

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: Aug. 20, 2002
49th Day: Oct. 8, 2002
180th Day: Feb. 16, 2003
Staff: AM-LB **AM**
Staff Report: Aug. 22, 2002
Hearing Date: September 9, 2002
Commission Action:

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STAFF REPORT AND RECOMMENDATION ON APPEAL
SUBSTANTIAL ISSUE

APPEAL NUMBER: A-5-PPL-02-282

RECORD PACKET COPY

LOCAL GOVERNMENT: City of Los Angeles

DECISION: Denied

APPLICANT: Ronald Swepston

PROJECT LOCATION: 649 N. Resolano Drive, Pacific Palisades, City/County of Los Angeles

PROJECT DESCRIPTION: Appeal by Ronald Swepston from decision of the City of Los Angeles denying a coastal development permit for the construction of a two-story over basement 4,700 square foot single family home on a vacant hillside lot.

APPELLANTS: Ronald Swepston

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission **open and continue** the public hearing to determine whether a substantial issue exists as to conformity with the Chapter 3 policies of the Coastal Act 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 August 20, 2002. The 49th day falls on October 8, 2002. October 8, 2002 is the first day of the Commission's October 8-11 hearing. While there is one day available on the October hearing, it is difficult to assure that South Coast District items will be heard on that particular day. Therefore, the only Coastal Commission meeting scheduled between the date the appeal was filed and the 49 day limit that would guarantee the item be heard prior to the 49th day is the September 9-13, 2002 meeting.

In accordance with Section 13112 of Title 14 of the California Code of Regulations, staff requested on August 21, 2002 that the City of Los Angeles forward all relevant documents and materials used by the local government in its consideration of 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 September meeting, the staff report and recommendation for the appeal would have to be completed by August 22, 2002. As of August 22, 2002 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 for the Commission's September meeting.

Therefore, pursuant to Section 13112 of Title 14 of the California Code of Regulations, staff recommends that the Commission open and continue the Substantial Issue Hearing. Section 13112 of Title 14 of the California Code of Regulations 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 has received the local government record and fully analyzed the local approval of the appealed project.

Motion: *"I move that the Commission open and continue the public hearing for A-5-PPL-02-282 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-PPL-02-282 be opened and continued to a subsequent Commission hearing. This motion passes only by affirmative vote of the majority of the Commissioners present.
