

JUL 1988

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Filed: June 22, 1998
49th Day: Opened and Continued
180th Day: December 9, 1998
Staff: SFR-LB *mc*
Staff Report: July 23, 1998
Hearing Date: August 11-14, 1998
Commission Action:

STAFF REPORT AND RECOMMENDATION ON 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).

APPELLANT: Naomi Cohen

SUMMARY OF STAFF RECOMMENDATION
ISSUES TO BE RESOLVED

Staff recommends that the Commission, after conducting a public hearing, determine that **NO SUBSTANTIAL ISSUE EXISTS** with respect to the grounds on which the appeal has been filed because the project, as conditioned by the City of Huntington Beach, is consistent with the certified Huntington Beach Local Coastal Program and the public access policies of the Coastal Act.

The appellant contends that the proposed project is not consistent with Coastal Act Policy 30251 since the proposed backyard improvements have not been designed to protect views along scenic coastal areas, would not minimize the alteration of natural landforms, and would not be compatible with the character of surrounding area.

Commission staff recommends that the Commission find that the appeal of the local government action raises no substantial issue because the private view issue was evaluated appropriately by the Huntington Beach Zoning Administrator in conformance with the Huntington Beach certified Local Coastal Program, does not pertain to the protection of a significant coastal resource and does not raise a statewide concern.

SUBSTANTIVE FILE DOCUMENTS:

1. Local Coastal Program for the City of Huntington Beach
2. City of Huntington Beach materials submitted as the file for Coastal Development Permit 97-33 and Conditional Use Permit 97-83 issued by the City of Huntington Beach.
3. Coastal Development Appeal A-5-LGB-98-141 (Gray and Trudeau)

STAFF RECOMMENDATION - MOTION AND RESOLUTION

A. MOTION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission find that Appeal No. A-5-HNB-98-248 of the City of Huntington Beach's action of approval of Coastal Development Permit 97-33, raises **NO SUBSTANTIAL ISSUE** with the grounds listed in Section 30603(b) of the Coastal Act.

RESOLUTION:

The Commission determines that no substantial issue exists as to conformity with the certified Local Coastal Program with respect to the grounds on which an appeal has been filed pursuant to Public Resources Code Section 30603, as discussed in the following findings.

MOTION:

I move that the Commission determine that Appeal No. A-5-HNB-98-248 raises NO substantial issue as to conformity with the certified Local Coastal Program for the City of Huntington Beach.

Staff recommends a **YES** vote. This would result in the finding of no substantial issue and the adoption of the following findings and declarations. A majority of Commissioners present is required to pass the motion.

FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

I. APPELLANT'S CONTENTIONS

The appellant contends that the project is not consistent with Coastal Act Policy 30251 since the proposed backyard improvements have not been designed to protect views in a scenic coastal area, will not minimize the alteration of natural landforms, and would not be compatible with the character of surrounding area.

The appellant specifically contends, that the project would block a view which is currently uninterrupted, that it would create a precedent for altering the character of the neighborhood, and that the project would encroach within a required fifteen (15) foot setback requirement from the curb for houses located on Gilbert Drive. According to the appellant, the "*green hill slopes of Gilbert Drive*" would become a "back-alley", bounded by "*uneven walls of all kinds and shapes*". Consequently, the appellant believes that the project would adversely affect the value of the properties on Gilbert Drive.

II. APPEAL PROCEDURES

A. APPEALABLE DEVELOPMENT

Pursuant to Section 30603(a) of the Coastal Act and Section 245.32 of the City of Huntington Beach's Zoning Code, only certain types of development may be appealed to the Coastal Commission. The types of appealable development include development that is between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tideline of the sea where there is no beach, whichever is the greatest distance. Based on this criteria, the decision of the City of Huntington Beach to approve CDP 97-33 is appealable to the Commission because the proposed development is within 300 feet of the inland extent of any beach or the mean high tideline of the sea where there is no beach.

B. GROUNDS FOR APPEAL

Pursuant to Section 30603(b) of the Coastal Act, the grounds for appealing a coastal development permit to the Commission is an allegation that the development does not conform to the standards of the City of Huntington Beach's Local Coastal Program or the public access policies of Chapter 3 of the Coastal Act.

III. LOCAL GOVERNMENT ACTIONS

The development approved by the City of Huntington Beach is located at 16661 Wellington Drive in the County of Orange (Exhibits 1 and 2). The project site is on Gilbert Island which is located in Huntington Harbour.

In October 1997 the applicant applied to the City of Huntington Beach for a coastal development permit to undertake the proposed project. The Huntington Harbour Property Association through a letter dated December 6, 1997 (Exhibit 6) states that the plans submitted were reviewed by the Architectural Review Committee and found to be consistent with and in compliance with the intent of the CC&Rs.

The Zoning Administrator on January 21, 1998 conditionally approved the proposed project. At the public hearing, City staff stated that the proposed project would not block views, would be compatible with the surrounding area, and would improve the aesthetics of the street (Minutes of the Zoning Administrator's Public

Hearing). City staff also noted that the eight (8) foot high retaining/block wall with a three (3) foot high wrought iron fence and light fixtures for a combined height of twelve and half (12.5) feet exceeded a six (6) foot height limit (Minutes of the Zoning Administrator's Public Hearing). The Zoning Administrator noted that the height limit could be exceeded through a conditional use permit (Minutes of the Zoning Administrator's Public Hearing). The Zoning Administrator, according to the minutes of the public hearing visited the project site and determined that there was no overall continuity in greenbelt landscaping, that the project would not block views, was designed properly to integrate with the existing deck, and would be landscaped. (The Greenbelt is a bank separating the sidewalk from existing residential development along Gilbert Drive. The Greenbelt between the applicants property and Gilbert Drive is currently almost eighteen feet deep and ten feet high, see Exhibit 2. The project as approved by the City would result in the Greenbelt being reduced in width to ten feet.)

Several persons spoke in opposition to the proposed project at the Zoning Administrator's public hearing (Minutes of the Zoning Administrator's Public Hearing). The appellant, Ms. Cohen, stated that the proposed project, would be precedent setting, lower property values, block her view and sunlight, create additional noise, and would affect the structural stability of her stairway. Other project opponents stated that the project would reduce the Greenbelt area, that the project was too high, and would be an eyesore.

A representative from the Huntington Harbour Homeowners Association stated that the Association had reviewed and approved the proposed project (Minutes of the Zoning Administrator's Public Hearing).

The Zoning Administrator found the project consistent with the Huntington Beach LCP since it would conform to the General Plan and would not impact public views or access to coastal resources as none exist at the site. Special conditions imposed by the Zoning Administrator were associated with using energy saving lighting, minimizing the spillage of lighting, conformance with the Uniform Building Code, drainage plans, landscaping plans, and site clean-up following construction.

Following the Zoning Administrator's approval of the project, Ms. Cohen and other Gilbert Island homeowners appealed the project on February 2, 1998 to the Planning Commission. The Planning Commission conducted a public hearing on the proposed project and approved the project with conditions on April 28, 1998. Minutes of the Planning Commission public hearing indicate that both proponents and opponents spoke on the proposed development. Issues raised were the same as in the public hearing by the Zoning Administrator. In response to the concern that the proposed development would destabilize soil thereby endangering the Cohen foundation, the Planning Commission questioned City staff. City staff indicated that the construction plans would be reviewed and approved by a licensed structural engineer prior to issuance of the building permits.

Ms. Cohen then appealed, on May 7, 1998, to the City Council, which heard the appeal on June 1, 1998. Issues raised at the City Council public hearing were the same as presented at the public hearing before the Zoning Administrator. Both opponents and proponents spoke before the City Council. The City Council denied the appeal.

The City's action in approving coastal development permit 97-33 occurred concurrently with one other local government action which was the approval of Conditional Use Permit No. 97-83. The project description contained in the Conditional Use Permit No. 97-83 is the same as that of coastal development permit 97-33. Only coastal development permit 97-33 is subject to this appeal.

The Long Beach Office of the Coastal Commission received the notice of final local action on June 10, 1998 (Exhibit 4) and opened the appeal period on June 11, 1998. The Long Beach Office of the Coastal Commission received the appeal of Ms. Cohen on June 22, 1998. The appeal period closed on June 24, 1998 without any additional appeals being received.

IV. PROJECT DESCRIPTION AND LOCATION

The development approved by the City of Huntington Beach is located at 16661 Wellington Drive in the County of Orange (Exhibits 1 and 2). The purpose of the backyard improvements is to extend the pool deck around the pool to improve pool safety and usability of the pool. Currently the pool deck does not extend fully around the pool.

The City's approval is for the 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 12.5 feet, 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) (Exhibit 2).

V. SUBSTANTIAL ISSUE ANALYSIS

For the Commission to accept the appellant's appeal, the Commission must find substantial issue. The term "*substantial issue*", however, is not defined in the Coastal Act or its implementing regulations. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "*finds that the appeal raises no significant question*" (California Code of Regulations, Title 14, Section 13115(b)). To find substantial issue on this appeal, the Commission will assess whether the appeal raises a substantial issue of consistency with the City's certified Local Coastal Program. In making that assessment the Commission considers whether the appellant's contentions regarding the local government action raises significant concern in terms of the extent and scope of the approved development, the support for the local action, the precedential nature of the project, whether a significant coastal resource would be affected, and whether the appeal has statewide significance.

Even where the Commission chooses not to find substantial issue, the appellant nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5

In making her appeal, the appellant cited Section 30251 of the Coastal Act which concerns the protection of Visual Resources. Pursuant to Section 30603 of the Coastal Act, however, the grounds for appealing a coastal development permit is an allegation that the development does not conform to the standards of the certified Local Coastal Program (LCP). Though Section 30251 of the Coastal Act is not a reference to a certified LCP policy, the Huntington Beach LCP does contain Visual Resource Policies which can be used for evaluating the project as approved by the City. Section 9.5 of the Huntington Beach LCP contains the Land Use Policies for evaluating the consistency of the City's coastal development permit. Section 9.5.3 contains the Visual Resource policies. Section 9.5.3 which preface the relevant visual resource policy notes: "*The coastal zone contains significant visual amenities, including the ocean and shoreline, natural bluffs, wetland areas and mature trees. Public views to these visual features in the coastal zone are "resources" in themselves. New development can disrupt and destroy visual resources and public views. The following policies focus on protecting and enhancing existing visual amenities in the coastal zone primarily through regulation of the location and design of new development.*" Policy 6a states:

Ensure new development within the coastal zone includes the features listed below and establish review procedures for implementation.

- *Preservation of public views to and from bluffs, to the shoreline and ocean, and to wetlands.*
- *Conservation of energy and facilitation of public transit through design and siting.*
- *Adequate landscaping and vegetation.*
- *Evaluation of project design regarding visual impacts.*

The appellant broadly contends that the project has not been designed to protect views along scenic coastal areas, would not minimize the alteration of natural landforms, and would not be compatible with the character of the surrounding area. The appellant specifically contends, that the project would block a view which is currently uninterrupted, that it would create a precedent for altering the character of the neighborhood, and that the project would encroach within a required fifteen (15) foot setback requirement from the curb for houses located on Gilbert Drive. According to the appellant, the "*green hill slopes of Gilbert Drive*" would become a "*back-alley*", bounded by "*uneven walls of all kinds and shapes*". Consequently, the appellant believes that the project would adversely affect the value of the properties on Gilbert Drive.

The project site is in an urban residential area and is on the inland side of Gilbert Drive (Exhibit 1). Policy 6a which was previously cited clearly establishes that public visual resources are to be protected and enhanced for the public benefit. Public access and public views of the water in Huntington Harbour from Gilbert Drive are blocked by existing residential development on the seaward side of Gilbert Drive, Summerset Lane and Peale Lane. Moreover, the development approved by the City would be on the inland side of Gilbert Drive. The Zoning Administrator, noted in his findings that the deck extension and wall would not impact public views or access to coastal resources. The Zoning Administrator, to specifically evaluate view concerns conducted a site visit. To address view concerns the Zoning Administrator conditioned the project to provide landscaping to soften the visual impact of the wall and that the wall be stuccoed to match the applicant's house.

The appellant also alleges that an existing bank (Greenbelt) which is approximately 18 feet wide by ten feet high just inland of Gilbert Drive (Exhibit 2) is a "natural" land form and that its alteration for purposes of constructing the retaining wall would be an adverse visual impact. The appellant further alleges that the project as approved by the City would encroach into a required fifteen (15) foot setback. The photographic evidence submitted by the City documents the existence of man-made features such as privacy walls, retaining walls, and stairs either on the face of the bank, immediately at the top of the bank or even at the toe of the bank.

The appellant has a stairway and garage which traverses the face of the bank and a retaining wall at the base of the bank. Further, as previously noted this bank is located in a highly urban residential development. Based on the degree of existing urban development the Commission finds that the bank does not constitute a natural land form nor is it a public visual resource.

The issues raised by the appellant are private view issues. These issues were extensively evaluated at the local level first by the Homeowners Association, then by the Zoning Administrator, the Planning Commission, and finally the Huntington Beach City Council. The applicant noted before the City that there are six (6) properties in the immediate vicinity that have deck and wall structures which exceed the six (6) foot height limit and/or are located in the rear yard slope. The City staff report (Exhibit 5) to the City Council states that: *"The retaining/block wall located within the rear yard will be compatible with surrounding uses because there are decks and walls in similar locations on adjacent properties and the new wall will be stuccoed to match the residence and bermed landscaping will be installed to improve the aesthetics of the street. In addition, the wall will be separated by a staircase on the applicant's property and a planter on the appellant's side property line which would provide a separation from the appellant's property of approximately three feet at the top of the slope and approximately a ten foot setback at the toe of the slope."* The project has been conditioned by the City to address local concerns related to private views.

Basically this is a dispute between neighbors concerning the preservation of one neighbor's view versus the other neighbor's right to build backyard improvements. The project site is in a built out residential neighborhood and would not result in public view impacts. The proposed retaining wall is on the inland side of Gilbert Drive and public views of the water at Gilbert Island are blocked by existing residential development on the seaward side of Gilbert Drive.

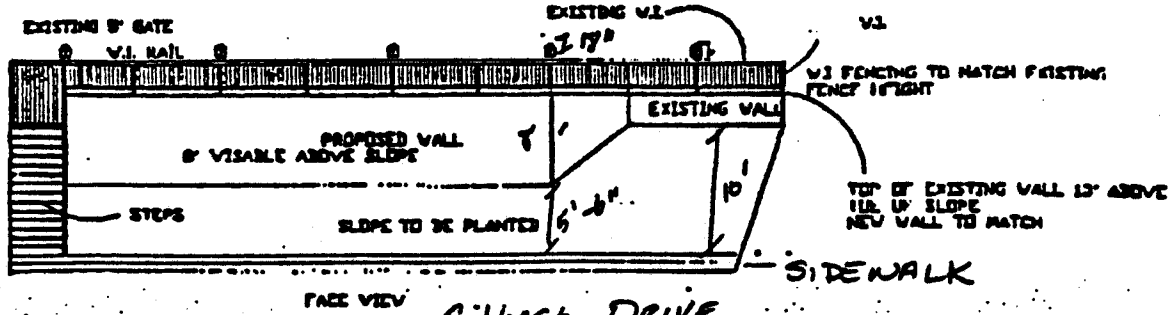
The Commission has intentionally not entered the arena of attempting to mediate among individual property owners by attempting to protect views from the windows of private homes or from other places where the public is not welcome to enter at will. While the approval of back yard improvements such as a high wall in an established neighborhood which enjoys views of the coastline undoubtedly raises a significant concern among those who stand to lose a portion of a view to which they have become accustomed, the Commission finds that private view impacts do not demonstrate that the City of Huntington Beach has approved development which is inconsistent with its Local Coastal Program.

