

*M 2/6*

*P4*

**CALIFORNIA COASTAL COMMISSION**

Area Office  
 Ocean View, Suite 1000  
 Long Beach, CA 90802-4302  
 (562) 590-5071



**RECORD PACKET COPY**

Filed: 7/21/2000  
 49th Day: 9/08/2000  
 180th Day: 1/17/2001  
 Staff: PE/LB  
 Staff Report: 7/25/2000  
 Hearing Date: 8/8-11/2000  
 Commission Action:

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

**LOCAL GOVERNMENT:** City of Rancho Palos Verdes  
**LOCAL DECISION:** Approval with Conditions  
**APPEAL NUMBER:** A-5-RPV-00-296  
**APPLICANT:** City of Rancho Palos Verdes  
**PROJECT LOCATION:** Abalone Cove Park, Palos Verdes Drive, Rancho Palos Verdes, CA

**PROJECT DESCRIPTION:** Regrading, reconstruction and installation of amenities at public beach and bluff edge park, Abalone Cove Beach, including: widening access road, new 15 car parking lot, construction of 1300 sq. ft. restroom structure, 150 Sq. ft. gate house, two 625 Square foot shade structures, four 81 square foot Palapa structures, life guard station, rehabilitate cabana, repair trails, second beach staircase, picnic shelters, outdoor showers, drinking fountains, picnic tables, and other on-site amenities, warning signs and educational kiosks at tidepools, remove protruding steel, relocate playground, sand replenishment on beach and land stabilization efforts. Total grading proposed: 5,300 cubic yards cut and 4,770 cubic yards fill.

**APPELLANT:** Lois Knight Larue

**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 July 21, 2000. The 49<sup>th</sup> day falls September 8, 2000. The only Coastal Commission

meeting scheduled between the date the appeal was filed and the 49 day limit is the August 8-11, 2000 meeting.

In accordance with Section 13112 of the California Code of Regulations, staff requested on July 25, 2000 that the City of Rancho Palos Verdes 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 August 8-11, 2000 meeting, the staff report and recommendation for the appeal would have to be completed by July 26, 2000. As of July 25, 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 August, 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 September, 2000 meeting in Eureka.

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.