

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

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Filed: November 4, 1998
49th Day: December 23, 1998
Staff: Jo Ginsberg
Staff Report: November 20, 1998
Hearing Date: December 9, 1998
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: A-1-MEN-98-94

APPLICANTS: TED AND MARJORIE BERLINCOURT

PROJECT LOCATION: 7000 South Highway One, Elk, Mendocino County;
APN 127-260-01

PROJECT DESCRIPTION: Construction of an 18-foot-high, 3,125-square-foot residence, a 640-square-foot guest cottage, an attached garage, patios and decks, driveway and parking areas; installation of a septic system; connection to a public water system; drilling of a water well for irrigation purposes; installation of a storage tank; construction of a driveway and parking areas; and extensive landscaping for vegetative screening.

APPELLANTS: Mendocino CoastWatch;
Sierra Club Mendocino/Lake Group

AGENTS: Hillary Adams, Roanne Withers, Ron Guenther

SUBSTANTIVE FILE DOCUMENTS: Mendocino County CDP #19-98; Mendocino County Local Coastal Program.

STAFF RECOMMENDATION:

The staff recommends that the Commission OPEN AND CONTINUE the public hearing to determine whether 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 hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. The appeal on the above-described decision was filed on November 4, 1998. The 49th day falls on December 23, 1998. The only meeting within the 49-day period is December 8-10, 1998. In accordance with the California Code of Regulations, on November 9, 1998, staff requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The County permit file information had not been received as of the day of the mailing of staff reports to the Commission and interested parties on items on the Commission's December meeting agenda. Thus, the requested information was not received in time for the staff to review the information for completeness or prepare a recommendation on the substantial issue question. Consistent with Section 12112 of the California Code of Regulations, since the Commission did not timely receive the requested documents and materials, the Commission must open and continue the hearing open until all relevant materials are received from the local government.