The Commission finds that the project was appropriately evaluated and conditioned at the local level. Further, the Commission finds this appeal has not identified a significant adverse impact on a coastal resource (such as a

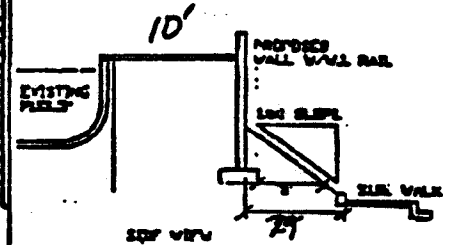
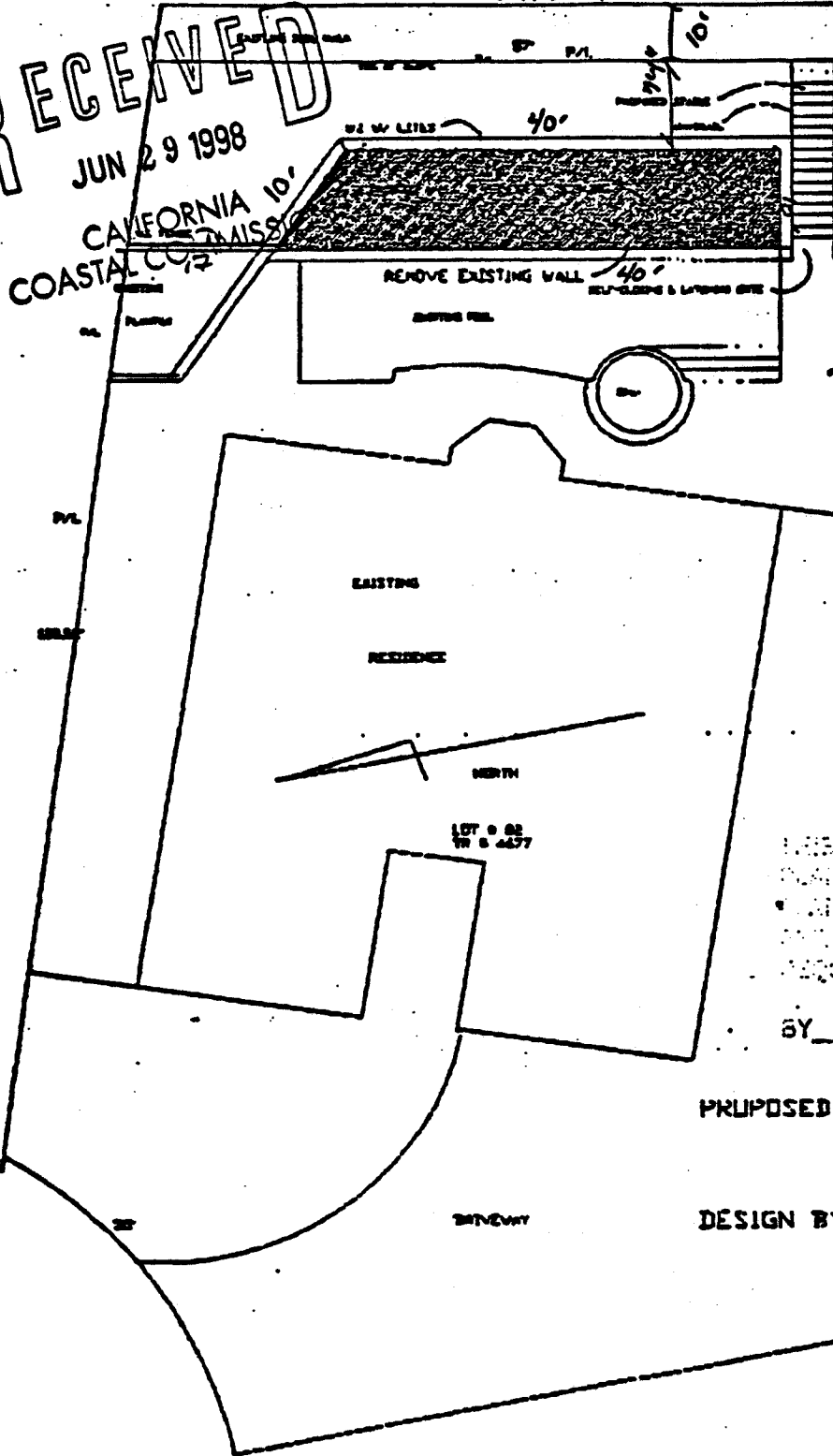
public view or public access) nor does it raise a significant statewide concern which requires Commission involvement.

Finally, the Commission finds that the development as approved by the City would not have an adverse impact on public access since the project site does not provide public access, it already has a single family residence on-site, and the addition of the backyard improvements would not change the intensity of use at the site. Public access and public recreational opportunities exist at Sunset Aquatic Regional Park, Surfside Beach, Sunset Beach. Sunset Beach is approximately one third of a mile southwest of the project site.

Thus even if the appellant had raised an issue with the relevant LCP visual resource policy. The administrative record demonstrates that the City of Huntington Beach complied with Policy 6a by evaluating the project's design in terms of its visual impacts (Exhibit 4). The project does not involve the protection of public views to and from bluffs, the shoreline, and the ocean. Therefore, for the reasons discussed above, Commission finds that the City approved coastal development permit issued for the backyard improvements as approved by the City raises no substantial issue with respect to the grounds on which it was appealed or conformance with the public access policies of the Coastal Act.



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JUN 29 1998
CALIFORNIA COASTAL COMMISSION



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OCT 23 1997

DEPARTMENT OF
COMMUNITY DEVELOPMENT

**CONCEPTUAL SITE PLAN
APPROVED**

THIS APPROVAL IS BASED ON THE CONCEPTUAL SITE PLAN. APPROVAL IS NOT A PRECISE ENGINEERING AND LAND NOT NECESSARILY SUBJECT TO MINORANCE TO ALL ORDINANCE REQUIREMENTS.

BY Kunf fangel DATE 1/28/98

PROPOSED DECK FOR: MR. & MRS. K. TAYLOR
16661 WELLINGTON DR.
HUNTINGTON BEACH
562 592-5090

DESIGN BY: RAY HARKER POOL CONSULTANT
5333 RURAL RIDGE CIR.
ANAHEIM, CA. 92807 637-2300

EXHIBIT No. 2

Application Number:

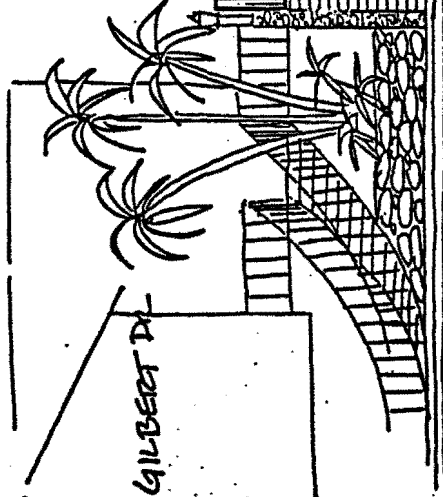
A-5-HNB-98-248

Project

California Coastal
Commission

16661 WELLINGTON

16672 WELLINGTON

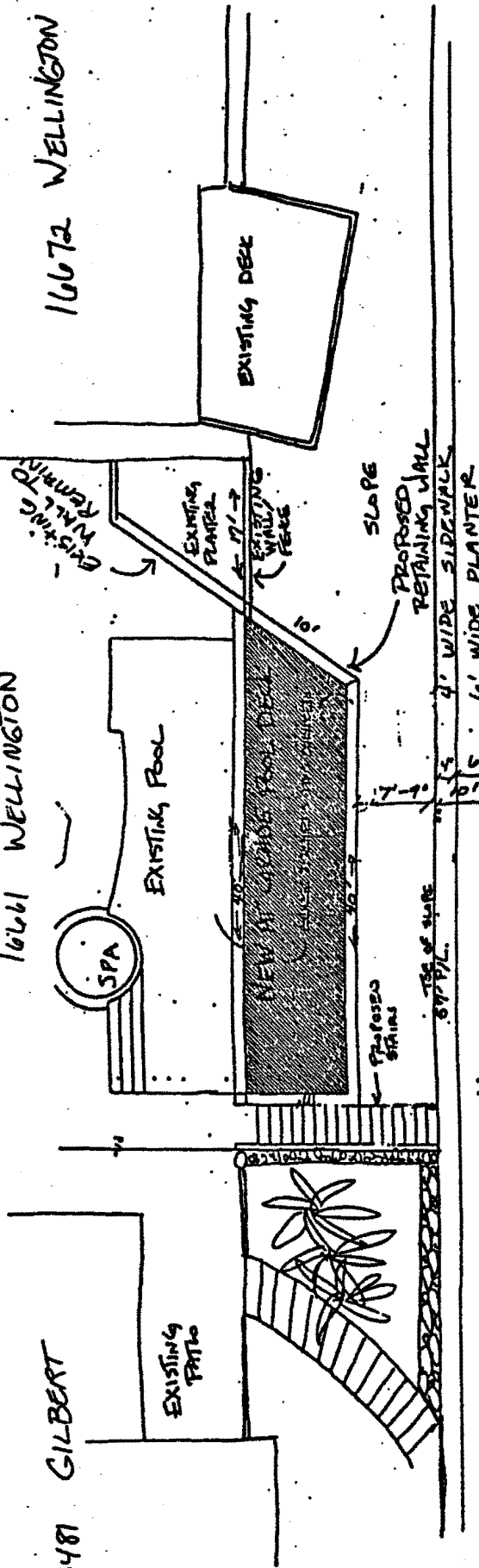


FACE VIEW

16661 WELLINGTON

3481 GILBERT

16672 WELLINGTON



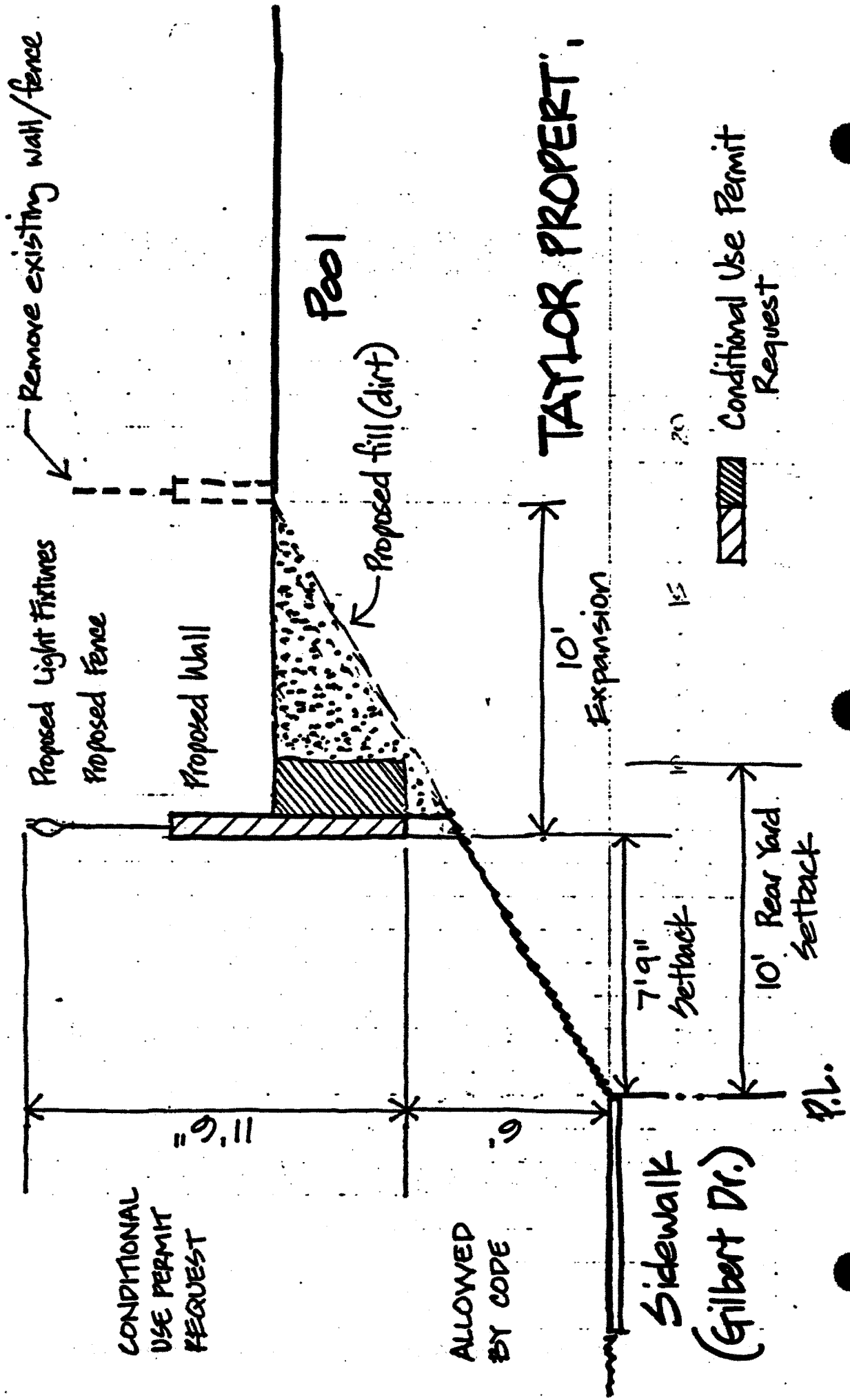
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DEPARTMENT OF
COMMUNITY DEVELOPMENT

