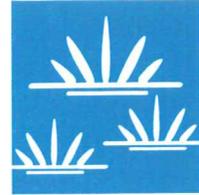


GLENN LUKOS ASSOCIATES

Regulatory Services



March 26, 2010

Mr. Don Chesemore
Action Community Management
2603 Main Street, Suite 500
Irvine, CA 92614

Subject: Guidelines for Trimming and/or Removal of Oak Trees in the Wagon Wheel Community of the Coto de Caza Specific Plan, Orange County, California

Dear Mr. Chesemore:

A regulatory specialist with Glenn Lukos Associates conducted a review of state, regional, and local ordinances and guidelines pertaining to the protection of native oak trees that exist within and adjacent to existing development areas that have been designated for community landscaping, Open Space or Scenic land uses.

Vegetation communities typical of the Wagon Wheel community include oak woodland, riparian, coastal sage scrub and native grassland. Each of these special vegetation communities plays a vital role in the ecological balance of the resources surrounding the communities associated with the Coto de Caza Specific Plan. While the following discussion deals primarily with the treatment of oak woodlands, these other native plant communities should be addressed with similar care. In many cases, the habitats mentioned above support threatened or endangered species protected by the State of California or the federal government. For instance, areas containing native California sage scrub (a plant community dominated by California sagebrush (*Artemisia californica*) and California buckwheat (*Eriogonum fasciculatum*)) should be avoided under all circumstances that do not threaten human health or safety, as this habitat type is vital to the success of the California gnatcatcher (*Polioptila californica*) a federally-listed threatened species. Similarly, cactus communities composed of prickly pear (*Opuntia* sp.) and cholla (*Cylindropuntia* sp.) should be avoided for the preservation of the cactus wren (*Campylorhynchus brunneicapillus*). Oak woodland, sage scrub and cactus scrub habitats abound in the zone surrounding the Wagon Wheel development as a result of restoration and avoidance associated with the original development plan.

In Southern California the oak woodland vegetation community is considered to be a habitat of significance for its role in the support of more than 300 species of wildlife. Since residential, commercial, and industrial development is the leading threat to this habitat community, federal, state, and local wildlife resource agencies have established various programs for the protection of this vital element of California's ecology. In Orange County, habitat conservation and

preservation are typically achieved from one of two approaches: 1) species specific or 2) community-wide. For larger residential developments, like the Wagon Wheel Community of the Coto de Caza Specific Plan (Plan), community-wide species conservation was an integral part of the permitting process in which regulatory agencies determined an appropriate balance between species conservation and acceptable levels of development.

In the case of the Wagon Wheel Development, the Coto de Caza Specific Plan balanced the interests of natural resource protection with residential housing by establishing major open space areas and protecting or enhancing significant environmental features of the property prior to designing the other developed land use areas. To mitigate for the loss or “take” of sensitive resources during the construction phases of the project, provisions were made through the master developer’s participation in the Natural Communities Conservation Plan (NCCP) to relocate, replace, or otherwise compensate for significant impacts to natural resources. To ensure that the master plan concept of Coto de Caza is properly carried out with regard to the established land use classifications, guidelines were established to define what activities can be conducted within each land use area (Open Space, Residential, and Community/Commercial).

To reduce overall impacts to coast live oak (*Quercus agrifolia*) trees, many were transplanted in areas surrounding the development. The ring of trees surrounding the community serve multiple functions including, but not limited to, a habitat buffer, fire protection, and scenic native landscaping. Since these trees were relocated as a condition of the development project, their removal is prohibited unless the trees pose a threat to human health or safety. In certain cases, native oak trees were also relocated to landscaped slopes within the boundaries of the community. The treatment of these oaks is addressed below.

As stated in the Coto de Caza Specific Plan, Open Space is defined by Section 7-9-36 of the Zoning Code as, “Any parcel or area of land or water, public or private, which is reserved for the purpose of preserving natural resources, for the protection of valuable environmental features, or for providing outdoor recreation or education.” Open Space areas are sub-divided into six types:

1. Resource Preservation Areas
2. Scenic Areas
3. Golf Course Areas
4. Regional Park (General Thomas F. Riley Wilderness Park)
5. Other
6. Special Resources

For the purpose of this discussion, an oak tree is defined as a tree of the genus *Quercus* that is five inches or greater in diameter at a height of four and half feet from the ground. Oak woodland is defined as the occurrence of multiple trees of the genus *Quercus* that represent 10 percent or more vegetative cover in the area. Exhibit 3 of the Plan (attached as Appendix A) depicts the Major Open Space Areas. Wagon Wheel is largely designated “Scenic” and “Other.”

