

**CALIFORNIA COASTAL COMMISSION**

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**Th6b**

## APPEAL STAFF REPORT

### OPEN & CONTINUE

Filed: 1/23/2001  
49th day: 3/13/2001  
Staff: D.Carl  
Staff report: 1/25/2001  
Hearing date: 2/15/2001  
Hearing item number: Th6b

**Appeal number** ..... A-3-SCO-01-009, Powers Blufftop Improvements

**Applicants** ..... George and Annette Powers

**Appellants** ..... Commissioners Dave Potter and Pedro Nava

**Local government** ..... Santa Cruz County

**Local decision** ..... Approved with conditions (January 5, 2001)

**Project location** ..... Coastal bluff seaward of 105 21<sup>st</sup> Avenue (APN 028-224-16) and within the public right-of-way of 21<sup>st</sup> Avenue in the unincorporated Live Oak area of Santa Cruz County.

**Project description** ..... Construct patios, planters, benches, arbors, and play structures (includes grading and landscaping) atop the coastal bluff and pave private walkway within 21<sup>st</sup> Avenue right-of-way.

**File documents** ..... Santa Cruz County Certified Local Coastal Program (LCP); Santa Cruz County Coastal Development Permit Application File 00-0480; California Coastal Commission Appeal File A-3-SCO-00-076 (Pleasure Point Street Improvements); ReCAP project for the Monterey/Santa Cruz region.

#### **Staff recommendation... Open and Continue Substantial Issue Hearing**

Staff recommends that the Commission open and continue the public hearing to determine whether a 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, a Coastal Development Permit appeal must be set for hearing no later than 49 days after the date on which the appeal is filed with the Commission. An appeal of the above-described decision was filed in the Commission's Central Coast District Office on January 23, 2001; the 49<sup>th</sup> day falls on March 13, 2001. March 13<sup>th</sup> is the Tuesday of the Commission's March meeting scheduled for March 13-16, 2001 in San Luis Obispo. If this item were to eventually be scheduled for any day other than Tuesday of the March meeting, such hearing would be past the 49<sup>th</sup> day.

Pursuant to Section 13112 of the California Code of Regulations, on January 23, 2001 staff notified Santa Cruz County of the appeal and requested all relevant materials regarding the subject decision be forwarded to the Commission's Central Coast District Office. As of the date of this staff report, these materials have not yet been received. As such, Commission staff is unable to prepare a staff report with a full analysis and recommendation for the Commission's February meeting. As seen above, it is possible that if a hearing could be scheduled for the Commission's March 2001 meeting (provided the administrative record has been received in a timely manner), such a hearing might be past the 49<sup>th</sup> day.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the Commission should open the substantial issue hearing at its February 2001 meeting and continue the hearing until the next available Commission meeting when a full staff report analysis of the project will be possible.