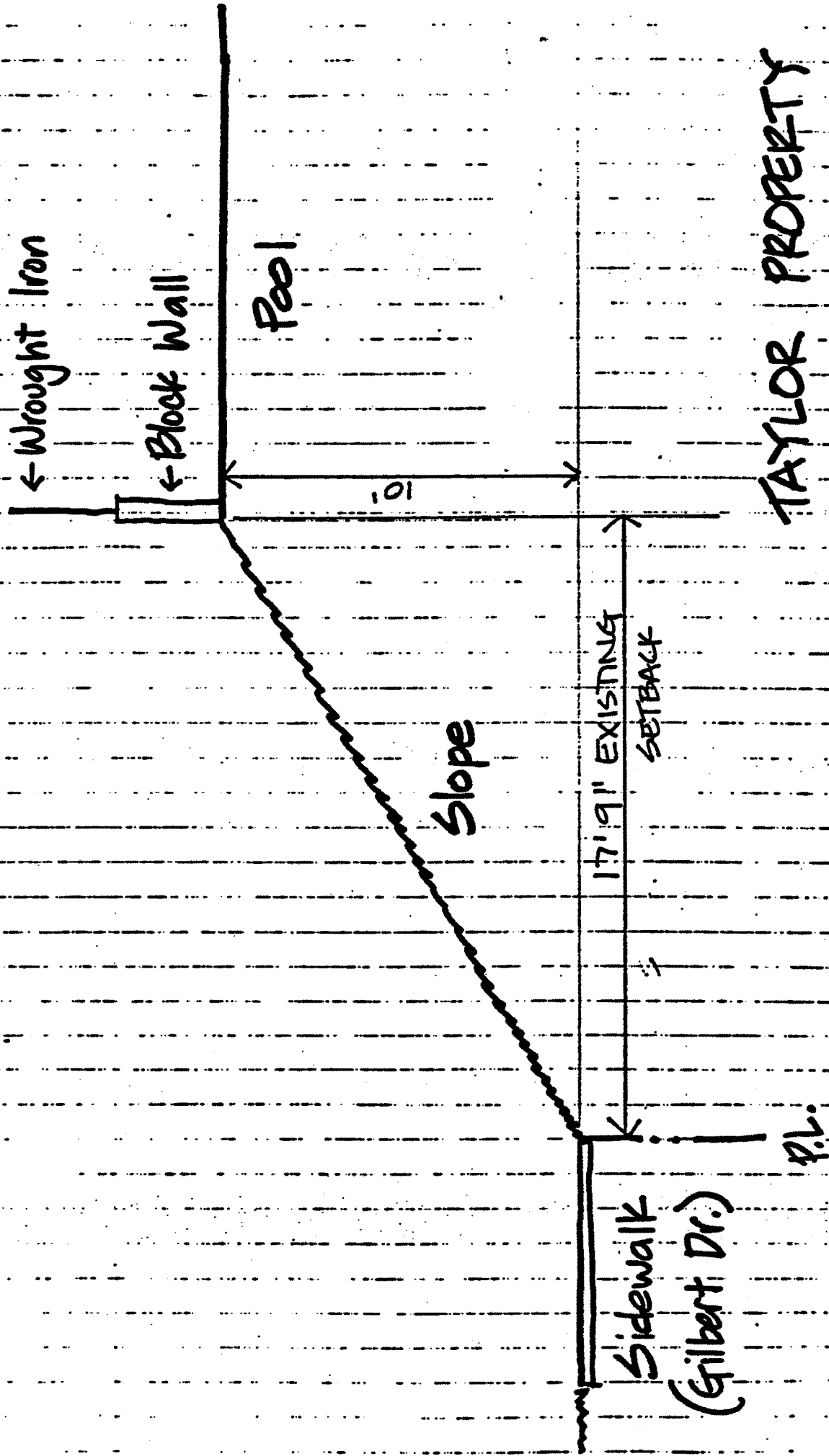
GILBERT DRIVE

PROPOSED SECTION



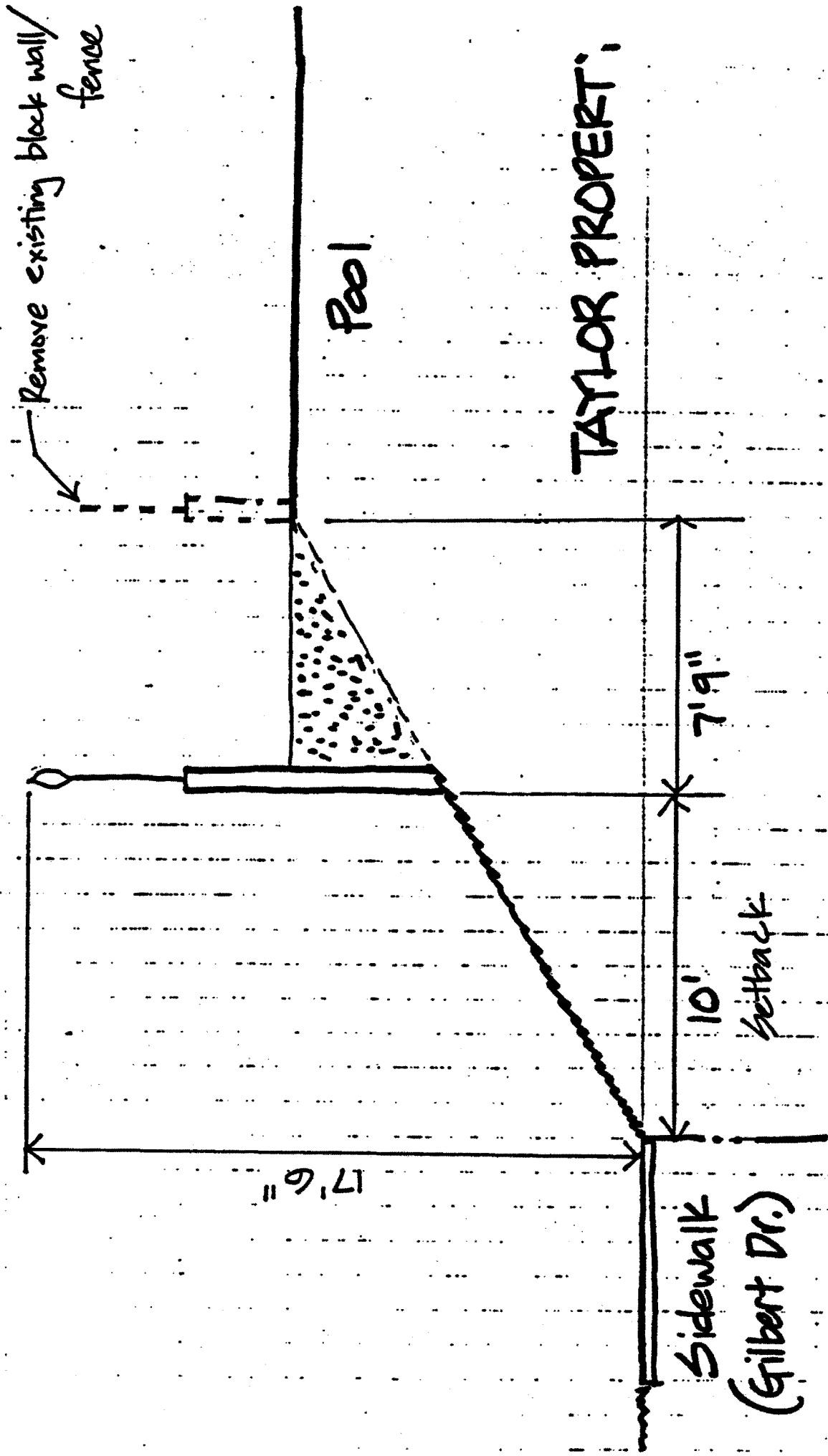
6.1.98

EXISTING SECTION



6.1.98

ALLOWABLE SECTION



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

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JUN 2 8 1998



CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Naomi Cohen
3481 Gilbert Drive
Huntington Beach CA 92649 (562) 592-4712
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Huntington Beach
Approval of Conditional Use Permit 97-33, Coastal

2. Brief description of development being appealed:

Approval of Coastal Development CD 97-33
El Pequeño, North of Gilbert Drive - Huntington Harbour.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Taylor residence - 16661 Wellington Dr.,

4. Description of decision being appealed:

- a. Approval; no special conditions: ☒
- b. Approval with special conditions: _____
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.


TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT No. 3
Application Number: A-5-HNB-98-248
Appeal
 California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

I would like to appeal Coastal Dev. permit # 97-33 for violating its own regulations, as spelled out in Coastal Act Policy # 30251 (p. 33 of LCP) which states that "The scenic and visual qualities of coastal areas shall be considered & protected as a resource of public importance. Permitted developments shall be sited and designed to protect views along scenic coastal areas."

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

(contd on yellow sheet marked page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Mami Lohr

Signature of Appellant(s) or
Authorized Agent

Date June 21, 1998

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

Contd from page 3 of application form - page 4

to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas, ... to enhance the visual quality"

By allowing Coastal Dev. Permit 97-33 to go forward, the Coastal Commission is permitting all these requirements, as expressed in, Coastal Act Policy # 30251 to be violated! The site ^{will} block a view, which is currently uninterrupted, it creates an opening for the alteration of the character & very essence of neighborhood, it is not compatible with Gilbert Dr (nor with Somerset Drive, as well). Please read attached letter for a detailed explanation as to why this is so. I have marked this letter as "Exhibit A" and it is an integral part of this appeal.

Contd from page 2 of application form Page 5

- 5) Gregg Grani, 3302 Gilbert Dr. HB Ca 92649
- 6) Mr. & Mrs. Robert Maniaci, 16642 Somerset Ln, HB 9264
- 7) Mr. Jim Martin, 3532 Gilbert Dr.
- 8) Mr. Gary Leibowitz, 3422 Gilbert Dr.
- 9) Mr. Frank Piotrowski, 3412 Gilbert Dr.
- 10) Ms. Joyce Nikolau, 3382 Gilbert Dr.
- 11) Ms. Ruth Otis, 3352 Gilbert Dr.
- 12) Mr. Claude Cohen, 16711 Peale Ln, HB
- 13) Mrs. Marguerite Morrison, 16582 Somerset Ln.
- 14) Ms. Helen Houser, 16572 Somerset Ln.
- 15) Ms. Jane King, 16662 Somerset Ln
- 16) Mr. & Mrs. Nick Di Benidetto, 16562 Somerset Ln
- 17) Mr. & Mrs. Harvey Friedman, 16682 Somerset Ln.
- 18) Mr. & Mrs. Sam Mobassaly, 16602 Somerset Ln.
- 19) Mr. & Mrs. Gerald Afonet, 3442 Gilbert Dr.

3481 Gilbert Drive, Huntington Beach, California 92649

June 17, 1998

California Coastal Commission
South Coast Area
P. O. Box 1450
200 Oceangate, 10th Floor
Long Beach, California 90802-4416

RE: Coastal Development Local Permit #CDP 97-33

I would like to appeal Coastal Development Local Permit #CDP 97-33 for the following reasons:

1. All the houses on the hill on Gilbert Drive currently exist within a 15 foot set back from the curb. By allowing Mr. Taylor an exception, wherein he can extend into the hill slope and wherein he is allowed a 7 foot setback, you are establishing a precedent for others to follow. When this happens, the uninterrupted green hill slopes of Gilbert Drive will be devoured! Uneven walls of all kinds of shapes and mis-shapes will spring forth and the entire slope will disappear. As Councilman Bauer expressed in the Council Meeting of June 1, 1998, this use permit opens a Pandora's Box, which will subsequently change the entire character of the whole island,, creating a "hodge-podge" and a "back alley" look to a street which is currently open in view, a street with streamlined, pride of ownership homes, a street whose owners have spent thousands of dollars to purchase into. "There ought to be a uniform policy for this island," Councilman Bauer declared, "a uniform policy for all." The way we operate currently, every home on the hill can build something different. At least this should be postponed until there is some consistency in policy. The Huntington Harbour Property Owner's Association's President, Mr. Jerry Uner, also expressed his strong opinion that there needs to be established a universal policy, so as to prevent the character of Gilbert Island specifically and Huntington Harbour in general from deteriorating.
2. And indeed that is why the residents on the south side of Gilbert Drive so strongly oppose this project - they fear that this "hodge-podge" will ultimately devalue their homes. Twenty-three such neighbors have signed a petition against CUP 97-83. They have written letters and have expressed their opinions in appeal meetings, they have paid money to appeal, and yet their voices have been blatantly ignored. Why? Because of misrepresentations and half-truths by staff. What are these misrepresentations and half-truths?

Misconception #1 "The applicant has neighbors who support his project."

All his supporters, with one exception, live on the hill and therefore are not impacted at all. Quite the contrary, the supporters would actually benefit if CUP 97-83 passes, because that would give them permission to follow suit.

Misconception #2 "The HHPOA endorsed the project."

By tradition, prior to endorsing any project, the HHPOA notifies the neighbors within 300 feet of the project and consults with their opinions. By the admission of the HHPOA President, Mr. Jerry Umer, no such notification was given to the neighbors. This was because Mr. Umer, unfortunately, underwent heart surgery at the time. And yet, in the three appeal sessions, the approval was mentioned without this crucial fact and as if it carries the support of the neighbors, which, in fact, it did not.

Misconception #3 "The block wall will be compatible with surrounding walls, because there are decks and walls in similar locations on adjacent properties."

They fail to mention that all those "similar decks and walls" (with the exception of one tiny balcony on stilts), are located on a different street entirely, on Peale Lane, and the "hodge-podge" created on that street is the very reason why the residents on Gilbert Drive are opposing CUP 97-83. They do not wish Gilbert Drive to deteriorate into that "back-alley" look which will ultimately cause a loss of value to their homes.

Misconception #4 "Staff does not believe the project will impinge on the privacy, obstruct views and air."

Currently, any person looking onto Gilbert Drive, from the bridge, can view the entire slope from Peale Lane to Somerset Drive – a beautiful, uninterrupted view of green. By offensively intruding into the slope, to within 7 feet of the curb, the view is suddenly cut off at mid-point. Instead of the uninterrupted hillside slope of green, the eye is obstructed by a huge sandbox, 12.5 feet high, which blocks the view and stops the eye at that point.

Misconception #5 "There will be no loss of value to neighbors."

By establishing a playground at the face of my house, sun umbrellas, deck chairs, etc., (my house, which is contiguous to the Taylor residence, is unique in that its front faces Gilbert Drive and is contiguous with the back walls of the all the other houses) by this fact, per appraisers report, my house would be rendered a non-conforming piece of property, a fact which will depreciate its value by 5 – 10 percent (\$53,000 in today's value). If the neighbor on the other side follows suit, this loss would double. Moreover, most of the residents on the south side of Gilbert, fear the loss of value to their homes, due to the "hodge-podge" which will inevitably be created.

3. **Noise and Privacy** A stairway has been affixed to the backside of the circular stairway at 3481 Gilbert Drive. This stairway is unsightly and ruins the aesthetic

look of the entire street. It invites added parking, added noise and traffic which the neighbors on the south side of Gilbert Drive are strongly objecting to.

4. I would like to quote from a letter written by Dr. Morrison's wife, Marjorie, which she addressed to the mayor and the Councilmembers on June 1, 1998. "The Christian Corporation, that developed Huntington Harbour, hired the finest civil engineers money could buy. All of Huntington Harbour is man-made, including the hill in the center of Gilbert Island. The slope going around the sides of the hill was intentional. It serves two purposes. First, covered with green vegetation (which is required by our CCR's), these slopes give support to the hill from erosion and collapse... Secondly, it provides a very pretty green skirt beneath the lovely homes on the top of the hill, which those of us living across from the hill expected would always be there, when we bought our properties. When buyers of the homes on top of the hill chose to buy up there...they could see the size of the rear yard. If it was not large enough to accommodate their lifestyle (pool and deck) why did they buy such a property? Surely not to meet these desires by endangering the safety of the hill and those property owners living across from it."

In summary, I would like to request that Coastal Commission Permit 97-33 be rescinded or at least postponed, until a universal policy is established, that will apply uniformly to all the residents of the island. If you allow this one project to go forward, it will establish a precedent wherein it would be difficult to deny to other applicants. Gilbert Island, constituting the main thoroughfare to the island, the "Wilshire Boulevard" of this island, so to speak, should be the pacesetter and the symbol for the beauty of this island. By allowing this protrusion as a wedge which blocks the view, you would be setting a dangerous precedent that would ultimately destroy its unique hillside character, thereby undermining the values of the houses surrounding the hill.

I will be overseas from August 5 to September 8, 1998 and would request that the hearing not be scheduled during that period of time.

Thank you for your consideration,



Naomi Cohen

1. The concrete wall will create a NON-COASTAL LOOK. CONCRETE WALLS
may ultimately start numerous other homes to do the same.

2. Gilbert Island is sadly lacking in landscape and planted areas. This wall will
cause an interruption in the original planted sloping hillside design.

I, therefore respectfully request that the Homeowners request for a zoning variance be
denied.

NAME	ADDRESS	DATE
GEORGE GRANI	3302 GILBERT DR	1-17-98
Robert Mainari	16642 SOMERSET LANE	1-19-98
Marquitta M. Mainari	3522 GILBERT DR.	1-19-98
Guy H.	3422 Gilbert Dr	1-19-98
Frank Pustinoski	3412 Gilbert Dr.	1-19-98
John Nikolau	3382 Gilbert Dr.	1-19-98
Ruth (Mrs)	3352 Gilbert Dr.	1-19-98
FRED CAPPER	16702 POOLE LN.	1-19-98
LOUISE CAPPER	16702 POOLE LN	1-19-98
John	3502 GILBERT DR	1-19-98
Charles	3502 Gilbert Dr	1-19-98
James Cooper	3522 Gilbert Dr	1-19-98
John A Cooper	3522 Gilbert Dr.	1-19-98
RAY BARON	3552 GILBERT DR.	1-20-98
Ray	3552 GILBERT DR.	1-20-98
Blanche Cohen	110711 Poole Lane	1-20-98
Marquitta M. Mainari	16582 Somerset Ln.	1-21-98
Helen - House	16572 Somerset	1-21-98
John P. Hill	16642 Somerset Ln.	1-21-98
NICK DI BENICENIO	16562 SOMERSET	1-20-98
HARVEY FREIDMAN	16622 SOMERSET	1-19-98
SAM MO BASSALY	16602 SOMERSET	1-20-98
Donald Jones	3442 GILBERT DR N.T.S.	1/21/98

SEE
FBI
COPY

5-HNB-98-109



CITY OF HUNTINGTON BEACH

2000 MAIN STREET

CALIFORNIA 92648

OFFICE OF THE CITY CLERK

CONNIE BROCKWAY
CITY CLERK

RECEIVED
JUN 10 1998

June 8, 1998

NOTICE OF ACTION

COASTAL DEVELOPMENT PERMIT NO. 97-33
APPEALABLE DEVELOPMENT

CALIFORNIA
COASTAL COMMISSION

EXHIBIT No. 4

Application Number:

A-5-HNB-98-248

Notice of Action



California Coastal
Commission

Applicant: Darrach Taylor

Appellant: Naomi Cohen, et al. (Huntington Harbour Residents)

Planning Commission's

Request: An appeal of the ~~*Zoning Administrator's~~ approval for 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 maximum six (6) foot high wall within the rear yard setback area. The new wall will be 40 feet in length and will extend ten (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).

Location: 16661 Wellington Drive (east of Peale Lane and north of Gilbert Drive).

Coastal Status: In the appealable jurisdiction of the Coastal Zone.

Environmental Status: The above item is categorically exempt from provisions of the California Environmental Quality Act. It is located in the appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 97-33, filed on December 8, 1997, in conjunction with the above request. The Coastal Development Permit hearing consists of a staff report, public hearing, City Council discussion and action. City Council action on the above item may be appealed to the Coastal Commission within ten (10) working days from the date of receipt of the notice of final City action by the Coastal Commission pursuant to Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance and Section 13110 of the California Code of

*Published and notification inadvertently sent as *Zoning Administrator* instead of
Planning Commission

Notice of Action
Coastal Development Permit
Page Two

Regulations, or unless Title 14, Section 13573 of the California Administrative Code is applicable.

