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# W18a

Filed: 04/23/2021  
49<sup>th</sup> Day: 07/02/2021  
Staff: A. Spencer-LB  
Staff Report: 05/25/2021  
Hearing Date: 06/09/2021

## STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

**Appeal No.:** A-5-LGB-21-0029

**Applicant:** Radford Laguna, LLC

**Agents:** Marshall Innins

**Local Government:** City of Laguna Beach

**Local Decision:** Approval with Conditions

**Appellants:** Mark & Sharon Fudge

**Project Location:** 400-424 S. Coast Highway, Laguna Beach, Orange County (APN: 644-015-01)

**Project Description:** Appeal of City of Laguna Beach Local Coastal Development Permit No. 21-8134 to construct a new elevator enclosure and accessibility ramp for the existing rooftop deck at the Heisler Building.

**Staff Recommendation:** No Substantial Issue.

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**IMPORTANT HEARING PROCEDURE NOTE:** This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

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## SUMMARY OF STAFF RECOMMENDATION

The City of Laguna Beach approved a local coastal development permit (CDP) for the construction of a new elevator enclosure and an accessibility ramp for the existing rooftop deck of what is known as the Heisler Building. The Heisler Building is a commercial building that accommodates retail space and a restaurant/bar. The two-story structure is nonconforming in that the structure's height exceeds the 18-ft. height limit in the Visitor Commercial District within the City's Downtown Specific Plan. The elevator enclosure would extend 12 feet above the existing roof deck and would be set back 15 feet from the building's edge along the inland side of South Coast Highway. On April 23, 2021, Mark and Sharon Fudge filed an appeal of the local CDP. The appellants raise the following concerns with the City-approved development: 1) The project allows an increase in size of the non-conforming structure, inconsistent with Municipal Code Sections 25.51.010, 25.56.008, and 25.56.010; 2) the elevator enclosure will adversely impact visual resources in an area protected by a height limit of 18 ft; and 3) the current use of the rooftop deck is in violation of previous permit conditions requiring an operable elevator.

Policy 25.06.008 provides that any project that requires a design review must comply with any applicable standards and design guidelines, focus on quality designs, consider public and private views, protect and enhance the character of the surrounding area, and comply with the certified LCP policies. Policy 25.56.010 provides that no nonconforming uses may be enlarged or expanded. The City-approved project involves the repair of an elevator used to access the roof deck of the structure, which is currently being used as a serving area for a restaurant/bar. The project does not propose any changes to the restaurant, which is itself a conforming use. Therefore, the project, as approved by the City, would not be inconsistent with Section 25.56.010. In its review of the project, the City required the applicant to install staking for two proposed elevator enclosure alternatives to evaluate each alternative's impact to visual resources. After analyzing the project site from several vantage points the City concluded that the applicant's originally proposed alternative minimized visual impacts to the greatest extent feasible. Furthermore, the City made findings that the project is consistent with the City's Historic Preservation Guidelines, is consistent with the general character of the area, and that the project would not adversely impact public access. Given that the proposed replacement elevator, enclosure, and elevator access ramps would not alter the existing service area of the restaurant, the project would not require additional parking spaces. Therefore, the proposed project would be consistent with Municipal Code Section 25.56.008.

In response to the appellants' claim of an onsite violation, Commission staff investigated the project site history and did not identify any onsite unpermitted development or any violations of vested CDPs. The appellants seem to refer to a violation of a local building permit for the elevator. However, the condition to provide a continually operating elevator does not appear in the language of the underlying CDP. Under the CDP's language, the applicant could apply to change out the elevator system, provided that a CDP or amendment is sought to implement the changes. The applicant is requesting a CDP to implement improvements to the elevator which will allow it to function.

Therefore, Staff recommends that the Commission determine that **no substantial issue**

**exists** with respect to the grounds on which appeal number A-5-LGB-18-0056 has been filed. The motion and resolution can be found on Page 5 of the staff report.

