

CALIFORNIA COASTAL COMMISSION

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Filed: 1/24/00
49th Day: 3/13/00
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Staff: AJP-LB
Staff Report: 2/01/00
Hearing Date: 2/15-18/00

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-PPL-00-028

APPLICANT: J. Paul Getty Trust/Stephen Rountree

PROJECT LOCATION: 17985 Pacific Coast Highway, Pacific Palisades, City of Los Angeles

PROJECT DESCRIPTION: As described by the City the development includes renovation and expansion of the Getty Villa and Museum facility (an addition of approximately 76,000 square feet to an existing 134,000 square-foot facility, for a new total of 210,000 square feet). Development includes construction of a 600-seat Outdoor Classical Theater and two partially subterranean parking structures for a net increase of 169 parking spaces. Conditions of approval limit the proposed Outdoor Classical Theater to 450 seats and require a total of 560 on-site parking spaces.

APPELLANTS: California Coastal Commission Executive Director, Barbara Kohn; Pacific Coast Homeowners; Palisades Preservation Association, Inc.

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 on the above described decision was received in the Commission office January 24, 2000. The 49th day falls on March 13, 2000. The only Coastal Commission hearing scheduled between the date the appeal was filed and the 49 day limit is the February 15-18, 2000 hearing.

In accordance with Section 13112 of the California Code of Regulations, staff requested on January 28, 2000, that the City of Los Angeles 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. In order to be presented at the Commission's February meeting, the staff's report and recommendation for the subject appeal had to be completed by February 2, 2000. However, as of February 1, 2000, 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 copies of referenced agreements and permits, 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 February 15-18, 2000 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 February 15-18, 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 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.