

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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TU 13c

Filed: June 22, 1998  
49th Day: August 10, 1998  
180th Day: December 19, 1998  
Staff: SFR-LB  
Staff Report: June 22, 1998  
Hearing Date: July 7-10, 1998  
Commission Action:

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

**APPEAL NUMBER:** A-5-HNB-98-248

**LOCAL GOVERNMENT:** City of Huntington Beach

**DECISION:** Approval with special conditions.

**APPLICANT:** Darrach Taylor

**AGENT:**

**PROJECT LOCATION:** 16661 Wellington Drive in the City of Huntington Beach,  
County of Orange

**PROJECT DESCRIPTION:** Construction of an eight (8) foot high retaining/block wall with a three (3) foot wrought iron fence and 18 inch light fixtures above the wall for a combined height of 12 feet, six (6) inches, in lieu of a maximum six (6) foot high wall within the rear yard setback area. The new wall will be forty (40) feet in length and will extend (10) feet into the rear yard slope and will accommodate a 400 square foot expansion of an existing at-grade pool deck. A new at-grade staircase will be located on the south side of the rear yard and two (2) combination retaining/wrought iron wing walls (returns) will be located on the north and south portion of the new wall. Seventeen (17) linear feet of the existing combination block/wrought iron wall will remain at the top of the slope (north side).

**APPELLANTS:** Naomi Cohen

**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 June 22, 1998. The 49th day falls on August 10, 1998. The only Coastal Commission hearing scheduled between the date the appeal was filed and the 49 day limit is the Commission's July 7-10, 1998 meeting.

In accordance with Section 13112 of the California Code of Regulations, staff will be requesting on June 23, 1998 that the City of Huntington 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. Until the requested information is received from the City, Commission staff is unable to thoroughly analyze the appealed project. Consequently, the preparation of a staff report as well as a staff recommendation on Substantial Issue was not possible for the Commission's July hearing.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the Commission should open and continue the Substantial Issue hearing at the July 7-10, 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.