Your application was acted upon by the Huntington Beach City Council on June 1, 1998 and your request was:

☐ Approved
☒ Conditionally approved (see attached)
☐ Denied
☐ Withdrawn

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the City Council is final.

The City Council action on this Coastal Development is appealable to the Coastal Commission pursuant to Public Resources Code S. 30603 and California Administrative Code S. 13319, Title 14.


Pursuant to Public Resources Code S. 30603, an appeal by an aggrieved person must be filed in writing, and addressed to:

California Coastal Commission
200 Oceangate, 10th Floor
Suite 1000
Long Beach, CA 90802
Attn: Teresa Henry

The appeal period begins when the commission receives this notice of action and continues for ten (10) working days. Applicants will be notified by the Coastal Commission as to the date of the conclusion of the Commission's review period and as to whether or not an appeal has been filed. Applicants are advised not to begin construction prior to that.

Provisions of the Huntington Beach Ordinance Code are such that an application becomes null and void one (1) year after the final approval unless actual construction has begun.

Sincerely yours,


Connie Brockway, CMC
City Clerk

Enclosure: Statement of Council Action—June 1, 1998
cc: City Administrator
City Attorney
Community Development Director



CITY OF HUNTINGTON BEACH

2000 MAIN STREET

CALIFORNIA 92648

OFFICE OF THE CITY CLERK
CONNIE BROCKWAY
CITY CLERK

June 8, 1998

Mr. Charles Damm, Director
California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA. 90802-4302

RE: STATEMENT OF ACTION OF THE CITY COUNCIL, CITY OF HUNTINGTON
BEACH REGARDING COASTAL DEVELOPMENT PERMIT NO. 97-33—TAYLOR
RESIDENCE—16661 WELLINGTON DRIVE—HUNTINGTON HARBOUR

Dear Mr. Damm:

Attached is a Statement of Action which reflects only the motion on the above
referenced appeal. A complete set of minutes will be forwarded in the next two days.

Also enclosed is a copy of the items in the Council packet of the 6/1/98 Council meeting.
The appellant's photo slides and the Community Development Department's schematic
renderings are on file but have not been included at this time.

Connie Brockway
City Clerk

CB:cjg

STATEMENT OF ACTION OF THE CITY COUNCIL CITY OF HUNTINGTON BEACH

***** - Indicates Portions Of The Meeting Not Included In The Statement Of Action

Council Chamber, Civic Center
Huntington Beach, California
Monday, June 1, 1998

An audio tape recording of the 5:00 p.m. portion
of this meeting and a video tape recording of the 7:00 p.m. portion
of this meeting are on file in the Office of the City Clerk.

Mayor Dettloff called the regular meetings of the City Council and the Redevelopment
Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

CITY COUNCIL/REDEVELOPMENT AGENCY ROLL CALL

Present: Julien, Harman, Green, Dettloff, Sullivan, Garofalo (Bauer arrived at
5:09 p.m.; Garofalo arrived at 5:14 p.m.)
Absent: None

(CITY COUNCIL) PUBLIC HEARING - APPEAL FILED BY NAOMI COHEN TO THE
PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT NO. 97-83
AND COASTAL DEVELOPMENT PERMIT NO. 97-33 - TAYLOR RESIDENCE -
16661 WELLINGTON DRIVE, E/PEALE LANE, N/GILBERT DRIVE - HUNTINGTON
HARBOUR - APPEAL DENIED

The Mayor announced that this was the meeting set for a public hearing to consider the
following:

Applicant: Darrach Taylor

Appellant: Naomi Cohen, et al. (Huntington Harbour Residents)

Request: An appeal of the Zoning Administrator's approval for 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
maximum six (6) foot high wall within the rear yard setback area. The new wall will be
40 feet in length and will extend ten (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).

Location: 16661 Wellington Drive (east of Peale Lane and north of Gilbert Drive).

Coastal Status: In the appealable jurisdiction of the Coastal Zone.

Environmental Status: The above item is categorically exempt from provisions of the California Environmental Quality Act. It is located in the appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 97-33, filed on December 8, 1997, in conjunction with the above request. The Coastal Development Permit hearing consists of a staff report, public hearing, City Council discussion and action. City Council action on the above item may be appealed to the Coastal Commission within ten (10) working days from the date of receipt of the notice of final City action by the Coastal Commission pursuant to Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance and Section 13110 of the California Code of Regulations, or unless Title 14, Section 13573 of the California Administrative Code is applicable.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing. Direct your written communications to the City Clerk.

A motion was made by Garofalo, second Green to approve the following Planning Commission and staff recommendation: Uphold the Planning Commission's action, deny appeal, and approve Conditional Use Permit No. 97-83 and Coastal Development Permit No. 97-33 with findings and conditions of approval as set forth in Attachment No. 1 to the Request for Council Action dated June 1, 1998.

Discussion was held by Council, and Scott Hess, Senior Planner, responded to questions including Mrs. Cohen's comments regarding the Master Plan. Senior Planner Hess also reported on how the applicant could build to meet the city's code requirements without a Conditional Use Permit.

The motion made by Garofalo, second Green to uphold the Planning Commission's action, deny appeal, and approve Conditional Use Permit No. 97-83 and Coastal Development Permit No. 97-33 with findings and conditions of approval as set forth in Attachment No. 1 to the Request for Council Action dated June 1, 1998 (see attached) carried by the following roll call vote:

AYES: Julien, Harman, Green, Dettloff, Garofalo
NOES: Bauer, Sullivan
ABSENT: None

Mayor Dettloff adjourned the regular meetings of the City Council and the Redevelopment Agency of the City of Huntington Beach at 11:45 p.m. to Monday, June 8, 1998 at 4:00 p.m. in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California

/s/ Connie Brockway
City Clerk and ex-officio Clerk of
the City Council of the City of
Huntington Beach, California

ATTEST:

/s/ Connie Brockway
City Clerk/Clerk

/s/ Shirley Dettloff
Mayor

STATE OF CALIFORNIA)
County of Orange) ss:
City of Huntington Beach)

I, Connie Brockway, the duly elected City Clerk of the City of Huntington Beach, California, do hereby certify that the above and foregoing is a true and correct Statement of Action of the City Council of said City at their regular meeting held on the 1st day of June, 1998.

Witness my hand and seal of the said City of Huntington Beach this the 8th day of June, 1998.

Connie Brockway
City Clerk and ex-officio Clerk of
the City Council of the City of
Huntington Beach, California

ATTACHMENT NO. 1

FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 97-83 /
COASTAL DEVELOPMENT PERMIT NO. 97-33:

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 97-33:

1. Coastal Development Permit No. 97-33 to permit the construction of an eight (8) foot high retaining/block wall with a three (3) foot high wrought iron fence and eighteen (8) inch light fixtures above the retaining/block wall for a combined height of twelve (12) feet and six (6) inches, in lieu of a six (6) foot high wall, within the rear setback area, approximately eight (8) feet from the rear property line. 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. The deck extension and wall will conform with the General Plan, including the Local Coastal Program. The proposed deck extension and wall will not impact public views or access to coastal resources as none exist at the site.
2. Coastal Development Permit No. 97-33 is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other provisions of the Municipal Code applicable to the property. The proposed development will conform with all applicable City Codes as allowed by the conditional use permit.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. All infrastructure currently exist at the site.
4. The proposed wall conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The development will not adversely impact public views or public access.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 97-83:

1. Conditional Use Permit No. 97-83 for the establishment, maintenance and operation of an eight (8) foot high retaining/block wall with a three (3) foot high wrought iron fence and light fixtures above the retaining/block wall for a combined height of twelve (12) feet and six (6) inches, in lieu of a six (6) foot high wall, within the rear setback area, approximately eight (8) feet from the rear property. 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. The deck extension and wall will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood since the proposed wall is designed to integrate with the existing neighborhood and the site is physically suitable for this type of development.

D-2.9

6/1/98

Attachment No. 1

CD98-26

2. The deck and retaining/blockwall located within the rear yard setback will be compatible with surrounding uses because there are decks and walls in similar locations on adjacent properties. Furthermore, the retaining/blockwall will be stuccoed to match the residence and provided with bermed landscaping to improve the aesthetics of the street.
3. The proposed combination block/retaining wall will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The structure will be in conformance with the Zoning and Subdivision Ordinance with the approval of the conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Low Density Residential on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Require that non-residential structures incorporated in residential neighborhoods be designed to be compatible with and convey the visual and physical scale and character of residential structures (LU 9.3.3).
 - b. Ensure that structures and sites are designed and constructed to maintain their long-term quality (LU 4.2).

**SUGGESTED CONDITIONS OF APPROVAL -CONDITIONAL USE PERMIT NO. 97-83/
COASTAL PERMIT NO. 97-33:**

1. The site plan, floor plans and elevations received and dated October 23, 1997, shall be the conceptually approved layout with the following modifications:
 - a. If outdoor lighting is included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations.
 - b. The 18-inch high light fixtures located above the wrought iron fence shall have a dimmer switch.
 - c. The eight foot (8) foot high combination retaining/block wall shall be stuccoed and painted to match the on-site residence and shall be screened with berming and landscaping.
 - d. The rise and run of the stairs shall be constructed in compliance with the Uniform Building Code requirements.

D-2.10

2. Prior to submittal for building permits, the following shall be completed:

- a. Zoning entitlement conditions of approval shall be printed verbatim on the second page of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing).
- b. Submit design calculations for the retaining wall, which includes any possible surcharge from the pool deck.
- c. Shade in the area of all new work on the site plan.
- d. Provide the details for the new stairs, handrails and guardrails.
- e. Show the path of the retaining wall drainage on the site plan.

3. Prior to issuance of building permits, the following shall be completed:

- a. Submit copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Department of Community Development.
 - b. A Landscape planting and irrigation plan shall be submitted to the Department of Public Works and approved by the Departments of Public Works. The Landscape plan shall address improvements to be made in the rear yard from the pool to Gilbert Drive and shall include type and location of shrubs to be planted to screen the wall. The landscape plans shall be in conformance with Chapter 232 of the Zoning and Subdivision Ordinance and applicable Design Guidelines. (PW) (Code Requirement)
 - c. The foundation for the retaining wall shall have a reverse footing (i.e. not from the exposed face of the wall) unless the rear slope has a minimum of 42" of earth above the footing facing the street (Gilbert Drive) to allow for roots and drainage.
4. All landscape planting and irrigation shall be completed prior to final building inspection.
5. The Community Development Director ensures that all conditions of approval herein are complied with. The Community Development Director shall be notified in writing if any changes to the site plan and elevations are proposed as a result of the plan check process. Building permits shall not be issued until the Community Development Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the HBZSO.

D-2.11

INFORMATION ON SPECIFIC CODE REQUIREMENTS:


1. Conditional Use Permit No. 97-83 and Coastal Development Permit No. 97-33 shall not become effective until the ten day appeal period has elapsed.
2. Conditional Use Permit No. 97-83 and Coastal Development Permit No. 97-33 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Department of Community Development a minimum 30 days prior to the expiration date.
3. The Planning Commission reserves the right to revoke Conditional Use Permit No. 97-83 and Coastal Development Permit No. 97-33, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
4. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
5. Construction shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
6. The applicant shall submit a check in the amount of \$38.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Department of Community Development within two (2) days of the Zoning Administrator's action.

6/9

Fallon Com. Dev.
Hess - Com. Dev.

420.40

Council/Agency Meeting Held: <u>6/1/98</u>		
Deferred/Continued to: _____		
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied <u>5-2 (Harman Bauer - No)</u>		<u>CARRI</u> Deputy City Clerk
Council Meeting Date: <u>June 1, 1998</u>	Department ID N	

EXHIBIT No. 5
Application Number: A-5-HNB-98-248
City Staff Report to the City Council
 California Coastal Commission

CITY OF HUNTINGTON BEACH REQUEST FOR COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: RAY SILVER, City Administrator *RS*

PREPARED BY: MELANIE S. FALLON, Community Development Director *MS Fallon*

SUBJECT: APPROVE CONDITIONAL USE PERMIT NO. 97-83 AND COASTAL PERMIT NO. 97-33 APPEAL (TAYLOR RESIDENCE-WELLINGTON DRIVE)

198 MAY 22
RECEIVED
CITY CLERK
CITY OF
HUNTINGTON BEACH
CA

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)
--

Statement of Issue:

Transmitted for your consideration is an appeal by Naomi Cohen, neighbor at 3481 Gilbert Drive, of the Planning Commission's approval of Conditional Use Permit No. 97-83 and Coastal Development Permit No. 97-33 for a residential pool deck and combination block/retaining wall. Rick Taylor, the applicant received approval from the Zoning Administrator and the Planning Commission (on appeal) because the project is compatible with the surrounding properties and will not be detrimental to properties within the area. The subject property is located in Huntington Harbour on a raised inner triangle on Gilbert Island at 16661 Wellington Drive.

The appeal asserts the project should be denied (Alternative Action No.1) for the following reasons: 1) The residence at 3481 Gilbert Island is the only front facing home on Gilbert Drive; 2) The property value of the home at 3481 Gilbert Drive will be reduced; 3) Noise impacts will increase; 4) The rear yard ingress and egress (proposed at-grade stairs) diverge from the Master Plan (original subdivision); 5) Objections to project due to incompatibility of new wall; 6) Misrepresentation of support by the Huntington Harbour Architectural Committee; 7) Establishment of a precedent.

Staff and the Planning Commission recommend that the project be approved with conditions of approval (Recommended Action).

D-2

REQUEST FOR COUNCIL ACTION

MEETING DATE: June 1, 1998

DEPARTMENT ID NUMBER: CD 98-26

Funding Source: Not applicable.

Recommended Action:

PLANNING COMMISSION AND STAFF RECOMMENDATION:

Motion to:

1. "Uphold the Planning Commission's action and approve Conditional Use Permit No. 97-83 and Coastal Development Permit No. 97-33 with findings and conditions of approval (Attachment No. 1)."

Planning Commission Action on April 28, 1998:

THE MOTION MADE BY INGLEE, SECONDED BY TILLOTSON, TO APPROVE CONDITIONAL USE PERMIT NO. 97-83 AND COASTAL DEVELOPMENT PERMIT NO. 97-33 WITH FINDINGS AND CONDITIONS FOR APPROVAL (ATTACHMENT NO. 1) CARRIED BY THE FOLLOWING VOTE:

AYES: INGLEE, TILLOTSON, LVIENGOOD, KERINS, SPEAKER
NOES: BIDDLE, CHAPMAN,
ABSENT: NONE
ABSTAIN: NONE

MOTION PASSED

Alternative Action(s):

The City Council may make the following alternative motion:

1. "Overturn the Planning Commission's action by denying Conditional Use Permit No. 97-83 and Coastal Development Permit No. 97-33 with findings for denial." (Appellant's Request)
2. "Continue Conditional Use Permit No. 97-83 and Coastal Development Permit No. 97-33 and direct staff accordingly."

REQUEST FOR COUNCIL ACTION

MEETING DATE: June 1, 1998

DEPARTMENT ID NUMBER: CD 98-26

Analysis:

A. PROJECT PROPOSAL:

Applicant: Rick Taylor, 16661 Wellington Drive, Huntington Beach, CA 92648

Location: 16661 Wellington Drive (east of Peale Lane and north of Gilbert Drive)

Conditional Use Permit No. 97-83 and Coastal Development Permit No. 97-33 represent a request to construct an eleven foot (11) foot high combination retaining/block wall and wrought iron fence with eighteen (18) inch light fixtures above the wall. The new wall will have a combined height of twelve (12) feet and six (6) inches, in lieu of a maximum six (6) foot high wall within the rear yard setback area. The new wall will be 40 feet in length and it 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 slope and two (2) combination retaining/wrought iron wing walls (returns) will be located on the north and south sides of the wall (Attachment No. 6). The applicant is requesting this project for the following reasons:

- ♦ Provide adequate and safer deck space on the west side (street side) of the lap pool.
- ♦ Remove a portion of the existing combination block/wrought iron wall and construct a new wall to accommodate a 400 square foot expansion of the at-grade pool deck/patio area in the rear property.
- ♦ Enjoy additional sunlight on the pool deck, since the pool deck adjacent to the home is shaded by the roofline of the residence.
- ♦ Replace the at-grade staircase on slope to continue maintenance of the planted slope area and the planter in the public right-of-way.

