

**CALIFORNIA COASTAL COMMISSION**

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

**Th18a****ADDENDUM**

December 4, 2008

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM Th18a**, COASTAL COMMISSION PERMIT APPLICATION **#5-08-200 (Naddor)** FOR THE COMMISSION MEETING OF **December 11, 2008**.

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**Changes to Staff Report**

Commission staff recommends modifications and additions to Section IV (Findings and Declarations) of the staff report for clarification purposes. Deleted language is in strike through and new language to be added is shown in **bold, underlined italic**, as shown below:

Page 5 – Modify Section III, Special Conditions, as follows:

**4. Fire Hazard/Fuel Modification & Landscaping Requirements**

- A. All fuel modification shall be consistent with the final ~~Fuel Modification and Planting Plan described in the plans prepared by KTG Y Group, Inc., received July 23, 2008~~ **Fire/Vegetation Management Plan and Catastrophic Risk Analysis prepared by Scott Franklin Consulting and dated December 4, 2008**. In general, the fuel modification plan identifies the following fuel modification zones: 50 feet of irrigated landscaping (A & B Zones), 120 feet of selective minimal off-site thinning (C zone) to include the selective removal of fire hazardous material to a minimum of emphasis on flammable elements such as dead brush, dying or dead branches and trash, beyond which no fuel modification other than public weed abatement (D zone) would be required. The installation, use and maintenance of thermally triggered water ~~cannons~~ **curtain sprinkler system** designed to water the ~~site~~ **exterior structure** in the case of a fire emergency preempt the requirement for the described thinning off-site (Zone C).

Page 6 – Modify Section III, Special Conditions, as follows:

- D. For purposes of this permit, this condition shall serve as notification to present and future property owners that certain structures and areas of land are subject to special fuel treatment requirements that are specified in the approved plans. Structures are required to incorporate building construction features consistent with local fire authority guidelines for construction of structures within special fire

hazard areas. Thermally triggered water ~~cannons directed at the surrounding hillside~~ **curtain sprinklers directed at the exterior structure** are required to be installed and maintained in order to protect the structure onsite. Furthermore, there is a prohibition on the placement of combustible materials in an area of land that abuts undeveloped land. Proposed and future development shall conform to the requirements of the final fuel modification plan.

Page 8 – Modify Section IV, Findings and Declarations, as follows:

As noted above and in the biological report discussed below, the subject site is adjacent to privately owned undeveloped land located upslope of the subject site, which contains some native and non-native vegetation (even further upslope there are several single family homes). Due to this interface with undeveloped land (and to comply with local government requirements), the applicant's consultant prepared an alternative materials & methods plan for fire hazard/fuel management to protect the proposed development on the subject site. The report proposes a combination of 50 feet of irrigated landscaping (A & B zones) proposed to be native plant species, 120 feet of off-site thinning to include the selective removal of fire hazardous material to a minimum of emphasis on flammable elements such as dead brush, dying or dead branches and trash on the adjacent privately owned undeveloped land (C zone) beyond which no fuel modification other than public weed abatement (D zone) would be required. The installation, use and maintenance of a thermally triggered water ~~cannons designed to water the site~~ **curtain sprinkler system designed to water the exterior of the structure** in the case of a fire emergency preempt the requirement for the described thinning off-site (Zone C). Several other structural and design requirements are placed on the development as well.

Page 10 – Modify Section IV, Findings and Declarations, as follows:

The applicant has also submitted a Fuel Modification Plan approved by the Laguna Beach Fire Department that includes the installation and maintenance of thermally activated water ~~cannons~~ **curtain sprinklers** to protect the proposed structure, as well as specific restrictions placed on building materials for the development. The Commission finds that as approved these restrictions and fuel modification plans must be adhered to and maintained throughout the life of the structure.

Page 13 – Modify Section IV, Findings and Declarations, as follows:

Although no sensitive plant species, communities or habitats were identified within the subject site, the property is bordered by largely undisturbed chaparral communities important to the floral and fauna populations native to the area. In order to protect and maintain these important biological resources, **Special Condition #4** requires that a revised Landscaping Plan be submitted utilizing only species native to the local plant communities found within and surrounding the subject site. **Special Condition #4** also requires adherence to the submitted ~~Fuel Modification Plan prepared by KTG Group, Inc.~~ **Fire/Vegetation Management Plan and Catastrophic Risk Analysis prepared by Scott Franklin Consulting** that has been reviewed and approved by the City of Laguna Beach Fire Department, and includes the installation and maintenance of thermally activated water ~~cannons~~ **curtain sprinklers** to protect the structure.

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Filed: September 8, 2008  
49th Day: October 27, 2008  
180th Day: March 7, 2009  
Staff: Gabriel Buhr-LB  
Staff Report: November 19, 2008  
Hearing Date: December 10 -12, 2008  
Commission Action:

**Th18a****STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-08-200

**APPLICANTS:** Dan and Tracie Naddor

**PROJECT LOCATION:** 31 North Vista De Catalina, Laguna Beach, Orange County

**DESCRIPTION:** Construction of a new two-story, 27-foot high, 4,531 square-foot single family residence with an attached 812 square-foot, three car garage, elevated decks, retaining walls, spa, landscaping and 5,450 cubic yards of grading on a hillside lot within the gated community of Three Arch Bay.

Lot Area	27,923 square feet
Building Coverage	4,095 square feet
Pavement Coverage	3,194 square feet
Landscape Coverage	2,472 square feet
Unimproved Area	18,162 square feet
Parking Spaces	3
Planning Designation	Village Low Density
Height above final grade	27 feet

**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing construction of a new single family residence across two existing empty lots in a hillside area of Laguna Beach. The major issues with this development are its proximity to large expanses of undisturbed open space therefore raising concerns about impacts to biological productivity, water quality, and potential fire hazards.

Commission staff is recommending **APPROVAL** of the proposed project with **Seven (7) Special Conditions** regarding: **1)** conformance with geotechnical recommendations; **2)** an assumption of risk; **3)** submittal of drainage and run-off control plan; **4)** fire hazard/fuel modification & landscaping requirements; **5)** prohibition of more than one residential structure on the site; **6)** requiring CDP for any other future development; and **7)** a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

**SUBSTANTIVE FILE DOCUMENTS:** Geotechnical Recommendations for Foundation Design for Proposed New Single Family Residence, 31 North Vista De Catalina, Laguna Beach, California, prepared by Geofirm, dated July 30, 2008; Biological Resources Impact Assessment, 0.66 Acre Naddor Property Located in Three Arch Bay, Laguna Beach, Orange County, California, prepared by Michael Brandman Associates, dated September 8, 2008; Addendum report to the Biological Resources Impact Assessment, 0.66 Acre Naddor Property Located in Three Arch Bay, Laguna Beach, Orange County, California, prepared by Michael Brandman Associates, dated October 24, 2008; City of Laguna Beach certified Local Coastal Program (as guidance only), Coastal Development Permit No. 5-06-362;

**LOCAL APPROVALS RECEIVED:** City of Laguna Beach Approval in Concept, dated 7/16/08.

**LIST OF EXHIBITS:**

1. Location Map
2. Assessor's Parcel Map
3. Site Photos
4. Site Plan
5. Elevations
6. Memo from Dr. Engel

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**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions by passing the following motion:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 5-08-200 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION:**

**I. APPROVAL WITH CONDITIONS**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the

environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

### 1. Conformance with Geotechnical Recommendations

- A. All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall meet or exceed all recommendations and requirements contained in *Geotechnical Recommendations for Foundation Design for Proposed New Single Family Residence, 31 North Vista De Catalina, Laguna Beach, California*, prepared by Geofirm, dated July 30, 2008.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, all final design and construction plans, including foundations, grading and drainage plans along with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering report.
- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment unless the Executive Director determines that no amendment is legally required.

## 2. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire, landslide, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

## 3. Erosion and Drainage Control

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and drainage control.

### 1. Erosion and Drainage Control Plan

(a) The erosion and drainage control plan shall demonstrate that:

- During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- The following temporary erosion control measures shall be used during construction: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilizing any stockpiled fill with geofabric covers or other appropriate cover, installing geotextiles or mats on all cut or fill slopes, and closing and stabilizing open trenches as soon as possible.
- Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
- All drainage from the lot shall be directed toward the street and away from the slope.

