

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

(619) 767-2370

**Mon 8c**

Filed: 8/16/02
49th Day: 10/4/02
180th Day: 2/12/03
Staff: WNP-SD
Staff Report: 8/28/02
Hearing Date: 9/9-13/02

STAFF REPORT: APPEAL

LOCAL GOVERNMENT: City of Oceanside

RECORD PACKET COPY

DECISION: Approved with Conditions

APPEAL NO.: A-6-OCN-02-121

APPLICANT: CH Oceanside LLC

PROJECT LOCATION: South side of San Luis Rey River, west of Coast Highway and east of Pacific Street, Oceanside, San Diego County. APN: 143-040-21, 143-040-23, 143-040-43, 143-010-23

PROJECT DESCRIPTION: Construction of 96-unit condominium development, division of 7.5 acre site (3 lots) into 5 lots and a remainder "Not a Part" lot, parking, landscaping, drainage improvements and on-site mitigation.

APPELLANTS: Nancy Craig, Mira Mar Community and Commissioners Wan and Dettloff.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Oceanside LCP; Notice of Final Action dated August 13, 2002; City of Oceanside Resolution No.02-R320-3.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends 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, an appeal must be heard within 49 days from the date an appeal of the locally-issued coastal development permit is received. The Notice of Final Action from the City for the project was received on August 14, 2002 and the 10-day appeal period for the project ends on August 28, 2002. The appeals on the above-described decision were filed on August 14, 2002 and August 16, 2002. In accordance with the California Code of Regulations, staff requested all relevant documents and materials regarding the subject permit from the City on August 20, 2002. As of the date of this writing, this information has not been received. The 49th day (October 4, 2002) from the initial filing would be after the September 9-13, 2002 meeting, but before the October 8-11, 2002 meeting. Pursuant to Section 13112 of the California Code of Regulations, if the Commission fails to receive the documents and materials, the Commission must open and continue the hearing until receipt of the local government's file.