

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

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Filed: April 18, 2000
 49th Day: June 6, 2000
 Staff: Robert Merrill
 Staff Report: April 26, 2000
 Hearing Date: May 10, 2000
 Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: **A-1-MEN-00-20**

APPLICANT: **R. D. Beacon**

AGENT: T.M. Herman & Associates

PROJECT LOCATION: Approximately two miles south of Elk, along both sides of Highway One, Mendocino County, APNs 131-010-12X & 131-010-14X.

PROJECT DESCRIPTION: Boundary line adjustment to re-configure two legal parcels. The existing parcels are 38.5+-(Lot #1) and 51.5+- (lot #2) acres respectively. Highway One bisects Lot #1 such that 9+- acres lies on the west side and 29.5+- acres lies east of the highway. The 29.5 acres lying east of the highway would be combined with existing Lot #2 (also lying east of the highway) resulting in an 81+- acre parcel east of the highway and leaving a 9+-acre parcel west of the highway.

APPELLANTS:

- (1) Peter Reimueller, Friends of Schooner Gulch & Hillary Adams and Roanne Withers, Sierra Club; and
- (2) Commissioners Sara Wan & John Woolley

SUBSTANTIVE FILE:
DOCUMENTS

- 1) Mendocino County CDB No. 89-99; 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 April 18, 2000. The 49th day falls on June 6, 2000. The only meeting within the 49-day period is May 9-12, 2000. In accordance with the California Code of Regulations, on April 24, 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 May 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.