B. BACKGROUND

On January 21, 1998, the Zoning Administrator approved the project with conditions, based upon the findings that the new wall and the expansion of the at-grade deck and wall will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood. The proposed wall is designed to integrate with the existing neighborhood and the site is physically suitable for this type of development (Pages 4.1 through 4.6 of Attachment No. 4). The combination retaining/block wall and wrought iron fence located within the rear yard setback will be compatible with surrounding uses because there are decks and walls in similar locations on adjacent properties (Page 3.1 of Attachment No. 4). Furthermore, the combination retaining/blockwall will be stuccoed to match the residence and the applicant will provide bermed landscaping to improve the aesthetics of the street.

REQUEST FOR COUNCIL ACTION

MEETING DATE: June 1, 1998

DEPARTMENT ID NUMBER: CD 98-26

C. PLANNING COMMISSION MEETING SUMMARY AND RECOMMENDATION:

Ms. Cohen et. al. (Gilbert Island Homeowners) appealed the Zoning Administrator's approval to the Planning Commission (Pages 5.1 through 5.12 of Attachment No. 4). The appeal included seven letters in opposition and a petition of 24 signatures. Prior to the Planning Commission hearing, 14 residents indicated verbal approval, two letters of support were submitted, and two of these residents asked that their names be removed from the petition which accompanied the Planning Commission appeal. A total of 14 households were in support of the project and a total of 20 households were in opposition to the project.

During the April 28, 1998 Planning Commission meeting six individuals, including the applicant and a Huntington Harbour Property Owners' Association (HHPOA) representative, spoke in support of the project and two residents spoke in opposition of the project. The Planning Commission approved the project with a 5-2 vote requiring that the wall be stuccoed and painted to match the residence on the subject property. Two Commissioners opposed to the project believe it will be incompatible with the adjacent residence (3481 Gilbert Drive) because it faces Gilbert Drive and will be impacted by the proposed wall extension.

D. APPEAL:

An appeal to the Planning Commission's approval was filed by Naomi Cohen on May 7, 1998 (Attachment No. 2). The appeal is based on the following:

- ◆ The home at 3841 Gilbert Island is only front facing home on Gilbert Drive (Attachment No. 5)
- ◆ The property value of the home at 3481 Gilbert Drive will be reduced
- ◆ Rear Yard ingress and egress (at-grade stairs) diverge from the Master Plan (original subdivision)
- ◆ Noise impacts will increase
- ◆ Objections to project due to incompatibility of new wall
- ◆ Misrepresentation of support by the Architectural Committee
- ◆ Establishment of a precedent

E. STAFF ANALYSIS AND RECOMMENDATION:

The project proposal is fully analyzed in the attached Planning Commission Staff Report dated April 28, 1998 (Attachment No. 4). The following is an analysis in response to the appeal of the project:

REQUEST FOR COUNCIL ACTION

MEETING DATE: June 1, 1998

DEPARTMENT ID NUMBER: CD 98-26

Location, Ingress and Egress, and Property Value Impacts

The proposed wall will be located adjacent to the staircase leading to the front entry and planted slope area of property to the south of the site (3481 Gilbert Drive), which is a split level home with a garage on the street level and living area on the second and third levels. The retaining/block wall located within the rear yard will be compatible with surrounding uses because there are decks and walls in similar locations on adjacent properties and the new wall will be stuccoed to match the residence and bermed landscaping will be installed to improve the aesthetics of the street. In addition, the wall be separated by a staircase on the applicant's property and a planter on the appellant's side property line which would provide a separation from the appellant's property of approximately three feet at the top of the slope and approximately a ten foot setback at the toe of the slope.

The appellant indicates that the proposed project diverges from the Master Plan (Original Subdivision) for Gilbert Island since stairs (ingress/egress) are proposed in the rear yard slope. Staff has reviewed the tract file for the original subdivision and found that there were restrictions placed on vehicular access for lots located on the upper raised triangle of Gilbert Island, but there were no restrictions for pedestrian ingress and egress on the rear yard slope which is privately owned. Ms. Cohen (3481 Gilbert Drive) has indicated that her home is the only one that faces the street on Gilbert Drive and abuts the rear yard of the adjacent property. However, Staff has found that there are two other homes on Gilbert Island also having a front entry that faces the street and are adjacent to a rear yard. Ms. Cohen's is concerned that her home will be buried by the new wall, however, it will be separated by a staircase on the applicant's property and a sloping planter area and the living area at the Cohen residence is on the second and third floor and will not be impacted by the proposed wall.

Staff does not believe that the project will impinge on the privacy, obstruct views, light, and air of the adjacent property owners or negatively affect the appearance of the neighborhood. The proposed combination block/retaining wall and wrought iron fence within the rear yard setback will not directly impact any living area of the adjacent properties. The new combination retaining/block wall and at-grade pool deck expansion will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood since the proposed wall is designed to integrate with the existing neighborhood and the site is physically suitable for this type of development.

REQUEST FOR COUNCIL ACTION

MEETING DATE: June 1, 1998

DEPARTMENT ID NUMBER: CD 98-26

Noise Impacts

According to the appellant, there has been noise disturbance from the subject property in the past, and there is concern that the expanded pool deck will increase the people and noise from the property. The Police Department has indicated that they have not received any complaints regarding noise or other disturbances at the site. Staff does not feel that the deck expansion and new wall will result in an increase of noise to the property.

Compatibility, Architectural Committee, Precedent Setting

Staff found several properties in the immediate vicinity that have deck and wall structures which exceed the six (6) foot height limit and/or located in the rear yard slope and has identified properties on the inner raised triangle of Gilbert Island which have developed decks and walls on and over both the rear and front yard slopes (Attachment No. 5). These properties are on Gilbert Island and in close proximity of the subject site. The Architectural Committee of the Huntington Harbour Property Owners Association (HHPOA) reviewed the plans and provided a letter in support of the project and a set of plans which were stamped approved to the Planning Division (Pages 8.1 through 8.5 of Attachment No. 4).

The retaining/block wall located within the rear yard, will be compatible with surrounding uses because there are decks and walls in similar locations on adjacent properties and the new wall will be stuccoed to match the residence and bermed landscaping will be installed to improve the aesthetics of the street. The planted slopes on the inner raised portion of Gilbert Island are privately owned and maintained. Staff does not feel that green belt will be degraded since 17 linear feet of the existing wall will remain in its current location and 40 feet of the new wall will be setback 7'-9" from the rear property line, at the toe of the slope and a total of 17 feet and 9 inches from the street (Attachment No. 6). In addition, the slope will be planted and the wall will be screened with shrubs.

Postponement of Project

The appellant has submitted a letter dated May 13, 1998, requesting that the public hearing for the appeal be re-scheduled to July to allow additional time to prepare for the appeal (Attachment No. 3). The previous appeal letter dated May 6, 1998, requested that the Council hearing would not be scheduled between August 1, 1998 and September 5, 1998. When Staff received the appeal letter, the request to postpone the hearing was discussed with the applicant, and he indicated that his supporters could only attend the June 1, 1998 meeting, and they would be unable to attend a hearing at a later date due to other commitments.

REQUEST FOR COUNCIL ACTION

MEETING DATE: June 1, 1998

DEPARTMENT ID NUMBER: CD 98-26

F. SUMMARY

Staff feels that the proposed project will result in ample open space and the proposed design of the wall will be compatible with the neighborhood character. The wall will be in substantial compliance with the Land Use Guidelines and the Coastal Element of the General Plan. The project was approved by the Zoning Administrator and the Planning Commission and is supported by staff because:

- The project is consistent with the goals and objectives of the General Plan, incorporating a creative design that results in an attractive and viable residential area.
- The project is consistent with the objectives of the RL-CZ standards of the code in achieving a development that has an integrated design which properly adapts the development to the surrounding terrain and uses in the area
- The project will not be detrimental to the general health, welfare and safety, nor detrimental to the value of the improvements in the area because since the wall is designed to integrate with the existing neighborhood and the site is physically suitable for this type of development
- The project provides good land planning techniques with maximum use of aesthetically pleasing types landscaping site layout and design.
- The wall is consistent with other walls and decks in the neighborhood and combination block/retaining walls have been approved for similarly zoned lots with sloping rear yards.

Environmental Status:

The proposed project is categorically exempt pursuant to Class 1, Section 15301 of the California Environmental Quality Act.

Attachment(s):

City Clerk's Page Number

1. Findings and Conditions of Approval for CUP No. 97-83 and CDP No. 97-33 (Planning Commission and Staff Recommendation)
2. Letters of Appeal from Naomi Cohen dated May ⁶X, 1998 and May 14, 1998
3. Ms. Cohen's letter for postponement of hearing dated May 13, 1998
4. Planning Commission Staff Report dated April 28, 1998
5. Gilbert Island Map (indicates properties with walls and decks)
6. Site Plan and Elevations dated April 9, 1998



December 6, 1997

Architectural Review Committee
P.O. Box 791
Sunset Beach CA 90742-0791

DARRACH G TAYLOR

16661 WELLINGTON DRIVE
HUNTINGTON BEACH CA 92649

RE: Property at: 16661 WELLINGTON DRIVE
Approval of Proposed Plans.
Project: 00559:0183

RECEIVED
DEC 08 1997
DEPARTMENT OF
COMMUNITY DEVELOPMENT

Dear Property Owner:

The plans submitted to the Committee for the proposed project at the referenced property address have been reviewed by the Committee and found to be consistent with and in compliance with the intent of the CC&Rs and are therefore **APPROVED**, subject to the following conditions:

1. The project is carried out in conformance to the plans submitted;
2. Any significant changes to the plans be submitted to the Committee for review prior to execution.

Thank you for helping us keep Huntington Harbour a special place to live by cooperating with our review program. We hope you have a successful project.


Jerry Urner
ARC Secretary
Architectural Review Committee

EXHIBIT No. 6
Application Number: A-5-HNB-98-248
Property Owners Association Letter
 California Coastal Commission

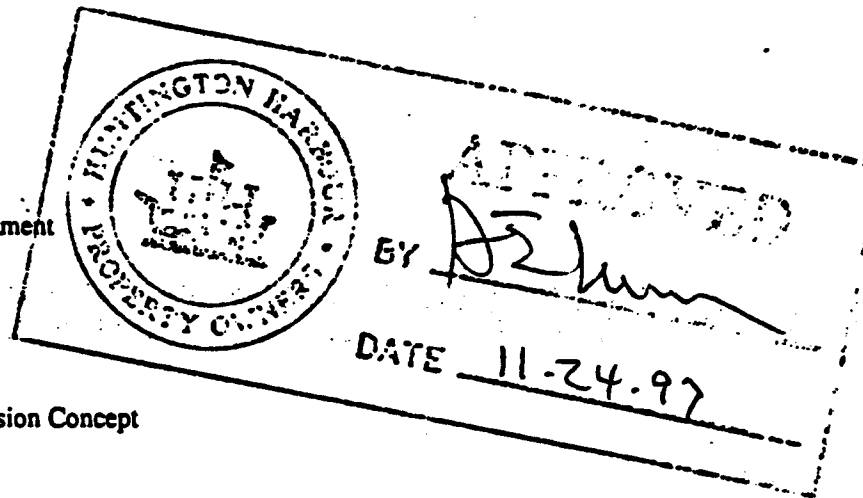
Huntington Harbour Property Owner's Association, Inc.
P.O. Box 791 Sunset Beach, CA 90742 (714)840-7877

7 August 1997

To: Huntington Beach Planning Department

From: Darrach G. & Delores A. Taylor
16661 Wellington Drive
Huntington Beach, CA 92649

Subject: Narrative for Pool Deck Extension Concept



Our property is located on the raised inner triangle of land comprising three cul de sacs of homes on Gilbert Island in Huntington Harbour.

The proposed concrete pool deck extension - 10' X 40' (avg) or 400 square feet - is needed to provide adequate and somewhat safer space around the lap pool for use by family and/or friends, always in discreet numbers, and to add time to the afternoon sunlight which is presently cut off by the roof line early in the afternoon.

Presently, the entire rear patio area is 23' (avg) X 59' including the 14' (avg) X 42' pool/spa, and approximately another 10' X 12' equivalent space for permanent trees and planter areas and garden window, leaving about 600 square feet for 'people area', long and narrow. (See photo nos. 1-6). The proposed deck on the opposite side of the pool would add about 400 square feet (10 X 40 avg). The hillside - 17.5' X 59' - has little use or purpose, is covered with ice plant because the soil (from original dredging) is so poor and requires considerable maintenance. Stairs are proposed to the sidewalk to replace the current ones for access for continued maintenance of a smaller area of hillside and parkway ice plant as well as sidewalk and gutter.

The retaining wall would be stuccoed and painted to match house and planter areas. The wall would be capped with bull nose brick to match existing decor, and the wrought iron fence and post lights would be retained. All would enhance the property's appearance from the neighbors' perspective.

This extension would merely replicate, and in some cases in more finished fashion, what other property owners have done over the years on the hillsides on this inner Gilbert Island triangle. The following appear to be comparable extensions or variances with referenced photos, starting first with the views of the neighbors on either side of our property:

- 1). 16672 Wellington Drive (photo nos. 7-10)
Wooden patio 11' from sidewalk and pool deck wall 13' from sidewalk on Gilbert Drive.
- 2). 3481 Gilbert Drive (photo nos. 11-13)
Raised property line wall 9' from sidewalk.
- 3). 16502 Mariana Circle (photo nos. 14-16)
Pool deck 6' from sidewalk on Somerset Drive; stairs and railing to sidewalk.
Adjacent house, 16491 Somerset Drive, is 11' from sidewalk.
- 4). 16521 Mariana Circle (photo nos. 17-19)
Pool machinery deck/wall installed 7' from sidewalk on Peale; patio/pool extends to
sidewalk (57' long).
- 5). 16641 Melville Circle (photo nos. 20-22)
Wooden patio is 12' from sidewalk on Peale.



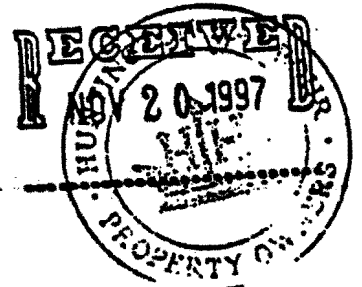
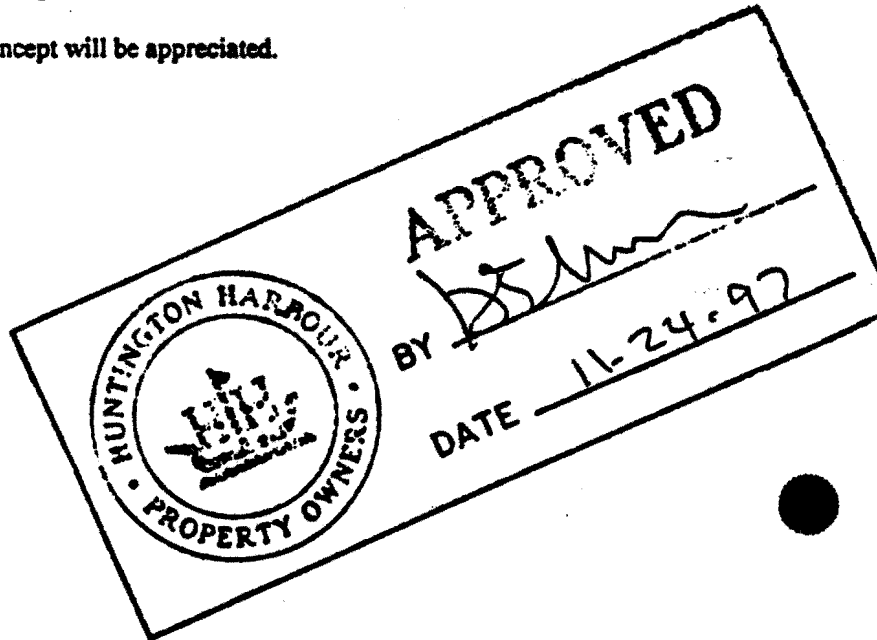
Page 2. (Continued)

6). 16651 Melville Circle (photo no. 22)

Glassed in patio 12' from sidewalk on Peale, extends 60' with high bushes to sidewalk full length of property.

Finally, the hillside on Gilbert Drive for our property showing where the proposed extension would be constructed, about 7' from the sidewalk. (photo nos. 23-26)

Your concurrence with this proposed concept will be appreciated.



