### CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE 301 E. OCEAN BLVD., SUITE 300 LONG BEACH, CA 90802-4830 (562) 590-5071



## **W18a**

# A-5-LGB-21-0029 (Radford Laguna, LLC) June 9, 2021

### **EXHIBITS**

### **Table of Contents**

Exhibit 1 – Vicinity Map and Project Site

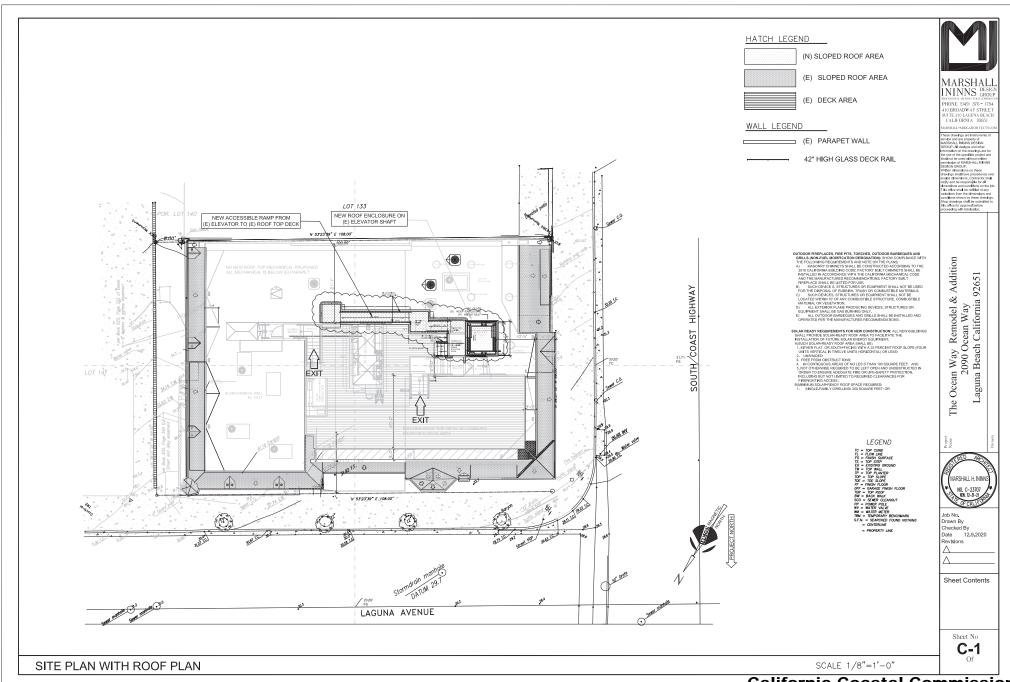
Exhibit 2 – City-approved Project Plans

**Exhibit 3- Local Determination** 

Exhibit 4 – Appeal



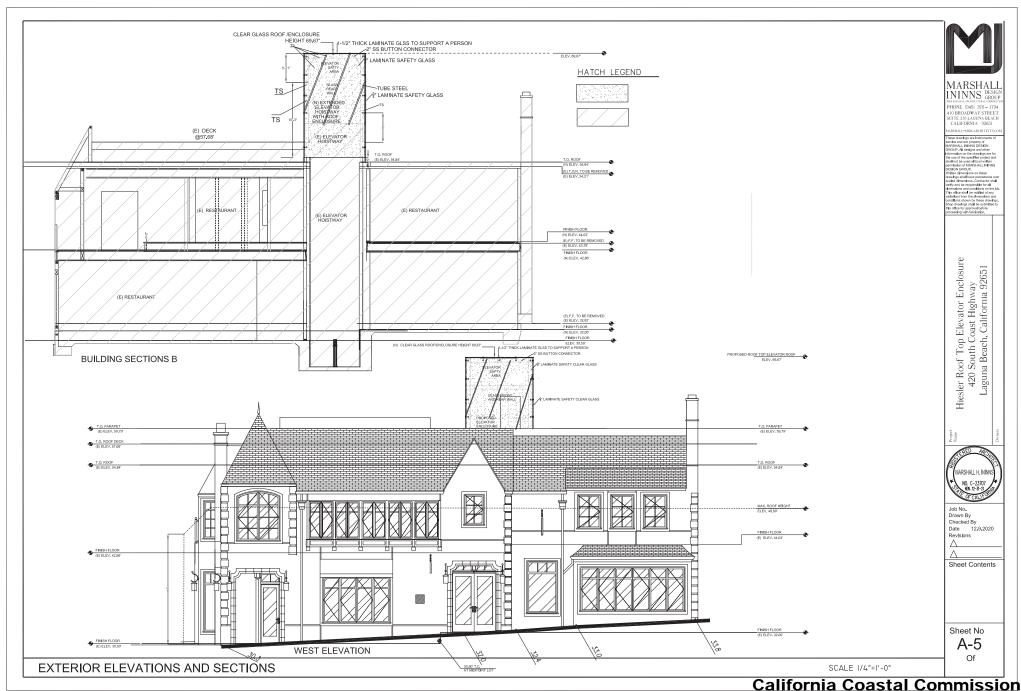




California Coastal Commission A-5-LGB-21-0029 Exhibit 2 Page 1 of 3



lifornia Coastal Commission A-5-LGB-21-0029 Exhibit 2 Page 2 of 3



ornia Coastal Commission A-5-LGB-21-0029 Exhibit 2 Page 3 of 3



### COMMUNITY DEVELOPMENT DEPARTMENT PLANNING COMMISSION STAFF REPORT

Meeting Date: March 17, 2021

Agenda Item No: 4.4

Staff Contact: Martina Caron, Senior Planner

(949) 464-6629 | mcaron@lagunabeachcity.net

**Project Location:** 400-424 South Coast Highway | APN: 644-015-01

Case: Planning Commission Design Review 21-8133,

Coastal Development Permit 21-8470 and

Variance 21-8134

**Applicant:** Marshall Ininns, Architect (949) 376-1794

Executive Summary: The applicant requests approval of Planning Commission Design Review 21-8133, Coastal Development Permit 21-8470 and Variance 21-8134 to construct a new elevator enclosure and accessibility ramp for the existing rooftop deck at 400-424 South Coast Highway (the Heisler Building). A variance is requested to exceed the maximum building height. Staff finds the application (Alternative A) consistent with the intent and purpose of the Downtown Specific Plan, the City's General Plan, the City's Historic Rehabilitation Guidelines, the Secretary of the Interior's Standards (SOIS) and believes the findings can be made to approve the requested variance. The following staff report provides an analysis of the request with a recommendation for Planning Commission approval.







**BACKGROUND:** On February 17, 2021, the Planning Commission considered a request to install a new elevator enclosure and handicap accessibility ramp for the existing rooftop deck. During the public meeting, the applicant presented a design that incorporated modifying the existing elevator to access a lower landing and a new glass elevator enclosure around the existing elevator hoistway on the rooftop deck. The applicant expressed that this design was selected to reduce the overall height of the enclosure. Because the elevator threshold was being lowered, a new handicap ramp was proposed to provide the required handicap access to the revised landing.

After holding a public hearing, the Planning Commission indicated that they were generally in support of the elevator and believed that special circumstances exist to justify the variance. However, the Commission questioned the proposed ramp system and discussed the option of an elevator enclosure that surrounded the elevator in its current configuration, to avoid the construction of the new ramp system. The Planning Commission directed the applicant to install additional staking to evaluate this alternative elevator enclosure design (Alternative B). It was also noted that the applicant requested that the City process a Coastal Development Permit for the project, and it was understood that the project would be re-noticed and return for review on a later date.

