

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Th5a

Filed:	9/9/15
180th Day:	3/7/16
Staff:	A. Llerandi-SD
Staff Report:	9/9/15
Hearing Date:	10/8/15

STAFF REPORT: CONSENT CALENDAR

Application No.:	6-15-1205
Applicant:	Arthur Kotz
Agent:	Sarah Horton
Location:	717-719 Devon Ct. Mission Beach, San Diego, San Diego County (APN: 423-695-02)
Project Description:	Demolish existing 1-story single family residence and construct new 3-story, 30-ft. tall, 3,013 sq. ft. duplex with attached 2-car garage and tandem carport on a 2,396 sq. ft. lot.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval with conditions to avoid adverse impacts to coastal views and public access.

The proposed project is to demolish an existing one-story single family residence and construct a new 3-story, 30-ft. tall, 3,013 sq. ft. duplex with attached 2-car garage and tandem carport on a 2,396 sq. ft. lot in the Mission Beach community of San Diego.

The primary issues raised by the proposed development relate to public access and protection of public views. The presence of workers and equipment in such a densely populated, popular beach area could impact public access by occupying public parking spaces for storage or blocking public right-of-ways to and along the beach, especially during the summer months when beach use is at its peak. Visual resources could be impacted by blockage of designated view corridors to the ocean by the new home or landscaping.

To address these potential adverse impacts the Commission staff is recommending **Special Conditions No. [1](#)** and **Special Conditions No. [2](#)** requiring the submittal of final construction and landscaping plans ensuring that the approved development will adhere to all height and setback limits to protect community character and public views. **Special Condition No. [3](#)** prohibits construction activity during the peak summer season so as to minimize impacts to public parking and public accessways. **Special Condition No. [4](#)** requires the recordation of a deed restriction to ensure that the coastal resource protections of this permit run with the land and that successors in interest are made aware of them.

Commission staff recommends **approval** of coastal development permit application 6-15-1205 as conditioned.

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Exhibit 5 – Floor Plans

Exhibit 6 – Elevations

Exhibit 7 – Landscape Plans

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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

This permit is granted subject to the following special conditions:

1. **Final Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval final project plans. Said plans shall first

be stamped approved by the City of San Diego and be in substantial conformance with the plans submitted by Frontis Studios dated 4/12/2015.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Final Landscape/Yard Area Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,

the applicant shall submit to the Executive Director for review and written approval final landscape plans. Said plans shall first be stamped approved by the City of San Diego and be in substantial conformance with the landscape plans submitted by Frontis Studios date-stamped as received on 7/15/2015, and shall include the following:

- a. A view corridor, 10 feet wide, shall be preserved in the north yard area adjacent to Devon Court. All proposed landscaping in the north yard area shall be maintained at a height of three feet or lower (including raised planters) to preserve the views from Mission Boulevard toward the ocean. A maximum of two (2) tree with thin trunks and canopies that do not encroach into the view corridor below a height of 8 feet above the finished grade are permitted, provided they are planted within 4 and 5 feet of the primary structure and outside of the 10 foot wide view corridor and do not block views toward the ocean.
- b. All landscaping shall be drought tolerant and native or non-invasive plant species. All landscape materials within the identified view corridors shall be species with a growth potential not to exceed three feet at maturity. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or 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 “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. Any irrigation that utilizes potable water shall incorporate drip irrigation or microspray systems.
- c. Any fencing and walls, including glass walls, trellis walls, and retaining walls, in the northern yard setback areas along Devon Court shall not exceed a height of 3 feet above the existing grade or proposed grade, whichever is lower.
- d. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director a landscaping monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that

certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successor in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Timing of Construction.** No construction shall take place for the project between Memorial Day weekend and Labor Day of any year. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (e.g. no street closures or use of public parking as staging areas).
4. **Deed Restriction. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the applicant has 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 the 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 or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project is to demolish an existing one-story single family residence and construct a new 3-story, 30-ft. tall, 3,013 sq. ft. duplex with attached 2-car garage and tandem carport on a 2,396 sq. ft. lot in the Mission Beach community of San Diego. The subject site is zoned R-S in the certified LCP, which permits up to two dwelling units on a lot this size.

The subject site is located on the south side of Devon Court, facing north. In the Mission Beach neighborhood, the public right-of-way of the various courts and places, which are generally east-west running streets, as well as the yard setbacks of the adjacent properties comprise the community's public view corridors. Because the project is located between the first public road and the sea, there is the potential for the project to impact views to the shoreline from Mission Boulevard. The Commission typically reviews projects to ensure that any new development does not encroach into the yard setback areas which could impede public views to and along the ocean.