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### EXHIBITS

[Exhibit 1 – Vicinity Map and Project Site](#)

[Exhibit 2 – City-approved Project Plans](#)

[Exhibit 3 – Local Determination](#)

[Exhibit 4 – Appeal](#)

## I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE

**Motion:** I move that the Commission determine that Appeal No. A-5-LGB-21-0029 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**Resolution:** The Commission hereby finds that Appeal No. **A-5-LGB-21-0029** presents **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## II. APPELLANTS' CONTENTIONS

The Commission received a Notice of Final Local Action (NOFA) for City of Laguna Beach Local CDP No. 18-1096 on April 9, 2021. Local CDP No. 21-8133 approves the construction of an elevator enclosure and access ramp on the roof deck of a mixed-use retail/restaurant structure.

On April 23, 2021, an appeal was filed by Mark and Sharon Fudge ([Exhibit 4](#)). The appellants contend that the City's approval does not comply with the City's certified LCP. More specifically, the appellants raise the following concerns with the City-approved development:

- 1) The city-approved project allows an increase of the non-conforming structure, which is inconsistent with Municipal Code Sections 25.51.010, 25.56.008, and 25.56.010.
- 2) The city-approved elevator will adversely impact visual resources in an area protected by a height limit of 18 feet.
- 3) The current use of the rooftop deck is in violation of previous permit conditions requiring an operable elevator.

## III. LOCAL GOVERNMENT ACTION

The applicant applied to the City of Laguna Beach for a CDP to install a new elevator enclosure and handicap accessibility ramp for the existing rooftop deck. On February 17, 2021, the Planning Commission held a public hearing to consider the subject application. During the public meeting, the applicant stated that the proposed replacement elevator and enclosure are being sought to repair an existing elevator system that does not function efficiently and that is exorbitantly expensive to maintain. The applicant further explained

that the replacement elevator and enclosure would utilize a lower landing level in order to reduce the overall height of the glass elevator enclosure. Due to the proposed lower landing level of the new elevator, a new handicap ramp was included in the proposal to provide required handicap access to the revised elevator landing.

The Design Review Board (DRB) had some concerns about the proposed ramp system and advised the applicant to explore the option of an elevator enclosure that surrounded the elevator in its current configuration to avoid the construction of the new ramp system. The City directed the applicant to install additional staking to evaluate this alternative elevator enclosure design (Alternative B).

On March 17, 2021, the City of Laguna Beach Design Review Board (DRB) held a second public hearing for the coastal development permit application and a height variance for a replacement elevator enclosure to access the roof deck of the Heisler Building. Upon further review of the two design alternatives, the DRB determined that the original design (Alternative A) was a superior alternative to the alternate design that the DRB suggested (Alternative B). For one, Alternative A would result in an elevator enclosure that is 12 feet above the finished roof deck surface, whereas Alternative B would result in an elevator enclosure 14 feet above the finished roof deck surface. Furthermore, a visual analysis submitted by the applicant demonstrated that Alternative A would not be visible from certain angles of the building, whereas Alternative B would be visible from almost every vantage point. Therefore, the DRB approved Local Coastal Development Permit (CDP) No. 21-8133 and Variance 21-8134 to allow the elevator enclosure to surpass the 18-foot height limit. The variance was granted because 1) the structure's construction prior to the current zoning code regulations created a special circumstance for the project site; 2) the Hotel La Casa Del Camino, the Hotel Laguna, and Peppertree Lane were granted similar height variances for similar development; and 3) the City determined that the variance would not adversely impact public health, safety, or general welfare within the project vicinity. ([Exhibit 3](#)).

The Design Review Board further determined that the project was categorically exempt from California Environmental Quality Act (CEQA) requirements pursuant to Section 15301 (existing facilities) and Class 31 (historic rehabilitation). The City's rationale was that the project involves the minor alteration of an existing historic structure with no expansion of the existing use and no inconsistencies with the Secretary of the Interior's Standards for Restoration.

On April 9, 2021, the Coastal Commission's South Coast District Office received a valid Notice of Final Action (NOFA) for the local CDP. The Commission issued a Notification of Appeal Period on April 9, 2021. On April 23, 2021, Mark and Sharon Fudge filed the appeal during the ten (10) working day appeal period (**Exhibit 3**). No other appeals were received. The City and applicant were notified of the appeal by Commission staff in a letter dated April 26, 2021.

