



**MINUTES OF THE COASTAL ENVIRONMENTAL REVIEW BOARD  
(ERB)**

**MEETING OF JUNE 9, 2008**  
(Approved as amended by ERB on 21 July 2008)

**PERSONS IN ATTENDANCE:**

**ERB MEMBERS**

Rosi Dagit  
Dr. Noël Davis (absent)  
Ron Durbin (Deputy Forester, ERB member applicant)  
Suzanne Goode  
Dr. Margot Griswold (absent)  
Richard Ibarra  
Dr. Travis Longcore  
David Magney (absent)  
John Todd, Chief, Forestry

**REGIONAL PLANNING STAFF**

Rudy Silvas (ERB coordinator)  
Dr. Shirley Imsand (Biologist)  
Jeff Juarez (ERB Alternate)  
Tyler Montgomery (Planner)  
Gina Natoli (ERB Alternate)

**Vesting Tentative Tract 34289**

Don Schmitz	(310) 589-0773
Steve Nelson	(909) 396-8478
Mike Doyle	(310) 457-7687
John Fletcher	(310) 457-2689

**Plot Plan RPPT 200702078**

Rui Cunha	(310) 463-5339
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**ROAKT 200600077**

Robbin Hayne	(310) 456-0050
Tanis Paul	(310) 456-0050

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Vesting Tentative Tract 34289, Latigo Canyon & Baller Roads, pp. 3-6

Plot Plan RPPT 200702078, 2525 Hawks Nest Trail, pp. 7-10

ROAKT 200600077, 1135 Topanga Canyon Road, pp. 11-13

**ERB MINUTES  
JUNE 9, 2008**

**AGENDA ITEMS**

1. Minutes of April 21, 2008, will be prepared for next meeting, July 21, 2008.

**NEW BUSINESS**

2. **Vesting Tentative Tract Map No. 34289** – see ERB Minutes below, pages 3-6

**OLD BUSINESS**

3. **Plot Plan RPPT 200702078** – see ERB Minutes below, pages 7-10 and ERB Minutes 25 Feb 2008, p. 6-7/9

4. **ROAKT 200600077** – see ERB Minutes below, pages 11-13 and ERB minutes April 12, 2008.

**OTHER MATTERS**

5. **Public comment** pursuant to Section 54954.3 of the Government Code.

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NOTE: ERB MEETINGS ARE INFORMAL WORKING SESSIONS. MEMBERS ARE APPOINTED AS VOLUNTEERS TO SERVE IN AN ADVISORY CAPACITY. MINUTES ARE PREPARED BY PLANNING STAFF PRIMARILY FROM NOTES. MEETINGS ARE ALSO RECORDED ON TAPE WHICH IS USED PRIMARILY AS A BACK-UP FOR STAFF. VISITORS ARE ADVISED TO TAKE PROPER NOTES AND/OR RECORD THE MEETING. NEW OR CLARIFIED INFORMATION PRESENTED IN BIOTA REVISIONS MAY RAISE NEW ISSUES AND REQUIRE FURTHER ANALYSIS. MINUTES ARE GENERALLY APPROVED AT THE FOLLOWING MEETING. DRAFT MINUTES MAY BE REQUESTED BUT ARE SUBJECT TO REVISION.

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**Case No.** Vesting Tentative Tract Map No. 34289  
**Retroactive Oak Permit ROAKT 200700011**

**Location:** Latigo Canyon Road near intersection with Baller Rd (private), Malibu

**Applicant:** Don Schmitz of Schmitz Associates, representing C.Reddy

**Request:** A proposed subdivision for eight (8) lots, six (6) for residential, one (1) for open space conservation and one (1) for street access to the site, is proposed over 34.4 gross acres located in Malibu. The amount of grading proposed is for 19,650 cubic yards of cut, and 875 cubic yards of fill. An oak tree permit (*Case no. ROAKT 200700011*) has been filed for the proposed removal of 4 oak trees on site, along with an oak tree replacement plan situated along the property's frontage with Latigo Canyon Road. The project site is located in a very high fire hazard severity zone (Zone 4). A biological constraints analysis (BCA) has also been prepared for the proposed development. Primary access to the site will be directly from Latigo Canyon Road which will serve Lots 1 through 5, with a secondary access point to serve Lot 6 through an off-site access easement over Baller Road, a private street, which will also connect to Latigo Canyon Road. This site is identified by Los Angeles County Assessor's Parcel Number 4461-007-008. The Latigo Canyon Creek ESHA (Environmentally Sensitive Habitat Area), as designated under the Sensitive Environmental Resources Overlay Zones area of the Local Coastal Program, is located within the boundary of the project's proposed Lot 7 area, running north to south.

