

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

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Filed: December 9, 2002  
49<sup>th</sup> Day: January 27, 2003  
Staff: Robert Merrill  
Staff Report: December 19, 2002  
Hearing Date: January 8, 2003  
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: A-1-MEN-02-158

APPLICANTS: John and Nit Lemley

PROJECT LOCATION: At 11050 Lansing Street, Town of Mendocino, Mendocino County (APN 119-060-26).

PROJECT DESCRIPTION: Demolish an existing residence and establish the location of the new single-family residence to be constructed on the parcel.

APPELLANTS: A: Joan Curry;  
B: Hillary Adams

SUBSTANTIVE FILE Coastal Commission Dispute Resolution File No.

DOCUMENTS:

1-02-1-EDD; Coastal Commission Dispute  
Resolution File No. 1-02-2-EDD; Mendocino  
County CDP 67-00 and 67-00(M); and 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 December 9, 2002. The 49<sup>th</sup> day falls on January 27, 2003. The only Commission meeting completely within the 49-day period is January 8-10, 2003. In accordance with the California Code of Regulations, on December 10, 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 January, 2003 meeting to enable the County to copy and submit the requested documents and materials before the mailing. 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.