

**CALIFORNIA COASTAL COMMISSION**

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Filed: May 16, 2000  
49<sup>th</sup> Day: Opened and Continued  
Staff: Jim Baskin  
Staff Report: May 25, 2001  
Hearing Date: June 14, 2001  
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Eureka

DECISION: Approval with Conditions

APPEAL NO.: A-1-EUR-01-029

APPLICANT: Eureka Waterfront Partners, Dolores Velluntini

AGENT: John Ash Group - Architects

PROJECT LOCATION: Along Humboldt Bay between "D" and "F" Streets, Eureka, CA, Humboldt County, APNs 001-054-24 & 011-054-25.

PROJECT DESCRIPTION: Two mixed-use, three-story buildings containing retail commercial, professional office, and residential development totaling 50,295 sq. ft. and two parking lots providing 80 off-street parking spaces.

APPELLANTS: (1) Mark Jones; and  
(2) Commissioners Sara Wan & John Woolley

SUBSTANTIVE FILE: 1) City of Eureka CDP No. 3-97; and  
DOCUMENTS 2) City of Eureka 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 May 16, 2001. The 49<sup>th</sup> day falls on July 4, 2001. The only meeting within the 49-day period is June 12-15, 2001. In accordance with the California Code of Regulations, on May 17, 2001, staff requested all relevant documents and materials regarding the subject permit from the City, 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 June meeting. It was not possible for the City 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.