**STAFF ANALYSIS:** Since the previous hearing, the applicant has installed additional staking to represent the Alternative A (as proposed at the 2/17/21 PC Hearing) and Alternative B (an approximate two-foot higher proposal). However, while the additional staking was being installed, the applicant became aware that due to an error on the staking plan, the initial project staking had been installed incorrectly 3.33 feet lower than the actual proposed elevator height. The prior plans showed the elevator elevations correctly, but the staking misrepresented the proposed height. On February 23, 2021, the elevator enclosure was re-staked correctly. A green ribbon now indicates the correct height of Alternative A, at the elevation of 69.67', and the pink staking indicates the elevator enclosure height for Alternative B at 71.75'. The staking is shown in Figure 1 below.

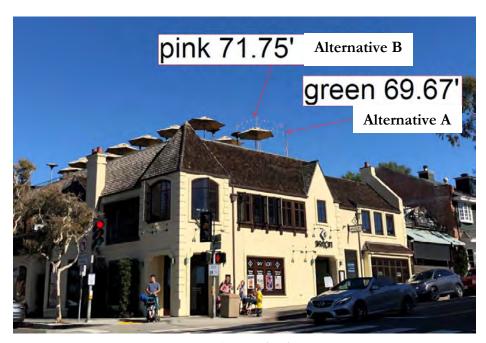


Figure 1. Revised Staking

The below revised plan elevations demonstrate the two alternatives with proposed elevator height dimensions as measured from grade.



Figure 2. Elevation of Alternative A



Figure 3. Elevation of Alternative B

As indicated in the previous staff report, Alternative A is proposed to be 42.67 feet tall and 12 feet above the finished surface of the deck. Alternative B is proposed to be 44.75 feet tall and extend 14 feet above the deck surface. For reference, the umbrellas are permitted to be 8 feet tall.

After viewing the revised staking, staff does not believe that Alternative B is a superior option. The previously proposed elevator is now staked 3.33 feet higher than staked for the prior hearing and Alternative B is staked 5.41 feet higher. As shown in the photos below, the green staking is viewed at alternative locations reads as a similar height as the umbrellas, and is not visible from many locations.

However, the pink staking for Alternative B is much more visible an cattornia coastal continuission Avenue, as shown in Figure 5.

A-5-LGB-21-0029



Figure 4. Staking from Coast Highway



Figure 5. Staking from Laguna Avenue

PCDR 21-8133/CDP 21-8470 Variance 21-8134 March 17, 2021 Page 5

Page 5 of 7

#### Downtown Specific Plan Compliance:

The Downtown Specific Plan states that following design policy for building height:

Building heights in the downtown should be kept low in order to protect views of the surrounding hills, permit sunlight into the streets and maintain the scale of the downtown.

Staff believes that the originally proposed translucent glass elevator enclosure (Alternative A) is consistent with this policy in that the elevator is setback from the edge of the building and the enclosure will not be seen from the sidewalk directly adjacent to the building. Although the enclosure will be visible from across South Coast Highway, the translucent design will protect existing views of the hillside and no changes to the sunlight exposure is anticipated along the street. Staff does not believe Alternative B is consistent with this guideline.

### <u>Variance 21-8</u>134:

The elevator (Alternative A) is proposed to be constructed 42.67 feet above the lowest finish floor of the existing elevator shaft and requires a variance to exceed the Downtown Specific Plan Area's 18-foot maximum building height limit and the City's 36-foot maximum building height [LBMC 25.51.010]. The applicant indicates that he has attempted to implement a solution that would comply with the height limits, but after several years of operation, the maintenance for the existing recessed elevator has become constant and it is not feasible and/or economical to maintain an elevator of this type.

