

CALIFORNIA COASTAL COMMISSION

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**W 14a.**

Filed: 6/13/06
49th Day: 8/01/06
Staff: AJP-LB
Staff Report: 6/20/06
Hearing Date: 7/12-14/06
Commission Action:

**STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: County of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-MDR-06-234

APPLICANT: Los Angeles County

PROJECT LOCATION: 4801 Lincoln Boulevard, Marina Del Rey, County of Los Angeles

PROJECT DESCRIPTION: Demolition of an automobile service station and establishment of a passive public park in the Visitor-Serving/Convenience Commercial category of the Marina del Rey Specific Plan.

APPELLANTS: Coastal Law Enforcement Action Network/Wetlands Action Network (Marcia Hanscom)

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 on the above described decision was submitted prior to the South Coast District office receiving notification of the County's action. Therefore, the appeal was considered filed on the first day of the appeal period, on June 13, 2006, following the receipt of the County's notice of final action. The 49th day falls on August 1, 2006. The only Coastal Commission hearing scheduled between the date the appeal was filed and the 49-day limit is the July 12-14, 2006 hearing.

In accordance with Section 13112 of the California Code of Regulations, staff requested on June 19, 2006, that the County of Los Angeles forward all relevant documents and materials regarding the subject permit to the Commission's South Coast Office. The County 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 July 2006 meeting, the staff's report and recommendation for the subject appeal had to be completed by June 22, 2006. However, as of June 22, 2006, all of the County's materials have not been received. The County needs to provide copies of all technical and environmental documents, including water quality information, landscaping plan, including plant descriptions, lighting plans, and materials submitted by the public. Therefore, the preparation of a staff report and recommendation for the Commission's July 12-14, 2006 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 July 12-14, 2006 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 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-MDR-06-234 pursuant to the staff recommendation.*

Passage of this motion will open the public hearing for Appeal A-5-MDR-06-234 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-MDR-06-1234.