#### **IV. APPEAL PROCEDURES**

After certification of LCPs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on CDPs. Development approved by

cities or counties may be appealed if it is located within certain geographic appealable areas, such as development located between the sea and the first public road paralleling the sea, or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not a designated "principal permitted use" under the certified LCP. Finally, any local government action on a proposed development that would constitute a major public work or a major energy facility may be appealed, whether approved or denied by the city or county [Coastal Act Section 30603(a)]. Section 30603(a)(1) of the Coastal Act establishes the project site as being in an appealable area within 300 feet of the inland extent of any beach.

### **Grounds for Appeal**

The grounds for appeal under Section 30603 of the Coastal Act are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act.

Section 30625(b)(2) of the Coastal Act requires a de novo review of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603(a). If the Commission finds that the appellants' contentions raise no substantial issue, the action of the local government becomes final.

### **Qualifications to Testify before the Commission**

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who opposed the project before the local government (or their representatives), and the local government. (14 CCR Section 13117.) In this case, the City's record reflects that Mark and Sharon Fudge opposed the project in person at the local hearing. Testimony from other persons regarding the substantial issue question must be submitted in writing. (Id.) Any person may testify during the de novo CDP determination stage of an appeal (if applicable). The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

## **V. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE**

### **A. PROJECT DESCRIPTION AND LOCATION**

The City-approved project is described as the construction of a new elevator enclosure and an accessibility ramp for the existing rooftop deck of the Heisler Building, a two-story pre-coastal structure that is comprised of retail space on the ground floor and a restaurant/bar on the second floor. The elevator enclosure would extend 12 feet above the existing roof deck and would be set back 15 feet from the building's edge on the inland side of South Coast Highway. The project is being proposed to repair an existing recessed elevator system, which has not functioned efficiently to serve the building. [\(Exhibit 2\)](#).

The project site is a rectangular-shaped, 6,500-sq. ft. inland lot located at 400 S. Coast Highway in Laguna Beach [\(Exhibit 1\)](#). The site is located landward of the first public road (South Coast Highway) and the sea. Due to the project's location within 300 feet of the

beach, development approved by the City of Laguna Beach pursuant to its certified LCP is appealable to the Coastal Commission at this project site. The site is located within the Visitor Commercial District of the Downtown Specific Plan area, which encourages retail, restaurant, and other light commercial uses. The structure is nonconforming in that the height of the structure exceeds the 18-ft. height limit in the Visitor Commercial District. Public access to the beach is available via a public access stairway located at the end of Laguna Avenue, located adjacent to the project site.

#### **B. LOCAL COASTAL PROGRAM CERTIFICATION**

The City of Laguna Beach Local Coastal Program (LCP) was certified on January 13, 1993. The City's LCP is comprised of a Land Use Plan (LUP) and an Implementation Plan (IP). The City's Land Use Plan is comprised of a variety of planning documents including the Land Use Element (LUE), Open Space/Conservation Element, Technical Appendix, and Fuel Modification Guidelines (of the Safety General Element of the City's General Plan as adopted by Resolution 89.104). The Implementation Plan (IP) of the City of Laguna Beach certified Local Coastal Program (LCP) is comprised of over 10 documents, including Title 25, the City's Zoning Code. The Coastal Land Use Element of the LCP was updated and replaced in its entirety via LCPA 1-10 in 2012. The Open Space/Conservation Element and Title 25 have been amended a number of times since original certification. Laguna Beach has a certified Local Coastal Program (LCP), but there are four areas of deferred certification in the City: Irvine Cove, Blue Lagoon, Hobo Canyon, and Three Arch Bay. The project site is located within the City of Laguna Beach's certified jurisdiction and is subject to the policies of the certified LCP.

#### **C. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS**

Section 30625(b)(2) of the Coastal Act requires a de novo hearing on an appealed project unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal has been filed pursuant to Section 30603(a) of the Coastal Act. Section 13115(c) of the Commission regulations provides that the Commission may consider the following five factors when determining if a local action raises a significant issue:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor.



#### **D. SUBSTANTIAL ISSUE ANALYSIS**

See Appendix A for a list of relevant and applicable definitions and policies of the LCP.