**Resource Category: Environmentally Sensitive Habitat Area (ESHA), Latigo Canyon**

**Notes:** First review of submitted plans.

The applicant passed out copies of his PowerPoint presentation and presented the history of the 35.8-acre project area. It was first graded in the 1960s; presented in 1980 as a 12-unit subdivision that was approved by Los Angeles County Planning Dept.; presented again in 1990 as a 9-unit subdivision that was again approved by Los Angeles County Planning Dept. and also by Coastal Zone Management in 1991. Now in 2008 it is presented as a more clustered 6-unit subdivision which includes a 17-acre area dedicated as open space. The applicant says that the construction will not be in the Latigo Canyon watershed, although the property does include the creek bed and ESHA. According to Malibu Local Coastal Plan policy 57, ESHA areas are understood to be only the stream base boundaries. Latigo Canyon is not considered a "significant watershed." The project parcel has a water main in place. Grading will be 19,650 cu.yd. of cut and 875 cu.yd. of fill, which will chiefly be for constructing a new driveway to five (5) of the six (6) houses and widening the existing private Baller Road to 20 ft. width along the ridgeline for access of the 6<sup>th</sup> house and for other residents that use the road and live beyond the project property. The existing, 10,000 sq.ft. house pads need little grading. They are too small for equestrian facilities' separation (25 ft. minimum)

from the main house. The proposed new driveway will be required to be 28-32 ft. wide due to the steepness of the access (in accord with DPW requirements). It was positioned to give maximum line-of-sight for entry of vehicles onto the main Latigo Canyon Road. The new driveway will require tall retaining walls. Only the lot subdivision is involved in the current project. Homes will be individually planned at a later time. The home lots will not have conservation easements due to complications of public access and fuel modification requirements concomitant with that kind of easement. Such easements could be attached to the conservation parcels.

**Notes:** Mr. John Fletcher, attorney for Mr. Mike Doyle who is a southern neighbor of the project, presented Mr. Doyle's problem with the proposed new driveway. Mr. Doyle has large trucks and trailers which cannot negotiate the turns and steep retaining walls that the new driveway would need. He currently uses a driveway easement on the subdivision property, positioned N of his property on Latigo Canyon Road, that has no retaining walls, less sharp curves, but a reduced line-of-sight for entry onto Latigo Canyon Road. The proposed new driveway would in part obliterate the old driveway and in part be positioned on top of part of the old driveway. The new driveway will have a large retaining wall adjacent to Mr. Doyle's property, and the driveway will be perpendicular to Mr. Doyle's current access, so he may not be able to use the driveway with his large vehicles. The new retaining wall would reduce his line-of-sight access from his house. He anticipates increased noise due to widening of Baller Road and attractiveness of new driveway for joyriders.

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**ERB Discussion:**

The number of dwelling pads should be minimized due to overall steepness of the property, and hillside management and Malibu Local Coastal Plan (MLCP) should be followed to determine number of dwellings permissible. The MLCP supersedes the hillside management ordinances, but with no provision in the MLCP, the hillside management ordinances for density should be followed.

All parcels must be clearly illustrated on the plans.

A grading plan should be presented, showing % of grading in different areas, in particular, cuts to roads and pads. The 1000 ft. improvement and widening of Baller Road and the grading of the driveway is not in accord with the maximum allowed in the Malibu Local Coastal Plan (300 ft. length maximum), and the suggested amount of grading is judged by previous experience to potentially be damaging to the biota of the ESHA, Latigo Canyon.

The proposed widening and improvement of Baller Road would be a step towards encouraging further development and human population growth in the area, and should be avoided if possible.

The fire department approves the proposed increased line-of-sight for the driveway access.

The oak trees need to be better tabulated. Some known to be on the site are missing from the oak tree report.

Relocation of the proposed new driveway so that removal of 4 oak trees could be avoided would be preferred. Alternatively, the ERB believes the oaks could be transplanted, if necessary.

The proposed area for mitigation planting of new oaks is not appropriate for them to prosper, judging from the lack of oaks currently on the area and the slope. The biota consultant should provide some new suggestions for mitigation planting.