In this particular project, there is potential for landscaping in the northern yard area to impede views west towards the ocean. Additionally, demolition and construction activity could impede public access by occupying public parking spaces or blocking public right-of-ways with materials or debris.

However, as proposed, the home would not encroach into the view corridor down Devon Court towards the ocean. **Special Condition No. 1** requires the applicant to construct the home in substantial conformance with the plans submitted to the Commission, observing all required setbacks and height limits. In order to ensure that landscaping in the northern yard area do not impede views to the ocean, **Special Condition No. 2** requires the applicant to submit a landscaping plan requiring all landscape and hardscape in the northern yard area to consist of low-lying materials not exceeding three feet in height. **Special Condition No. 3** prohibits any development during the busy summer peak months to avoid impacts to public access from demolition and construction activity occupying public parking spaces or blocking public right-of-ways with materials or debris. Finally, **Special Condition No. 4** ensures that recordation of the permit conditions against the property will bind any future successors to the property to the above mentioned protections and conditions.

B. COMMUNITY CHARACTER/VISUAL QUALITY

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

C. PUBLIC ACCESS/PARKING

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

D. LOCAL COASTAL PROGRAM

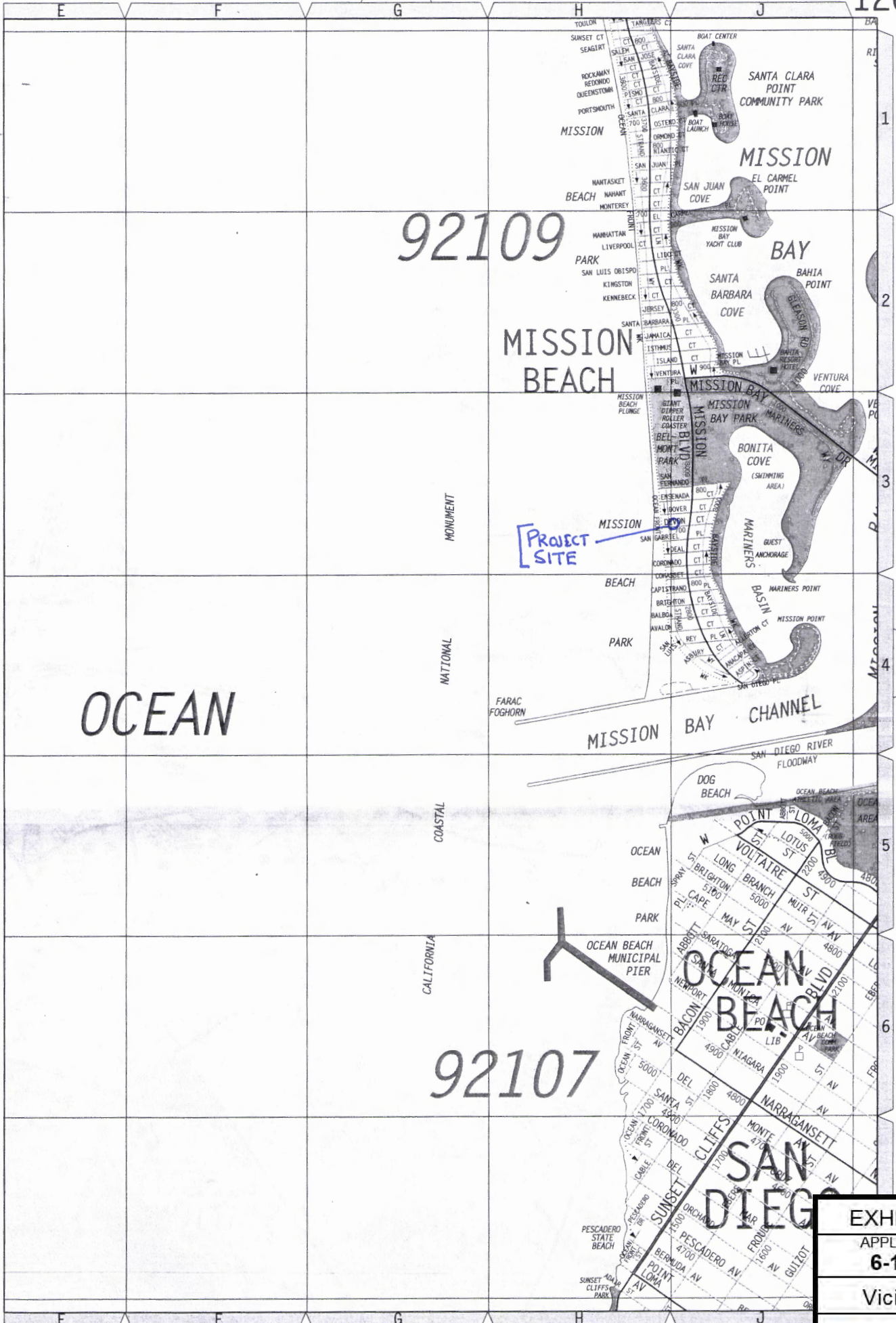
The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Mission Beach community.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

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SAN DIEGO CO.