EXISTING SIDE WALK

TOE OF SLOPE

P/L

PROPOSED STAIRS

HANDRAIL

W.I W/ LITES

RETAINING WALL & CONCRETE DECKING

V.I. FENCE

REMOVE EXISTING WALL

EXISTING

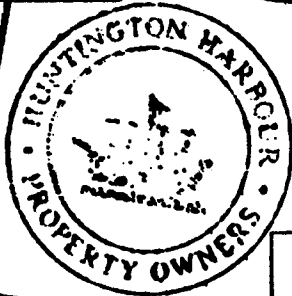
PLANTER

SELF-CLOSING & LATCHING GATE

EXISTING POOL

SPA

P/L



APPROVED

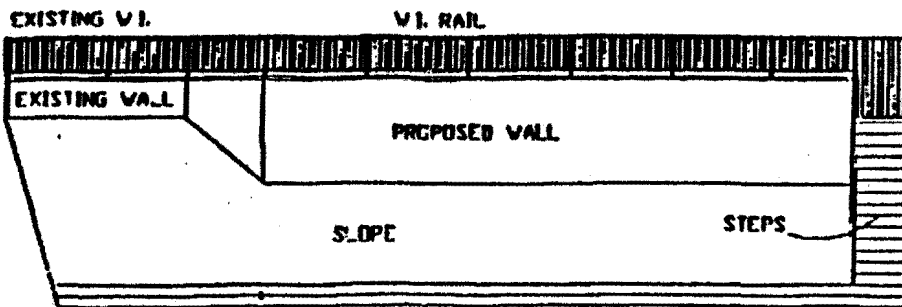
BY

[Signature]

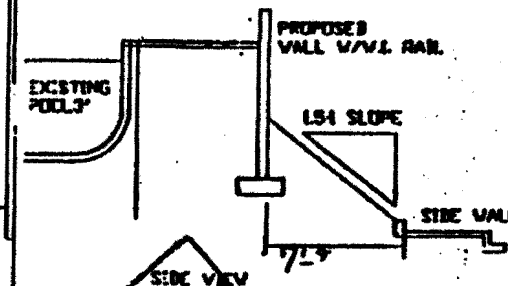
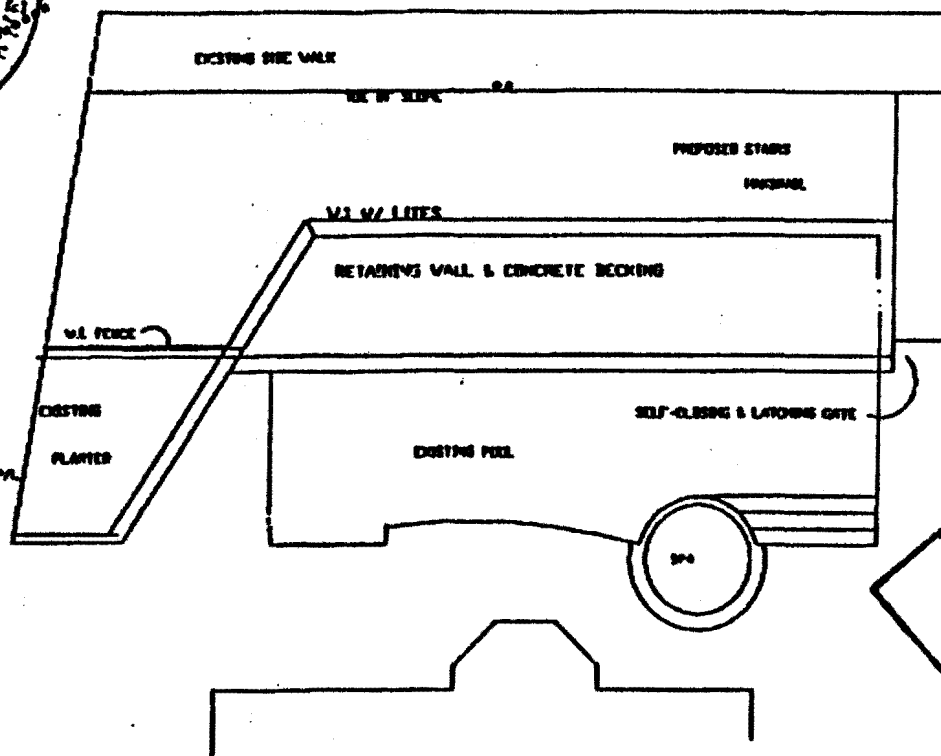
DATE

11-24-97

PROPOSED DECK FOR: MR. & MRS. R. TAYLOR



FACE VIEW



SIDE VIEW

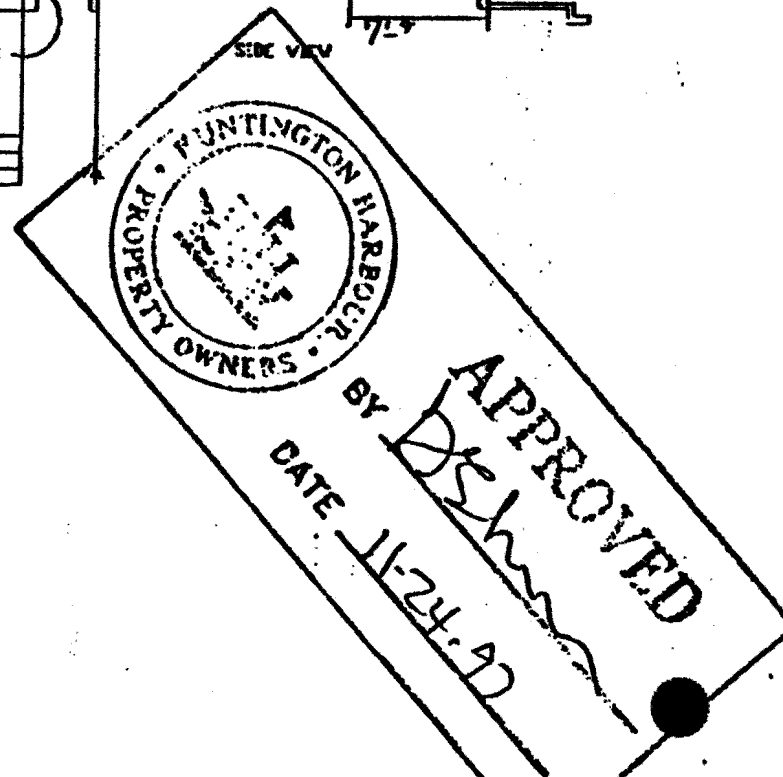
PROPOSED DECK FOR: MR. & MRS. R. TAYLOR
 16661 WELLINGTON DR.
 HUNTINGTON BEACH
 562 592-5090

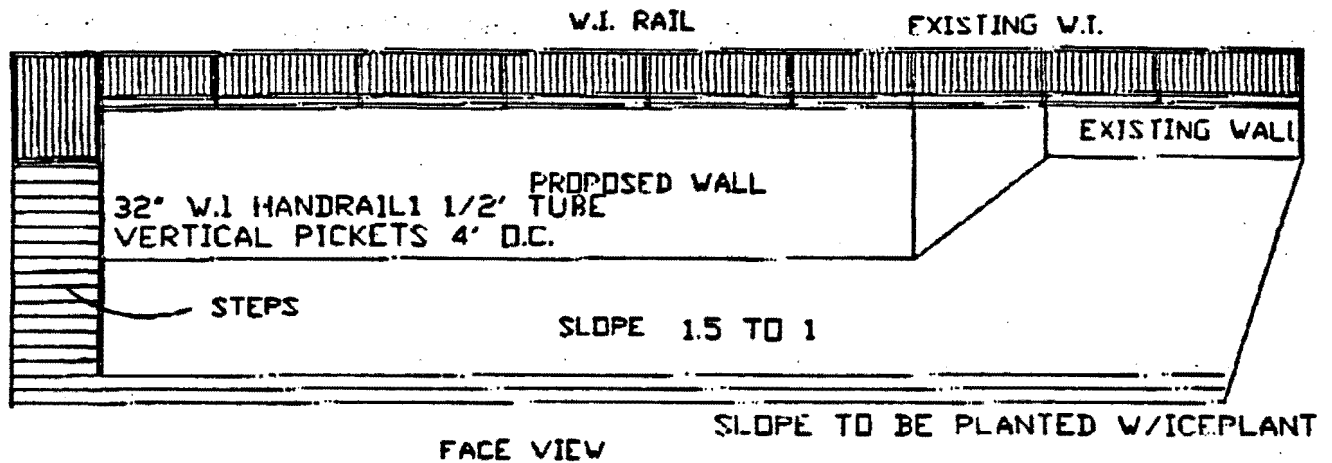
DESIGN BY: RAY HARKER POOL CONSULTANT
 5333 RURAL RIDGE CIR.
 ANAHEIM, CA. 92807 637-8308

#28 P.1/1

07-25-97 01:18PM TO 15625921987

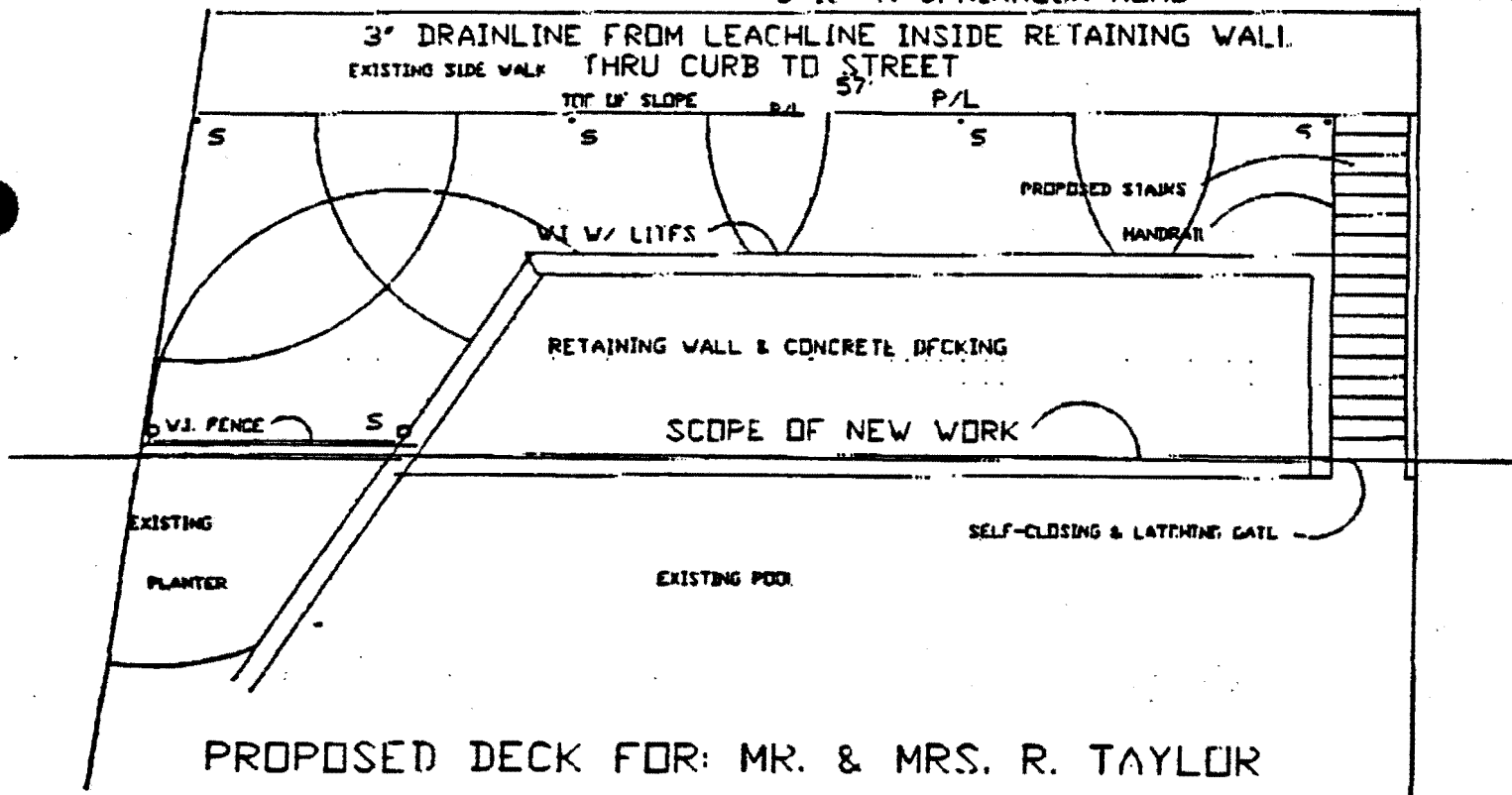
FROM





S=12' R SPRINKLER HEAD

3" DRAIN LINE FROM LEACH LINE INSIDE RETAINING WALL
THRU CURB TO STREET



PROPOSED DECK FOR: MR. & MRS. R. TAYLOR

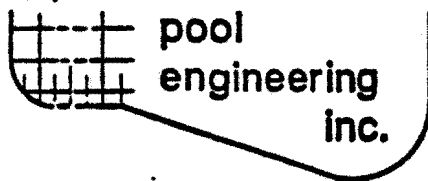
16661 WELLINGTON DR.
HUNTINGTON BEACH

562 592-5090

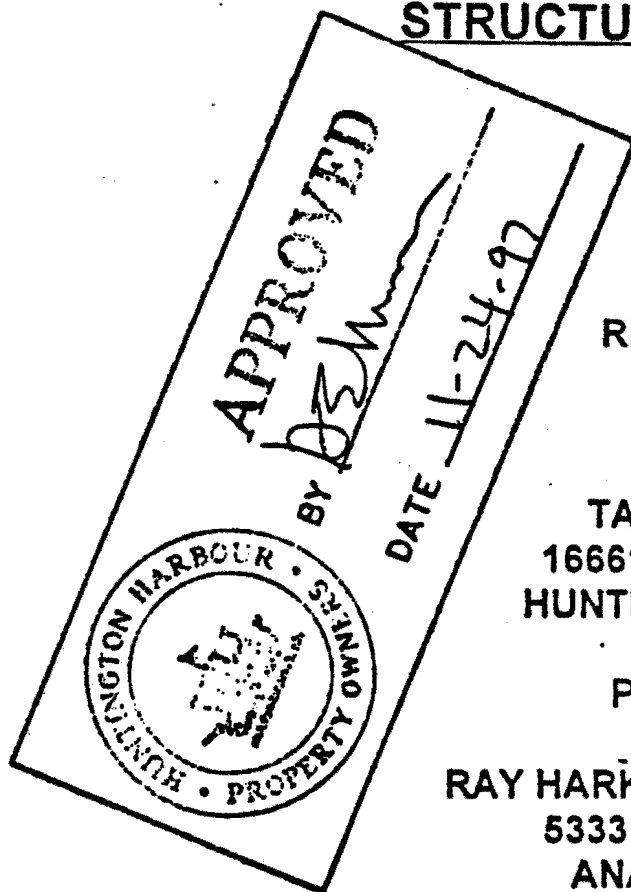
DESIGN BY: RAY HARKER POOL CONSULTANT

5333 RURAL RIDGE CIR.

ANAHEIM, CA. 92807 637-2308



STRUCTURAL CALCULATIONS



FOR
12'-0" TALL
RETAINING WALL

AT

TAYLOR Residence
16661 WELLINGTON DR.
HUNTINGTON BEACH, CA.