#### **Appellants' Argument No. 1: The city-approved project allows an increase in the size of the non-conforming structure, which is inconsistent with Municipal Code Sections 25.51.010, 25.56.008, and 25.56.010.**

The appellants assert that the City-approved project raises a substantial issue because it increases the degree of the existing nonconformity of the project site, which is inconsistent with the Municipal Code policies.

Chapter 25 of the City's Municipal Code (which is included in the certified IP) contains the following policies pertaining to nonconforming development:

Section 25.06.008 of the Municipal Code states:

A legal nonconforming structure may be enlarged or expanded if:

(A) The enlargement or expansion complies in every respect with all applicable provisions of this Title 25; and

(B) When design review is required, the approval authority finds that the proposed enlargement or expansion and the project as a whole complies with the design review provisions in Section 25.05.040(A) and (H). (The existing nonconformities shall be identified in the public hearing notice.); and

(C) The required number of parking spaces is provided per Chapter 25.52, Parking Requirements. However, existing single-family dwellings that have a nonconforming number of required parking spaces may be enlarged or expanded without complying with the required number of spaces, if the total gross floor area of the residential structure, including the proposed enlargement or addition, does not exceed fifteen hundred square feet and at least one parking space is provided on the property. (Ord. 1515 § 6, 2009; Ord. 1416 § 22, 2002; Ord. 1282 § 1, 1994).

Section 25.56.010 of the Municipal Code states:

A nonconforming use or portion thereof shall not be enlarged or expanded (Ord 1282 § 1(part), 1994).

The policies cited above provide that a nonconforming structure may be expanded, provided that the proposed expansion complies with the general design review process, and that the expansion provides adequate parking to serve the development. Although a nonconforming structure may be expanded pursuant to the certified IP policies, a nonconforming use (such as a residence constructed on a commercial lot) may not be expanded.

The project site currently supports a two-story, 6,500 sq. ft. pre-coastal structure that is developed with mixed retail and restaurant space. There are no residential or hotel uses on the site. Given that the project site is located in the Visitor Commercial District of the Downtown Specific Plan Area, both retail and restaurant uses are conforming uses. The City-approved project involves the repair of an elevator used to access the roof deck of the structure, which is currently being used as a serving area for a restaurant/bar. The project does not propose any changes to the restaurant, which is itself a conforming use. The reason for the development of the elevator is to enable it to serve the restaurant by allowing restaurant patrons and employees to access the roof deck service area. Therefore, the project, as approved by the City, would not be inconsistent with Section 25.56.010.

Policy 25.06.008 provides that any project that requires a design review must comply with any applicable standards and design guidelines, focus on quality designs, consider public and private views, protect and enhance the character of the surrounding area, and comply with the certified LCP policies. Subsection H outlines specific criteria that projects subject to design review must meet, including: 1) minimization of access conflicts; 2) design articulation; 3) design (architecture) integrity; 4) preservation of the City's natural setting; 5) General Plan Compliance; 6) Historic Integrity; 7) drought-tolerant landscaping and view equity; 8) minimization of lighting and glare; 9) neighborhood compatibility, and other criteria, as detailed in Municipal Code Policy 25.05.040.

In its review of the project, the City adequately analyzed the project to ensure consistency with Municipal Code Section 25.56.008. The City required the applicant to install staking for two proposed elevator enclosure alternatives to evaluate each alternative's impact to visual resources. After analyzing the project site from several vantage points (which are detailed in the February 17, 2021 and March 17, 2021 staff reports), the City concluded that the applicant's originally proposed alternative minimized visual impacts to the greatest extent feasible. In addition, the City adequately analyzed the details of the proposed elevator enclosure. The City's March 17 staff report concludes that the translucent glass design of the enclosure and the enclosure's setback (estimated to be 15 feet in the City's February 17 staff report) from the edge of the building would adequately protect public coastal views in the area. The City also included photos of the applicant's staking to demonstrate that the applicant's proposal was the least damaging to visual resources. Furthermore, the City made findings that the project is consistent with the City's Historic Preservation Guidelines, is consistent with the general character of the area, and that the project would not adversely impact public access. Given that the proposed replacement elevator, enclosure, and elevator access ramps would not alter the existing service area of the restaurant, the project would not require additional parking spaces. Therefore, the proposed project would be consistent with Municipal Code Section 25.56.008. The appellants also reference an inconsistency with Section 25.51.010, but this policy is not included in the certified language for Chapter 25 (Zoning Code), which comprises a portion of the certified Implementation Plan (IP).

