

GRAY DAVIS, Governor

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
10000 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

Filed: 4/24/01  
49th Day: 6/12/01  
180th Day: 10/21/01  
Staff: MV-LB  
Staff Report: 5/23/01  
Hearing Date: June 12-15, 2001  
Commission Action:



**RECORD PACKET COPY**

**Tu9a**

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

**LOCAL GOVERNMENT:** City of Laguna Beach

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-LGB-01-149

**APPLICANT:** Dean Hazen

**AGENT:** Lance Polster

**PROJECT LOCATION:** 31711 Seacliff Drive, Laguna Beach, Orange County

**PROJECT DESCRIPTION:** Addition of a 226 square foot enclosed deck (lanai) at the upper level and a 252 square foot deck at the mid level of a three level, bluff top single family residence.

**APPELLANT:** Alice Upjohn

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reason: Pursuant to Section 30603(b)(1) of the Coastal Act the locally approved development does conform to the City of Laguna Beach certified Local Coastal Program (LCP). The motion to carry out the staff recommendation is on page 4.

**SUBSTANTIVE FILE DOCUMENTS:**

1. Local Coastal Development Permit No. 01-04
2. City of Laguna Beach Certified Local Coastal Program.

## I. APPELLANTS' CONTENTIONS

Local Coastal Development Permit No.01-04, approved by the Laguna Beach Design Review Board on February 22, 2001, has been appealed by Alice Upjohn on the grounds that the approved project does not conform to the requirements of the Certified LCP (see exhibit C). The appellant contends that the proposed development does not conform to the requirements of the certified LCP with regard to the following issues:

### A. Encroachment into the Blufftop Setback Area

The appellant contends that the project approved by the City will encroach into the required blufftop setback which is prohibited so as to protect delicate coastal resources and scenic views.

### B. View Preservation

The appellant contends that the project approved by the city is inconsistent with the City's certified LUP policy 12-D which requires preservation of views from existing residences. The appellant also contends that the project is inconsistent with Section 30251 of the Coastal Act which requires protection of scenic and visual resources.

### C. Coastal Development Permit Application Submittal Requirements

The appellant contends that the project approved by the City is inconsistent with Section 25.07.012(C) of the City's certified LCP Implementation Plan which requires submittal of a location map and site plan at the time of application. In addition, the appellant contends the project is inconsistent with the following Sections of the Implementation Plan:

No evidence was submitted by applicant that the project:

- will not adversely affect environmentally sensitive area 25.07.012(E)(2)
- will not adversely affect scenic coastal resources 25.07.012(E)(4)
- was sited and designed to prevent adverse impacts to scenic resources located in adjacent recreation areas  
25.07.012(E)(4)
- will not result in undue risks from geological forces 25.07.012(E)(5)

### D. Public Notice

The appellant contends that the Public Notice project description was different than was originally presented to the City Council and ultimately approved by the City Council.

### E. Variance

The appellant contends that the application submitted by the applicant for a variance stated the applicant's was the only property in area with no deck but the applicant actually has two oceanfront decks.

The appellant contends that the applicant did not submit any evidence to support the request for a variance.

## **II. LOCAL GOVERNMENT ACTION**

On February 22, 2001, the City of Laguna Beach Design Review Board held a public hearing for the proposed project. At the conclusion of the public hearing, the Design Review Board found that the proposed project is consistent with the goals and policies of the City of Laguna Beach certified LCP and approved Local Coastal Development Permit No. 01-04 for the addition of a lanai (enclosed deck) and a second deck (Resolution No. CDP 01-008). The Design Review Board also adopted a Resolution (No. 01-019) granting a Variance allowing the proposed project to encroach into the required blufftop setback.

The Design Review Board approval was appealed by Alice Upjohn to the City Council. At the Laguna Beach City Council meeting of March 27, 2001 the City Council denied the appeal and sustained the approval of Variance 6794, Design Review 01-030 and Coastal Development Permit 01-04 for the project.

## **III. APPEAL PROCEDURES**

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea 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 designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the four areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modifications had been properly accepted and the City assumed permit issuing authority at that time. Section 30603(a)(2) of the Coastal Act identifies the proposed project site as being in an appealable area by its location being within 300 feet of the top of the seaward face of a coastal bluff.

Section 30603 of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:
  - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
  - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

The grounds for appeal of an approved local Coastal Development Permit in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

#### **IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that **no substantial issue exists** with respect to the conformity of the project with the policies of the City of Laguna Beach certified Local Coastal Program, pursuant to Public Resources Code Section 30625(b)(2).

**MOTION:** Staff recommends a **YES** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-LGB-01-149 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

#### **V. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Project Description**

The project approved by the City is the addition of a 226 square foot enclosed deck (lanai) at the third level and a 252 square foot deck at the second level of a three level, bluff top single family residence. The decks

are to be supported by three 16 by 16 inch columns. An approximately 3 foot wide deck currently exists at the second level of the residence. The proposed decks will extend 8 feet beyond the existing residence and approximately 5 feet beyond the existing second level deck. The existing residence is 1,629 square feet with an attached 421 square foot garage. In addition, an at-grade brick patio extends to within approximately 4 feet of the bluff edge.

The subject site is located in the South Laguna area of the City of Laguna Beach. The subject site is located at the inland-most point of a small cove. The bluff at the subject site is near vertical. No public or private access to the sea is available at this cove.

## **B. Substantial Issue Analysis**

As stated in Section III of this report, the grounds for appeal of a Coastal Development Permit issued by the local government after certification of its Local Coastal Program are specific. In this case, the local Coastal Development Permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

In this case, the appellant contends that the City's approval of the proposed project does not conform to the requirements of the certified LCP (See Section I). However, staff is recommending that the Commission find that the locally approved project does conform to the certified LCP and find that no substantial issue exists with respect to the grounds on which the appeal has been filed.

### **1. View Preservation**

The appellant contends that the project is inconsistent with Section 30251 of the Coastal Act which requires protection of scenic and visual resources. However, Section 30251 is not part of the City's certified LCP and so this contention is not a legitimate ground for appeal. In addition, Section 30251 of the Coastal Act protects public scenic and visual resources. In any case the proposed project will not interfere with any public views. Seacliff Drive, a short, narrow, dead end street perpendicular to Coast Highway, does not afford any public views.

The appellant also contends that the proposed project is inconsistent with Policy 12-D of the City's certified Land Use Plan (LUP) Land Use Element which states:

*As part of the Design Review process, maximize the preservation of views of coastal and canyon areas from existing residences, and public view points while respecting rights of property owners proposing new construction.*

In reviewing the proposed development the City did consider views from existing residences. The file forwarded by the City contains letters from four of the adjacent neighbors supporting the proposed project. In addition, a letter from the appellant raising the issue of views from her residence was included in the City file used to make a decision on the project. Further, minutes from the City Council hearing indicate that the appellant spoke at the hearing and raised the issue of impacts to views from her adjacent residence. The proposed addition will be located well landward of adjacent development. No additional height is proposed. The proposed project will not impact views from adjacent residences.

