

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

MAILING ADDRESS:

710 E STREET • SUITE 200

P. O. BOX 4908

EUREKA, CA 95501-1865

EUREKA, CA 95502-4908

VOICE (707) 445-7833

FACSIMILE (707) 445-7877



RECORD PACKET COPY

Th11.5a

Filed: October 17, 2002
49th Day: December 5, 2002
Staff: Randall Stemler
Staff Report: October 24, 2002
Hearing Date: November 7, 2002
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: A-1-MEN-02-148

APPLICANT: Robert and Donna Auguste

AGENT: Richard Seale

PROJECT LOCATION: At 28200 South Highway One, south of Point Arena, Mendocino County (APN 027-433-04 and 027-433-05).

PROJECT DESCRIPTION: Coastal Development Minor Subdivision creating two (2) parcels of 5.88 and 6.48 acres.

APPELLANT: Friends of Schooner Gulch

SUBSTANTIVE FILE:
DOCUMENTS 1) Mendocino County CDMS 22-2001; 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 October 17, 2002. The 49th day falls on December 5, 2002. The only Commission meeting completely within the 49-day period is November 5-8, 2002. In accordance with the California Code of Regulations, on October 18, 2002, 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 filing of the appeal and the subsequent notification of the appeal occurred too soon before the mailing of Commission staff reports for the November meeting to enable the County to copy and submit the requested documents and materials before the mailing. Thus, the requested information was not requested or 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.