A drainage plan is needed with capacity to capture 100% of a 3/4-in. storm, capturing both irrigation and rainfall runoff from roofs, driveways, and any other hardscape. For drainage and runoff control, ERB recommends using cistern(s) to capture and store for irrigation and fire-fighting purposes. Consult [www.oasisdesign.net](http://www.oasisdesign.net) for examples of ideas on cistern systems design. Cisterns may be located beneath buildings and beneath driveways. A cistern below a driveway may require a permeable driveway.

Drainage plans should include the scheme for providing water and other utilities, including provision to Mr. Doyle, the southern neighbor. For a fire hydrant system, the project must have a 12 in. main line.

Fuel modification plans are needed. The reduction of fuel modification from previous plans is good. New fuel modification recommendations should be followed. The slope landscaping should be a mosaic planting of deep-rooted, perennial natives that will hold the soil. Oaks are not appropriate for the fuel modification areas in that repeated clearing beneath oaks may damage them.

Exterior night lighting should be minimized to what is necessary, should be of low intensity (lights not exceeding 800 lumens), should be of low stature (2.5-3 ft.), should be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW requires no lighting, then none should be used. Security lighting, if used, shall be on an infrared detector.

The conservation easement should be done as a deed restriction on the conservation parcel(s).

Applicant is requested to provide a three-dimensional scale model to better enable visualizing the proposed project.

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**ERB Meeting Date:** June 9, 2008

**ERB Evaluation:**  **Consistent**  **Consistent after Modifications**  
 **Inconsistent**  **No decision**

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**ERB Recommendations:**

**Per ERB: On revised plot plans show all parcels, and minimize the number of dwellings according to Malibu Local Coastal Plan (MLCP) and hillside management ordinances.**

- Per ERB: The number of dwelling pads should be minimized due to overall steepness of the property, and hillside management ordinances should be followed to determine number of dwellings permissible.
- Per ERB: Redesign so that the amount of grading is reduced, and the grading should be an important consideration in future review of this project. The grading plan should show percentage of grading in different areas, especially Baller Road, the proposed driveway, and the pads.
- Per ERB: Relocate the proposed driveway to enable less grading and lessen oak removal.
- Per ERB: Submit an Oak Tree Report that shows all oak trees present on the site.
- Per ERB: Oak trees removed should be transplanted.
- Per ERB: The arborist should recommend alternatives for oak tree planting mitigation.
- Per ERB: Submit drainage plans that show 100% retention of runoff, preferably 100% at each separate house site and parcel. Include water and utility provision. For drainage and runoff control, ERB recommends using cistern(s) to capture and store the first  $\frac{3}{4}$  inch of stormwater for irrigation and fire-fighting purposes. Consult [www.oasisdesign.net](http://www.oasisdesign.net) for examples of ideas on cistern systems design. Placement of a cistern below a driveway may require a permeable driveway.
- Per ERB: The slope landscaping in the fuel modification areas should be a mosaic planting of deep-rooted, perennial natives that will hold the soil.
- Per ERB: Exterior night lighting should be minimized to what is necessary, should be of low intensity (lights not exceeding 800 lumens), should be of low stature (2.5-3 ft.), should be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW requires no lighting, then none should be used. Security lighting, if used, shall be on an infrared detector.
- Per ERB: The conservation easement or covenant shall be done on the conservation parcel(s). There should be explicit statements that these parcel(s) has(have) no development rights.
- Per ERB: Applicant is requested to provide a three-dimensional scale model that will enable visualization of the project, especially the grading and retaining walls.

**Case No.** Plot Plan RPPT 200702078

**Location:** 2525 Hawks Nest Trail near intersection of Skyhawk Trail and Tuna Canyon Road, Topanga

**Applicant:** Rui Cunha for James and Mark Rydings

**Request:** A continued review of a proposed new single family residence with a pool, spa, and a detached 688 square foot three car garage on land that is presently vacant. The plan has been revised to reduce the size of the residence from 7,070 total square feet down 6,466 total square feet. A new fuel modification plan and irrigation plan have also been submitted for review. The address of the site is 2525 Hawks Nest Trail, Topanga. The lot size is approximately 2.8 acres. A new grading plan submitted indicates 4,273 cubic yards of cut proposed, and 208 cubic yards of fill. Although the residence and appurtenant retaining walls have been repositioned, the residence will still be constructed on an existing pad served by an existing gravel driveway. The driveway to the site, which requires off site access easements for connection over a neighboring parcel and to Hawks Nest Trail, will be improved to a 20 foot width. The southern section of the site is within a Significant Watersheds Residential – Resource Dependent Uses area of the Sensitive Environmental Resources Overlay Zones area of the Local Coastal Program.