The City Council considered views from existing residences when reviewing the project on appeal and found that these views were not impacted. The question of private views does not rise to a level of statewide importance and therefore the Commission does not intervene.

Therefore, the project as approved by the City raises no substantial issue with regard to view preservation.

2. Coastal Development Permit Application Requirements

The appellant contends that the proposed project is inconsistent with Section 25.07.012(C) of the City's certified LCP Implementation Plan which requires that applications for coastal development permits include a location map showing the project in relation to nearby lots, streets, highways, and major natural features such as the ocean, beaches, wetlands, and other major landforms. Also, the appellant contends that the project application did not include a site plan drawn to scale as required by Section 25.07.12(C). However the City's project file, forwarded to the Commission includes a site plan drawn to scale as required by the LCP. In addition, the City's project file includes an Assessor's Parcel Map, which shows the subject site in relation to the nearby lots, streets, highways and the ocean. Also the file includes photos of the subject site and surrounding sites and bluff. These meet the requirement of the LCP.

Regarding coastal development permit application procedures, the appellant further contends that the project is inconsistent with the following sections of the Implementation Plan:

No evidence was submitted by the applicant that the project:

- will not adversely affect environmentally sensitive area 25.07.012(F)(2)
- will not adversely affect scenic coastal resources 25.07.012(F)(4)
- was sited and designed to prevent adverse impacts to scenic resources located in adjacent recreation areas 25.07.012(F)(4)
- will not result in undue risks from geological forces 25.07.012(E)(5)

(Note: the appeal cites Section 25.07.012(E) which addresses public hearing requirements. Based on the text in the appeal this appears to be a typo and the appellant meant to refer to 25.07.012(F))

However, LCP Section 25.07.012(F) does not require the applicant to submit evidence. It requires that the City consider these points when reviewing coastal development permits. In any case the project will not adversely affect environmentally sensitive area in that the proposed second and third level decks will extend the seaward face of the existing residence by approximately eight feet, above an existing ground level brick patio. The three proposed supporting columns would be placed into the existing brick patio. No environmentally sensitive area will be disturbed. In addition, as described above no scenic coastal resources will be adversely impacted. The subject site is not located adjacent to any recreation areas. Geologic risk is discussed later in this staff report.

3. Public Notice

The appellant contends that the project description contained in the public notice for the project was different than what was ultimately approved. The public hearing notice describes the project as a lanai and elevated deck. This is consistent with what was approved. In any case it is not unusual for projects to evolve during the public hearing process.

This contention does not raise a substantial issue with regard to public notice.

#### 4. Variance

The appellant also contends that the applicant did not submit any evidence to support the request for a variance. However, the project file forwarded by the City includes a completed Application for Variance (see exhibit K) as well as project plans, consistent with the requirements of Section 25.05.025 regarding variances. Therefore this does not appear to be a valid contention.

The appellant further contends that the application for a variance states that the applicant was the only one in the area with no deck, when the applicant actually has two oceanfront decks. The application for a variance does say that the subject property is the only property in the area without deck space at the ocean. The existing development at the site does include a second level deck and an at-grade brick patio. The existing brick patio is clearly depicted on the plans. The existing mid level deck does not appear on the plans, most likely because the proposed mid level deck is shown in its place. In any case, the consideration of the variance was based on whether the proposed decks were similar to existing development in the area. So this contention does not raise a substantial issue with consistency with the City's certified LCP.

#### 5. Encroachment into the Blufftop Setback Area

The appellant contends that the project approved by the City "would be constructed substantially in the coastal blufftop area in which building is generally prohibited so as to protect delicate coastal resources and scenic views." The issue of scenic views has been discussed above. The City's certified LCP does require a blufftop setback of 25 feet from the edge of the bluff or a distance ascertained by a stringline (LUP Open Space/Conservation Element policy 1-I). In addition, the Section 25.50.004(B)(4) of the certified Implementation Plan requires a bluff top setback of 25 feet from the bluff edge or a distance ascertained by a stringline. Section 25.50.004(B)(4)(d) allows projections into the required blufftop setback for specific development. Section 25.50.004(B)(4)(d)(i) states:

*Balconies, patios or decks in excess of thirty inches above the finished grade, including patio deck covers, and other similar architectural features may project a maximum of five feet beyond the applicable building setback or to the applicable deck stringline, whichever is least restrictive. In no case shall such projections be closer than ten feet to the top of an oceanfront bluff.*

Section 25.50.004(B)(4)(d)(ii) allows the same types of development cited above but that are thirty inches or less above grade to encroach up to ten feet from the top of the bluff. However the proposed development does not qualify under either of these sections because the decks are more than thirty inches above grade and would encroach more than five feet beyond the applicable building setback. (The proposed decks would encroach approximately eight feet beyond the 25 foot blufftop setback.) The subject site is located at the inland most point of a cove. Due to the location, a stringline cannot be applied.

The City in approving the project recognized that the development was not consistent with the required setback and required the project to obtain a variance. The certified Implementation Plan allows for variances under Section 25.05.025. This Section allows a variance to be granted "when there are special circumstances applicable to the property involved, including size, shape, topography, location and surroundings that would cause the strict application of the zoning ordinance to deprive the property of the privileges enjoyed by other property in the vicinity and zone."

The City reviewed the project and found that it met the requirements necessary for granting a variance consistent with Section 25.05.025 of the certified Implementation Plan. There are no restrictions in the certified LCP as to the application of a variance for blufftop lots. Therefore the City followed the

appropriate procedure for review of the proposed project and determined that it was approvable, consistent with the certified LCP.

The appellant also contends that the project is inconsistent with Section 25.07.012(F)(5) of the Implementation Plan because no evidence was submitted by the applicant that the project will not result in undue risks from geological forces. However, Section 25.07.012(F)(5) does not require that an applicant submit geologic evidence, it requires that the City consider this topic when reviewing development. The main reasons for requiring a blufftop setback are to preserve public views and to minimize geologic risk. As discussed previously, the proposed project will not have any adverse impacts on public views. In addition, the City recognized that the proposed development would encroach into the otherwise required blufftop setback and determined, that it "will not be detrimental to public health, safety, convenience, and welfare or injurious to property or improvements in the vicinity" (emphasis added). Thus the City considered the issues that lead to imposition of a strict blufftop setback and found it was not necessary in the case of the proposed development.

In addition, the certified LCP includes Policy 10-E which requires that a comprehensive geological and soils report be prepared for development located in the areas designated "Hillside Management/Conservation or within potential geologic hazard areas identified on the Geological Conditions Map of the Open Space/Conservation Element. The subject site is not designated Hillside Management/Conservation nor is it identified on the Geologic Conditions Map. It should be noted that the Geologic Conditions Map does not include the South Laguna portion of the City, where the subject site is located. There is an Area Conditions map of the South Laguna area included in the LCP. It identifies the 100 year flood plain, slopes over 30%, landslides, faults, and developed areas, among other things. The subject site is identified on this map simply as developed area. Therefore, the LCP does not require submittal of geologic information for projects such as this. Therefore, the fact that no geologic information was included does not raise a substantial issue.

