

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE AND TDD (415) 904-5200
 FAX (415) 904-5400



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Filed: April 22, 1999
 49th Day: June 10, 1999
 Staff: Jo Ginsberg
 Staff Report: April 28, 1999
 Hearing Date: May 14, 1999
 Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: A-1-MEN-99-26

APPLICANT: ROSEMARIE KLUTE

PROJECT LOCATION: 29950 South Highway One, Gualala, Mendocino County;
 APN 142-031-03

PROJECT DESCRIPTION: Construction of a 16 ½-foot-high, 2,146-square-foot single-family residence with a 22-foot-high, 1,152-square-foot attached garage and guest cottage, septic system, well, and crushed rock driveway.

APPELLANTS: **Friends of Schooner Gulch;**
Mendocino CoastWatch

AGENTS: Peter Reimuller, Roanne Withers.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County CDP #52-98; 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 April 22, 1999. The 49th day falls on June 10, 1999. The only meeting entirely within the 49-day period is May 11-14, 1999. In accordance with the California Code of Regulations, on April 26, 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 regulations provide that a local government has five working days from receipt of such a request from the Commission to provide the relevant documents and materials. The County has not had time to prepare the local records as the five working day time period has only just begun. Thus, 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 May meeting agenda. Therefore, 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 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.