LANDSCAPING AND FUEL MODIFICATION REGULATIONS

REQUEST TO AMEND F/TSP: Section III.E.1.0 (pages 111-76 thru 78 of the F/TSP) to add:

III.E.1.1

For the Saddle Creek and Saddle Crest Area Plan areas as described in Appendix F, the following shall apply:

~~c.~~ a) Tree Management / Preservation

1) Any *oak or sycamore* tree exceeding five inches in diameter (measured at four-and-one-half (4.5) feet above the existing grade) shall not be removed prior to Planning Commission approval of an area plan, ~~site development permit or use permit~~ and the approval of a Tree Management / Preservation Plan by the ~~Manager, EMA/Harbor, Beaches and Parks, Program Planning Division~~ *Planning Director, Planning and Development Services Department.* Since they play a major role in providing nesting or breeding habitat for wildlife, the removal of dead or dying *oak* trees shall require approval of a Tree Management / Preservation Plan by the ~~Manager, EMA/Harbor, Beaches and Parks, Program Planning Division~~ *Director, PDSD unless the tree(s) have fallen or are in danger of falling and represent a hazard.*

Said plan shall be signed and certified by a biologist or arborist. The plan shall identify the location, size and species of all *oak and sycamore trees* proposed to be removed which have a trunk diameter of five inches, ~~or greater~~ *measured* at 4.5 feet above the existing grade and the proposed location for the transplanted or replacement trees. For the new development, said Tree Management / Preservation Plan shall be included as a component of the required Landscaping Plan (see above).

~~3.~~ *b)* Tree Transplantation / Replacement

~~a.~~ *1)* All oak trees *(certified by an arborist to have all characteristics which make the tree a candidate for transplantation)* exceeding five inches in diameter at 4.5 feet above the existing grade ~~removed in accordance with an approved Tree Management/Preservation Plan shall be transplanted~~ *which are to be transplanted shall be transplanted in accordance with an approved Tree Management / Preservation Plan.* If any oak trees over 5 inches in diameter are in poor health or would not survive transplantation *or is determined to be infeasible for transplantation,* as certified by an arborist, said tree shall be replaced ~~with minimum 15-gallon trees~~ according to the replacement scale below. *The size of the tree and the method of irrigation shall be as recommended by a certified arborist.* The replacement scale indicated is the minimum number of replacement trees required; *however, additional replacement trees may be required* on a case-by-case basis.

TREE REPLACEMENT SCALE

Trunk diameter (inches) of Tree Removed at 4.5 *feet* ~~inches~~ Above Ground Level	Minimum Number Of Replacement Trees Required
5 to 11	5
12 to 17	8
18 to 23	10
24 to 35	12
above 35	15

~~b.~~ *2)* Any sycamore tree ~~exceeding 35 inches in diameter shall be preserved, transplanted or replaced by an identical species of equal or greater size~~ *of 35 inch trunk diameter or greater as measured at 4.5 feet above existing grade* shall be ~~preserved, transplanted or replaced by an identical species of equal or greater size~~ *replaced with a similar species of tree at a replacement ratio as described above.* ~~Sycamore trees less than 35 inches in diameter shall be transplanted or replaced according to the scale indicated in the table above with minimum 15-gallon trees.~~ *The size of the replacement tree and the method of irrigation shall be as recommended by a certified arborist. The replacement scale indicated is the minimum number of replacement trees required; however, additional replacement trees may be required on a case-by-case basis.*

~~c.~~ *3)* In the event that all transplanted or replacement *oak or sycamore* trees will not fit on a property, an off-site mitigation program may be permitted; however, all transplanted and replacement trees shall be located within the Specific Plan Area.

~~d) Any species of tree, other than any oaks or sycamores, shall be transplanted or replaced with minimum fifteen (15) gallon trees at a minimum ratio of one-to-one (1:1).~~

~~e.~~ *4)* All transplanting of trees shall be performed by an experienced nursery, landscape contractor or arborist who shall care for the trees for a minimum period of six (6) months. If any transplanted tree dies within 5 years of the date of transplantation, it shall be replaced according to the replacement scale for trees removed.

~~d.~~ *5)* Grading, placement of fill, storage of building materials and heavy equipment, structural development and hardscape (e.g., roads, sidewalks, patio slabs and pool decks) shall be prohibited within the dripline (outer edge of branches) of any oak or sycamore tree. Where these activities cannot be avoided, all trees with impacted driplines shall be retained in their current location, but replacement trees shall be planted at the scale indicated above.