The existing building is nonconforming and currently exceeds the maximum building height. In the past, several variances have been granted to allow construction or additions that exceeded the maximum building height, see below:

- Variance 6057 Second-story addition above the trash area
- Variance 7536 Dormer/mansard roof modifications/additions, skylights, relocation of chimney and wall modifications
- Variance 7643 Partial patio enclosure on the second story
- Variance 14-1169- To construct the rooftop deck

Staff believes the existing conditions and past entitlements create a hardship for the property and recommends that the Planning Commission approve the Variance for Alternative A. Additionally, it appears that there would not be any alternative location for a height compliant elevator enclosure that could serve the rooftop deck. In order to approve the requested variance, the Planning Commission must make the following four findings. Because Alternative A is a compliant option, staff does not believe the findings can be made to support a variance for Alternative B. Staff has provided appropriate justification for each finding for Alternative A:

1. There are special circumstances applicable to the property involved, including size, shape, topography, location or surroundings which cause the strict application of the zoning ordinance to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

A special circumstance exists in that the existing structure is two-stories and was constructed prior to the current zoning standards which impose a one-story height limit. Although the alterations are above the first-floor level, such alterations have been designed to be minimally visible, will provide required access to the existing rooftop deck, and are in keeping with the historical character of the building. Additionally, no compliant alternative options exist.

A-5-LGB-21-0029

Exhibit 3

PCDR 21-8133/CDP 21-8470 Variance 21-8134 March 17, 2021 Page 6

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone.

Staff believes that the requested variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in that the proposed alterations will be of similar scale to other historic properties in the vicinity such as the Hotel La Casa Del Camino (1298 South Coast Highway), Peppertree Lane (400 South Coast Highway) and Hotel Laguna (425 South Coast Highway). The proposal is specifically similar to the elevator enclosure that exceeds the maximum height limits at Hotel La Casa Del Camino.

3. The granting of the variance will not be detrimental to the public health, safety, convenience and welfare or injurious to property or improvements in the vicinity in which the property is located.

The granting of the variance will not be detrimental to the public health, safety, convenience and welfare or injurious to property and improvements in the vicinity in which the property is located in that the new elevator provides improved and dependable access to the deck, where the existing elevator does not regularly function. Additionally, the proposed alterations do not obstruct pedestrian access through or around the property, do not significantly impact ocean, beach, or hillside views from neighboring properties, and further, do not obstruct light, air, or solar access to neighboring properties.

4. The granting of such a variance will not be contrary to the objectives of the zoning ordinance or the general plan.

The granting of the variance will not be contrary to the objectives of the zoning ordinance and the General Plan in that the proposed alterations are modest in size and scale, will be minimally visible and are consistent with the SOIS and the Downtown Specific Plan.

#### California Environmental Quality Act (CEQA) Determination

Pursuant to CEQA Guidelines Section 15301 (existing facilities) staff recommends that the Planning Commission determine that the proposed project is exempt from CEQA under the Class 1 exemption in that the project involves the minor alteration of an existing structure with no expansion of the existing use. Additionally, pursuant to Section 15331, the proposed project is exempt from CEQA under the Class 31 (historic rehabilitation) categorical exemption because the proposed action consists of alterations to a historic structure that have been found to be consistent with the Secretary of the Interior's Standards for Restoration.

### Coastal Development Permit (CDP) Determination

Prior to the February 17, 2021 Planning Commission hearing, a question was raised regarding the requirement of a Coastal Development Permit. A Coastal Development Permit is required when additions are proposed that will increase the building height by more than 10%, and the building is located within three-hundred feet of the sand. While staff has determined that the building is located just over 300 feet from the sand, the applicant indicates that his preference would be to process a Coastal Development Permit for the project. Staff has included the required findings to approve the requested Coastal Development Permit in the attached Resolution.