(b) The plan shall include, at a minimum, the following components:

- A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
- A site plan showing the location of all temporary erosion control measures.
- A schedule for installation and removal of the temporary erosion control measures.
- A site plan showing the location of all permanent erosion and drainage control measures.
- A schedule for installation and maintenance of the permanent erosion and drainage control measures.

- A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist
  - A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.
- (c) These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from the runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### **4. Fire Hazard/Fuel Modification & Landscaping Requirements**

- A. All fuel modification shall be consistent with the final Fuel Modification and Planting Plan described in the plans prepared by KTG Y Group, Inc., received July 23, 2008. In general, the fuel modification plan identifies the following fuel modification zones: 50 feet of irrigated landscaping (A & B Zones), 120 feet of selective minimal off-site thinning (C zone) to include the selective removal of fire hazardous material to a minimum of emphasis on flammable elements such as dead brush, dying or dead branches and trash, beyond which no fuel modification other than public weed abatement (D zone) would be required. The installation, use and maintenance of thermally triggered water cannons designed to water the site in the case of a fire emergency preempt the requirement for the described thinning off-site (Zone C).
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised landscape plan that incorporates only local plants native to the surrounding coastal sage scrub and chaparral communities. The supplied plants must be genetically local to the area and provided from local seed stock, where possible. Areas of the landscape plan that include decks and other impervious areas may include ornamental, non-native plants that are non invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources. Existing vegetation that does not conform to the above requirements shall be removed. Evidence of review and approval of the revised landscape plan from the applicable fire authority shall also be submitted.

- C. The permittee shall undertake development in accordance with the final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- D. For purposes of this permit, this condition shall serve as notification to present and future property owners that certain structures and areas of land are subject to special fuel treatment requirements that are specified in the approved plans. Structures are required to incorporate building construction features consistent with local fire authority guidelines for construction of structures within special fire hazard areas. Thermally triggered water cannons directed at the surrounding hillside are required to be installed and maintained in order to protect the structure onsite. Furthermore, there is a prohibition on the placement of combustible materials in an area of land that abuts undeveloped land. Proposed and future development shall conform to the requirements of the final fuel modification plan.

**5. Future Development**

Only one residential structure may be constructed on the subject property, which consists of Tract 151, Lot 3, APN# 056-151-03 and Tract 241, Lot 16, APN# 670-241-16. By acceptance of this permit, the applicants waive on behalf of themselves and all successors in interest any right to construct, or to apply for a permit to construct, any additional residential structures on the subject property.

**6. Future Improvements**

This permit is only for the development described in Coastal Development Permit No. 5-08-200. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-08-200. Accordingly, any future improvements to the single-family house authorized by this permit, including but not limited to improvements to the residence, hardscape, changes to landscaping/fuel modification plan, change in use from a permanent residential unit and repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-08-200 from the Commission or shall require an additional coastal development permit from the Commission.



## 7. Deed Restriction

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

### A. PROJECT DESCRIPTION

The subject site is on two adjacent, vacant, inland lots, located at 31 North Vista De Catalina and 1 Vista Linda, Laguna Beach (Three Arch Bay), Orange County. The subject site consists of a trapezoidal shaped 27,923 square-foot area on the east side of North Vista De Catalina, which lies on a relatively steep, west-facing slope between two adjacent developed residential parcels on the north and south, privately owned undeveloped land to the east and residential development to the west (Exhibits 1 and 2). An ephemeral drainage feature runs along the northwestern boundary of the property boundary that exits into a culvert before exiting the property. The land use designation for these lots is Village Low Density (City land use designation/not certified by the Commission).

The subject site is located within the locked gate community of Three Arch Bay in the City of Laguna Beach (see Exhibit 1). Laguna Beach has a certified Local Coastal Program (LCP) except for the four areas of deferred certification: Irvine Cove, Blue Lagoon, Hobo Canyon, and Three Arch Bay. Certification of the Three Arch Bay area was deferred due to access issues arising from the locked gate nature of the community. The proposed development needs a coastal development permit from the Coastal Commission because it is located in the Three Arch Bay area of deferred certification. Because the site is located within a locked gate community, no public access exists in the immediate vicinity. The nearest public access exists at 1000 Steps County Beach approximately one half mile upcoast of the site.

The applicant proposes to construct a new two-story, 27-foot high (as measured from finished grade), 4,531 square-foot single-family residence over an 812 square-foot 3-car garage (Exhibit 4 and 5). The applicant proposes a foundation system which includes continuous spread footings, pad-type footings and slabs-on-grade. Grading will consist of approximately 5,300 cubic feet of cut, which will make room for the residential structure and garage by creating a notch in the

hillside, similar to adjacent development. Retaining walls are proposed to support the excavated cut in the hillside. The project also includes native, drought tolerant landscaping.

As noted above and in the biological report discussed below, the subject site is adjacent to privately owned undeveloped land located upslope of the subject site, which contains some native and non-native vegetation (even further upslope there are several single family homes). Due to this interface with undeveloped land (and to comply with local government requirements), the applicant's consultant prepared an alternative materials & methods plan for fire hazard/fuel management to protect the proposed development on the subject site. The report proposes a combination of 50 feet of irrigated landscaping (A & B zones) proposed to be native plant species, 120 feet of off-site thinning to include the selective removal of fire hazardous material to a minimum of emphasis on flammable elements such as dead brush, dying or dead branches and trash on the adjacent privately owned undeveloped land (C zone) beyond which no fuel modification other than public weed abatement (D zone) would be required. The installation, use and maintenance of thermally triggered water cannons designed to water the site in the case of a fire emergency preempt the requirement for the described thinning off-site (Zone C). Several other structural and design requirements are placed on the development as well.

The applicant's consultant prepared a biological survey report, which describes the biological resources associated with the subject site and evaluated impacts related to the proposed development on the vacant site. The report concluded that the type of vegetation on site is not considered sensitive and does not contain habitat that is potentially suitable to sensitive species that may occur in the vicinity. The loss of native vegetation on site will contribute incrementally to the cumulative loss of natural vegetation and habitat for non-sensitive wildlife in general. However, the applicant is proposing to plant native plant species on the portion of the lot that will remain undeveloped and is adjacent to upslope area that is also undeveloped. Fuel modification requirements would not be anticipated to further reduce existing habitat values on the lot.

The biological survey report also identifies an unnamed, ephemeral drainage feature located along the northeastern perimeter of the subject site. The drainage feature contains several erosion control features including plastic sheeting, sandbags and concrete, and enters an existing underground culvert before leaving the site. The proposed development is sited at a minimum of 25 feet from the drainage course, and no impacts from the proposed project on the drainage course are expected. Additionally, the Architectural Review Board of Three Arch Bay has also conditioned the applicant to construct a desilting basin upstream of the existing culvert to improve water quality of any runoff before it leaves the site.

The subject site is located between 2 adjacent developed sites on the inland side of the street. The height of the proposed single-family residence is consistent with the existing single-family residences that surround the proposed project. The proposed single-family residence would be visible from Pacific Coast Highway (PCH), however, given that the subject site will be infill between 2 other homes and it will be comparable in height with those adjacent homes, it won't create an adverse visual impact (Exhibit 3).

**B. HAZARDS**

Section 30253 of the Coastal Act states in part:

*New development shall:*

- (1) Minimize the risk to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along coastal bluffs.*

Section 30251 of the Coastal Act states that:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed development is located on a hillside in the San Joaquin Hills, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The report contains recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Further, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

The applicant has also submitted a Fuel Modification Plan approved by the Laguna Beach Fire Department that includes the installation and maintenance of thermally activated water cannons to protect the proposed structure, as well as specific restrictions placed on building materials for the

development. The Commission finds that as approved these restrictions and fuel modification plans must be adhered to and maintained throughout the life of the structure.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks and therefore imposes **Special Condition #2**. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

- Special Condition #1** - Conformance with Geotechnical Recommendations
- Special Condition #2** - Assumption of Risk, Waiver of Liability and Indemnity
- Special Condition #3** - Erosion and Drainage Control Plan
- Special Condition #4** - Landscaping and Fuel Modification Plans

The applicant has sited the project to be in alignment with adjacent development, and is further limited as to where the proposed residence can be sited due to the steep topography of the subject site and the on-site drainage feature. As designed the single family residence straddles the lot line of the adjoining parcels that comprise the subject site. Only one single family residence is appropriate to occupy these adjoining lots in this case in order to minimize impacts to the steep hillside and surrounding habitat that an increased intensity of development and associated fuel modifications would incur. **Special Condition #5** identifies the restriction that only the approved residence is appropriate for the subject property and that no additional residential structures will be permitted on the property. Because of the potential for future improvements to the house or associated landscaping to affect nearby habitat, **Special Condition #6** provides that any future improvements will require either an amendment to this permit or a separate coastal development permit. **Special Condition #7** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and thereby provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

To minimize risks to life and property and to minimize the adverse effects of development on areas of high geologic, flood, and fire hazard, the proposed development has been conditioned to require adherence to the geotechnical recommendations and fuel modification plan. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30251 and 30253 of the Coastal Act regarding the siting of development in areas that minimize landform alteration and addresses hazards.