The area surrounding the cove where the subject site is located is built out. Development of the lots above the cove dates back to before the Coastal Act was established. No seawalls exist within the cove.

Therefore the appeal raises no substantial issue with regard to development in the blufftop setback.

In conclusion, the proposed project is consistent with the policies of the City's certified LCP. Therefore, staff recommends that the Commission find that no substantial issue exists with the approval Local Coastal Permit 01-04 on the grounds that it does conform to the policies of the City of Laguna Beach certified Local Coastal Program.

**RESOLUTION CDP 01-008**

**A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE  
CITY OF LAGUNA BEACH APPROVING COASTAL DEVELOPMENT PERMIT  
APPLICATION NO 01-004**

Whereas, an application has been filed in accordance with Title 25-07 of the Laguna Beach Municipal Code, requesting a Coastal Development Permit for the following described property located within the City of Laguna Beach:

31711 Seacliff Drive  
APN 658-101-18

and;

Whereas, the review of such application has been conducted in compliance with the requirements of Title 25.07, and;

Whereas, after conducting a noticed public hearing, the Design Review Board has found:

1. The project is in conformity with all the applicable provisions of the General Plan, including the Certified Local Coastal Program and any applicable specific plans in that the visual impacts of the development have been minimized because the proposed structure is similar in size to neighboring buildings therefore maintaining compatibility with surrounding development.
2. Any development located between the sea and the first public road paralleling the sea is in conformity with the Certified Local Coastal Program and with the public access and public recreation policies of Chapter 3 of the Coastal Act in that the project does not present either direct or cumulative impacts on physical public access since existing public vertical and lateral access exists nearby and there are no new adverse impacts on beach access since the new development is a minor addition to a previously existing residence and will not result in any further seaward encroachment.
3. The proposed development will not have any significant adverse impact on the environment within the meaning of the California Environmental Quality Act in that the proposed project is in compliance with the applicable rules and regulations set forth in the Municipal Code and will not cause any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that a Coastal Development Permit is hereby approved to the extent indicated:

Permission is granted in the R-1 Zone to construct a lanai and elevated deck.

BE IT FURTHER RESOLVED, that the following conditions are necessary to assure that the approval hereby authorized is in compliance with the Local Coastal Program.

**COASTAL COMMISSION**

A-5-LGP-C1-149

EXHIBIT # A

PAGE 1 OF 2

1. The Coastal Development Permit hereby allowed is conditioned upon privileges granted herein being utilized within two years after the effective date hereof, and should the privileges authorized hereby fail to be executed or utilized, or where some form of construction work is involved, such construction or some unit thereof has not actually commenced within such two years, and is not diligently prosecuted to completion, this authority shall become null and void, and any privileges granted hereby shall lapse. The Design Review Board, after conducting a noticed public hearing, may grant a reasonable extension of time for due cause provided the request for extension is filed in writing with the Department of Community Development prior to the expiration of said initial two-year period, along with any required fees.

BE IT FURTHER RESOLVED, that the subject Coastal Development Permit shall not become effective until after an elapsed period of ten (10) business days from and after the date of the action authorizing such permit.

PASSED on February 22, 2001, by the following vote of the Design Review Board of the City of Laguna Beach, California.

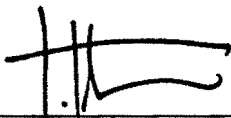
AYES: Josephson, Lenschow, Pope

NOES: Kawaratani, Simon

ABSENT: Zur Schmiede

ABSTAIN: None

ATTEST:



\_\_\_\_\_  
Staff Representative

\_\_\_\_\_  
Chairperson Simon

Board of Adjustment Resolution No. CDP 01-008

A<sub>2</sub>



RECEIVED  
South Coast Region

APR 11 2001

**NOTICE OF FINAL LOCAL ACTION  
FOR COASTAL DEVELOPMENT PERMITS**

CALIFORNIA  
COASTAL COMMISSION

Date: March 8, 2001

The following project is located within the City of Laguna Beach Coastal Zone:

Location: 31711 Seacliff Drive, Laguna Beach

Coastal Development Project No: 01-004

Project Description: Lanai and elevated deck

Applicant: Mr. Dean Hazen

Mailing Address: 31711 Seacliff Drive, Laguna Beach, CA 92651

On February 22, 2001, a coastal development permit application for the project was

- ☒ ( X ) approved
- ☐ ( ) approved with conditions
- ☐ ( ) denied

Local appeal period ended March 8, 2001

This action was taken by: ☐ ( ) City Council  
☒ (X) Design Review Board  
☐ ( ) Planning Commission

The action ( X ) did ( ) did not involve a local appeal; in any case, the local appeal process has been exhausted. Findings supporting the local government action and any conditions imposed are found in the attached resolution.

This project is

- ☐ ( ) not appealable to the Coastal Commission
- ☒ (X) appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Applicants will be notified by the Coastal Commission if a valid appeal is filed. Appeals must be in writing to the appropriate Coastal Commission district office and in accordance with the California Code of Regulation Section 13111. The Coastal Commission may be reached by phone at (562) 590-5071 or by writing to 200 Oceangate, 10<sup>th</sup> Floor, Long Beach, CA 90802-4416

Att: CDP Resolution No. 01-008

A-5-LGB-01-149

Exhibit B

## 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)

RECEIVED  
South Coast Region

APR 24 2001

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

SECTION I. Appellant(s) Alice Upjohn, P.O.Box 2900, La Jolla, California 92038

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

Michael F. Obrand, Esq.

114 Pacifica, Suite 250

Irvine, California 92618

(949) 261-1110

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Laguna Beach

2. Brief description of development being appealed: Construction of Lanai & elevated deck

3. Development's location (street address, assessor's parcel no., cross street, etc.): 31711 Seaclyff Drive, Laguna Beach  
APN 658-101-18

4. Description of decision being appealed:

- a. Approval; no special conditions: x
- 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: A5-468-01-149

DATE FILED: 4/24/01

DISTRICT: South Coast / Long Beach COASTAL COMMISSION

H5: 4/88

EXHIBIT # C  
PAGE 1 OF 9

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a.    Planning Director/Zoning Administrator      c.    Planning Commission

b.    ☒ City Council/Board of Supervisors      d.    Other \_\_\_\_\_

6. Date of local government's decision:   3-27-01  

7. Local government's file number (if any):   01-04  

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

<u>Dean Hazen</u>	<u>Dean Hazen</u>
<u>31711 Seacliff Drive</u>	<u>C/O Lance Polster</u>
<u>Laguna Beach, California 92651</u>	<u>2094 South Coast Highway</u>
	<u>Laguna Beach, California 92651</u>

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) John M. Nootbar  
31703 Seacliff Drive  
Laguna Beach, California 92651
- (2) Michael McDaniel  
31713 Seacliff Drive  
Laguna Beach, California 92651
- (3) Maurie S. Beaumont  
31678 Seacliff Drive  
Laguna Beach, California 92651
- (4) Terry P. Lovel  
31721 Seacliff Drive  
Laguna Beach, California 92651
- (5) Jim Perry  
31712 Seacliff Drive  
Laguna Beach, California 92651

**SECTION IV. Reasons Supporting This Appeal**

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

C<sub>2</sub>

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.)