Resource Preservation Areas were designated when property lines were established for the Coto de Caza Master Community and are protected through easements dedicated to the County, but maintained by the Coto de Caza Master Community Association. The Resource Preservation designation is the most restrictive and does not allow for impacts to natural resources. These areas occur along the development boundaries and typically serve as a buffer between developed and undeveloped areas.

Scenic Areas augment the Resource Preservation Areas, and provide an additional open space buffer for the community. As stated in the Plan, "Scenic Areas are typically implemented through easements... primarily adjacent to Rural Residential sites, and placed over privately owned property." It further states that the scenic easement utilized in the Coto de Caza Plan, "**serves to restrict alterations by the underlying fee owner (i.e. the home owner) of the natural scenic environment** or the manufactured landform which occurs through grading operations, structural development, storage and/or placement of fill material, equipment and/or building materials, **removal of or disturbance to vegetation (native and/or exotic)** and rock outcroppings, etc."

The "Other" Open Space designation of the Plan refers primarily to residential neighborhoods. This guideline provides little direction to the individual homeowner, but does specify that the developer is to introduce wildlife corridors and provide for open space connectivity to the greatest extent possible in the design of the community.

The final designation is for "Special Resources." The two resources for which guidelines are provided are oak/riparian habitat and oak groves/woodlands. General guidelines for the treatment of oak trees within these Special Resource Areas include:

- Major oak groves identified for preservation should be dedicated as permanent open space to the Coto de Caza Master Community Association or other appropriate entity who can be responsible for continued maintenance and enforcement of all guidelines pertaining to oak groves and individual trees.
- Oak groves are generally intended to be permanent, passive open space areas.
- Residential and other development may extend up to, but not through the major groves, and buildings set back fifteen (15) feet from the edge of groves (defined as tree drip lines).
- Project designs should seek alignments that minimize effects upon trees.

In summary, to determine how natural resources are to be handled within the Wagon Wheel Community of the Coto de Caza Master Community the following steps should be taken to best ascertain how the lands in question were intended to be managed:

- 1) The area in question must first be identified on Exhibit 3 (Major Open Space Areas) of the Plan to determine how the location is classified.

- 2) If the area is classified as a Regional Park or Resource Preservation Area, then no impacts to sensitive habitats, including oak trees, oak woodlands, and/or oak/riparian habitat are permitted unless there is a direct threat to human safety. Emergency cases should be addressed by Regional Park personnel or the local emergency responder (fire department).
- 3) Similarly, the Scenic classification **restricts the home owner or other underlying fee owner from altering the natural scenic environment** or the manufactured landform which occurs through grading operations, structural development, storage and/or placement of fill material, equipment and/or building materials, **removal of or disturbance to vegetation (native and/or exotic)** and rock outcroppings, etc.”
- 4) If classified as Other, the residents of the community may conduct activities consistent with the CC&R’s of their community. There are no specific guidelines for the care or maintenance of native vegetation specified in the Plan pertaining to this land use classification, as it is not considered Open Space. However, a primary objective of the Plan was to create wildlife corridors for the purpose of open space connectivity. Therefore, an area originally constructed as interior landscaping may, over time, serve as a habitat corridor for native avian species through the use of native vegetation in the landscape palette. The presence of native animals, particularly avian species, should be considered before vegetation in the “Other” classification is trimmed or removed. Areas exhibiting these characteristics occur along Solano near Sundown Drive and in greenbelt areas between homes on Abilene Drive and Homestead Drive. The landscaped slope at the northwest corner of Apache Drive and Altura also exhibits characteristics of a wildlife corridor for dispersing avian species due to the presence of native oak trees.
 - a) In accordance with the Migratory Bird Treaty Act, the trimming of trees and shrubs (whether native or exotic) should be conducted during the non-breeding season for avian species; which is typically defined as March 15 to August 31. Should trimming or tree removal be required during the breeding season, then a qualified biologist should conduct a nesting bird survey to minimize the potential for impacts to breeding birds as a result of vegetation removal.
 - b) Areas immediately adjacent to residential properties may be classified as Other, but are maintained as “Fuel Modification” thinning zones. These areas are often vegetated with sensitive native plants that are utilized by local wildlife for foraging and breeding habitat. While these areas are authorized for minimal impacts (thinning), vegetation removal is to be conducted by the authorized landscaping contractor or local fire authority. Vegetation removal within these zones is subject to the Migratory Bird Treaty Act and should be conducted during the non-breeding season or following a nesting bird survey.
- 5) If the area in question is classified as a Special Resource and is composed of oak woodland or is a component of an oak grove, then in accordance with the Plan, the area is intended to be permanent, passive open space. Structures and activities should not occur within 15 feet of the drip line of existing trees to avoid unintended impacts to tree root systems.

