

CALIFORNIA COASTAL COMMISSION

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Filed: 11/20/2007
49th Day: 1/8/2008
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Staff: Charles Posner - LB
Staff Report: 11/28/2007
Hearing Date: December 12, 2007
Commission Action:



W13c

STAFF REPORT: APPEAL **OPEN & CONTINUE**

APPEAL NUMBER: A-5-MNB-07-413

LOCAL GOVERNMENT: City of Manhattan Beach

LOCAL DECISION: Approval with Conditions

APPLICANTS: Robert Freedman & Anthony Barberi

PROJECT LOCATION: 121 9th Street, City of Manhattan Beach, Los Angeles County.

PROJECT DESCRIPTION: Appeal of City of Manhattan Beach Local Coastal Development Permit No. 07-20 approved for the demolition of a triplex and the construction of a three-level single-family residence with a three-car garage on a 2,700 square foot lot fronting a walk street.

APPELLANT: William Victor

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 November 20, 2007. The 49th day after November 20, 2007 falls on January 8, 2008, one day prior to the Commission's January 9-11, 2008 meeting. Thus, a hearing must be set prior to the January meeting.

In accordance with Section 13112 of Title 14 of the California Code of Regulations, staff requested on November 21, 2007 that the City of Manhattan Beach 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.

As of the date of the Commission staff's last formal mailing of staff reports for the December meeting, the City's documents were not available. If the Commission adopts the staff recommendation to open and continue the hearing, it is because the City's documents still were not available at the time of the meeting. If, however, the City's documents become available between the time of this report and the Commission's December meeting, staff may issue a substitute report or make an oral recommendation at the meeting. Therefore, pursuant to Section 13112 of Title 14 of the California Code of Regulations, as of the date of this report, the staff recommends that the Commission open and continue the hearing on the appeal at its December 2007 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-MNB-07-413 pursuant to the staff recommendation."*

Passage of this motion will open the public hearing for Appeal A-5-MNB-07-413 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-MNB-07-413.