**Resource Category:** Malibu Zoning District; Environmentally Sensitive Habitat Area (ESHA), Topanga Canyon; SEA Tuna Canyon

**Notes:** Mr. Cunha agreed to accept Jeff Juarez as a substitute for Dr. Longcore.

Copies of the relevant ERB minute recommendations regarding this project from 25 Feb 2008 were handed out.

Mr. Cunha presented a new plan with the house area reduced from 7070 sq.ft to 6466 sq.ft., a new fuel modification plant, and a new irrigation plan. Total grading will be apportioned approximately at 55% for the driveway and 45% for the housepad. The house pad is positioned on the only available fairly flat area of the parcel. The area at the south end of the property where a house might be sited actually belongs for the most part to his E neighbor, and it would not be a possible house site for his parcel—too small an area for the proposed house. Mr. Cunha says that many of the neighbors have houses in the size category of the one proposed. Although his W neighbor's house is smaller, the W neighbor's site includes a large water tank and outbuildings. He and the neighbor on the E side will share the first 250 ft. of the proposed 1000 ft. driveway. Fire truck turn-around area will be provided near the house, and this may involve increasing the pad size from about 9000 sq.ft. to 10000 sq.ft. The house will need a retaining wall at about 25 ft. distance on the S end. The house occupants will use egress on foot through the neighbor's property on the W in event of an emergency such as a fire. They do not have an easement, just a friendly relationship.

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**ERB Discussion:**

The house size and pad shall conform to the Topanga Canyon Community Standard District formula for size of gross structural area, considering parcel, pad size, and degree of slope.

The house siting must comply with hillside management restrictions on setbacks.

The driveway at 1000 ft. is inconsistent with the coastal plan maximum of 300 ft. mandated for reasons of both safety and environmental impact. The project will need a Conditional Use Permit (CUP) because of this discrepancy. Easements will need to be in place for use of the driveway by the southeastern neighbor.

Because of the location, the property structure and driveway are visible from public motorways such as Topanga Canyon Boulevard as well as Topanga State Park, and efforts should be made to camouflage the roadways and structure as much as possible.

The house and landscaping should be in earthtones to camouflage the structures, coordinating with the color of soil, rocks, and vegetation. Vegetative shielding is important. Native vegetation landscaping will help. (This will not match the neighbor's house.)

The parcel is situated in an area that is a corridor for animal movement. Animals such as Puma are known to use the area. Do not use any perimeter fencing, and have interior fencing only where needed; for example, surrounding a pool.

The long driveway will need to be partially paved because of the steep areas (16% overall slope). A long driveway also necessitates an extensive area of drainage devices and fuel modification, which involves more environmental impact. The plans will need to show this drainage and cisterns that can retain at least 100% of the runoff from a 3/4-in. storm, capturing both irrigation and rainfall on the hardscape of the property.

All retaining walls needed must be described in dimensional detail on the plans.

A drainage plan is needed with capacity to capture 100% of a 3/4-in. storm, capturing both irrigation and rainfall runoff from roofs, driveways, and any other hardscape. For drainage and runoff control, ERB recommends using cistern(s) to capture and store for irrigation and fire-fighting purposes. Consult [www.oasisdesign.net](http://www.oasisdesign.net) for examples of ideas on cistern systems design. Cisterns may be located beneath buildings and beneath driveways. A cistern below a driveway may require a permeable driveway.

Richard Claghorn of the Land Division Coordinating Center (LDCC) will need to review the site plan to insure that it conforms to Topanga Canyon Community standards.