## C. WATER QUALITY

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Due to this, the Commission has imposed **Special Condition #3**, which requires the applicant to comply with construction-related requirements related to storage of construction materials, mechanized equipment and removal of construction debris, additionally **Special Condition #3** requires the applicant to submit a water quality management plan prior to issuance of the permit.

Other sources of polluted runoff could include runoff from the large amount of impervious surface in the proposed project and over-watering, which sometimes occurs from installation of landscaping with a high water demand. Plants with a high-water demand are typically not well-suited to the Mediterranean climate of southern California, and therefore often require intense fertilization and application of pesticides/herbicides as a maintenance regime, in addition to regular irrigation. Thus, this type of landscaping can add pollutants to both dry weather and stormwater runoff. Therefore, the use of drought tolerant plants or low-maintenance landscaping is a preferred alternative.

The term “drought tolerant” is equivalent to the terms “low water use” and “ultra low water use” as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 and is available for review at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

Invasive plants can invade an area and displace native plants, impeding restoration and preservation efforts. Seed dispersal can occur via water transport and drainage, wind, and via avian and mammalian species. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org>) and California Native Plant Society ([www.CNPS.org](http://www.CNPS.org)) in their publications.

Therefore the Commission has imposed **Special Condition #4** requiring the applicant to submit a final landscaping plan. The condition requires the revised landscape plan to include species native to the surrounding local coastal sage scrub and chaparral communities on the surrounding yards, and non-invasive, drought tolerant vegetation on the impervious patios and walkways on site. Native, drought tolerant plants are used because they require little to no watering once they are established (1-3 years), they have deep root systems that tend to stabilize the soil, and are spreading plants that tend to minimize erosion impacts of rain and water run-off.

As conditioned, the Commission finds that the proposed development conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

#### **D. HABITAT**

Section 30240 of the Coastal Act states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The proposed project is located at 31 N. Vista de Catalina and 1 Vista Linda, within the gated community of Three Arch Bay Of southern Laguna Beach. Large areas of undisturbed native habitat and open space are located in the Aliso and Wood Canyons Wilderness Park just north and east of the subject site. The subject property is approximately 0.66 acre in size, and is bordered by two private roads (Vista de Catalina and Vista Linda) to the west and northwest. A drainage feature and concrete lined debris basin are located along the northwestern property boundary.

The Biological Resources Impact Assessment prepared by Michael Brandman Associates and the related Addendum Report included an analysis of the biological resources found on-site. Additionally, the report included a focused survey for sensitive plants potentially located on the subject site, specifically for intermediate mariposa lily, Laguna Beach dudleya, and big-leaved crownbeard, and a habitat assessment for the coastal California gnatcatcher. Commission staff biologist Dr. Engel reviewed the submitted biological reports and was in general agreement with the conclusions presented within.

The report identified two plant communities existing within the project site including southern mixed chaparral and non-native grassland. Some plant species that comprise the coastal sage scrub plant community were also found sparsely distributed throughout the site, however due to the insufficient amount of individuals from this community these plants were defined as a transitional community between chaparral and coastal sage scrub. A small portion of the site also included disturbed or developed areas comprised of the boundary roads, a small retaining wall, and the concrete-lined drainage structure.

The focused surveys for sensitive plants on-site did not encounter any of the rare species potentially located on the subject property although the habitat and some of the microhabitat elements for these species were present. The habitat assessment for the coastal California gnatcatcher did not identify suitable habitat on-site for the requirements needed to support successful nesting or foraging gnatcatcher behavior.

Although no sensitive plant species, communities or habitats were identified within the subject site, the property is bordered by largely undisturbed chaparral communities important to the floral and fauna populations native to the area. In order to protect and maintain these important biological resources, **Special Condition #4** requires that a revised Landscaping Plan be submitted utilizing only species native to the local plant communities found within and surrounding the subject site. **Special Condition #4** also requires adherence to the submitted Fuel Modification Plan prepared by KTG Y Group, Inc. that has been reviewed and approved by the City of Laguna Beach Fire Department, and includes the installation and maintenance of thermally activated water cannons to protect the structure.

The steep topography of the subject site, the on-site drainage feature, and the adjacent undisturbed natural habitat significantly limit where a single family residence can be located within the property boundaries. As designed the single family residence straddles the lot line of the adjoining parcels that comprise the subject site. Only one single family residence is appropriate to occupy these adjoining lots in this case in order to minimize impacts to the steep hillside and surrounding habitat that an increased intensity of development and associated fuel modifications would incur. **Special Condition #5** identifies the restriction that only the approved residence is appropriate for the subject property and that no additional residential structures will be permitted on the property. Because of the potential for future improvements to the house or associated landscaping to affect nearby habitat, **Special Condition #6** provides that any future improvements will require either an amendment to this permit or a separate coastal development permit. **Special Condition #7** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and thereby provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240 of the Coastal Act.

## **E. LOCAL COASTAL PROGRAM**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director’s determination that the suggested modification had been properly accepted and the City assumed permit issuing authority at that time.

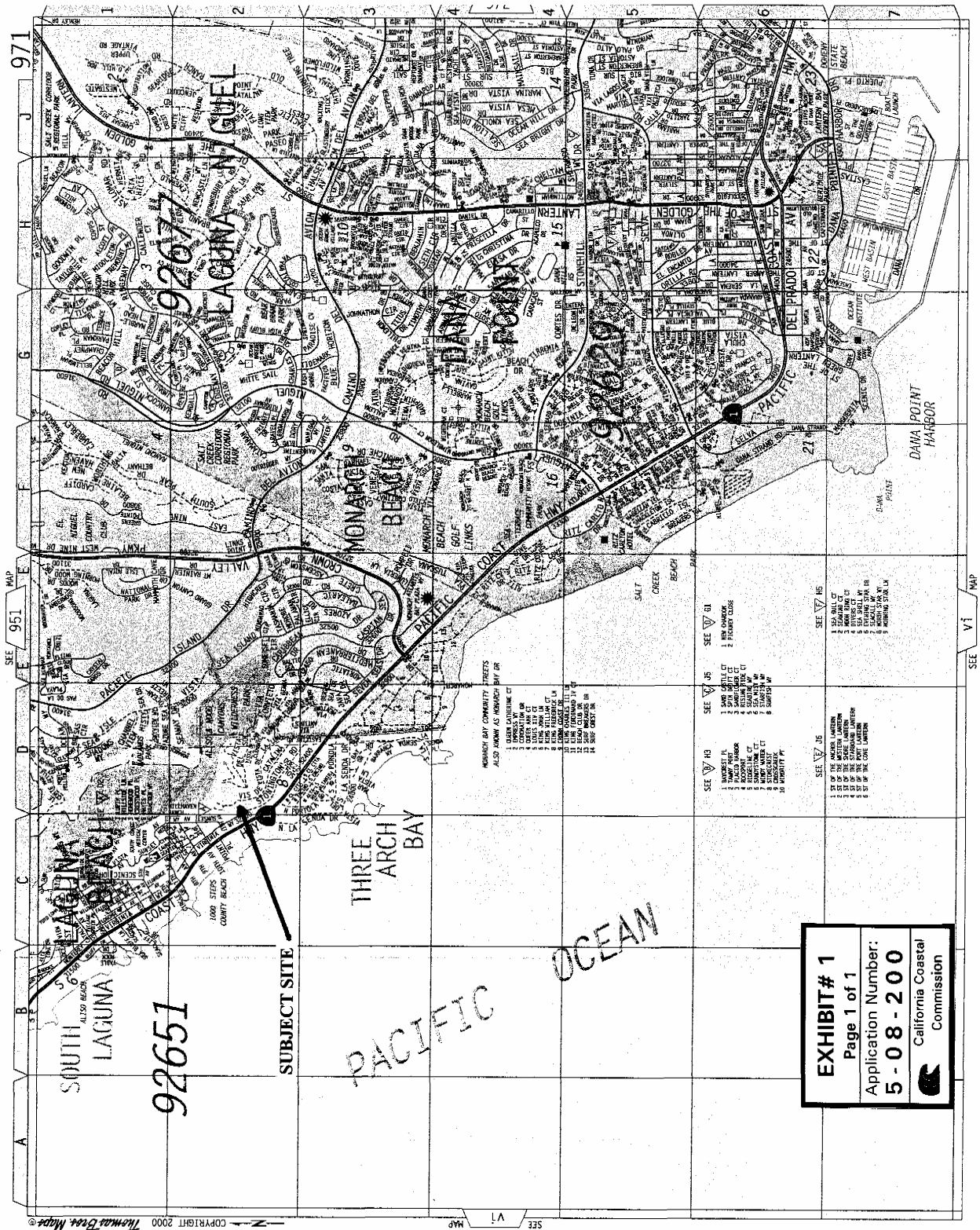
The subject site is located within the Three Arch Bay area of deferred certification. Certification in this area was deferred due to issues of public access arising from the locked gate nature of the community. However, as discussed above, the proposed development will not further decrease or impact public access within the existing locked gate community. Therefore the Commission finds that approval of this project, as conditioned, will not prevent the City of Laguna Beach from preparing a total Local Coastal Program for the areas of deferred certification that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.


