

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SAN LUIS OBISPO, CA 95060

427-4863

HEARING IMPAIRED: (415) 904-5200

**Fba**

Filed: 07/08/98
49th day: 08/26/98
180th day: 01/04/99
Staff: SG
Staff Report: 07/22/98
Hearing Date: 08/14/98

**STAFF REPORT: APPEAL
OPEN AND CONTINUE**

LOCAL GOVERNMENT: County of San Luis Obispo
LOCAL DECISION: Approved with conditions, 05/12/98
APPEAL NUMBER: **A-3-SLO-98-061**
APPLICANT: **JAY FARBSTEIN**
APPELLANT: Commissioners Wan and Nava, and David Dubbink, Gary Freiberg,
and Morro Coast Audubon Society
PROJECT LOCATION: 1111 and 1113 10th Street, Los Osos, San Luis Obispo County,
APN: 038-052-01 and 038-052-25
PROJECT DESCRIPTION: Construction of two single family dwellings
SUBSTANTIVE FILE DOCUMENTS: San Luis Obispo County certified Local Coastal Program,
Farbstein Development Plans Final EIR, and file for Coastal
Development Permits 4-87-115 and 4-87-117

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 reason:

In accordance with section 13112 of the Commission's Administrative Regulations, staff has requested that the local government forward all relevant documents and materials regarding the subject permit within five working days of receipt of that notice. The final day for completion of staff reports for the August meeting is July 22, 1998. Staff must receive the material necessary for a complete analysis at least one week prior to the final day for completion of staff reports; as of July 15, 1998, the material necessary for a complete analysis had not yet been received. Without the relevant material from the County it is not possible to analyze the issues and prepare a staff report with a recommendation for Commission action on this appeal.

Pursuant to section 30621 of the Coastal Act, an appeal must be heard within 49 days from the date an appeal of a coastal development permit issued pursuant to a certified Local Coastal Program was received. The appeal of this County permit was filed on July 8, 1998; the 49th day therefore falls on August 26, 1998, after the Commission's August meeting (August 11 - 14) but before the Commission's September meeting (September 8 - 11). Therefore, staff recommends that the Commission open and continue the public hearing. The appeal will be tentatively scheduled for a substantial issue hearing at the Commission's September meeting, in Eureka or the October meeting in Oceanside.