

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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Filed: October 13, 1999
49th Day: December 1, 1999
Staff: Eric Oppenheimer-E
Staff Report: October 20, 1999
Hearing Date: November 5, 1999
Commission Action:

STAFF REPORT: APPEAL**SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: A-1-MEN-99-070

APPLICANT: HUGH HATHCOAT

PROJECT LOCATION: Approximately 1,000 feet northwest of the intersection of Highway One and Ocean Drive, 38874 Honey Run Lane, Gualala (Mendocino County).

PROJECT DESCRIPTION: Modify Mendocino County Coastal Development Permit No. CDP 19-94 to authorize construction of a 624-square-foot detached garage on a developed 0.5-acre parcel in Gualala. An existing 2,410-square-foot residence and detached garage were constructed pursuant to the original permit. The proposed structure would be located approximately 16 feet west of the existing residence, 23 feet from the property boundary, and 150 feet from the bluff edge. The applicant is not requesting to remove any vegetation or construct any new roads for the proposed development.

APPELLANT: Julie Verran

STAFF REPORT: APPEAL - SUBSTANTIAL ISSUE

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SUBSTANTIVE FILE DOCUMENTS:

Mendocino County CDP File No. 19-94; 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 October 13, 1999. The 49th day falls on December 1, 1999. The only meeting entirely within the 49-day period is November 2-5, 1999. In accordance with the California Code of Regulations, on October 14, 1999, 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 November meeting agenda, October 15, 1999. Given the brief period of time available after the filing of the appeal, it was not possible for the County to prepare for Commission staff a copy of the local record for the project before the mailing of staff reports for the November meeting. 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.