

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
SOUTH CALIFORNIA ST., SUITE 200  
MIRAMONTE, CA 93001  
(805) 641 - 0142

Filed: 5/18/99  
49th Day: 7/6/99  
180th Day: 11/14/99  
Staff: J Johnson-V  
Staff Report: 5/26/99  
Hearing Date: 6/7-11/99  
Commission Action:



**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of Carpinteria

**DECISION:** Approved

**APPEAL NO.:** A-4-CPN-99-119

**APPLICANT:** Chris Clemens

**PROJECT LOCATION:** 4921 Sandyland Road, Carpinteria

**PROJECT DESCRIPTION:** Remodel and rebuild an existing single family beachfront residence with a total area of 2,221 sq. ft.

**APPELLANTS:** Mary Clark, Vince Mezzio, and Gerald Velasco

**SUBSTANTIVE FILE DOCUMENTS:** City of Carpinteria Local Coastal Program, City of Carpinteria Coastal Development Permit file, Clemens, Sandyland Road.

**SUMMARY AND 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 reasons:

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 is received. Two appeals of the above-described decision were received in the Commission office on May 17 and 18, 1999 and filed on May 18, 1999. In accordance with Section 13112 of the Administrative Regulations, staff requested on May 26, 1999 that the local government forward all relevant documents and materials regarding the subject permit. All of these file documents have not been received and therefore there is not sufficient time to prepare a staff report and recommendation on the appeal for the Commission's June 7 - 11, 1999 Commission meeting. Pursuant to Section 13112 of the Commission's California Code of Regulations, the Commission should open and continue the Substantial Issue hearing at the June 7 - 11, 1999 Commission meeting to allow the staff time to review the administrative record of the City's decision and prepare a staff report and recommendation on Substantial Issue. The staff anticipates that this item will be scheduled for a hearing on Substantial Issue at the Commission's August or October 1999 meeting.

A-4-CPN-99-119clemensreport

## **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

### **I. Approval with Conditions**

[Pick one of the following and delete the other]:

***(If project is not located between the 1<sup>st</sup> public road and the sea)***

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local governments having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

***(If project is located between the 1<sup>st</sup> public road and the sea)***

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

### **II. Standard Conditions**

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. **Inspections**. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. **Special Conditions**

### IV. **Findings and Declarations**

The Commission hereby finds and declares:

A.