

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**RECORD PACKET COPY**

Filed: April 6, 1998  
49th Day: May 25, 1998  
180th Day: August 4, 1998  
Staff: SFR-LB  
Staff Report: April 23, 1998  
Hearing Date: May 12-15, 1998  
Commission Action:

**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE**

**APPEAL NUMBER:** A-5-LGB-98-141

**LOCAL GOVERNMENT:** City of Laguna Beach

**DECISION:** Approval with special conditions.

**APPLICANT:** Judy Gray and Darrin Trudeau

**AGENT:** Brion Jeannette

**PROJECT LOCATION:** 132 McKnight Drive in the City of Laguna Beach, County of Orange

**PROJECT DESCRIPTION:** The addition of a second story to an existing single family residence

**APPELLANTS:** Joseph and Maureen Fuszard

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission **OPEN AND CONTINUE** the public hearing to determine whether a substantial issues exists with respect to the grounds on which the appeal has been filed for the reason described below.

Pursuant to Section 30621 of the Coastal Act, a hearing on a Coastal Development Permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. An appeal of the above described decision was officially filed on April 6, 1998. The 49th day falls on May 25, 1998. the only Coastal Commission hearing scheduled between the date the appeal was filed and the 49 day limit is the Commission's May 12-15, 1998 meeting.

In accordance with Section 13112 of the California Code of Regulations, staff requested on April 13, 1998 that the City of Laguna Beach forward all relevant documents and materials regarding the subject permit to the Commission's South Coast District Office in Long Beach. The documents and materials relating to the City's approval of the project are necessary to analyze the project's consistency with the City's certified Local Coastal Program and the Coastal Act in relation to the grounds of the appeal.

Commission staff received a submission from the City of Laguna Beach on April 22, 1998. After reviewing the submission Commission staff has determined it to be an incomplete submittal. Commission staff has requested that the City of Laguna Beach submit the missing information. Until this missing information is received from the City, Commission staff is unable to thoroughly analyze the appealed project. The staff report and recommendation for the subject appeal had to be completed by April 23, 1998, in order to be ready for the Commission's May hearing. Consequently, the preparation of a staff report as well as a staff recommendation on Substantial Issue was not possible for the Commission's May hearing.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the Commission should open and continue the Substantial Issue hearing at the May 12-15, 1998 Commission meeting. Section 13112 states:

*Upon receipt in the Commission office of a timely appeal by a qualified appellant, the Executive Director of the Commission shall notify the permit applicant and the affected local government that the operation and effect of the development permit has been stayed pending Commission action on the appeal by the Commission as required by public Resources Code Section 30623. Upon receipt of a Notice of Appeal the local government shall refrain from issuing a development permit for the proposed development and shall, within five (5) working days, deliver to the Executive Director all relevant documents and materials used by the local government in its consideration of the Coastal Development Permit application. If the Commission fails to receive the documents and materials, the Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.*

As required by the regulation stated above, the Substantial Issue hearing will be reopened at a subsequent Commission hearing after a full analysis by Commission staff of the appealed project and the City's material.