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**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



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Filed: 11/15/02  
49th Day: 1/3/03  
180th Day: N/A  
Staff: MV-LB  
Staff Report: 11/21/02  
Hearing Date: 12/10-13/02  
Commission Action:

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

**LOCAL GOVERNMENT:** City of Huntington Beach

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-HNB -02-384

**APPLICANT:** CIM/Huntington, Inc.  
John Given, Vice President

**PROJECT LOCATION:** Bounded by Pacific Coast Highway, Sixth Street, Walnut Avenue and the alley between Fifth Street and Main Street Huntington Beach, Orange County

**PROJECT DESCRIPTION:** Appeal of City of Huntington Beach approval of coastal development permit to permit subdivision and development of a mixed-use project consisting of approximately 226,500 square feet of retail, restaurant, office, a 152-room hotel, and a two-level 405 space subterranean public parking structure on an approximately 2.97 acre site.

**APPELLANT:** Huntington Beach Citizens Against Redevelopment Excess (HB CARE); and  
Abdelmuti Development Agency

**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 November 15, 2002. The 49<sup>th</sup> day falls on January 3, 2003. The only Coastal Commission meeting scheduled between the date the appeal was filed and the 49 day limit is the December 10-13, 2002 meeting.

In accordance with Section 13112 of the California Code of Regulations, staff requested on November 18, 2002 that the City of Huntington 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.

As of November 20, 2002, the date of this staff report, 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 10-13, 2002 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 10-13, 2002 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 receives and fully analyzes the local approval of the appealed project.

**Motion:** *"I move that the Commission open and continue the public hearing for A-5-HNB-02-384 pursuant to the staff recommendation"*

**Resolution to Approve:** Staff recommends a **YES** vote. Passage of this motion will result in the hearing for A-5-HNB-02-384 being opened and continued open to a subsequent Commission hearing. This motion passes only by affirmative vote of the majority of the Commissioners present.