**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

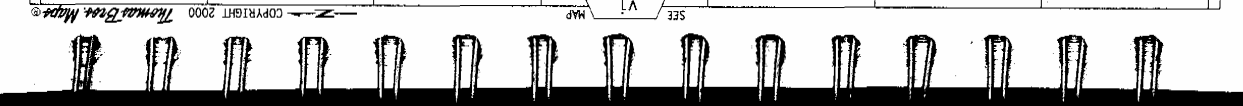
Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

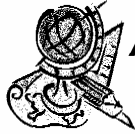
The proposed development has been conditioned to assure that the project will not have a significant adverse impact on coastal resources, specifically, water quality, geologic hazard, and biological resources. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.





**EXHIBIT # 1**  
Page 1 of 1  
Application Number:  
**5-08-200**  
  
California Coastal  
Commission





**Advanced Listing Services**

Ownership Listings & Radius Maps  
P.O. Box 2593 • Dana Point, CA • 92624  
Office: (949) 361-3921 • Fax: (949) 361-3923  
www.Advancedlisting.com

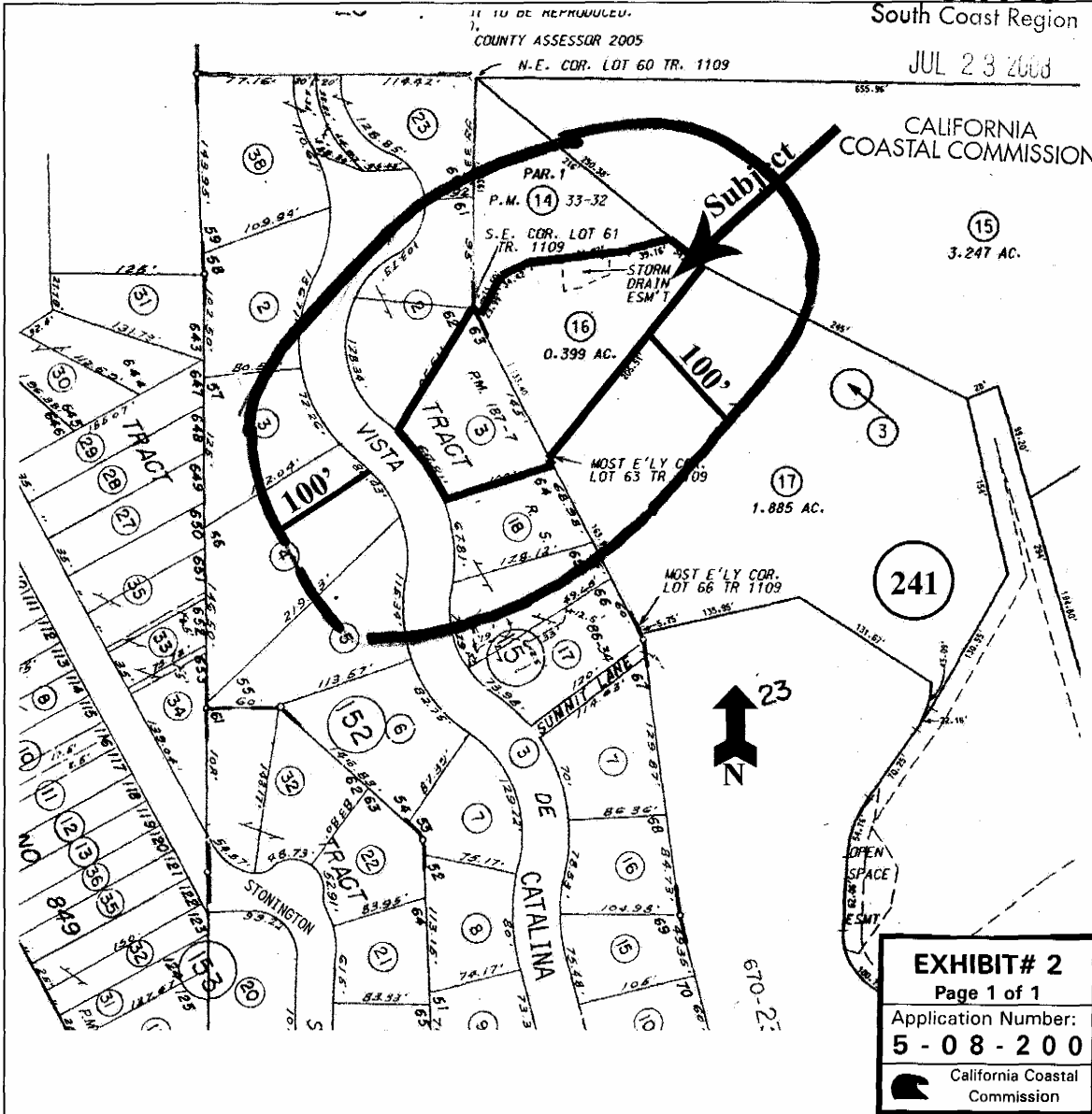
5-08-200

Subject APN: 056-151-03 & 670-241-16  
100' Radius (excluding roads)

