

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

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Filed: November 9, 2001
49th Day: December 28, 2001
Staff: Robert S. Merrill
Staff Report: November 21, 2001
Hearing Date: December 14, 2001
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: **A-1-MEN-01-063**

APPLICANT: **Herb Kennedy**

PROJECT LOCATION: At 27700 South Highway One, south of Point Arena, Mendocino County (APN 027-421-11).

PROJECT DESCRIPTION: Move an existing home 34 feet south away from an existing slide area; remove, relocate, and replace the existing septic tank with a new 1,200-gallon tank; and construct a 624-square-foot garage with a 624-square-foot second story guest room above.

APPELLANTS: 1) Friends of Schooner Gulch, Attn: Peter Reimuller;
2) Sierra Club, Mendocino-Lake Group, Attn: Rixanne Wehren; and
3) Roanne Withers

SUBSTANTIVE FILE:
DOCUMENTS

- 1) Mendocino County CDP No. 87-00; 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 November 9, 2001. The 49th day falls on December 28, 2001. The only Commission meeting within the 49-day period is December 11-14, 2001. On November 16, 2001, 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, Commission staff had not received the local record as of November 21, the day before the mailing of Commission staff reports for the December meeting. Thus, the staff was unable to prepare a recommendation on the substantial issue question. Consistent with Section 13112 of the California Code of Regulations, since the Commission did not receive the requested documents and materials, the Commission must open and continue the hearing until all relevant materials are received from the local government.