

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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**RECORD PACKET COPY**

Filed: 11/14/2001
49th Day: 1/02/2002
Staff: PE/LB
Staff Report: 11/20/2001
Hearing Date: 12/11-14/2001
Commission Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-PDR-01-442

APPLICANT: Los Angeles World Airports

PROJECT LOCATION: South of Waterview Street and Napoleon Street, between Pershing Drive and Vista del Mar, Playa del Rey, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construct and install landscaping, irrigation, a pedestrian path, minor street realignment, replacement of an existing chain-link fence with an ornamental fence, and curb and gutter relocation and/or replacement.

APPELLANTS: The Urban Wildlands Group, Inc; Endangered Habitats League, Lepidoptera Research Foundation; Santa Monica Bay Audubon Society, Sierra Club Airport Marina Group, Attn: Kathy Knight, Mandie Saner; Bonnie Foster.

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:

STAFF RECOMMENDATION.

Staff recommends that the Commission make the following motion, and recommends a **yes** vote.

Motion:

I move that the Commission open and continue the public hearing to determine whether a substantial issue exists on the consistency of the development subject to appeal A-5-PDR-01-442 with the Coastal Act.

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 November 14, 2001. The 49th day falls on January 2, 2002. The only Coastal Commission meeting scheduled between the date the appeal was filed and the 49 day limit is the December 11-14, 2001 meeting.

In accordance with Section 13112 of the California Code of Regulations, staff requested on November 20, 2001, that the City of Los Angeles 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 order to be ready for the Commission's December 11-14, 2001 meeting, the staff report and recommendation for the appeal would have to be completed by November 21, 2001. As of November 20, 2001, the City's documents and materials relating to the local approval had 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 2001 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 December, 2001 meeting in San Francisco.

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.