See attached statement of Reasons Supporting Appeal

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.

**SECTION V. Certification**

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

Oliver Upjohn  
Signature of Appellant(s) or  
Authorized Agent

Date 4/23/2001

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

**Section VI. Agent Authorization**

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

Oliver Upjohn  
Signature of Appellant(s)

Date 4/23/2001

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#### IV. STATEMENT OF REASONS SUPPORTING APPEAL

The approval by the City of Laguna Beach of the Coastal Development Permit for the project does not conform to the standards set forth in the certified local coastal program as follows:

The approval allows the applicant to construct a lanai (enclosed deck or room) at the upper level and an additional deck at the mid-level of his house on the ocean side. These improvements would be constructed substantially in the coastal blufftop area in which building is generally prohibited so as to protect delicate coastal resources and scenic views.

The approved development does conform to the standards set forth in the certified local coastal program particularly the standards set forth in the City of Laguna Beach General Plan on "View Preservation." Policy 12-D mandates that the Design Review Board maximize preservation of views of coastal areas from existing residences while respecting rights of prop owners proposing new construction. In granting approval of this project, the Design Review Board has permitted the applicant to destroy a valuable view from my residence that includes views of a California Landmark Arch on the coastline, rare views of a secret cove shared by only three homes (including applicant's) and a spectacular white water coastline view along the coast to the south.

The approval is also inconsistent with the statutorily declared goals of the state for the coastal zone which include protecting, maintaining and, where feasible, enhancing and restoring the overall quality of the coastal zone environment and its natural and artificial resources. Public Resources Code Section 30001.5(a). Approval of this project substantially degrades the quality of the coastal zone by allowing a three story structure supported by three large columns to be built within the oceanfront blufftop setback.

The approval is also inconsistent with the declared goals of the state for the coastal zone which include the protection of scenic and visual resources as set forth in Public Resources Code Section 30251.

The approval failed to meet the requirements for approval of a Coastal Development Permit ("CDP") as set forth in Laguna Beach Municipal Code ("LBMC") in the following particulars:

Under LBMC section 25.07.008, certain types of developments, including improvements to single family homes are exempt from the requirement of a CDP unless the proposed improvements would encroach within fifty feet of coastal bluff edge. The approved project required a CDP because it would encroach within fifty feet of the coastal bluff edge.

LBMC section 25.07.012(C) sets forth the requirements for an application for a CDP. In a number of important respects, the applicant failed to meet these requirements. This failure was not immaterial and Appellant contends that the failure deprived the City of Laguna Beach a meaningful opportunity to review the project in accordance with the applicable standards.

C4

For example, applicant failed to submit a location map showing the area to be developed in relation to nearby lots and major natural features such as the ocean, beaches and other major landforms. He also failed to submit a site plan, drawn to scale showing all existing and proposed structures and other improvements. Had applicant done so, the City would have seen that the applicant has an existing deck and a large patio deck that already encroach into the coastal blufftop. Indeed, the patio deck extends right to the very edge of, and perhaps even extends over, the coastal blufftop.

The approved project also fails to meet the various criteria established by LBMC section 25.07.012(E) for a CDP.

There was no evidence that the proposed development will not adversely affect environmentally sensitive areas as required by section 25.07.012(E)(2).

There was no evidence that the proposed development will not adversely affect scenic coastal resources as required by section 25.07.012(E)(3).

There was no evidence that the proposed development was sited and designed to prevent adverse impacts to scenic resources located in adjacent recreation areas as required by section 25.07.012(E)(4).

There was no evidence that the proposed development will not result in undue risks from geological forces as required by section 25.07.012(E)(5).

Finally, approval of the Coastal Development Permit should be reversed because the development which was ultimately approved by the City was different than as specified in the public notice and was different from what was originally presented to the City for approval.

## PROOF OF SERVICE

On April 23, 2001, I deposited true and correct copies of the attached Appeal from Coastal Permit Decision of Local Government filed by Alice Upjohn, including attachments, regarding the development approved by the City of Laguna Beach at 31711 Seacliff Drive, Laguna Beach, California in the United States Mail at Irvine, California, postage prepaid, addressed as follows:

Dean Hazen  
31711 Seacliff Drive  
Laguna Beach, CA 92651

Dean Hazen  
c/o Lance Polster  
2094 South Coast Highway  
Laguna Beach, CA 92651

John M. Nootbar  
31703 Seacliff Drive  
Laguna Beach, CA 92651

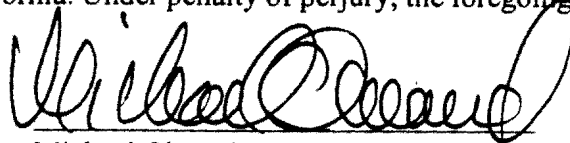
Michael McDaniel  
31713 Seacliff Drive  
Laguna Beach, CA 92651

Maurie S. Beaumont  
31678 Seacliff Drive  
Laguna Beach, CA 92651

Terry P. Lovel  
31721 Seacliff Drive  
Laguna Beach, CA 92651

Jim Perry  
31712 Seacliff Drive  
Laguna Beach, CA 92651

Executed on April 23, 2001 at Irvine, California. Under penalty of perjury, the foregoing is true and correct.



Michael Obrand

PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 62)

**MICHAEL F. OBRAND**  
ATTORNEY AT LAW  
114 PACIFICA, SUITE 250  
IRVINE, CALIFORNIA 92618  
TEL: (949) 261-1110; FAX: (949) 261-1818  
E-MAIL: mobrand@earthlink.net  
\* ALSO MEMBER OF COLORADO BAR

**RECEIVED**  
South Coast Region

APR 25 2001

April 25, 2001

COASTAL COMMISSION

**VIA MESSENGER**

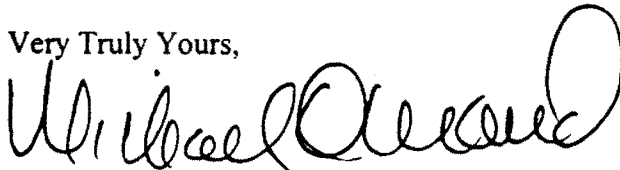
California Coastal Commission  
South Coast Area Office  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4302

Re: **AMENDED Appeal From Coastal Permit Decision of Local Government**  
**Local Permit #: CDP 01-04**  
**Our File No.: 611.1200**

Dear California Coastal Commission:

Enclosed is an Amended Statement of Reasons Supporting the above-referenced appeal.