A-5-LGB-21-0029 Exhibit 3 Page 6 of 7

PCDR 21-8133/CDP 21-8470 Variance 21-8134 March 17, 2021 Page 7

**CONCLUSION:** Staff believes that Alternative A is consistent with the intent and policies of the Downton Specific Plan in that the elevator will be minimally visible, setback from the edge of the building and the translucent design will help protect views of the hillside street sunlight exposure. The proposed glass elevator and new access ramp will not damage or alter any distinctive architectural features, will provide a reversable and differentiated contemporary feature that is subordinate to the existing structure and therefore is consistent with the City's Historic Rehabilitation Guidelines and the SOIS. Further, the existing conditions and past circumstances create a hardship for the property and justification to support the Variance to exceed the height limits can be made. Lastly, granting the Variance will preserve a substantial property right that is possessed by other property owners under similar conditions.

**RECOMMENDATION:** Staff recommends that the Planning Commission approve Planning Commission Design Review 21-8133 and Variance 21-8134 (as proposed under Alternative A), subject to the findings and conditions in the attached resolution.

**ATTACHMENTS:** Exhibit A: Application

Exhibit B: Alternative A Project Plans Exhibit C: Alternative B Project Plans

Exhibit D: February 17, 2021 PC Staff Report and applicable Exhibits

Resolution

### CALIFORNIA COASTAL COMMISSION

Filing Information (STAFF ONLY)

SOUTH COAST DISTRICT OFFICE 301 E. OCEAN BLVD., SUITE 300 LONG BEACH, CA 90802 (562) 590-5071 SOUTHCOAST@COASTAL.CA.GOV



#### APPEAL FORM

Appeal of Local Government Coastal Development Permit

District Office: South Coast	
Appeal Number:	
Date Filed:	
Appellant Name(s):	

### **APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <a href="https://coastal.ca.gov/contact/#/">https://coastal.ca.gov/contact/#/</a>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Coast district office, the email address is <a href="SouthCoast@coastal.ca.gov">SouthCoast@coastal.ca.gov</a>. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <a href="https://coastal.ca.gov/contact/#/">https://coastal.ca.gov/contact/#/</a>).

1. Appellant inform	ation1		
Name:			
Mailing address:			
Phone number:			
Email address:			
How did you participat	e in the local CDP applicat	ion and decision-making prod	cess?
Did not participate	Submitted comment	Testified at hearing	Other
Describe:			
please identify why you participate because yo		,	
why you should be allo	owed to appeal (e.g., if the	appeal processes or otherwis local government did not folk s a fee for local appellate CD	ow proper
Describe:			
, <del></del>			

<sup>&</sup>lt;sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

2. Local C	DP decision being appealed:	2	
Local gover	nment name:		
Local gover	nment approval body:		
Local gover	nment CDP application number:		
Local gover	nment CDP decision:	CDP approval	CDP denial <sub>3</sub>
Date of loca	al government CDP decision:		
denied by th	ntify the location and description on the local government.		was approved or
Describe:			
	·		

Page 3 of 7

<sup>&</sup>lt;sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>&</sup>lt;sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

### 3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet—above.

### 4. Grounds for this appeal4

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe:				

### 5. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name		 
Mark Judge	Thursdaule	
Signature	<del>\(\)</del>	
Date of Signature		

### 5. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>&</sup>lt;sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>&</sup>lt;sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

### CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000 SAN FRANCISCO, CA 94105-2219 VOICE (415) 904-5200 FAX (415) 904-5400



#### DISCLOSURE OF REPRESENTATIVES

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

rour name				
DP Application or Appeal Number	_			
Lead Representative				
Name Title				
Street Address.				
City State, Zip Email Address				
Email Address Daytime Phone				
our Signature				
ate of Signature				

### Additional Representatives (as necessary)

Name	
Titlo	
Street Address.	
Citv	 
State. Zip	
Email Address	 
Davtime Phone	
26,	 
Name	
City	 
State, Zip	
Email Address	 
Davtime Phone	
_ = = ,	 
Name	
Title	
City	
State, Zip	
Email Address	
Davtime Phone	
<b>,</b>	 
Name	
Title	
Street Address.	
City	
State, Zip	
Email Address	
Daytime Phone	
•	
Your Signature	
Date of Signature	