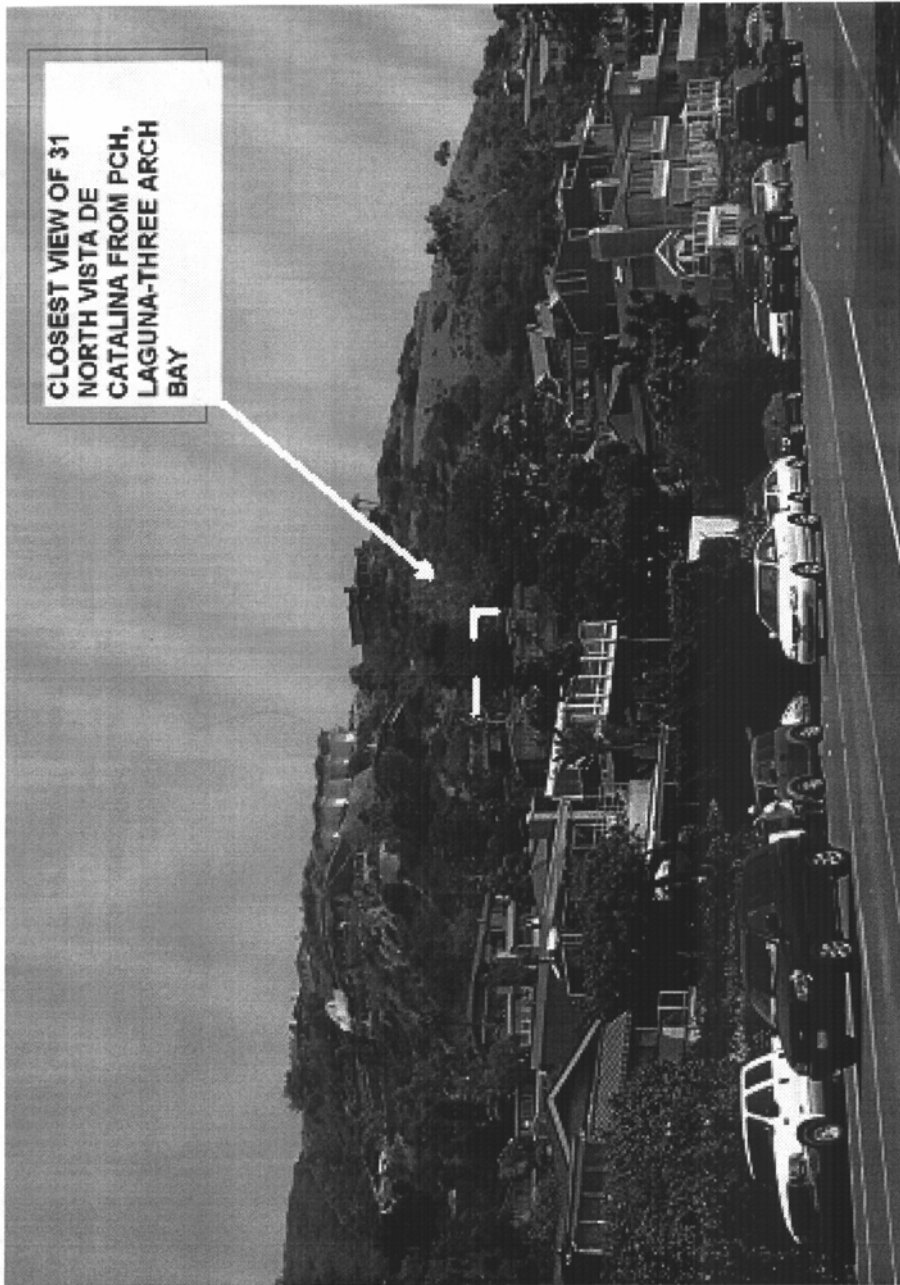
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Laguna Beach CA 92651