Very Truly Yours,



Michael F. Obrand

Enclosure

cc: Alice Upjohn  
Maurie S. Beaumont  
Dean Hazen  
Dean Hazen c/o Lance Polster  
Terry P. Loebel  
Michael McDaniel  
John M. Nootbaar  
Jim Perry

C7

#### IV. AMENDED STATEMENT OF REASONS SUPPORTING APPEAL

The approval by the City of Laguna Beach of the Coastal Development Permit for this project does not conform to the standards set forth in the certified local coastal program as follows:

The approval allows the applicant to construct a lanai (enclosed deck or room) at the upper level and an additional deck at the mid-level of his house on the ocean side. These improvements would be constructed substantially in the coastal blufftop area in which building is generally prohibited so as to protect delicate coastal resources and scenic views.

The approved development does conform to the standards set forth in the certified local coastal program particularly the standards set forth in the City of Laguna Beach General Plan on "View Preservation." Policy 12-D mandates that the Design Review Board maximize preservation of views of coastal areas from existing residences while respecting rights of prop owners proposing new construction. In granting approval of this project, the Design Review Board has permitted the applicant to destroy a valuable view from my residence that includes views of a California Landmark Arch on the coastline, rare views of a secret cove shared by only three homes (including applicant's) and a spectacular white water coastline view along the coast to the south.

The approval is also inconsistent with the statutorily declared goals of the state for the coastal zone which include protecting, maintaining and, where feasible, enhancing and restoring the overall quality of the coastal zone environment and its natural and artificial resources. Public Resources Code Section 30001.5(a). Approval of this project substantially degrades the quality of the coastal zone by allowing a three story structure supported by three large columns to be built within the oceanfront blufftop setback.

The approval is also inconsistent with the declared goals of the state for the coastal zone which include the protection of scenic and visual resources as set forth in Public Resources Code Section 30251.

The approval failed to meet the requirements for approval of a Coastal Development Permit ("CDP") as set forth in Laguna Beach Municipal Code ("LBMC") in the following particulars:

Under LBMC section 25.07.008, certain types of developments, including improvements to single family homes are exempt from the requirement of a CDP unless the proposed improvements would encroach within fifty feet of coastal bluff edge. The approved project required a CDP because it would encroach within fifty feet of the coastal bluff edge.

LBMC section 25.07.012(C) sets forth the requirements for an application for a CDP. In a number of important respects, the applicant failed to meet these requirements. This failure was not immaterial and Appellant contends that the failure deprived the City of Laguna Beach a meaningful opportunity to review the project in accordance with the applicable standards.

For example, applicant failed to submit a location map showing the area to be developed in relation to nearby lots and major natural features such as the ocean, beaches and other major landforms. He also failed to submit a site plan, drawn to scale showing all existing and proposed structures and other improvements. Had applicant done so, the City would have seen that the applicant has an existing deck and a large patio deck that already encroach into the coastal blufftop. Indeed, the patio deck extends right to the very edge of, and perhaps even extends over, the coastal blufftop.

The approved project also fails to meet the various criteria established by LBMC section 25.07.012(E) for a CDP.

There was no evidence that the proposed development will not adversely affect environmentally sensitive areas as required by section 25.07.012(E)(2).

There was no evidence that the proposed development will not adversely affect scenic coastal resources as required by section 25.07.012(E)(3).

There was no evidence that the proposed development was sited and designed to prevent adverse impacts to scenic resources located in adjacent recreation areas as required by section 25.07.012(E)(4).

There was no evidence that the proposed development will not result in undue risks from geological forces as required by section 25.07.012(E)(5).

The approval of the Coastal Development Permit should be reversed because the development which was ultimately approved by the City was different than as specified in the public notice and was different from what was originally presented to the City for approval.

The approval fails to meet the standards of the certified local coastal program in that the applicant was granted a variance from the building setback lines established by LBMC section 25.50.004. Although the findings required for a variance were made as required by LBMC section 25.05.025(F), none of these findings are supported by substantial evidence. In particular, the applicant cited as the need for a variance from the setback requirements of section 25.50.004 the fact that this was the only property in the immediate area without a deck. This statement was false and misleading in that applicant's property includes **two oceanfront decks**.

For all the foregoing reasons, the approval should be reversed.



April 10, 2001

Mr. Dean Hazen  
31711 Seacliff Drive  
Laguna Beach, California 92651

Dear Mr. Hazen:

**SUBJECT: APPEAL OF VARIANCE 6794, DESIGN REVIEW 01-030 AND COASTAL DEVELOPMENT PERMIT 01-004 AT 31711 SEACLIFF DRIVE**

At the City Council meeting of Tuesday, March 27, 2001 the City Council denied the appeal and sustained the approval of Variance 6794, Design Review 01-030 and Coastal Development Permit 01-004 at 31711 Seacliff Drive.

All variance, design review and coastal development permit grants automatically expire within two years of their approval unless a request for an extension, in writing, is received by the Design Review Board prior to the aforementioned expiration. No further notice will be given of this expiration. If a building permit is not issued prior to March 27, 2003, this project may be subject to increased fees.

Additionally, this approval does not authorize you to begin construction. Full construction drawings must first be submitted to the Building Division for detailed plan check and compliance with applicable State and Municipal Laws, and Building, Plumbing, Electrical and Mechanical Codes, as well as the appropriate fees.

If you wish any further information regarding this action, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Tilton, Jr.", is written over a horizontal line.

John R. Tilton, Jr., A.I.A.  
Zoning Administrator

**COASTAL COMMISSION**

A-5-LGB-01-149

EXHIBIT # D

PAGE 1 OF 1



**RESOLUTION 01-019****A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF LAGUNA BEACH, CALIFORNIA, GRANTING VARIANCE APPLICATION 6794**

WHEREAS, an application has been filed in accordance with Chapter 25.05 of the Laguna Beach Municipal Code, requesting a variance from the requirements of Title 25, Zoning, of said Code, for the following described property located within the City of Laguna Beach, County of Orange:

31711 Seacliff Drive  
APN 658-101-18

and

WHEREAS, the Board by separate resolution has certified any environmental documentation which may be required for this project, pursuant to the California Environmental Quality Act and applicable City and State guidelines and regulations related thereto; and

WHEREAS, the Board of Adjustment, after conducting a noticed public hearing, has found:

1. There are special circumstances applicable to the property involved which cause the strict application of the zoning regulations to deprive the subject property of privileges enjoyed by other property in the same vicinity and zone based on lot configuration and topography.
2. 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 the same vicinity and zone, in that the granting of this variance would allow the applicant a property right possessed by other property owners in the vicinity.
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, in that the variance will have no adverse effects on public health, safety and welfare.
4. The granting of variances will not be contrary to the objectives of the zoning regulations and the General Plan, in that the right to develop the property is consistent with the zoning regulations and the General Plan.

NOW, THEREFORE, BE IT RESOLVED, that a variance from Section 25.50.004 of the Laguna Beach Municipal Code be and is hereby approved to the extent indicated:

A variance is granted in the R-1 Zone to encroach into the required blufftop setback.