~~e.~~ *6)* During all construction and grading operations, all oak and sycamore trees on the site located adjacent to the limits of grading and identified in the Tree Management / Preservation Plan as trees to be preserved shall be adequately fenced and protected from encroachment by grading and construction equipment. In the event that any oak or sycamore tree identified for preservation in the Tree Management / Preservation Plan are inadvertently or intentionally injured or removed, they shall be replaced in accordance with the Tree Replacement Scale, above.

~~f.~~ *7)* Graded slopes shall be re-vegetated with ~~native fire-resistant vegetation~~ *species consistent with the fuel modification plan plant pallette* prior to the issuance of certificates of use and occupancy or within six months of the termination of grading operations, whichever occurs first.

~~g.~~ *8)* Landscape screening shall be provided to obscure grading scars from the view of any public road.

c) Tree Transplantation / Replacement - Optional Replacement Program - The Tree Management / Preservation Plan may identify optional tree mitigation methods, sizes, locations, or ratios (which thus may vary from that identified in the Tree Replacement Scale above). The Planning Commission may adopt such an optional mitigation program provided that findings are made that the optional mitigation program results in an environmentally superior approach. If such an optional mitigation program is proposed, the program must be prepared by a certified arborist who will submit a statement of certification that the optional mitigation program represents a more feasible mitigation program whose probability for long term success and biological viability exceeds that of the base Tree Replacement Scale and requirements.

Consistency with this section, III.E.1.1 shall exempt the Saddle Creek and Saddle Crest Areas from Sections III.E.1.c (pages III-76 thru 78 of the F/TSP) herein and shall be regarded as satisfactorily preserving and protecting the Landscape features of the subject properties.

REQUEST TO AMEND LAND USE REGULATIONS: SECTION III

Request to amend F/TSP Section III.D.8.8.h (starts on page III-50) to add III.D.8.h.10) as follows:

III.D.8.8.h.10: Consistency with this section (III.D.8.8.h.10) shall exempt the Saddle Creek and Saddle Crest Areas from Section III.D.8.h.1) through 9) and III.D.8.8.i (pages III-50 through III-52 of the F/TSP) and Section III.G.2.d (pages III-88 through III-89 of the F/TSP) herein. For the Saddle Creek and Saddle Crest Area Plan areas as described in Appendix F, the following shall apply:

~~**d. Alternative Grading Standards.**~~

~~1) Alternative grading Standards may be approved by the Planning Commission in conjunction with the approval of an area plan, site development permit or use permit. However, in no event shall grading exceed an average of 9,000 cubic yards of grading (cut or fill, whichever is greater) per building site, excluding grading required for access roads and driveways serving two or more building sites and any remedial grading required, as certified by a geologist. The height of cut or fill slopes shall not exceed thirty (30) vertical feet, except for roads or driveways providing access to five or more dwelling units.~~

~~In the event that the standards for both grading volume and height of cut or fill slopes are exceeded, the amounts exceeded on each building site shall be~~

~~inversely proportional based upon the difference between the maximum baseline and alternative standards.~~

Grading Standard Category	*Grading Standard*
CONTOUR ELEVATION CHANGE – all areas	*not limited*
*SLOPE HEIGHTS: Maximum vertical heights of exposed cut or fill slope:**	
• *ANY SINGLE BUILDING SITE (INCLUDING DRIVEWAY SERVING THE BUILDING SITE)*	*See Table 1: Inversely Proportional Scale (ranges 10' - 30')*
• *ROAD/DRIVEWAY SERVING 2 TO 4 BUILDING SITES*	*30'*
• *ROAD/DRIVEWAY SERVING MORE THAN 4 BUILDING SITES Includes road/driveway serving any public facility/community facility (e.g. utility bench, water tank, emergency access, etc.)*	*not limited*