PREPARED FOR:

RAY HARKER POOL CONSULTANT
5333 RURAL RIDGE CIR.
ANAHEIM, CA. 92807

DESIGN BASED ON SANDY SOIL

PER U.B.C. 1994 EDITION:

FOUNDATION PRESSURE: 1500 PSF

PASSIVE PRESSURE: 150 PCF/FT

ACTIVE PRESSURE: 30 PCF (LEVEL)

FRICTION: 0.25

MATERIAL SPECIFICATIONS:

CONCRETE: f'_c = 2000 PSI

MASONRY: f'_m = 1500 PSI

REINFORCING: F_y = 40000 PSI (Grade 40) (or as noted)



9/23/97

POOL ENGINEERING, INC.
1332 N. MILLER ST. #201
ANAHEIM, CA. 92806
FAX: (714) 528-8283
PHONE: (714) 528-8200

Title : 12'-0" RET NG WALL
Job # : 97-182 Engr: DHR Date: SEP 23, 1997
Description....
30 PCF, 1500 PSF BEARING

CANTILEVERED RETAINING WALL DESIGN

Page 1 of 2

GENERAL

Retained Height = 12.00 ft
Wall height above retained soil = 1.50 ft
Slope Behind Wall = 0.00 : 1
Height of Soil over Toe = 22.00 in

Soil Density = 110.00 pcf

FOOTING DATA

Toe Width = 5.25 ft
Heel Width = 2.00
Total Footing Width = 7.25
Footing Thickness = 12.00 in

KEY DATA

Distance from Toe = 5.75 ft
Width = 12.00 in
Depth = 16.00 in

SURCHARGES

Surcharge Over Heel = 122.5 psf
Surcharge Over Toe = 330.0 psf

SOIL DATA

Allow Soil Bearing = 1,500.0 psf
Equivalent Fluid Pressure Method
Active Soil Pressure - Heel Side = 30.0 psf
Active Soil Pressure - Toe Side = 30.0 pcf
Passive Pressure = 150.0 pcf
Water table height over heel = 0.0 ft

SLIDING DATA

Friction Factor @ Footing & Soil = 0.250
...neglect ht. for passive = 12.00 in

Lateral Sliding Force = 2,620.2 lbs
less Passive Pressure Force = 2,652.1 lbs
less Friction Force = 1,342.2 lbs

Added Restraint Force Required = 0.0 lbs

AXIAL LOAD APPLIED TO STEM

Axial Dead Load = 0.0 lbs
Axial Live Load = 0.0 lbs
Axial Load Eccentricity = 0.0 in

ADDED LATERAL LOAD ON STEM

Lateral Load = 0.0 lbs
...Height to Top = 0.00 ft
...Height to Bottom = 0.00 ft

Wind on Stem = 17.5 psf

ADJACENT FOOTING DATA

Adjacent Footing Load = 0.0 lbs
Footing Width = 0.00 ft
Eccentricity = 0.00 in
Wall to Ftg CL Dist = 0.00 ft
Footing Type = Line Load
Base Above/Below Soil at Back of Wall = 0.0 ft

FOOTING DESIGN RESULTS

f_c = 2,000 psi
 F_y = 40,000 psi
Minimum As % = 0.0014
Rebar Cover @ Top = 2.00 in
Rebar Cover @ Bottom = 3.00 in
Upward Soil Pressure Under Heel Omitted

ACI Factored Soil Pressure = 1,889 0 psf
 M_u' : From Upward Loads = 19,752 13 ft-#
 M_u' : From Downward Loads = 13,152 495 ft-#
 M_u : Used For Design = 6,600 483 ft-#
Actual One-Way Shear = 15.28 12.74 psi
Allowable One-Way Shear = 76.03 76.03 psi

Minimum Footing Rebar Options.....

Toe Side.....	Heel Side....
# 4 @ 7.00 in	Not req'd
# 5 @ 10.75 in	$\mu < S^* Fr$
# 6 @ 15.00 in	
# 7 @ 20.50 in	
# 8 @ 27.00 in	
# 9 @ 34.25 in	
# 10 @ 43.50 in	

Key Reinforcement: Not Req'd = $\mu < S^* Fr$



APPROVED

BY

DATE

11-24-97



POOL ENGINEERING, INC.
1332 N. MILLER ST. #201
ANAHEIM, CA. 92806
FAX: (714) 528-8283
PHONE: (714) 528-8200

Title : 12'-0" RET/ JG WALL
Job # : 97-182 L. nr: DHR Date: SEP 23, 1997
Description....
30 PCF, 1500 PSF BEARING

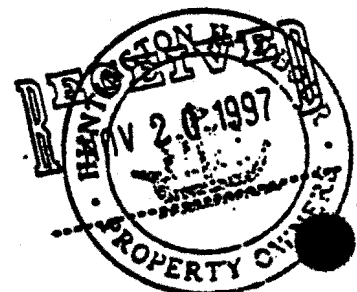
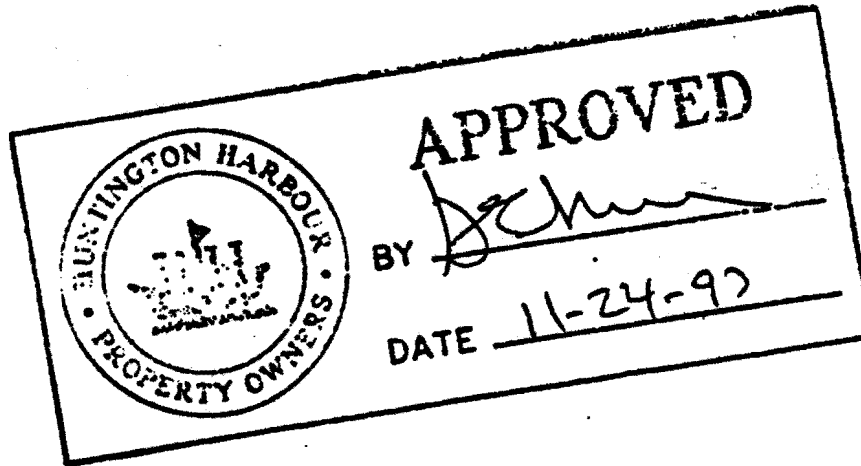
DESIGN SUMMARY

Total Bearing Load	=	5,369 lbs
...resultant ecc.	=	14.50 in
Soil Pressure @ Toe	=	1,481 <=
Soil Pressure @ Heel	=	0 <=
ACI Factored Press @ Toe	=	1,889 psf
ACI Factored Press @ Heel	=	0 psf
Footing Shear @ Toe	=	15.3 <=
Footing Shear @ Heel	=	12.7 <=

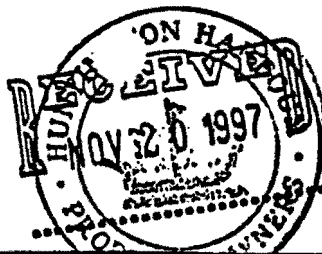
WALL STABILITY RATIOS	
Overturing Stability Ratio	= 1.95
Sliding Ratio Ratio	= 1.52

Summary of Stem Section Designs....

Top: 6 in Mas, #4@48.00 in@Edge, From 13.5 ft to 10.0 ft
2nd: 8 in Mas, #5@16.00 in@Edge, From 10.0 ft to 7.3 ft
3rd: 12 in Mas, #5@ 8.00 in@Edge, From 7.3 ft to 4.7 ft
4th: 16 in Mas, #7@ 8.00 in@Edge, From 4.7 ft to 2.0 ft
5th: 16 in Conc, #6@ 8.00 in@Edge, From 2.0 ft to 0.0 ft



POOL ENGINEERING, INC.
1332 N. MILLER ST. #201
ANAHEIM, CA. 92806
FAX: (714) 528-8283
PHONE: (714) 528-8200



Title : 12'-0" RET VG WALL
Job # : 97-182 Lognr: DHR Date: SEP 23, 1997
Description....
30 PCF, 1500 PSF BEARING

CANTILEVERED RETAINING WALL DESIGN

Page 2 of 2

SUMMARY OF OVERTURNING & RESISTING FORCES & MOMENTS

ItemOVERTURNING.....		RESISTING.....		
	Force lbs	Distance ft	Moment ft-#	Force lbs	Distance ft	Moment ft-#
Heel Active Pressure	2,969.3	4.65	13,808.1			
Soil Over Heel				880.0	6.92	6,086.7
Sloped Soil Over Heel						
Surcharge Over Heel						
Adjacent Footing Load						
Axial Dead Load on Stem						
Toe Active Pressure					0.00	
Soil Over Toe						
Surcharge Over Toe						
Stem Weight(s)						
Earth @ Stem Transitions						
Footing Weight						
Key Weight						
Vert. Component						
Added Lateral Load						
Load @ Stem Above Soil						
	26.3	13.75	360.9			
TOTALS	2,620.2	O.T.M. =	13,694.0	5,368.7	R.M. =	26,668.6

Vertical component of active pressure NOT used for soil pressure

Toe Surcharge Not Used To Resist Overturning

Heel Surcharge Not Used To Resist Overturning

Resisting/Overturning Ratio

1.95

STEM CONSTRUCTION & DESIGN

	Top Stem	2nd Stem	3rd Stem	4th Stem	5th Stem
	Stem OK	Stem OK	Stem OK	Stem OK	Stem OK
Design at this height above ftg	10.00 ft	7.33 ft	4.67 ft	2.00 ft	0.00 ft
Wall Material Above "Ht"	Masonry	Masonry	Masonry	Masonry	Concrete
Thickness	6.00 in	8.00 in	12.00 in	16.00 in	16.00 in
Rebar Size	# 4	# 5	# 5	# 7	# 6
Rebar Spacing	48.00 in	16.00 in	8.00 in	8.00 in	8.00 in
Rebar Placed at	Edge	Edge	Edge	Edge	Edge
Design Data					
fb/FB + fa/Fa	0.856	0.960	0.940	0.927	0.741
Total Force @ Section	153.1 lbs	509.4 lbs	1,077.1 lbs	1,860.3 lbs	4,032.0 lbs
Moment.....Actual	179.0 ft-#	1,015.8 ft-#	3,078.8 ft-#	6,952.6 ft-#	19,036.7 ft-#
Moment.....Allowable	209.1 ft-#	1,058.0 ft-#	3,274.4 ft-#	7,502.3 ft-#	25,692.5 ft-#
Shear.....Actual	4.99 lbs	9.10 psi	11.33 psi	13.80 psi	24.66 psi
Shea.....Allowable	19.36 psi	19.36 psi	19.36 psi	19.36 psi	76.03 psi
Bar Embed ABOVE Ht.	20.00 in	14.14 in	23.88 in	16.00 in	12.00 in
Bar Embed BELOW Ht.	20.00 in	14.14 in	23.88 in	12.15 in	6.87 in
Wall Weight	63.0 psf	84.0 psf	133.0 psf	175.0 psf	200.0 psf
Rebar Depth 'd'	2.75 in	5.25 in	9.00 in	13.00 in	13.63 in
Masonry Data					
fm	1,500 psi	1,500 psi	1,500 psi	1,500 psi	
Fs	20,000 psi	20,000 psi	20,000 psi	24,000 psi	
Solid Grouting	Yes	Yes	Yes	Yes	
Special Inspection	No	No	No	No	
Modular Ratio 'n'	25.78	25.78	25.78	25.78	
Shon Term Factor	1.000	1.000	1.000	1.000	
Equiv. Solid Thick.	5.60 in	7.60 in	11.60 in	15.60 in	
Concrete Data					
fc					2,000 psi
Fy					40,000 psi

DARRACH G. TAYLOR


16661 Wellington Drive, Huntington Beach, CA 92649
Telephone: (562) 592-5090 Fax: (562) 592-1987

RECEIVED
JUL 6 1998

5 July 1998

Mr. Steve Rynas, OCA Supervisor
California Coastal Commission
PO Box 1040
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re:

EXHIBIT No. 7
Application Number: A-5-HNB-98-248
Taylor Letter
 California Coastal Commission

Dear Mr. Rynas,

As you pursue your investigation of Mrs. Naomi Cohen's appeal, I would first direct your attention to her request for a considerable postponement, which is totally characteristic. At one of the previous hearings, she was represented by an attorney and Mr. Maniaci was present, so I see no reason why we can't go forward and finish it in August in Huntington Beach, if necessary, substantially meeting the 49 day criteria. I believe that I am entitled to a reasonably timely process and decision. From my perspective, I started this minuscule project in July 1997, with the application, documents, drawings, and fees submitted for a formal processing start in October. We received the Property Owners' Association's and the City of Huntington Beach Community Development Department staff's approval shortly thereafter. From January to June 1998, we received the Zoning Administrator's approval, the Planning Commission's approval, and the City Council's approval of CUP #97-83 and CDP #97-33, all the while enduring Mrs. Cohen's challenges and appeals on a variety of changing reasons.

It seems that the issue before you is whether these approved Huntington Beach permits meet the requirements of California Coastal Act, and its regulations, and I believe they clearly do. I have also carefully read Mrs. Cohen's reasons for the appeal, with 'Exhibit A', none of which seems to support the finding of a Substantial Issue, including a questionable citation. I am compelled to respond to the remainder, particularly due to the extent of her inaccuracies.

The construction of a 10 foot wide pool deck alongside an existing 40 foot lap pool, utilizing a portion of our privately owned slope, and designed to integrate with our home as well as the neighborhood including the re-landscaping, is not in violation of the Coastal Act or LCP. Gilbert Island is a single tract (#4677) of 94 homes (96 lots) and is characterized as an urban, not scenic area. It already has six previously approved patio decks (four pool decks) which extend over the privately owned slopes, recently as close as 6 feet from the sidewalk. Additionally, three homes, including her own, were cut into the slopes, which she chooses to completely ignore.

Now to "Exhibit A" (and the two attached lists of names):

Item #1 addresses the two dozen privately owned homes with slopes facing Peale Lane, Somerset Lane, and Gilbert Drive, as one street alone cannot be divorced from the entire tract of homes. The original developer planted ice plant on the slopes of the individual properties and encouraged the many builders to leave the slopes alone for overall sales enhancement purposes. It is also true that virtually all of the original Gilbert Island waterfront homes were single story, and homes on the upper tier had great views (we could actually see the beach and ocean as far as Bolsa Chica State Beach in 1973). But as the Island properties increased significantly in value, two and now three story waterfront homes have and are replacing the single story properties, so we now get to see huge, lot filling houses across the street as our view. An active appellant, Mr. Maniaci's recently approved three story house, presently under construction around the corner on Somerset, will erase the views of at least two upper tier Wellington Drive homes. But none of this is in violation (public view) of the Coastal Act or Local Coastal Plan.

Similarly, starting in the 1970's, and continuing from time to time to the present, deck extensions, whether or not associated with pools, have been routinely approved for upper tier Gilbert Island homes, so owners could enhance their properties and life styles in the same manner as waterfront property owners, and again not in violation of the Coastal Act or LCP. Our plan is to be the most aesthetically compatible and best integrated with the neighborhood, and all the approving bodies have agreed. Councilman Bauer was addressing the rear lot line wall issue, and a similar situation on the Roundhill and Westport streets across the Harbour where 13 foot retaining

walls have/are being built to extend patios to the rear lot line. And when Mr. Urner, President of the Huntington Harbour Property Owners' Association said he is working with the City about this same lot line issue, he clearly told the City Council members that Mr. Taylor's project did not fit into this category as it did not extend to the rear lot line.

Item #2 and so-called Misconception ("M")#1 addresses the signatures on the petition attached to Exhibit A. The attached legible copy of the January 1998 petition header contains the following project description, either being in error or intentionally provocative, "*a 12 foot concrete block wall with a fence on top.....*", and the added verbiage suggesting to the sidewalk Mrs. Cohen is still touting this out-of-date document, while the facts are quite otherwise and which overstates current support as well.

First, a number of petition's signers withdrew once they knew the facts, and these withdrawals are on record, including a number who have subsequently written or appeared on our behalf at the hearings. Second, the list of names on the appeal itself still includes homeowners who withdrew, also on the record. It is a blatant fabrication that "*All his supporters, with one exception, live on the hill.....*". You will see on the attachments that 87% of the Gilbert Island residents, and 69% of those residents whose property abut Gilbert Drive do not oppose our project. Indeed, the attachment also reflects that 78% of the Gilbert Drive waterfront homeowners on Gilbert Island do not oppose our project, and the two waterfront homeowners, directly opposite our property (Lindsay and Nichols), either spoke for or wrote on our behalf. While all these statistics probably have little bearing on the outcome under the regulations, they should bear out just how Mrs. Cohen misstates the opinions of this neighborhood.

M#2 says "*The HHPOA endorsed the project.*" It did, and although it did not notify the neighborhood within 300 feet (which is not a legal requirement), the City did for each of the three hearings. The CC&R's permit the HHPOA to make its own independent judgment, and once it had my documents and drawings, it did, and has supported the project ever since.

M#3 says "*The block wall will be compatible.....*". Of course it will. And it will look even better than the others, possibly the standard which Mr. Urner and the City are seeking. Gilbert Island is the entity, not Gilbert Drive, on which Mrs. Cohen's house is the real problem. Mr. Urner stated at the City Council hearing that he believed 30 years ago there was a construction error in the building of Mrs. Cohen's home (3 story and cut into the slope, when there were still private views).

M#4 "*.....will impinge on privacy, obstruct views and air.*" Mrs. Cohen's house already also seriously impacts our privacy. But I don't believe this is the issue before the Coastal Commission. View is the public domain in this case, and neither Mrs. Cohen's nor ours, which are both impacted by the multi-story waterfront homes, are at issue. Our project simply doesn't impact the public, nor will it block anyone's view.

M#5 says "*There will be no loss of value to the neighbors.*" Interestingly. Mrs. Cohen says not one word about neighbors until the last sentence, which is the first time this subject has ever been raised by her. On file with the City is a real estate professional's written opinion indicating that "the Taylor pool deck extension should virtually have no effect on the value of the property at 3481 Gilbert Drive". The 78% of Gilbert Drive homeowners, who don't object, obviously don't believe they will loose any value; and some say it will only enhance.

