

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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**Fr 8b**

Filed: August 20, 1999
 49th Day: October 8, 1999
 180th Day: February 16, 1999
 Staff: GDC-SD
 Staff Report: August 26, 1999
 Hearing Date: September 14-17, 1999

STAFF REPORT: APPEAL

LOCAL GOVERNMENT: City of Encinitas

DECISION: Approved With Conditions

APPEAL NO.: A-6-ENC-99-113

APPLICANT: City of Encinitas

PROJECT LOCATION: Within the Highway 101 right-of-way from approximately 360 ft. south of La Costa Ave., north to the Encinitas/Carlsbad City limits.

PROJECT DESCRIPTION: Construction of a network of low flow drainage systems consisting of 18 to 24 inch diameter storm drain pipes (with various catch basins), with ultimate discharge at South Carlsbad State Beach.

APPELLANTS: Commissioners Sara Wan and Paula Daniels

SUBSTANTIVE FILE DOCUMENTS: Certified City of Encinitas Local Coastal Program; Appeal Application dated August 20, 1999

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends 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 the locally-issued coastal development permit is received. The appeal on the above-described decision was received in the Commission office on August 20, 1999. In accordance with the California Code of Regulations, staff requested all relevant documents and materials regarding the subject permit from the City on August 23, 1999. As of the date of this writing, this information has not been received. The 49th day (October 8, 1999) from the initial filing would be after the September 14-17, 1999 meeting, but before the October 12-15, 1999 meeting. Pursuant to Section 13112 of the California Code of Regulations, if the Commission fails to receive the documents and materials, the Commission must open and continue the hearing until receipt of the local government's file.