

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

521-8036



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Filed: October 13, 1998
 49th Day: December 1, 1998
 180th Day: April 11, 1999
 Staff: GDC-SD
 Staff Report: October 16, 1998
 Hearing Date: November 3-6, 1998

STAFF REPORT: APPEAL

LOCAL GOVERNMENT: City of Encinitas

DECISION: Approved with Conditions

APPEAL NO.: A-6-ENC-98-129

APPLICANT: Brandywine Development/Jim Barisic

PROJECT LOCATION: South of Santa Fe Drive between Rubenstein Avenue and Starlight Drive, Encinitas, San Diego County. APN(s) 260-082-19, 20; 260-650-02, 05, 06 and 07

PROJECT DESCRIPTION: Subdivision of 16 acres into 31 single-family residential lots including grading, drainage and street improvements resulting in fill of .31 acre riparian and freshwater marsh habitat. On-site mitigation is proposed for the wetland impacts.

APPELLANTS: Coastal Commissioners Sara Wan and Andrea Tuttle

SUBSTANTIVE FILE DOCUMENTS: Appeal applications dated October 13, 1998

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends 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, an appeal must be heard within 49 days from the date an appeal of the locally-issued coastal development permit is received. The appeal on the above-described decision was received in the Commission office on October 13, 1998. In accordance with the California Code of Regulations, staff requested all relevant documents and materials regarding the subject permit from the City on October 16, 1998. As of the date of this writing, this information has not been received. The 49th day (December 1, 1998) from the initial filing would be after the November 4-6, 1998 meeting, but before the December 8-11, 1998 meeting. Pursuant to Section 13112 of the California Code of Regulations, if the Commission fails to receive the documents and materials, the Commission should open and continue the substantial issue hearing, awaiting receipt of the local government's file.