BE IT FURTHER RESOLVED, that the following conditions are necessary to assure that the adjustment hereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity and zone:

**COASTAL COMMISSION**

A-5-LGB-01-149

EXHIBIT # E

PAGE 1 OF 2

1. The variance hereby allowed is conditioned upon the privileges granted herein being utilized within two years after the effective date hereof, and should the privileges authorized hereby fail to be executed or utilized, or where some form of construction work is involved, such construction or some unit thereof has not actually commenced within such two years, and is not diligently prosecuted to completion, this authority shall become null and void, and any privileges granted hereby shall lapse. The Board of Adjustment, after conducting a noticed public hearing, may grant an extension of time, provided the request for an extension is filed in writing with the Department of Community Development prior to the expiration of said initial two year period, along with any required fees.

2. Variance approval is for this construction only.

BE IT FURTHER RESOLVED, that the subject variance shall not become effective until after an elapsed period of ten (10) business days from and after the date of the action authorizing such variance.

PASSED this February 22, 2001, by the following vote of the Board of Adjustment of the City of Laguna Beach, California.

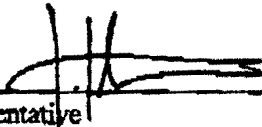
AYES: Josephson, Lenschow, Pope


NOES: Kawaratani, Simon

ABSENT: Zur Schmiede

ABSTAIN: None

ATTEST:

  
Staff Representative

  
Chairperson Simon

Board of Adjustment Resolution No. 01-019

area of  
proposed  
elects

4'-2 1/2"  
S.Y. SETBACK

Existing Residence

LOT 18  
R.S. 3/4

4'-2 1/2"  
S.Y. SETBACK

(N) LONG STAIR ON GRADE

TOP OF

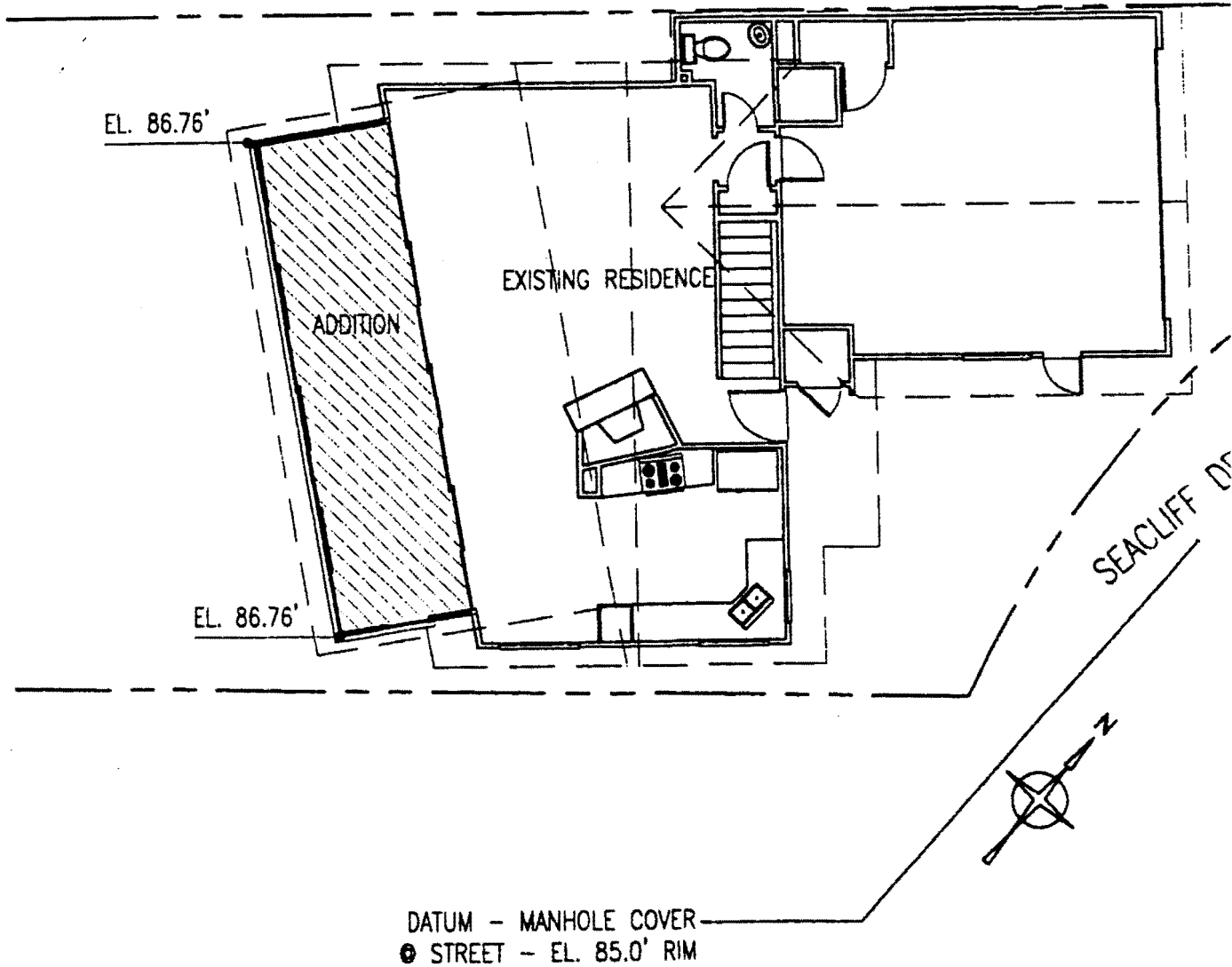
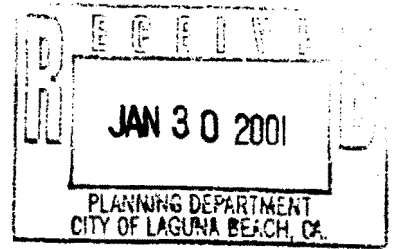
COASTAL COMMISSION