**RECEIVED**  
South Coast Region  
JUL 23 2008

CALIFORNIA  
COASTAL COMMISSION

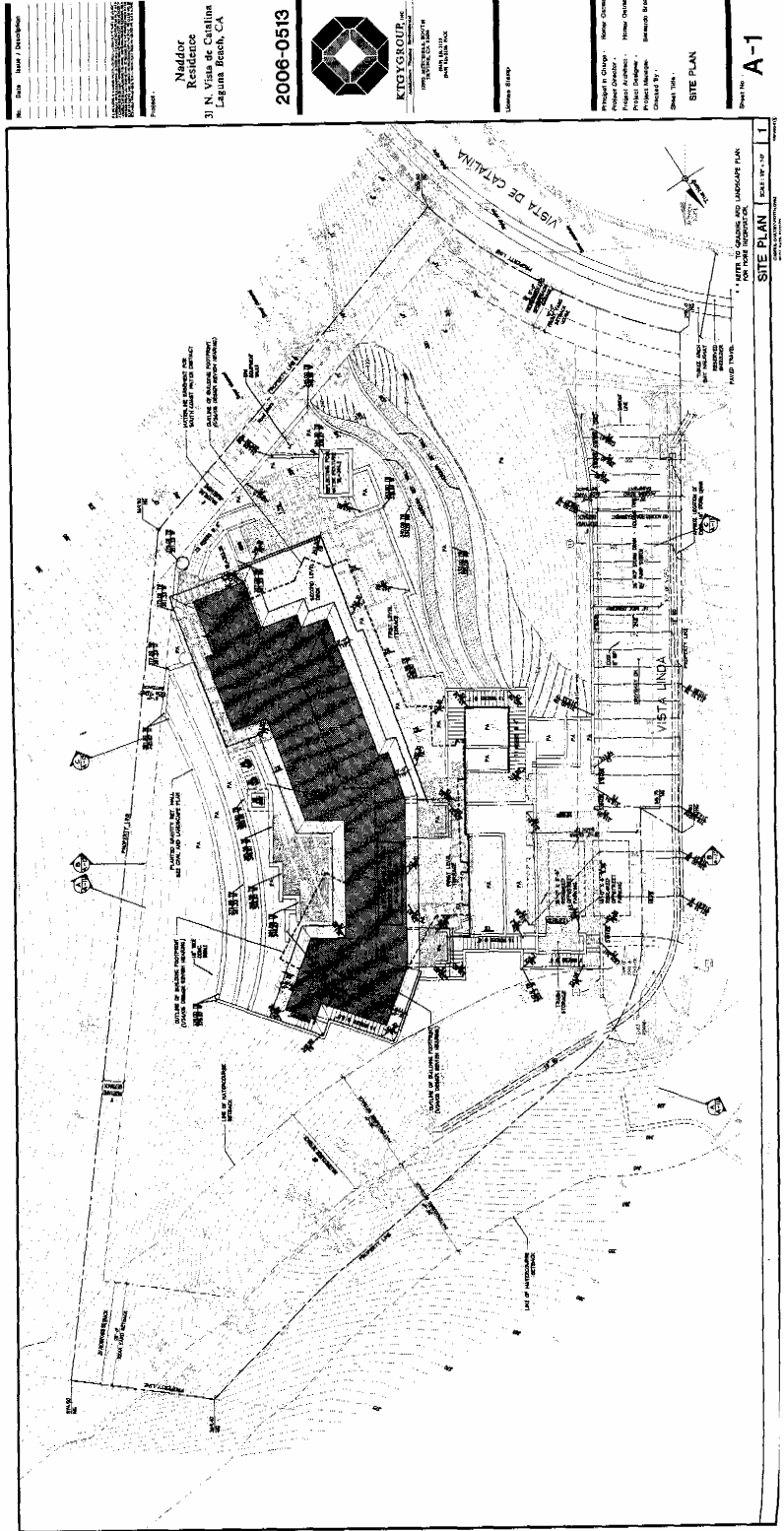


**EXHIBIT# 2**  
Page 1 of 1  
Application Number:  
**5-08-200**  
California Coastal  
Commission

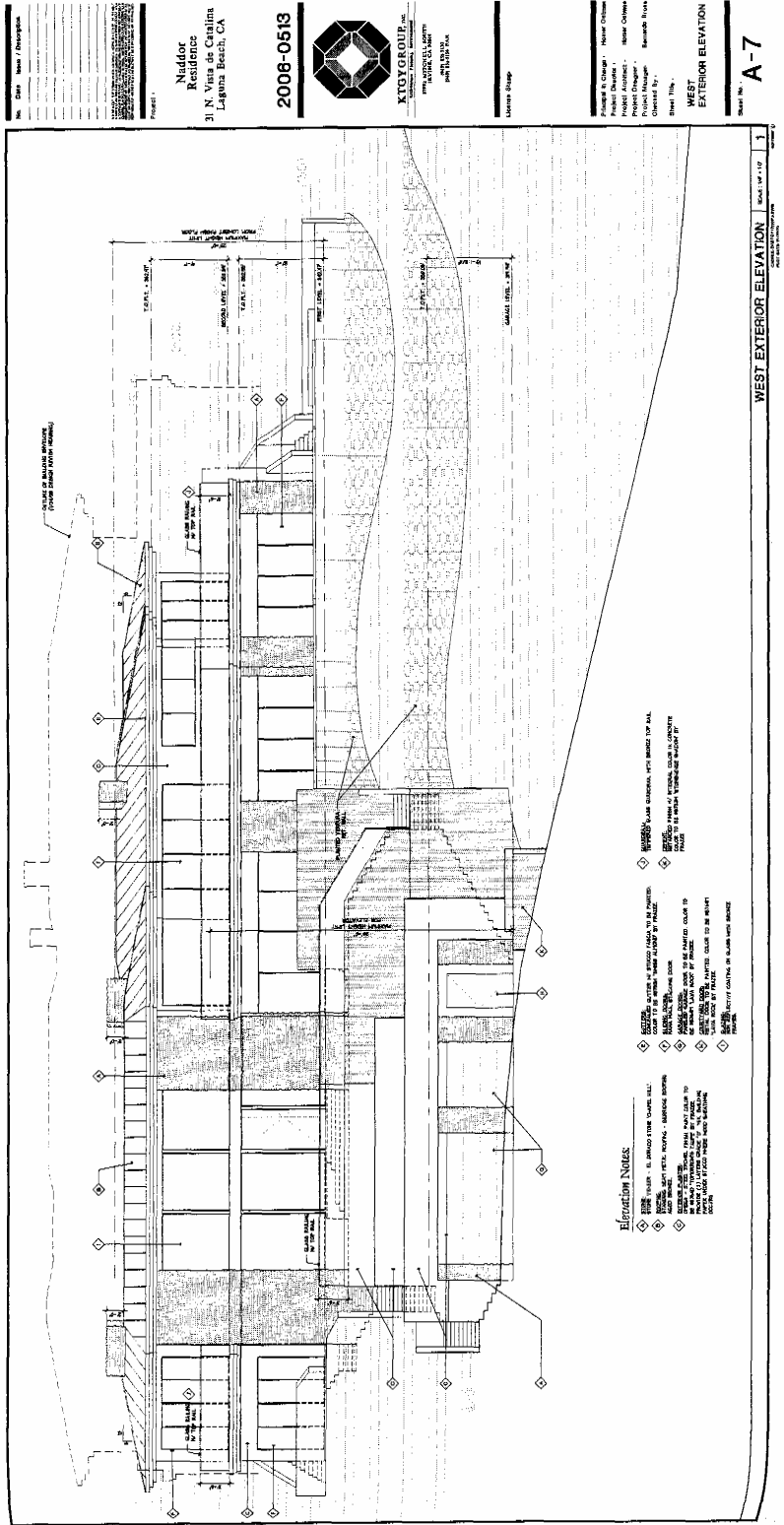


<b>EXHIBIT # 3</b>
Page 1 of 1
Application Number: <b>5 - 0 8 - 2 0 0</b>
 California Coastal Commission

**EXHIBIT# 4**  
Page 1 of 1  
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California Coastal  
Commission



**EXHIBIT # 5**  
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 California Coastal  
 Commission



**REFERENCE NOTES**

- 1. REFER TO SHEET A-6 FOR MATERIAL SCHEDULE.
- 2. REFER TO SHEET A-6 FOR FINISH SCHEDULE.
- 3. REFER TO SHEET A-6 FOR WINDOW SCHEDULE.
- 4. REFER TO SHEET A-6 FOR DOOR SCHEDULE.
- 5. REFER TO SHEET A-6 FOR ROOFING SCHEDULE.
- 6. REFER TO SHEET A-6 FOR PAINT SCHEDULE.
- 7. REFER TO SHEET A-6 FOR LIGHTING SCHEDULE.
- 8. REFER TO SHEET A-6 FOR LANDSCAPE SCHEDULE.
- 9. REFER TO SHEET A-6 FOR MECHANICAL SCHEDULE.
- 10. REFER TO SHEET A-6 FOR ELECTRICAL SCHEDULE.
- 11. REFER TO SHEET A-6 FOR PLUMBING SCHEDULE.
- 12. REFER TO SHEET A-6 FOR HVAC SCHEDULE.
- 13. REFER TO SHEET A-6 FOR STRUCTURAL SCHEDULE.
- 14. REFER TO SHEET A-6 FOR FOUNDATION SCHEDULE.
- 15. REFER TO SHEET A-6 FOR CONCRETE SCHEDULE.
- 16. REFER TO SHEET A-6 FOR MASONRY SCHEDULE.
- 17. REFER TO SHEET A-6 FOR METAL SCHEDULE.
- 18. REFER TO SHEET A-6 FOR WOOD SCHEDULE.
- 19. REFER TO SHEET A-6 FOR GLASS SCHEDULE.
- 20. REFER TO SHEET A-6 FOR OTHER SCHEDULE.

WEST EXTERIOR ELEVATION  
 SHEET NO. A-7

Scale: 1/8" = 1'-0"

DATE: 05/13/13

PROJECT: NADDOR RESIDENCE

LOCATION: 31 N. VISTA DE CAHILLA, LAGUNA BEACH, CA

ARCHITECT: KTCY ARCHITECTS, INC.

2008-0513

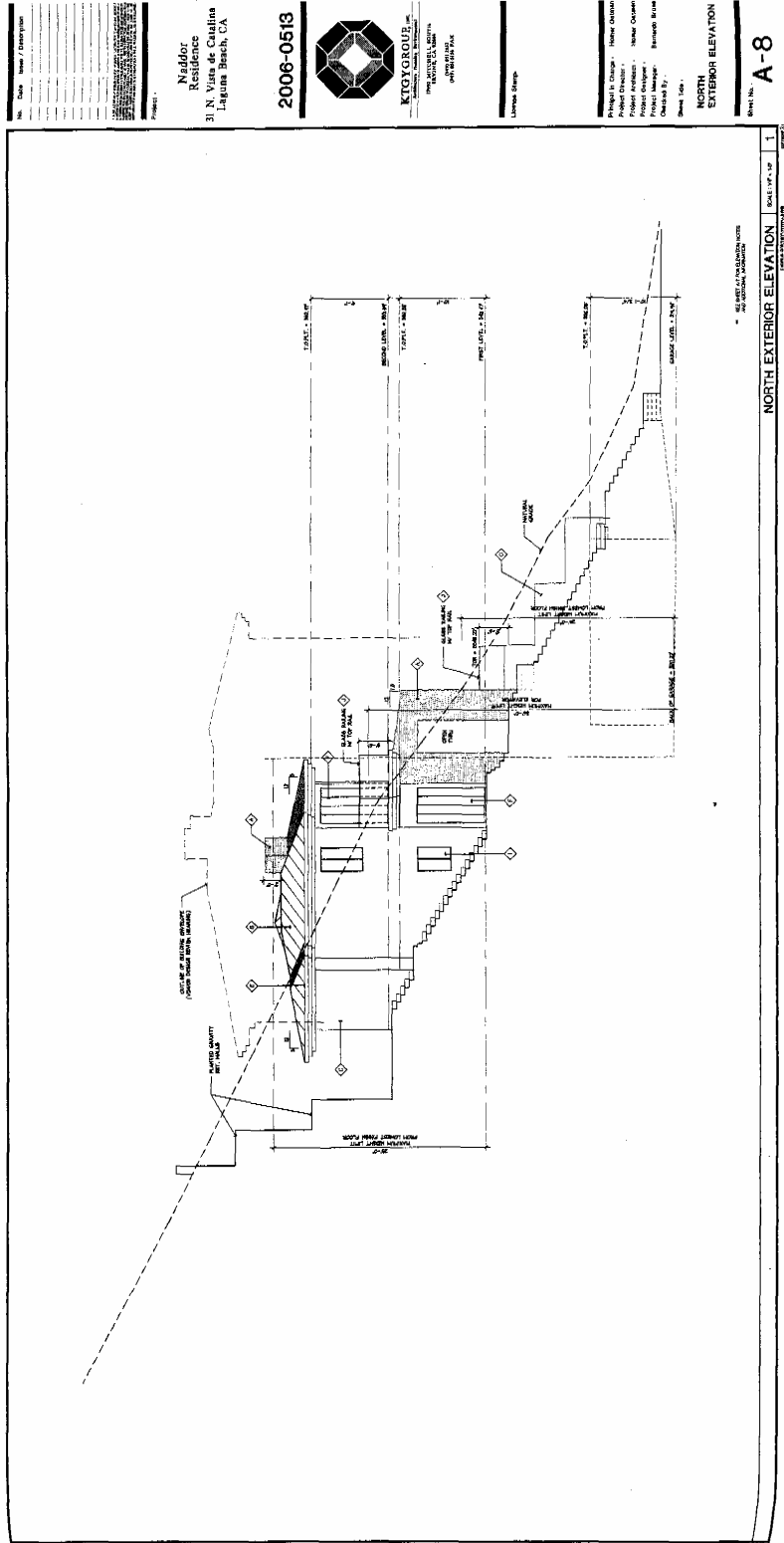
PROJECT: NADDOR RESIDENCE  
 31 N. VISTA DE CAHILLA  
 LAGUNA BEACH, CA

ARCHITECT: KTCY ARCHITECTS, INC.  
 1000 W. MAIN ST., SUITE 100  
 LAGUNA BEACH, CA 92653

DATE: 05/13/13

2008-0513

**EXHIBIT # 5**  
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Application Number:  
**5 - 0 8 - 2 0 0**  
California Coastal  
Commission



