

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

MAILING ADDRESS:

710 E STREET • SUITE 200

P. O. BOX 4908

EUREKA, CA 95501-1865

EUREKA, CA 95502-4908

PHONE (707) 445-7833

FACSIMILE (707) 445-7877

**RECORD PACKET COPY**

W20a

Filed: September 15, 2000
49th Day: November 3, 2000
Staff: Susan Sniado
Staff Report: September 22, 2000
Hearing Date: October 11, 2000
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: **A-1-MEN-00-043**

APPLICANT: **Williams Communications Inc.**

PROJECT LOCATION: Beginning at the Manchester Radio Facility, approximately 4 miles north of Point Arena, along a route extending to Robbins via Boonville, Ukiah and Calpella, and along a route extending to Sacramento via Yorkville, Cloverdale, Santa Rosa, and Fairfield.

PROJECT DESCRIPTION: Install the coastal zone portions of two fiber optic cables and associated facilities extending from the Manchester Radio Facility near Point Arena to the central valley communities of Robbins and Sacramento.

APPELLANTS: **Coastal Residents Coalition**

**SUBSTANTIVE FILE:
DOCUMENTS** 1) Mendocino County CDU 5-2000; and
2) 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 September 15, 2000. The 49th day falls on November 3, 2000. The only meeting within the 49-day period is October 10-13, 2000. In accordance with section 13112 of Title 14 of the California Code of Regulations, on September 19, 2000, 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. However, as of September 21, the deadline for staff reports to be finalized for mailing for the October hearing, staff had not received the requested documents and materials. In fact, as of the date of this report, the five working day period specified by Section 13112 for the County to provide the relevant documents and materials had not yet expired. 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 13112 of the Commission's Regulations, since the Commission did not timely receive the requested documents and materials, the Commission must open and continue the hearing until all relevant materials are received from the local government.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

MAILING ADDRESS:

710 E STREET • SUITE 200

P. O. BOX 4908

EUREKA, CA 95501-1865

EUREKA, CA 95502-4908

PHONE (707) 445-7833

FACSIMILE (707) 445-7877

**RECORD PACKET COPY****W20b**

Filed: September 18, 2000
 49th Day: November 6, 2000
 Staff: Susan Sniado
 Staff Report: September 22, 2000
 Hearing Date: October 11, 2000
 Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: **A-1-MEN-00-044**

APPLICANT: **Louis and Debra Appell**

PROJECT LOCATION: In Anchor Bay, between Highway One and the Pacific Ocean, 400+/- feet northwest of the intersection of Highway One and Getchell Gulch Road, Mendocino County.

PROJECT DESCRIPTION: Divide a parcel into two lots, of 1.67 acres and 3.57 acres. The project also includes extension of water and sewer services and other underground utilities, and development of an access road to each parcel.

APPELLANTS: **Commissioner Sara Wan; Commissioner John S. Woolley**

SUBSTANTIVE FILE: DOCUMENTS

1) Mendocino County CDMS 16-99; and
 2) 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 September 18, 2000. The 49th day falls on November 6, 2000. The only meeting within the 49-day period is October 10-13, 2000. In accordance with section 13112 of Title 14 of the California Code of Regulations, on September 19, 2000, 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. However, as of September 21, the deadline for staff reports to be finalized for mailing for the October hearing, staff had not received the requested documents and materials. In fact, as of the date of this report, the five working day period specified by Section 13112 for the County to provide relevant documents and materials had not yet expired. 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 13112 of the Commission's Regulations, since the Commission did not timely receive the requested documents and materials, the Commission must open and continue the hearing until all relevant materials are received from the local government.