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The content of this letter was compiled from a review of the Coto de Caza Specific Plan (Amendment 3) approved by the Orange County Planning Commission on June 6, 1995 (http://pdsd.oc.ca.gov/Documents/pdf/COTO_DE_CAZA_SPECIFIC_PLAN.pdf). Other resources included the Oak Woodland Conservation Act (<http://law.justia.com/california/codes/fgc/1360-1372.html>), and Section 21083.4 of the California Public Resources Code (<http://law.onecle.com/california/public-resources/21083.4.html>) pertaining to the preservation of oak trees.

If you have additional questions regarding this letter, I can be reached at (949) 837-0404, extension 36.

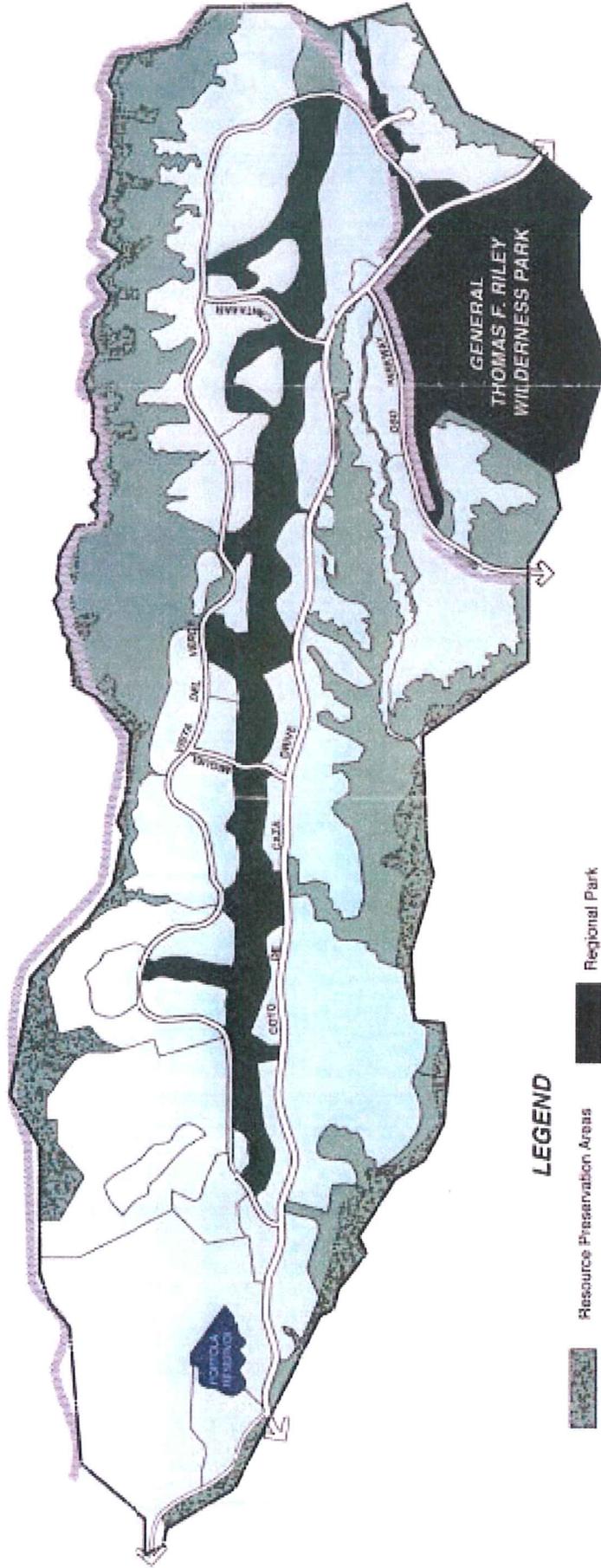
Sincerely,



Kevin Livergood
Regulatory Specialist

C O T T O

Coto de Caza



LEGEND

-  Resource Preservation Areas
-  Scenic Areas
-  Golf Courses
-  Regional Park
-  Other Note: This category is not governed by the Open Space Regulations (see Section 2), except for "Open Space" identified on a subdivision map of land development permit
-  Regional Riding and Hiking Trails

MAJOR OPEN SPACE AREAS



1" = 400'

DEVELOPMENTAL GRAPHICS

E X H I B I T 3