**EXHIBIT # 5**  
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 Application Number:  
**5 - 0 8 - 2 0 0**  
 California Coastal  
 Commission

No.	Date	Issue / Description
1	11/15/05	Initial Review
2	12/15/05	Second Review
3	01/15/06	Third Review
4	02/15/06	Fourth Review
5	03/15/06	Fifth Review
6	04/15/06	Sixth Review
7	05/15/06	Seventh Review
8	06/15/06	Eighth Review
9	07/15/06	Ninth Review
10	08/15/06	Tenth Review
11	09/15/06	Eleventh Review
12	10/15/06	Twelfth Review
13	11/15/06	Thirteenth Review
14	12/15/06	Fourteenth Review
15	01/15/07	Fifteenth Review
16	02/15/07	Sixteenth Review
17	03/15/07	Seventeenth Review
18	04/15/07	Eighteenth Review
19	05/15/07	Nineteenth Review
20	06/15/07	Twentieth Review
21	07/15/07	Twenty-first Review
22	08/15/07	Twenty-second Review
23	09/15/07	Twenty-third Review
24	10/15/07	Twenty-fourth Review
25	11/15/07	Twenty-fifth Review
26	12/15/07	Twenty-sixth Review
27	01/15/08	Twenty-seventh Review
28	02/15/08	Twenty-eighth Review
29	03/15/08	Twenty-ninth Review
30	04/15/08	Thirtieth Review
31	05/15/08	Thirty-first Review
32	06/15/08	Thirty-second Review
33	07/15/08	Thirty-third Review
34	08/15/08	Thirty-fourth Review
35	09/15/08	Thirty-fifth Review
36	10/15/08	Thirty-sixth Review
37	11/15/08	Thirty-seventh Review
38	12/15/08	Thirty-eighth Review
39	01/15/09	Thirty-ninth Review
40	02/15/09	Fortieth Review
41	03/15/09	Forty-first Review
42	04/15/09	Forty-second Review
43	05/15/09	Forty-third Review
44	06/15/09	Forty-fourth Review
45	07/15/09	Forty-fifth Review
46	08/15/09	Forty-sixth Review
47	09/15/09	Forty-seventh Review
48	10/15/09	Forty-eighth Review
49	11/15/09	Forty-ninth Review
50	12/15/09	Fiftieth Review

**PROJECT:**  
 Naddor  
 Residence  
 31 N. Via de Catalina  
 Laguna Beach, CA

**2006-0513**



**KTYG GROUP Inc.**  
 ARCHITECTS & INTERIORS  
 1400 17th St, Suite 100  
 San Diego, CA 92161  
 (619) 551-1700

**DATE:** 05/15/08  
**SCALE:** AS SHOWN

**CLIENT:**  
 Naddor  
 Residence  
 31 N. Via de Catalina  
 Laguna Beach, CA

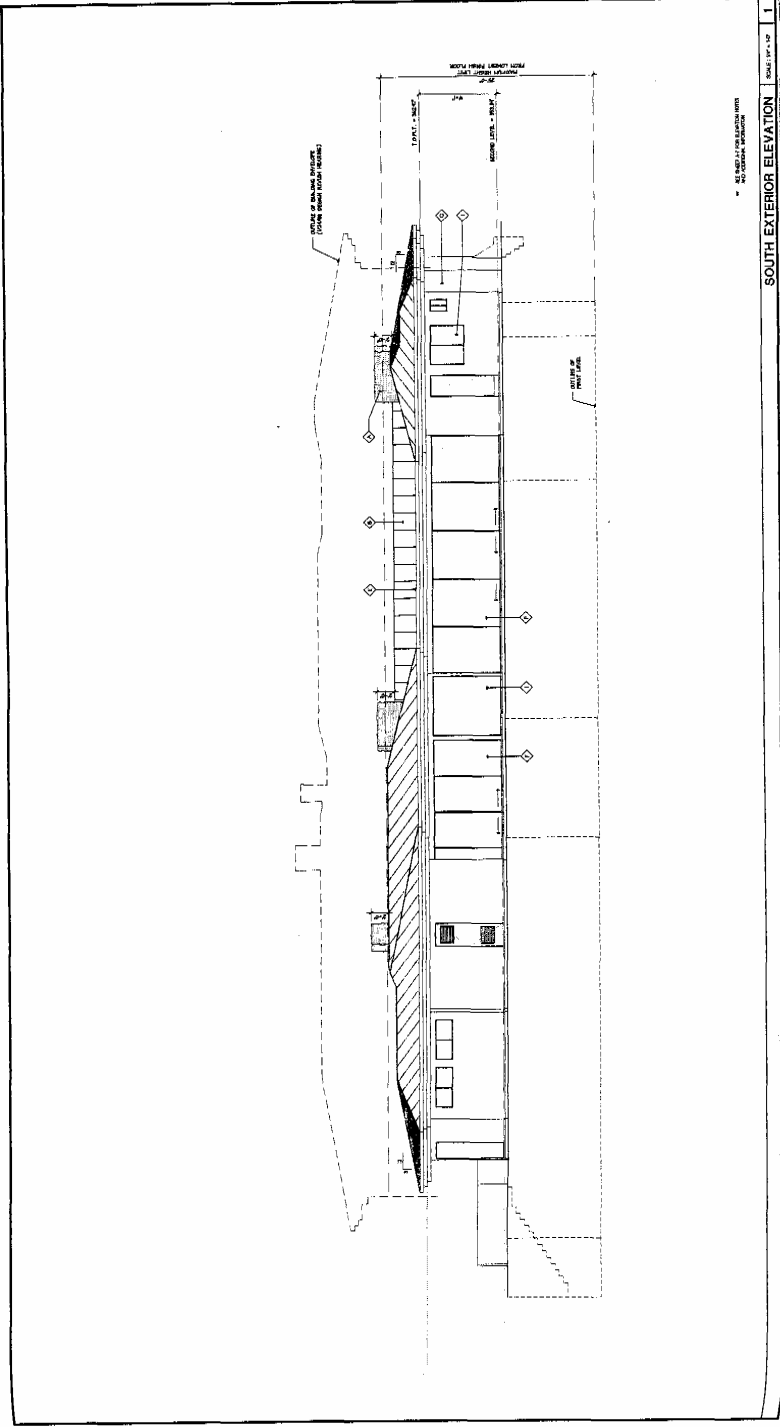
**DESIGNER:**  
 KTYG GROUP Inc.  
 1400 17th St, Suite 100  
 San Diego, CA 92161  
 (619) 551-1700

**ARCHITECT:**  
 KTYG GROUP Inc.  
 1400 17th St, Suite 100  
 San Diego, CA 92161  
 (619) 551-1700

**DATE:** 05/15/08  
**SCALE:** AS SHOWN

**PROJECT:**  
 Naddor  
 Residence  
 31 N. Via de Catalina  
 Laguna Beach, CA

**DATE:** 05/15/08  
**SCALE:** AS SHOWN



**AS SHOWN IN PERSPECTIVE VIEW  
 AS SHOWN IN PERSPECTIVE VIEW**

**SOUTH EXTERIOR ELEVATION**  
 2006-0513

**DATE:** 05/15/08  
**SCALE:** AS SHOWN

**PROJECT:**  
 Naddor  
 Residence  
 31 N. Via de Catalina  
 Laguna Beach, CA

**DESIGNER:**  
 KTYG GROUP Inc.  
 1400 17th St, Suite 100  
 San Diego, CA 92161  
 (619) 551-1700

**ARCHITECT:**  
 KTYG GROUP Inc.  
 1400 17th St, Suite 100  
 San Diego, CA 92161  
 (619) 551-1700

**DATE:** 05/15/08  
**SCALE:** AS SHOWN

**CLIENT:**  
 Naddor  
 Residence  
 31 N. Via de Catalina  
 Laguna Beach, CA

**DATE:** 05/15/08  
**SCALE:** AS SHOWN

**PROJECT:**  
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 Residence  
 31 N. Via de Catalina  
 Laguna Beach, CA

