

CALIFORNIA COASTAL COMMISSION

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Filed: November 17, 2000
49th Day: January 5, 2001
Staff: Robert Merrill
Staff Report: November 28, 2000
Hearing Date: December 15, 2000
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: **A-1-MEN-00-052**

APPLICANT: **Barbara A. McNeely**

PROJECT LOCATION: 37100 Highway One, between Highway One and the Pacific Ocean, east of County Road #526, north of Gualala, Mendocino County.

PROJECT DESCRIPTION: Construction of a 1,550 square foot, 26-foot high single-family residence on a 1.5 acre parcel with a septic system, detached garage, and extension of utilities 90 feet to the new structures.

APPELLANTS: **Friends of Schooner Gulch**

SUBSTANTIVE FILE: 1) Mendocino County CDP 50-00; and
DOCUMENTS 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 November 17, 2000. The 49th day falls on January 5, 2001. The only meeting within the 49-day period is December 12-15, 2000. In accordance with section 13112 of Title 14 of the California Code of Regulations, on November 21, 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 November 27, the deadline for staff reports to be finalized for mailing for the December 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