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**ERB Meeting Date:** June 9, 2008

**ERB Evaluation:**      Consistent   X   Consistent after Modifications  
     Inconsistent      No decision

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**ERB Recommendations:**

- Per ERB:** The house size and pad shall conform to the Topanga Canyon Community Standard District for size of gross structural area, considering parcel, pad size, and degree of slope.
- Per ERB:** The house site should minimize grading and driveway length.
- Per ERB:** The house siting must comply with hillside management restrictions on setbacks.
- Per ERB:** The project will need a CUP because the driveway is longer than the maximum 300 ft. allowed.
- Per ERB:** The project and the southeastern neighboring parcel will need an easement for the shared part(s) of the driveway.
- Per ERB:** The house and landscaping shall be in earthtones to camouflage the structures, coordinating with the color of soil, rocks, and native vegetation. Use of native vegetation in the landscaping plan will help to screen the structure.
- Per ERB:** Perimeter fencing shall not be allowed; however, security fencing adjacent to the house is acceptable. An example would be security fencing around a swimming pool.
- Per ERB:** A drainage plan is needed that shows 100% capture of a 3/4-in. storm, capturing both irrigation and rainfall runoff from roofs, driveways, and any other hardscape. For drainage and runoff control, ERB recommends using cistern(s) to capture and store for irrigation and fire-fighting purposes. Consult [www.oasisdesign.net](http://www.oasisdesign.net) for examples of ideas on cistern systems design. Cisterns may be located beneath buildings and beneath driveways. A cistern below a driveway may require a permeable driveway.
- Per ERB:** Plans should show retaining walls in dimensional detail.
- Per ERB:** A fuel modification plan is needed that shows zones with dimensions. The fuel modification plan should follow the standard regulations:

**Zone A:** 20 ft. wide; irrigated; non-invasive ground covers

**Zone B:** 30 ft. wide beyond Zone A; irrigated; contains non-invasive ground covers, native plants, deep-rooted perennials, some well-spaced shrubs and trees

**Zone C:** Beyond Zones A and B out to a width of 200 ft. (measured from the structure or to property line) The goal is a mosaic of thinned, clumped, native vegetation, pruned on a staggered 2-3 year schedule, with clumps adjacent to one another in alternate pruning times.

**In preparing Zone C by fuel modification:**

1. Retain as many non-sprouting species as possible. (They usually naturally have a single trunk.) Remove as few as possible of this type. Do not cut off the trunk in pruning, as this kills the plant.
2. Choose multiple-trunked, resprouting species for removal over non-sprouters. The multiple-trunked remaining shrubs should be pruned in a staggered, clumped pattern on a staggered schedule, allowing 2-3 years between prunings for any one clump.

**Per ERB:** Exterior night lighting shall be minimized to what is necessary, shall be of low intensity (lights not exceeding 800 lumens), shall be of low stature (2.5-3 ft.), shall be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW (Dept. of Public Works) requires no lighting, then none should be used. Security lighting, if used, shall be on an infrared detector.

**Per ERB:** A copy of the minutes and amended plan shall go to Richard Claghorn for plan check, and the applicant does not need to return for further review by the ERB.

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**Staff Recommendation:**  Consistent  Consistent after Modifications  
 Inconsistent  No decision

**Suggested Modifications:** Comply with all ERB recommendations.

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**Case No.** ROAKT 200600077  
**Location:** 1135 Topanga Canyon Blvd., Topanga CA 90290  
**Applicant:** Robbin Hayne for O'Rourke  
**Request:** A continued review for a retroactive oak tree permit application for constructed accessory structures to an existing hair salon/boutique, retail and residence, with encroachment into the protective zones of existing oak trees. This site is located at 1135 N. Topanga Canyon Boulevard, within an Environmentally Sensitive Habitat Area (ESHA) and an Oak Woodlands and Savannahs Area of the Sensitive Environmental Resources Overlay Zones area of the Local Coastal Program.

**Resource Category:** Environmentally Sensitive Habitat Area (ESHA), Topanga Canyon

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**Notes:** Mr. Hayne accepted Jeff Juarez as a substitute for Dr. Longcore.

A handout outlining the 7 main points from the 12 April ERB meeting when the project was discussed was passed out. Point 7 was corrected to "Remove ivy and vinca from the site. . ."

Mr. Hayne is the landscape architect for the applicant, Mr. O'Rourke, and presented his case. Mr. O'Rourke is from South Africa, which has different kinds of regulation, and Mr. O'Rourke did not have a permit for modifications because he did not know about such regulations. Many of the modifications were in place when he acquired the property. The front wall was updated and repaired. The applicant agrees to modify the solid wall connecting the oak trees at the front of the property, so that the wall allows trunk flaring and growth and does not contact the trees. The applicant agrees with removing the roses and drip irrigation along the front wall for the better health of the oaks. He agrees to take out the deck overhanging Topanga Creek, leaving the pylons cut off at ground level to avoid excessive sediment dumping into the Creek. The pylons were acquired with the property, and formerly supported chicken coops. He agrees to take out the Italian Cypress trees, the ferns beneath the oaks, and the ivy and vinca from the site, including the slopes, and redo the landscaping with drought-tolerant plants. The applicant agrees with removing all Eucalyptus in a careful manner that will avoid damaging surrounding oak limbs.