**DESIGNER:**  
 KTYG GROUP Inc.  
 1400 17th St, Suite 100  
 San Diego, CA 92161  
 (619) 551-1700

**ARCHITECT:**  
 KTYG GROUP Inc.  
 1400 17th St, Suite 100  
 San Diego, CA 92161  
 (619) 551-1700

**DATE:** 05/15/08  
**SCALE:** AS SHOWN

**CLIENT:**  
 Naddor  
 Residence  
 31 N. Via de Catalina  
 Laguna Beach, CA

**DATE:** 05/15/08  
**SCALE:** AS SHOWN

**PROJECT:**  
 Naddor  
 Residence  
 31 N. Via de Catalina  
 Laguna Beach, CA

**DATE:** 05/15/08  
**SCALE:** AS SHOWN

**EXHIBIT # 5**  
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**5 - 0 8 - 2 0 0**  
 California Coastal  
 Commission

No. Date Name / Description

**2006-0513**

**Naddor  
 Residence  
 31 N. Vista de Catalina  
 Laguna Beach, CA**

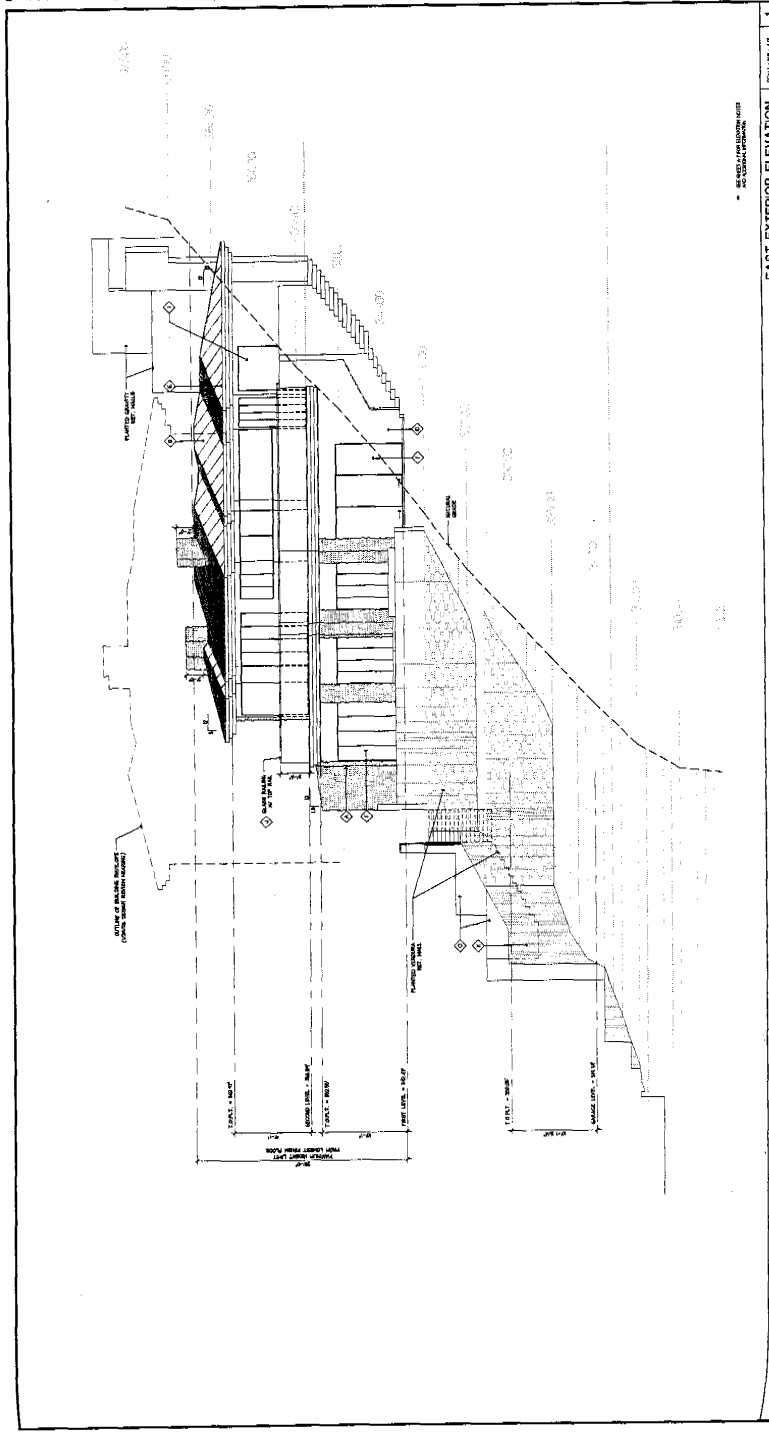
**KTGYGROUP, INC.**  
 ARCHITECTS AND INTERIORS  
 17021 COLLETTI COURT  
 VAN NUYS, CA 91411

**Licensed Stamp**

**Project in Charge - Home Owner  
 Project Designer - Home Owner  
 Project Designer - Home Owner  
 Checkmark Items - Structural Notes  
 Sheet Title -**

**EAST  
 EXTERIOR ELEVATION**

Sheet No. **A-10**



EAST EXTERIOR ELEVATION SCALE: 1/8" = 1'-0" 1



CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



MEMORANDUM

FROM: Jonna D. Engel, Ph.D.  
Ecologist

TO: Gabriel Buhr  
Coastal Analyst

SUBJECT: Naddor Property

DATE: October 31, 2008

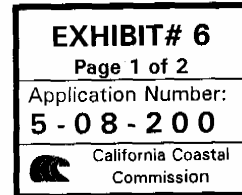
Documents Reviewed:

Rios, Kelly. October 24, 2008. Addendum Report to the Biological Resources Impact Assessment 0.66-Acre Naddor Property Located in Three Arch Bay Laguna Beach, Orange County, California. Prepared for Dan Naddor by Michael Brandman Associates.

Rios, Kelly. September 8, 2008. Biological Resources Impact Assessment 0.66-Acre Naddor Property Located in Three Arch Bay Laguna Beach, Orange County, California. Prepared for Dan Naddor by Michael Brandman Associates.

Upon review of the biological report, "Biological Resources Impact Assessment 0.66-Acre Naddor Property Located in Three Arch Bay Laguna Beach, Orange County, California", I determined that additional biological information was necessary for me to fully assess the biological resources on the Naddor Property. Mr. Gabriel Buhr sent Mr. Naddor a letter on October 2, 2008, requesting focused surveys by a qualified botanist for the presence of big-leaved crownbeard, *Verbesina dissita*, laguna beach dudleya, *Dudleya stolonifera*, and mariposa lily, *Calochortus weedii var intermedius* and a focused survey by a qualified avian biologist identifying potential California Gnatcatcher presence and habitat located on the subject site.

Subsequent to Gabriel Buhr's request for additional biological information, Michael Brandman Associates (MBA) submitted an addendum; "Addendum Report to the Biological Resources Impact Assessment 0.66-Acre Naddor Property Located in Three Arch Bay Laguna Beach, Orange County, California." The addendum submitted by MBA adequately addresses the concerns regarding special status plant species and the potential for the site to support California Gnatcatchers. MBA conducted focused surveys for the special status plant species listed above and report that; "Although the habitat and one of the microhabitat elements needed for the sensitive plants occur within the project site, these plants were not observed during the surveys and are



considered absent from the project site.” MBA also conducted surveys and a habitat assessment for California Gnatcatchers. MBA did not observe any California Gnatcatchers on the subject property and concluded that the project site “does not provide suitable habitat nor does the dense southern mixed chaparral that extends into the open space located in the very steep hills to the east and northeast of the site.” MBA cite a number of factors that make the Naddor Property poor California Gnatcatcher habitat: 1) small and isolated patches of coastal sage scrub (fragmented and isolated from any large habitat blocks), 2) steep terrain and large hills which serve to isolate the site, and 3) history of disturbance and urban development on the site and in the immediate vicinity.

Based on MBA’s initial biological resources impact analysis in combination with the subsequent addendum to the report, the Naddor Property does not support any special status plant or animal species. The subject property consists largely of native habitat that is best described as transitional between San Diegan Coastal Sage Scrub and Southern Mixed Chaparral. The property is located adjacent to large areas of undeveloped open space. Any proposed landscaping on the property must consist of native plant species obtained from seed or stock derived from the local area.

