

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**TH 19a**

Filed: 10/31/03  
 49th Day: 12/19/03  
 Staff: AJP-LB  
 Staff Report: 11/20/03  
 Hearing Date: 12/10-12/03  
 Commission Action:

RECEIVED  
 12/19/03

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

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-PPL-03-465

APPLICANT: Y.M.C.A. of Metropolitan Los Angeles and Santa Monica Mountains Conservancy

PROJECT LOCATION: 15601 Sunset Boulevard, Pacific Palisades (County of Los Angeles)

PROJECT DESCRIPTION: Subdivision of an exiting 56.78 acre parcel into two parcels (Parcel A: 3.95 acres and Parcel B: 52.83 acres) in the RE40-1-H zone; to permit the continued use and maintenance of nonconforming and annual retail sale of Christmas trees between December 1<sup>st</sup> and 25<sup>th</sup> and annual retail sales of Halloween pumpkins between October 15 and 31<sup>st</sup>, and operation of a youth day camp.

APPELLANTS: No Oil, Inc. (c/o Barbara Kohn); Friends of Temescal Canyon.

**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 on the above described decision was received in the Commission office October 31, 2003. The 49th day falls on December 19, 2003. The only Coastal Commission hearing scheduled between the date the appeal was filed and the 49 day limit is the December 10-12, 2003 hearing.

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In accordance with Section 13112 of the California Code of Regulations, staff requested on November 4, 2003, 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 December meeting, the staff's report and recommendation for the subject appeal had to be completed by November 20, 2003. However, as of December 20, 2003, all of the City's materials have not been received. The City still needs to provide project plans and copies of all technical and environmental documents. Therefore, the preparation of a staff report and recommendation for the Commission's December 10-12, 2003 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 December 10-12, 2003 meeting. Section 13112 states:

Section 13112. Effect of Appeal.

- (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.