The City provided a high degree of factual and legal support for its decision to approve the proposed project. Therefore, the appellants' contention does not raise a substantial issue.

**Appellants' Argument No. 2: The visual impacts of the city-approved elevator will adversely impact visual resources in an area protected by a height limit of 18 ft.**

The appellants' second contention is that the project would adversely impact visual resources in an area that is protected by a height limit of 18 feet.

As described above, the proposed elevator enclosure would not adversely impact public coastal views. In its staff report for the project, the City included a visual analysis, which included photos of the project staking. The analysis concludes that while the proposed 12-ft. elevator enclosure would clearly be seen from Coast Highway, the elevator enclosure would not be visible from Laguna Avenue. Although the elevator would be visible from Coast Highway, the project would not impact public views of the coast due to the project's location on the landward side of the street. Moreover, the elevator enclosure, which is set back considerably from the building's edge, would not impact views to the hillsides that are available from the Coast Highway/Laguna Avenue intersection.

As stated previously, the project site is located within the Visitor Commercial District of the Downtown Specific Plan Area, which has a height limit of 18 ft. The subject structure was constructed in 1923, before the Coastal Act and before the Downtown Specific Plan height limit was established. In its staff reports for the project, the City considered four criteria in order to determine whether a height variance could be approved for the proposed elevator enclosure. First, the City concluded that the structure's construction prior to the current zoning code regulations created a special circumstance for the project site. Second, the City identified similarly nonconforming properties within the project vicinity (the Hotel La Casa Del Camino, the Hotel Laguna, and Peppertree Lane) which were granted variances because the buildings were similarly nonconforming with respect to building height. Third, the City determined that the variance would not adversely impact public health, safety, or general welfare within the project vicinity. Specifically, the City concluded that the new elevator would provide improved, safe access to the roof deck without adversely impacting public coastal access, public coastal views, or obstructing light, air, or solar access to neighboring properties. Finally, the City concluded that the variance would not contradict the General Plan objectives because the enclosure would be minimally visible.

The City provided sufficient factual and legal support for its decision to approve the proposed project, and the appellants' contention does not raise a substantial issue.

**Appellants' Argument No. 3: The current use of the rooftop deck is in violation of previous permit conditions requiring an operable elevator.**

The appellants' final contention is that the City should not have approved the proposed project because the rooftop deck is in violation of its permit conditions, which require, among other things, an operable elevator.

On October 21, 2014, the City approved Variance 14-1169 and Coastal Development Permit (CDP) 14-1168 to increase the historic parking reduction incentive and construct a new rooftop deck. A variance was approved to allow the proposed rooftop deck to exceed the 12-foot maximum building height limit in the Downtown Specific Plan Area under the justification that the proposal infilled an existing roof area, did not exceed the existing building height, did not affect the apparent mass of the building, was modest in size and

scale and provided enhancements that are desired with the Downtown Specific Plan area. On August 18, 2015, the City approved local permits to install the elevator system to access the roof deck. At that time, the elevator system was designed as a hybrid elevator system so that the elevator car would not be visible except when in use. When not in use the elevator would promptly return to a below-deck level; because there was no elevator enclosure that would project above the roofline, a variance was not required to exceed the maximum building height at that time. To ensure continued compliance with this proposal, the following condition was included in the approval Resolution:

“The elevator shall remain in the down position (below deck level) except for when in use to load or unload occupants from the rooftop deck.”

The City’s staff reports state that since being installed in 2018, the elevator, when functioning, has been in operation pursuant to this condition. However, the applicant has indicated that the elevator does not work most of the time and attributes the malfunctions to the corrosive ocean environment and other mechanical issues.

During the City’s review process, the applicant provided a detailed analysis to detail the feasibility of maintaining the hybrid elevator system. The analysis concluded that maintaining the elevator system in its current configuration is prohibitively expensive, and further, that an elevator enclosure would be the most efficient way to protect the elevator from weather/air exposure and ensure continuous function.