Item #3 under "*Noise and Privacy*", addresses the approved stairs, which replace the existing steps, generally used for the slope's and parkway's landscape maintenance, as well as to occasionally sweep the sidewalk and gutter. Mrs. Cohen has previously suggested that this will be used for parties with noise, parking and traffic. These stairs would rarely be used for general use as we've only had a couple of patio parties over the last 25 years, and will continue to be used occasionally for maintenance, rather than having to drive to that portion of our property. Their placement, adjacent to our common line wall, is the best, both from a design standpoint, as well as aesthetically for the entire neighborhood.

Page 5

Item #4 and *In summary*.....The Morrisons have lived in the Harbour a long time as have we. Early in the development of Huntington Harbour, the Christiana Corporation needed more area, beyond the created islands, to place earth dredged from the channel without having to haul it away, and decided on the middle of Gilbert Island, not all the propaganda to which the Morrisons apparently succumbed. It was Christiana who also wrote the CC&R's, which remain virtually unchanged today, but provide for the HHPOA to render decisions, including exceptions, for property development. This included Mr. Maniaci's recent height exception for his 3 story house, almost alongside the Morrisons. It's great for them to suggest that *"the pretty green skirt.....would always be there, when we bought....."*, and yet not expect similar development in the face of 2 and 3 story waterfront houses blocking the views of the upper tier of homes.

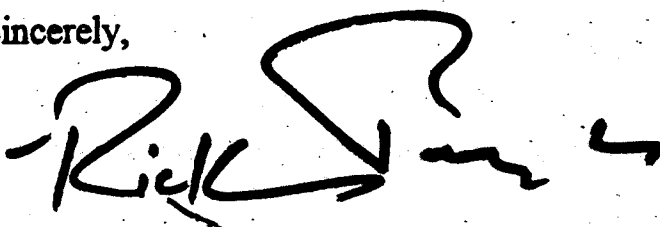
Gilbert Drive is simply a neighborhood street, one of three, each a block long, which constitutes the lower streets on our triangular shaped island with its single access and very little traffic. It certainly isn't a public thoroughfare. However, it is our desire to see all Gilbert Island properties improved for quality living and increased value, and we have already done our share over 25 years and will continue to do so as a result of this project.. The succinct HB/CDD's staff summary, for the City Council, is attached for easy review.

As I said at the outset, this long letter was unfortunately required by the misstatements which Mrs. Cohen continues to serve up. I trust you should have little trouble in findingNo Substantial Issue..... permitting us to finally go ahead with our insignificant project for a little more space for our enjoyment..

Thank you for your consideration. We would certainly appreciate an August hearing date, in Huntington Beach, if required, which would be convenient for all concerned. I would like to reiterate our invitation for a site visit at your convenience, as our project is hard for me to explain, in order for you to properly visualize it. Please do not hesitate to call if you have any questions.

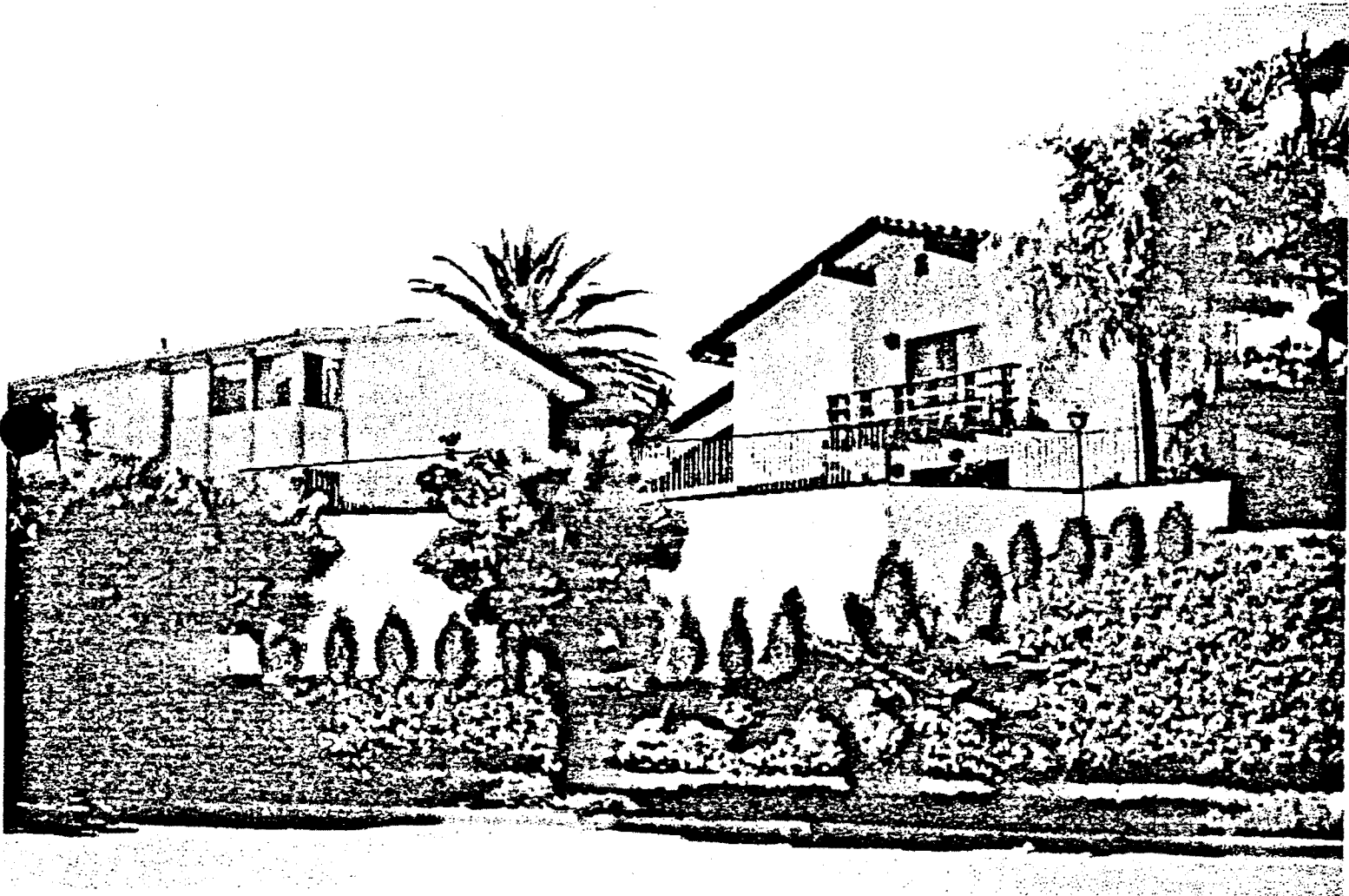
Sincerely,

Attachments: (5)



TAYLOR RESIDENCE

AFTER EXTENSION



Gilbert Drive

REQUEST FOR COUNCIL ACTION

MEETING DATE: June 1, 1998

DEPARTMENT ID NUMBER: CD 98-26

F. SUMMARY

Staff feels that the proposed project will result in ample open space and the proposed design of the wall will be compatible with the neighborhood character. The wall will be in substantial compliance with the Land Use Guidelines and the Coastal Element of the General Plan. The project was approved by the Zoning Administrator and the Planning Commission and is supported by staff because:

- The project is consistent with the goals and objectives of the General Plan, incorporating a creative design that results in an attractive and viable residential area.
- The project is consistent with the objectives of the RL-CZ standards of the code in achieving a development that has an integrated design which properly adapts the development to the surrounding terrain and uses in the area
- The project will not be detrimental to the general health, welfare and safety, nor detrimental to the value of the improvements in the area because since the wall is designed to integrate with the existing neighborhood and the site is physically suitable for this type of development
- The project provides good land planning techniques with maximum use of aesthetically pleasing types landscaping site layout and design.
- The wall is consistent with other walls and decks in the neighborhood and combination block/retaining walls have been approved for similarly zoned lots with sloping rear yards.

Environmental Status:

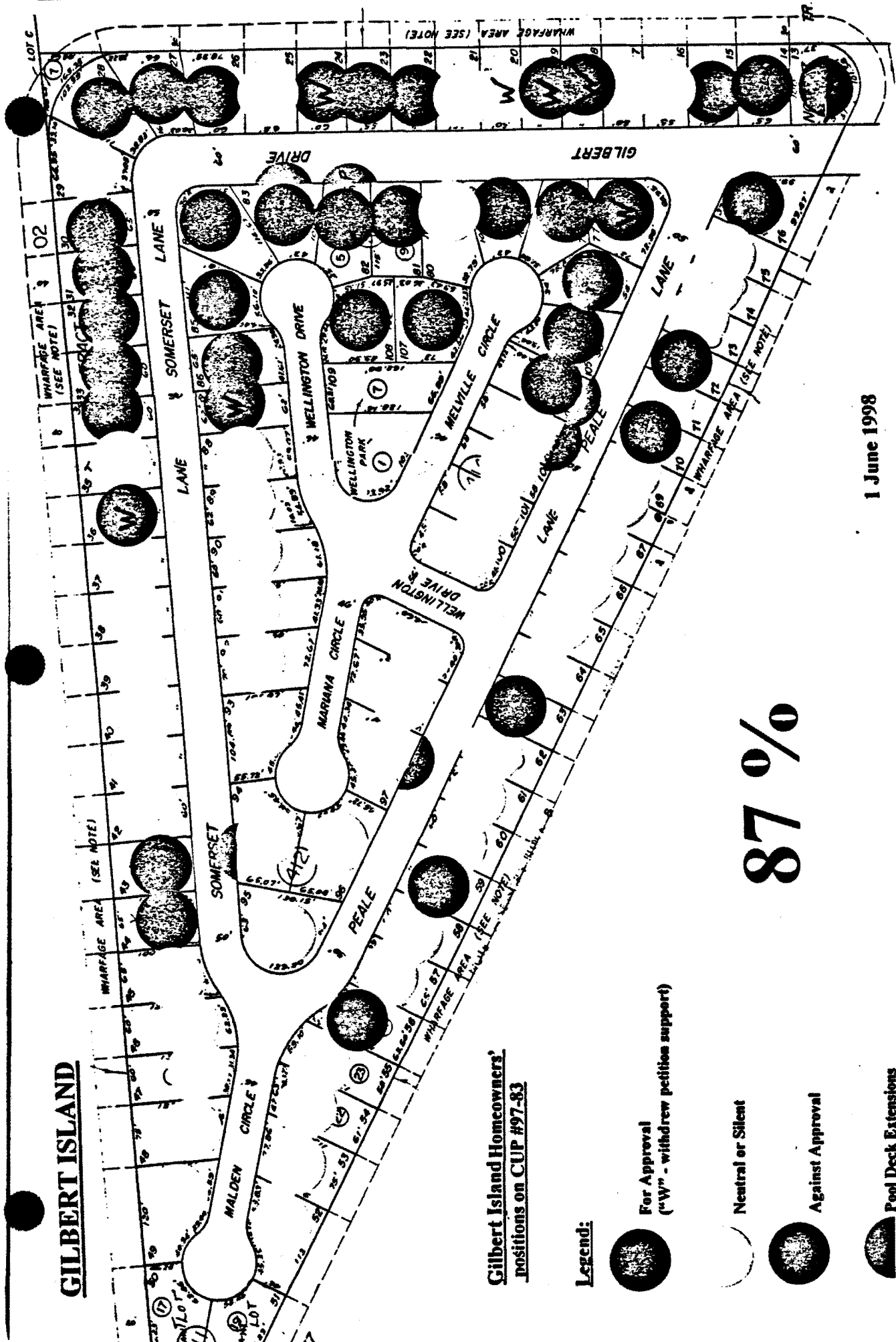
The proposed project is categorically exempt pursuant to Class 1, Section 15301 of the California Environmental Quality Act.

Attachment(s):

City Clerk's Page Number





1. Findings and Conditions of Approval for CUP No. 97-83 and CDP No. 97-33 (Planning Commission and Staff Recommendation)
2. Letters of Appeal from Naomi Cohen dated May 7, 1998 and May 14, 1998
3. Ms. Cohen's letter for postponement of hearing dated May 13, 1998
4. Planning Commission Staff Report dated April 28, 1998
5. Gilbert Island Map (indicates properties with walls and decks)
6. Site Plan and Elevations dated April 9, 1998

GILBERT ISLAND



Gilbert Island Homeowners' positions on CUP #97-83

Legend:

-  For Approval
(“W” - withdrew petition support)
-  Neutral or Silent
-  Against Approval
-  Pool Deck Extensions

87 %

1 June 1998

GILBERT DRIVE

'Gilbert Drive' Homeowners' positions on CUP #97-83

Legend:



For Approval
("W" - withdrew petition support)

Neutral or Silent



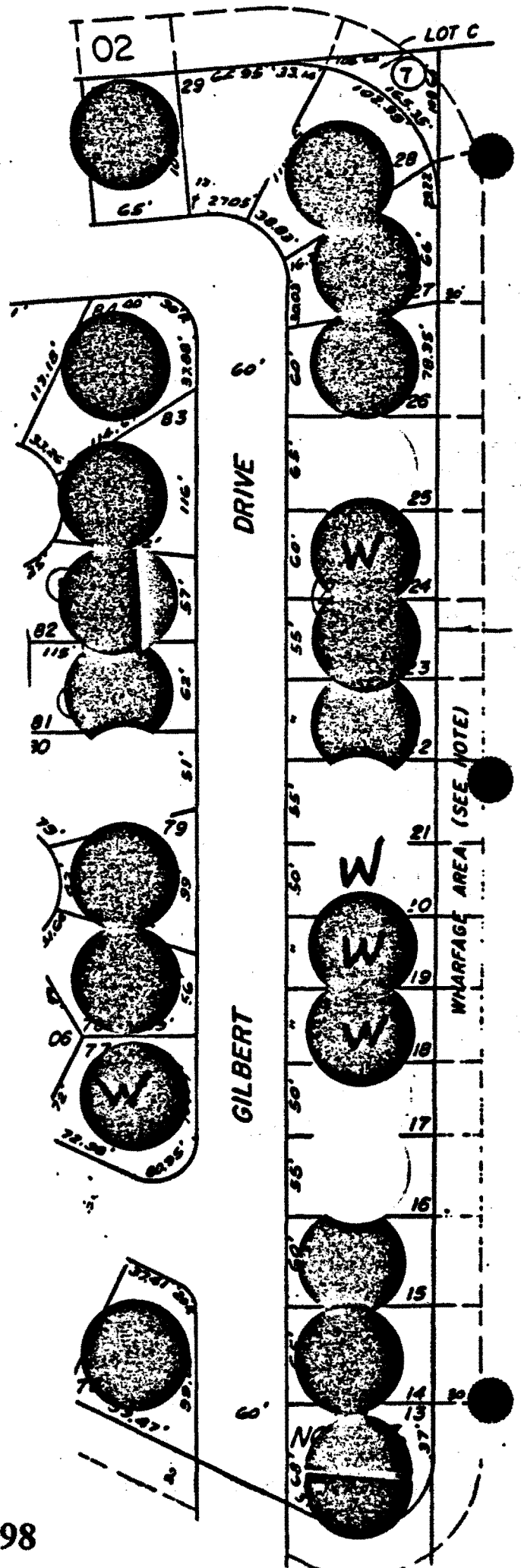
Against Approval



Pool Deck Extension Site

69 %

1 June 1998



PETITION

CONDITIONAL USE PERMIT NO.97-83/COASTAL DEVELOPMENT PERMIT NO.97-33 (TAYLOR RESIDENCE).

I the undersigned, hereby strenuously objects to the construction of a 12 foot concrete block wall with a fence on top and the removal of the existing landscaping for the following reasons:

1. The concrete wall will create a NON-CONFORMING CONDITION which may ultimately start numerous other homes to do the same.
2. Gilbert Island is sadly lacking in landscape and planted areas. This wall will cause an interruption in the original planted sloping hillside design.

I, therefore respectfully request that the Homeowners request for a zoning variance be denied.

NAME	ADDRESS	DATE
GREG GRANI	3302 GILBERT DR	1-19-98
Robert Maniari	16642 SOMERSET LANE	1-19-98
Carolyn M. M. M.	3532 GILBERT DR.	1-19-98
Guy H.	3422 Gilbert Dr	1-19-98
Frank Piotrowski	3412 Gilbert Dr	1-19-98

