

# RECORD PACKET COPY

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9-18-96

STATE OF CALIFORNIA - THE RESOURCES AGENCY

PETE WILSON, Governor

## CALIFORNIA COASTAL COMMISSION

725 FRONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
(408) 427-4863  
HEARING IMPAIRED: (415) 904-5200



Filed: 09/16/96  
49th day: 11/04/96  
Staff: SM  
Staff Report: 09/17/96  
Hearing Date: 10/8 -11/96  
Commission Action:

### STAFF REPORT: APPEAL

### SUBSTANTIAL ISSUE: OPEN AND CONTINUE

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LOCAL GOVERNMENT: San Mateo County  
DECISION: Approval with conditions  
APPEAL NO.: A-3-SMC-96- 108  
APPLICANT: Kymco, Inc. APPLICANT'S AGENT: Don Scherer  
APPELLANTS: Diana and Micheal Mitchell; Jeanine and Patrick Kelly; Peggy Dover and Philip Barnett; Barbara and Rick Lohman; and, Lennie Roberts  
PROJECT LOCATION: 461 First Avenue, Miramar, San Mateo County (APN 048-013-440 and 450)  
PROJECT DESCRIPTION: Construction of a Single Family Residence on a 5,167 square foot parcel within 100 feet of Arroyo de en Medio Creek  
SUBSTANTIVE FILE DOCUMENTS: San Mateo County Certified Local Coastal Program, San Mateo County Permit File No. CDP 95-0047

### SUMMARY OF STAFF RECOMMENDATION

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 received in the Commission office and filed on September 16, 1996. The 49th day falls on November 4, 1996. The Commission staff has not yet received a copy of the local government's administrative record for this project, and is therefore unable to prepare a staff report and recommendation for the next available Commission meeting.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the Commission should open and continue the Substantial Issue hearing at its March meeting. As required by Section 13112, the Substantial Issue hearing will be reopened at the next available Commission meeting after all relevant materials are received from the County of San Mateo.