

**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY****W 14b**

Filed: January 18, 2000  
49<sup>th</sup> Day: March 7, 2000  
Staff: T. S. Tauber  
Staff Report: January 28, 2000  
Hearing Date: February 16, 2000  
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

**LOCAL GOVERNMENT:** County of Humboldt

**DECISION:** Approval with Conditions

**APPEAL NO.:** A-1-HUM-00-01

**APPLICANT:** Kate Bell & Orm Aniline

**AGENT:** Wes Marshall, Ray Wolfe Construction, Inc.

**PROJECT LOCATION:** On the west side of Letz Road, approximately 200 feet north from the intersection of Letz Road with Airport Road (nearly opposite the underpass), on the property known as 3524 Letz Road, Humboldt County, APN 511-061-08.

**PROJECT DESCRIPTION:** Development of an approximately 4,000-square-foot, two-story (35-foot-high) 5-bedroom single family residence on a vacant 5+/- acre parcel to be served by community sewer and water. The project includes an approximately 768-square-foot attached garage, a 6-foot by 6-foot detached greenhouse and an approximately 180-square-foot lap swimming pool. The development is proposed to be setback 185 feet from the bluff edge and is outside of the "Area of Demonstration" required under the McKinleyville Area Plan.

**APPELLANTS:** Commissioners Sara Wan & Christina Desser

**SUBSTANTIVE FILE:** 1) Humboldt County CDP No. 99-22; and

DOCUMENTS

2 ) Humboldt 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 January 18, 2000. The 49<sup>th</sup> day falls on March 7, 2000. The only meeting within the 49-day period is February 14-18, 2000. In accordance with the California Code of Regulations, on January 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, the requested documents and materials were not received by Commission staff before the mailing of staff reports for the February meeting. It was not possible for the county to prepare for Commission staff a copy of the local record for the project within the time available after filing of the appeal. 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 California Code of 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.