

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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RECORD PACKET COPY

Filed: November 15, 2002
49th Day: January 3, 2003
Staff: SLB – SF
Staff Report: November 21, 2002
Hearing Date: December 11, 2002

**STAFF REPORT – APPEAL
SUBSTANTIAL ISSUE**

APPEAL NO.: A- 2- MAR - 02- 24

APPLICANTS: Marka Hansen & Joe Brubaker

LOCAL GOVERNMENT: Marin County

ACTION: Approval with Conditions.

PROJECT LOCATION: 17500 State Highway One, Marshall, Marin County.
APN 106-220-22

PROJECT DESCRIPTION: Construction of a one story, 23-foot high, 3,113-square-foot single family residence, 336-square-foot detached guest house, 937-square foot detached garage and a garden storage building, and 26.5-foot high, 1,920-square-foot detached barn/equipment storage building.

APPELLANTS: Environmental Action Committee of West Marin;
Commissioners Wan and Desser

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 15, 2002. The 49th day falls on January 3, 2003. The only meeting within the 49-day period is December 10-13, 2002.

In accordance with the California Code of Regulations, on November 18, 2002, staff requested all relevant documents and materials regarding the subject permit from Marin County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The regulations provide that a local government has five working days from receipt of such a request from the Commission to provide the relevant documents and materials. The County permit file information had not been received as of the day of the mailing of staff reports to the Commission and interested parties on items on the Commission's December 2002 meeting agenda. Therefore, 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 12112 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 open until all relevant materials are received from the local government.