of Regulations, staff requested on October 26, 2000 that the City of Long 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 and the certified Local Coastal Program (LCP) in relation to the grounds of the appeal.

In order to be ready for the Commission's December 12-15, 2000 meeting, the staff report and recommendation for the appeal would have to be completed by November 16, 2000. As of November 16, 2000, the City's documents and materials relating to the local approval have not been received in the Commission's Long Beach office. Therefore, 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 December 12-15, 2000 meeting.

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 December 12-15, 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 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 staff fully analyzes the local approval of the appealed project.

End/cp