The ERB had requested at the previous meeting that all unpermitted structures impacting the oaks be removed as a means of mitigating the violations.

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**ERB Discussion:**

The ERB would like a plan showing canopy structure (drip lines of all trees) and drainage on the property.

The many oaks on the site should have all encroachment into their protected zones removed. The ERB wants the oak tree report to include descriptions of encroachment for each oak, damage inflicted, and recommendations for how the encroachments can

be remedied. There are 22 encroachments reported for oaks rated "B" and "C." (The protected zone is 5 ft. beyond the drip line or 15 ft. distance from the trunk, whichever is the greater.) Perhaps this could be relaxed with respect to the front wall joining the oak trees there, but a site visit with inspection by a quorum of the ERB would be necessary (5 members).

The main driveway includes concrete around the base of an oak tree in the driveway. The ideal remedy would be to replace the concrete with something like porous pavers. At the least, the concrete should be removed from a distance at least 30 in. from the trunk. Whether the concrete can be removed and have the oak tree extant afterwards is unknown. The applicant should get an opinion from his arborist about what could be done in this case. Recommendations for what to do about this tree require a site visit with inspection by a quorum of the ERB.

The approved remedial measure for the front oak trees would be to remove the connecting wall, but only if this can be done and have the oaks survive relatively undamaged. Only if a barrier is needed, the wall replacement should be something like a wooden fence that would allow the oak trees to grow freely. Recommendations require a site visit with inspection by a quorum of the ERB.

The unpermitted deck that exists must be removed. In addition to overhanging the ESHA of Topanga Creek (which is not permitted as it cannot be mitigated), it is blocking a group of bats that roosts under the bridge over Topanga Creek on Hillside Drive. The bats are known to have been there at least since 1995 when sampling began and are known to be both Mexican Free-tail and Big Brown Bats. Before the deck construction, the bats used the area now blocked by the deck along Topanga Creek for access to the bridge.

The entry structure must be kept clear of leaves. Tree branches should not touch the structure. It may need to be removed if unpermitted. This needs to be inspected by a quorum of the ERB.

The fountain-drainage structure that is incorporated into the concreted swale may need to be removed. This also needs to be inspected by a quorum of the ERB.

At the previous meeting, ERB requested removal of all non-permitted structures. Determination of which yard structures must be removed and which can remain will require a site visit with inspection by a quorum of the ERB.

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**ERB Meeting Date:** June 9, 2008

**ERB Evaluation:**    Consistent    Consistent after Modifications  
  X   Inconsistent    No decision

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**ERB Recommendations:**

**Per ERB: The 7 recommendations from the previous ERB review still stand:**

- 1. The base of all oak trees should have a flare. Remove excess fill-soil away from the base of all trees where the trunk flares into the ground, and return the dirt back to its original level before the wall.**
- 2. Chain link fences are not permitted where they inhibit wildlife movement, especially on the site and away from structures.**
- 3. On site waste water treatment system should be evaluated for any seepage or leakage which could flow into Topanga Creek. The waste water system needs to be evaluated to determine if it is adequate to handle all uses on the site.**
- 4. Remove the illegally constructed deck and any other illegal additions which impact the oak trees (for example, the tower and the tub-fountain structure).**
- 5. Remove Italian Cypress trees; remove ferns beneath the oaks. Restore the natural setting.**
- 6. Decrease impervious surfaces by removing concrete and/or breaking the concrete extent using intervening pervious separation areas. Replacing the driveway with a permeable surface would best serve the site and the environment.**
- 7. Remove ivy and vinca from the site and its slopes. Remove all Eucalyptus trees, being careful not to damage surrounding oak tree limbs.**

**Per ERB: Submit an oak tree report which details all oaks, their canopies (drip lines), encroachment into the protected zone for each, and the arborist's suggestions for mitigating each encroachment or damage.**

**Per ERB: A site visit suggested by Mr. Hayne would need to be made by a quorum (5 ERB members) and would need to accommodate some members of the public to decide what measure to take with each of the unpermitted structures and many of the oaks. The presence of the arborist at such a meeting would be helpful.**