Commission staff has investigated the project site history and has not identified any unpermitted development on site or any violations of vested CDPs. The violation to which the appellants are referring is a condition of a local building permit for the elevator (which was approved pursuant to Local CDP 14-1168). However, the condition to provide a continually operating elevator does not appear in the language of the underlying CDP. Under the CDP’s language, the applicant could apply to change out the elevator system, provided that a CDP or amendment is sought to the changes, which the applicant is seeking in this case. Therefore, the appellants’ contention does not raise a substantial issue.

#### **SUBSTANTIAL ISSUE FACTORS:**

The Commission typically applies five factors in making a determination whether an appeal raises a substantial issue pursuant to Section 30625(b)(2).

**1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP.** The City substantially supported its approval of the project as being consistent with all of the applicable policies of the certified LCP (specifically the visual impact policies). Therefore, there is a high degree of factual and legal support for the local government’s decision that the project, as conditioned, is consistent with the LCP, and this factor supports a no substantial issue finding.

**2. The extent and scope of the development as approved or denied by the local government.** The City granted a Local CDP for zero sq. ft. addition and renovations to an existing commercial structure on the subject site. The project would not change the size of

the structure, but the proposed elevator enclosure would protrude upward 12 feet from the finished roof deck. The scope of the development is minor. Therefore, this factor supports a finding of no substantial issue.

**3. The significance of the coastal resources affected by the decision.** The subject site is an interior infill lot that is landward of the first public road parallel to the sea. The proposed project is limited to an improvement to the existing structure, with no change to the overall structure size. The City approved a height variance for the elevator enclosure to surpass the 18-ft. height limit in this area, mainly predicated on the fact that the existing structure itself surpasses 18-ft. The proposed project would not impact views to or along the ocean, the coast, or the coastal bluffs. Furthermore, the project is not located on the beach, coastal bluff, or any environmentally sensitive habitat area (ESHA) oceanfront bluff lot. Therefore, this factor supports a finding of no substantial issue.

**4. The precedential value of the local government's decision for future interpretations of its LCP.** The proposed project is an improvement to the existing commercial structure, with no proposed changes to the existing restaurant or retail uses (which are both allowable uses under the City's Zoning regulations). The proposed project is consistent with the policies of the certified LCP, and City interpreted the LCP in a manner that is consistent with the Coastal Act. Thus, the City's decision will not set an adverse precedent for interpretation of the LCP. This factor supports a finding of no substantial issue.

**5. Whether the appeal raises local issues, or those of regional or statewide significance.**

The appeal does not raise coastal issues of local, regional, or statewide significance. The applicant is proposing an elevator enclosure and elevator access ramp for an existing retail/restaurant structure. The project constitutes a minor improvement that will not adversely impact public access, public coastal views, or the character of the surrounding area. Moreover, the project site is not located in a hazardous area, and the project would not impact public health and safety. Therefore, this factor supports a finding of no substantial issue.

**Conclusion**

In conclusion, the Commission finds that the appeal raises **no substantial issue** as to conformity with the policies of the City's certified LCP and the public access policies of the Coastal Act.

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

1. Preliminary Geotechnical Investigation, Proposed Residence Remodel by Geofirm, dated March 29, 2018.
2. Response to City of Laguna Beach Geotechnical Report Review Checklist by Geofirm, dated May 8, 2018.
3. Supplemental Geotechnical Investigation of Bluff Slope Stability, Proposed Residence Remodel by Geofirm, dated May 8, 2018.
4. Coastal Hazard Analysis for Remodel of Single Family Residence, 8 Rockledge Road, Laguna Beach, Orange County, California by GeoSoils Inc., dated November 28, 2016.
5. Updated Coastal Hazard Analysis for Remodel of Single Family Residence, 8 Rockledge Road, Laguna Beach, Orange County, California by GeoSoils Inc., dated August 6, 2018.
6. Updated Coastal Hazard Analysis for Remodel of Single Family Residence, 8 Rockledge Road, Laguna Beach, Orange County, California by GeoSoils Inc., dated January 4, 2019.