

CALIFORNIA COASTAL COMMISSION

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Filed: 4/21/2006
49th Day: 6/9/2006
180th Day: N/A
Staff: Charles Posner - LB
Staff Report: 4/26/2006
Hearing Date: May 10, 2006
Commission Action:

**STAFF REPORT: APPEAL**
OPEN & CONTINUE

APPEAL NUMBER: A-5-VEN-06-156

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approved with Conditions

APPLICANT: RAD Venice, LLC (Attn: Robert P. D'Elia, Managing Partner)

APPELLANT: John Davis

PROJECT LOCATION: 602-670 Main Street, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Appeal of City of Los Angeles approval of Local Coastal Development Permit Application No. ZA-2002-2721 approved for the construction of a 38.5-foot high, 35-unit artist-in-residence project with 109 parking spaces.

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 of the approved project with the Chapter 3 policies of the Coastal Act for the reason set forth below. **See Page Two for the motion.**

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 April 21, 2006. The 49th day after April 21, 2006 falls on June 9, 2006. That is the Friday prior to the Commission's June meeting. Thus, a hearing must be set prior to the June meeting.

In accordance with Section 13112 of Title 14 of the California Code of Regulations, staff requested on April 25, 2006 that the City of Los Angeles forward all relevant documents and materials regarding the local coastal development permit action to the Commission's South Coast District office in Long Beach. The documents and materials relating to the City's approval of the local coastal development permit are necessary to analyze whether a substantial issue exists with respect to conformity of the City's approval with the Chapter 3 policies of the Coastal Act.

In order to be ready for the Commission's May 10-12, 2006 meeting, the staff report and recommendation for the appeal would have to be completed by April 26, 2006. As of April 26, 2006, the City's documents and materials relating to the local action have not been received in the Commission's Long Beach office. Therefore, it is not possible to thoroughly analyze the appealed project and City's action in time to prepare a staff recommendation in time for the Commission's May 10-12, 2006 meeting.

Pursuant to Section 13112 of Title 14 of the California Code of Regulations, the staff recommends that the Commission open and continue the hearing on the appeal at its May 10, 2006 meeting.

Section 13112 of Title 14 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 hearing on the appeal will be reopened at a subsequent Commission meeting after staff has received the local government record and fully analyzed the local action for the appealed project.

Staff recommends a **YES** vote on the following motion:

MOTION: *"I move that the Commission open and continue the public hearing for Appeal A-5-VEN-06-156 pursuant to the staff recommendation."*

Passage of this motion will open the public hearing for Appeal A-5-VEN-06-156 and continue the public hearing to a subsequent Commission meeting. The motion passes only by affirmative vote of the majority of the Commissioners present.

Resolution to Open and Continue the Public Hearing

The Commission hereby opens and continues the public hearing for Appeal A-5-VEN-06-156.