A-5-LGB-01-149

EXHIBIT # F

PAGE 1 OF 1

siteplan



SEAL OF ADJUSTMENT  
APPROVED

### COASTAL COMMISSION

A-5-LGB-01-149

EXHIBIT # 7

PAGE 1 OF 1

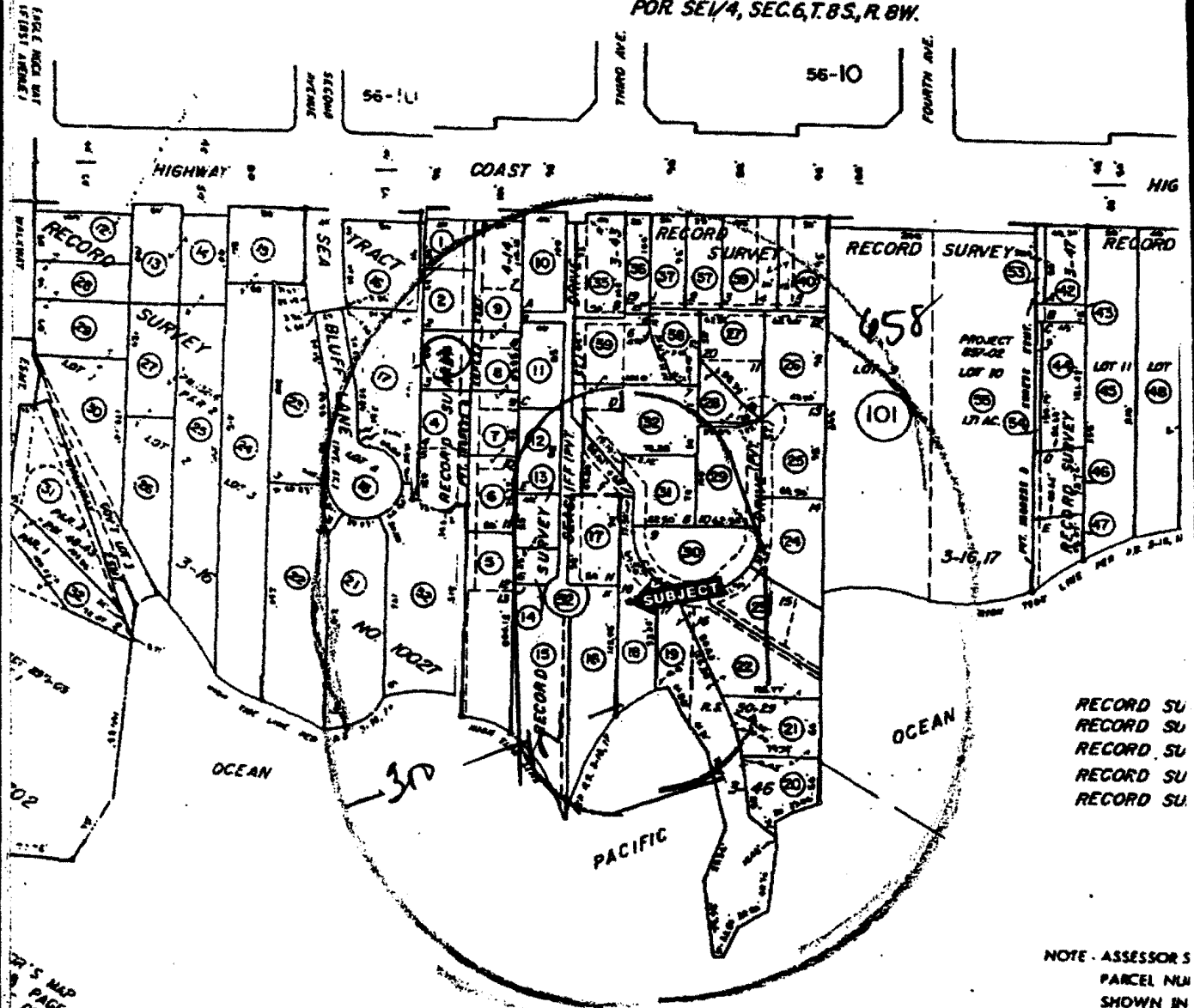
SIGNATURE QB  
DATE 2/22/01

## STAKING PLAN

HAZEN RESIDENCE  
31711 SEACLIFF DRIVE  
LAGUNA BEACH, CA. 92651

08

POR. SW 1/4, SEC. 5, T. 8 S., R. 8 W.  
 POR. SE 1/4, SEC. 6, T. 8 S., R. 8 W.



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NOTE - ASSESSOR'S  
 PARCEL MAP  
 SHOWN IN

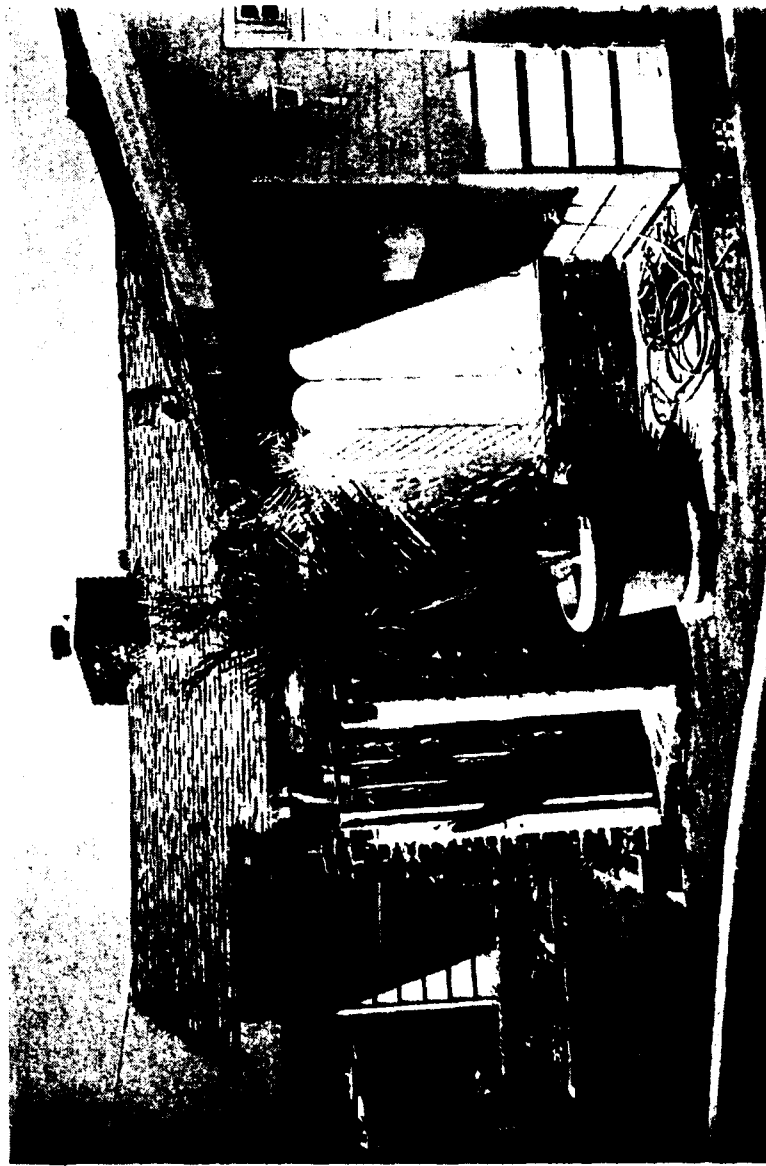
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 A-5-LGB-01-149

EXHIBIT # H

PAGE 1 OF 1

MAP  
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IPAA  
AIA.

