

**CALIFORNIA COASTAL COMMISSION**

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Filed: 2/28/03  
 49th Day: 4/18/03  
 180th Day: 8/27/03  
 Staff: MS-LB  
 Staff Report: 3/20/03  
 Hearing Date: 4/8/03  
 Commission Action:

**STAFF REPORT: APPEAL / SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of Palos Verdes Estates

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-PVE-03-087

**APPLICANTS:** Mary Ann Walker and Tim Dupler

**AGENT:** Doug Leach, A.I.A.

**PROJECT LOCATION:** 1745 Paseo Del Mar, Palos Verdes Estates (Los Angeles County)

**PROJECT DESCRIPTION:** Appeal of City of Palos Verdes Estates approval of Coastal Permit No. 44 proposal of a single family residence with attached garage, detached pool house and sports court on a vacant lot.

**APPELLANTS:** Joel Milam

**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 February 28, 2003. The 49<sup>th</sup> day falls on April 18, 2003. The only Coastal Commission meeting scheduled between the date the appeal was filed and the 49-day limit is the April 8-11, 2003 meeting.

In accordance with Section 13112 of the California Code of Regulations, staff requested on March 3, 2003 that the City of Palos Verdes Estates 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 April meeting, the staff report and recommendation for the appeal would have to be completed by March 20, 2003. As of March 20, 2003 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 April 2003 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 April 2003 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 fully analyzes the local approval of the appealed project.