

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

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**Th15b**

Filed: June 19, 2002  
49<sup>th</sup> Day: August 7, 2002  
Staff: Randall Stermler  
Staff Report: June 27, 2002  
Hearing Date: July 11, 2002  
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: A-1-MEN-02-029

APPLICANT: Dan & Rosanna Shia

AGENT: Leventhal / Schlosser Architects

PROJECT LOCATION: At 5260 South Highway One, ¼ mile north of Elk, Mendocino County (APN 127-130-04 and 127-130-05).

PROJECT DESCRIPTION: Coastal Development Use Permit to construct a 3,710-square-foot, single-story, single-family residence with a maximum height of 18 feet above average natural grade. The proposed residence includes 3,025 square feet of living space and a 685-square-foot attached garage. Replace an existing mobile home with a new 768-square-foot single-story residence with a maximum height of 16 feet 6 inches above average natural grade. Demolish an existing non-

conforming residence. Install a new septic disposal system, add parking areas and turnouts to the existing driveway, extend underground utilities to the new building site, connect the new residence to the existing community water system and install a new underground propane tank. Build new wood fences and install a new wood gate.

APPELLANT:

Dr. Hillary Adams

SUBSTANTIVE FILE:  
DOCUMENTS

1) Mendocino County CDU No. 15-2001; 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 June 19, 2002. The 49<sup>th</sup> day falls on August 7, 2002. The only Commission meeting completely within the 49-day period is July 9-12, 2002. In accordance with the California Code of Regulations, on June 20, 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 July 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.