**Refer to Exhibits 1, 2, and 3*

GRADING: (Volume:)	
• *BUILDING SITE AND DRIVEWAY SERVING ONE BUILDING SITE Maximum average cubic yards of grading (see Definitions 1 and 2)*	*See Table I: Inversely Proportional Scale (ranges 3,000 - 9,000 average)*
• *ROAD/DRIVEWAY SERVING 2 TO 4 BUILDING SITES Maximum cubic yards of grading (see Exhibit 4 and Definition 2)*	*not limited*
• *ROAD/DRIVEWAY SERVING MORE THAN 4 BUILDING SITES Maximum cubic yards of grading (see Exhibit 4 and Definition 2)*	*not limited*
• *REMEDIAL Maximum cubic yards of remedial grading as certified by a geotechnical engineer*	*not limited*

DEFINITIONS:

1. *Average Cubic Yards of Grading Per Building Site:*
Sum of cubic yards of grading for all building sites and slope grading required to construct all building sites divided by the total number of proposed building sites within the project area (Saddle Creek and Saddle Crest are considered to be two separate areas). Thus, some individual building sites may exceed 9,000 cubic yards. The sum used in said formula is the greater number, either cut

or fill. Said grading excludes remedial grading and grading required to construct roads/driveways serving two or more building sites.

2. *Grading*
Refers to raw and/or base volumes (difference between existing ground elevations and proposed contour elevations) excluding adjustment factors such as subsidence, shrinkage and/or bulking.

Table 1 provides three examples (A, B and C) using the inversely proportional scale; interpolation shall be utilized to derive other examples. *Table 1 is only applicable to building sites and driveways serving one building site.*

Table 1
INVERSELY PROPORTIONAL SCALE

Example	Max. Average Cubic Yardage Standard Per Building Site	Height of *Exposed* Cut or Fill Slope Standard to Construct Building Site
	9,000 cu. yds.	10 ft. *or less*
A	7,500 cu. yds.	15 ft.
B	6,000 cu. yds.	20 ft.
C	4,500 cu. yds.	25 ft.
	up to 3,000 cu. yds.	30 ft.

A combination of retaining, crib, or other walls and manufactured slope to construct roads that serve five or more building sites may employ multiple, staggered walls that individually total no more than 20' in height but in combination and with manufactured slopes may exceed 30' in height, when it is demonstrated that additional land will be preserved in its natural state as a result of utilizing said combination.

Where a property owner develops fewer dwelling units than permitted by the development cap on the property and the grading allocation is applied to those units that are built, (per Sections III.2.8.g.3, III.6.8.h.3, III.7.8.g.3 and III.8.8.h.3) the height limit for cut and fill slopes on the affected lots shall be thirty (30) vertical feet (except for roads or driveways providing access to five or more dwelling units), and the inversely proportional scale, above, shall not apply.

~~2) Where an area plan, site development permit or use permit application proposes to establish Alternative Grading Standards, the applicant shall provide all necessary information required for project submittals (Section II.G) for both a project alternative which fully complies with the baseline grading requirements of the Land Use District in which the project is located, as well as for the project alternative utilizing the proposed Alternative Grading Standards.~~

~~3) The Planning Commission shall make the following findings in conjunction with approval of any area plan, site development permit or use permit in order to authorize the use of Alternative Grading Standards for the subject site:~~

The ~~Alternative~~ *Saddle Creek and Saddle Crest* Grading Standards shall result in seventy (70) percent or more of *each of the two Area Plan areas* ~~the project site~~ being preserved in ~~natural~~ *permanent* open space. No *non-remedial* grading, structures (including stables and corrals) or commercial agricultural activities shall be permitted in the ~~natural~~ *permanent* open space area. ~~River rock walls not to exceed three feet and open fencing~~ *Walls of natural materials (or materials designed to have a natural appearance) not to exceed three feet in height above ground, open fencing, trails and unpaved emergency/ utility easements, remedial grading, erosion control facilities, fuel modification, Tree Management and Preservation Program (TMPP) transplanting, planting and necessary measures to achieve TMPP implementation, and environmental mitigation shall be permitted in* ~~natural~~ *permanent* open space area*s*.

~~b) The height of cut or fill (manufactured) slopes shall not exceed thirty (30) vertical feet, except for roads or driveways providing access to five or more dwelling units.~~

~~4) When Alternative Grading Standards are proposed, the burden or proof shall be upon the project applicant to demonstrate how the project resuls in less graded area or in more natural open space.~~

~~5) If the Planning Commission determines that it cannot make either of the required findings to permit the Alternative Grading Standards, the proposed Alternative Grading Standards shall be denied and the permit application shall be revised accordingly.~~