Lance Polster  
+ Associates  
ARCHITECTURE  
& PLANNING  
2094 s. coast hwy,  
ste 5  
laguna beach ca  
92651  
949/497-1254  
fax 949/494-1022

Job # 2001

Date: 7/1/2001

PHOTO TAKEN  
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7/1/2001

EXHIBIT T  
A 5-162B-01-149



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CALIFORNIA  
COASTAL COMMISSION

# NOTICE OF PUBLIC HEARING

## LAGUNA BEACH BOARD OF ADJUSTMENT / DESIGN REVIEW BOARD

The CITY OF LAGUNA BEACH BOARD OF ADJUSTMENT / DESIGN REVIEW BOARD will hold a public hearing in the City Council Chambers, located in City Hall at 505 Forest Avenue to consider application number(s) **VARIANCE 6794, DESIGN REVIEW NO. 01-030 AND COASTAL DEVELOPMENT 01-04** for property located at:

*DEAN HAZEN*  
31711 Seacliff Drive  
APN 658-101-18

**SAID PUBLIC HEARING TO BE HELD: Thursday, February 22, 2001 at 6:00 p.m. NO FURTHER PUBLIC NOTICE WILL BE GIVEN.**

**Project Description:** The applicant requests Board of Adjustment/Design Review Board approval and a Coastal Development Permit to construct a lanai and elevated deck in the R-1 zone. Design review is required for additions more than fifteen feet above grade and elevated decks. A variance is required to encroach into the required blufftop setback [25.50.004].

**The City encourages anyone with questions or concerns regarding the proposed project to contact the project representative as follows: Lance Polster (949) 497-1254**

**IMPORTANT!** If you have concerns about the effects this proposed project could have on your views or privacy and you wish those concerns to be considered by the Design Review Board at the public hearing, it is imperative that, prior to the meeting, the Board Members have an opportunity to view the project's site and staking from your property. Please contact and invite all Members of the Board, including the alternate, to visit your property 5 days prior to the scheduled meeting, so that they can view the site from your perspective. A list of Board Members and phone numbers is available at City Hall. (Board Members do visit the applicant's property prior to the hearing.)

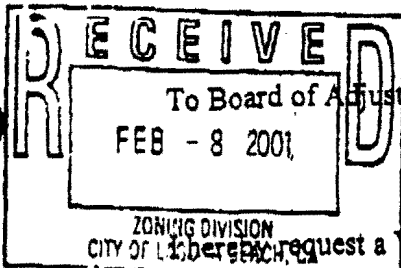
The plans and application may be examined and reviewed at the DEPARTMENT OF COMMUNITY DEVELOPMENT between the hours of 8:00 a.m. – 3:00 p.m. any normal workday and 5:00 p.m. – 7:00 p.m. on WEDNESDAYS. Comments may be made in person at the hearing, or in writing prior to the hearing, when brought or mailed to City Hall. It is recommended that written correspondence be delivered to the Board at least 5 days prior to the public hearing. It is possible that this item may be continued at that time to some specific future date. The proposed project may be modified during the Design Review process. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Board at, or prior to, the Public Hearing. The City staff has prepared for this project a (X) Categorical Exemption ( ) Negative Declaration, pursuant to the California Environmental Quality Act.

This project is located within the City of Laguna Beach Coastal Zone. The application was filed on January 30, 2001, and construction development is appealable to the California Coastal Commission.

A-5-LGB-01-149

EXHIBIT J

CITY OF LAGUNA BEACH, CALIFORNIA  
APPLICATION FOR VARIANCE



Variance No. 6794  
Date: 2-8-01  
Hearing Date: 2-22-01

I request a Variance from the BLUFF TOP SETBACK provisions of the Zoning Ordinance, and submit the following information:

Applicant DEAN HAZEN: % LANCE FOLSTER Telephone: 497-1254

Mailing Address: 209 S. COAST HWY., LAGUNA BEACH

I am: ☒ the recorded owner of the subject property. ☐ purchasing the property.  
☐ agent authorized by the owner. ☐ lessee of the property.

Request Permission to: ENCROACH INTO THE BLUFF TOP SETBACK  
WITH NEW LANAI & UPPER LEVEL and DECK &  
MID-LEVEL ON EXISTING RESIDENCE

on land situated at 31711 SEACLIFF DRIVE  
(address)  
located on the north south east ☒ west side of said street between COAST HWY.  
(cross street) and END OF STREET in the R-1 zone.  
(cross street)

Assessor's Parcel No: AP 658-101-18 The description of this subject property is: (Lot & Tract) LOT-18 and portion of adjoining land on the east  
State justification for request, to include the following: (attach additional sheets if needed)  
per R.S. 346, CITY OF LAGUNA BEACH

- (1) What are the 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:

DUE TO THE STEEP TOPOGRAPHY, COUPLED WITH THE NARROW LOT WIDTH AND THE SEVERE SHAPE OF THE STREET FRONTAGE, A RELATIVELY SMALL AND UNKWARD SHAPED BUILDING AREA IS CREATED ON THIS PROPERTY, COMPARED TO NEIGHBORING LOTS. THE REQUIRED SETBACK THIS BECOMES EXTREME FOR THIS LOT, AS IT LIMITS SIZE OF ANY USUABLE DECK SPACE ADJACENT TO LIVING AREAS.

- (2) Why is the requested variance 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:

ALL OTHER RESIDENCES LOCATED AT THIS COVE ENJOY DECKS WITH OCEAN VIEWS AS WELL AS RECREATION AREA ADJACENT TO LIVING AREAS. THIS IS THE ONLY PROPERTY IN THE AREA WITHOUT DECK SPACE AT THE OCEAN.

(3) Why will the granting of the variance 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:

SPECIAL CONFIGURATION OF THIS LOT AT THE COVE PROVIDES AN EXCEPTION TO MOST DECK/ADDITIONS MADE TO OCEAN FRONT PROPERTIES: LOCATED AT THE CONCAVE AREA OF THE COVE, AN ADDITION/DECK WILL BE SO FAR SETBACK FROM ADJACENT PROPERTIES AS TO NOT INTERFERE WITH EXISTING NEIGHBORING OCEANWARD VIEWS. LOCATION SETS THIS ADDITION FAR INLAND OF ANY IMMEDIATE NEIGHBOR'S RECREATION AREAS.

(4) Why will the granting of the variance not be contrary to the objectives of the zoning ordinance and the General Plan:

OBJECTIVES OF CODE TO ALLOW CLIFF TOP SETBACKS (OPEN AREA) WILL BE ALTERED FAR LESS THAN WELL-ESTABLISHED EXISTING NEIGHBORHOOD PATTERN. ADJACENT OPEN AREA (SOUTH) TO THE SIDE OF LOT ALLOWS FOR UNUSUALLY GREATER OCEANFRONT RELIEF.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

No variance granted or authorized by the Board of Adjustment shall become effective until after an elapsed period of ten (10) days from and after the date of the action authorizing such variance.

I hereby certify that all of the information in this application is, to the best of my knowledge and belief, true and correctly represented and that I have read and understood Chapter 25.44 (Variances) of the Laguna Beach Municipal Code.

Dean Hazen  
(signature of Applicant)

If owner is other than Applicant:

Owner's Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

Final Action By: \_\_\_\_\_ Board of Adjustments \_\_\_\_\_ City Council

\_\_\_\_\_ DENY

\_\_\_\_\_ APPROVED SUBJECT TO \_\_\_\_\_ CONDITIONS

\_\_\_\_\_ APPROVED AS SUBMITTED

K<sub>2</sub>