SEE 1268 MAP

92107

92109

EXHIBIT NO. 1

APPLICATION NO.
6-15-1205

Vicinity Map

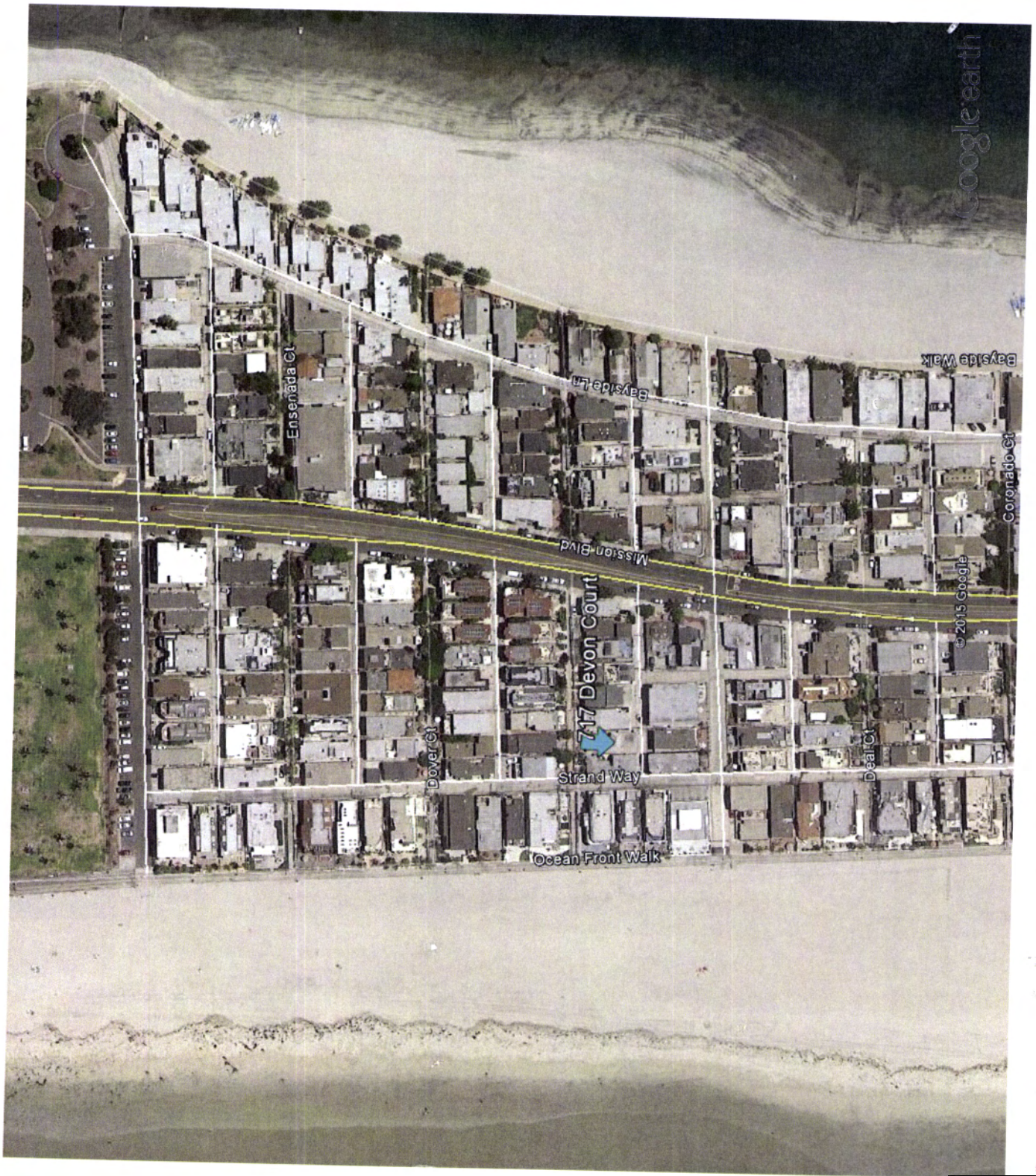


EXHIBIT NO. 2

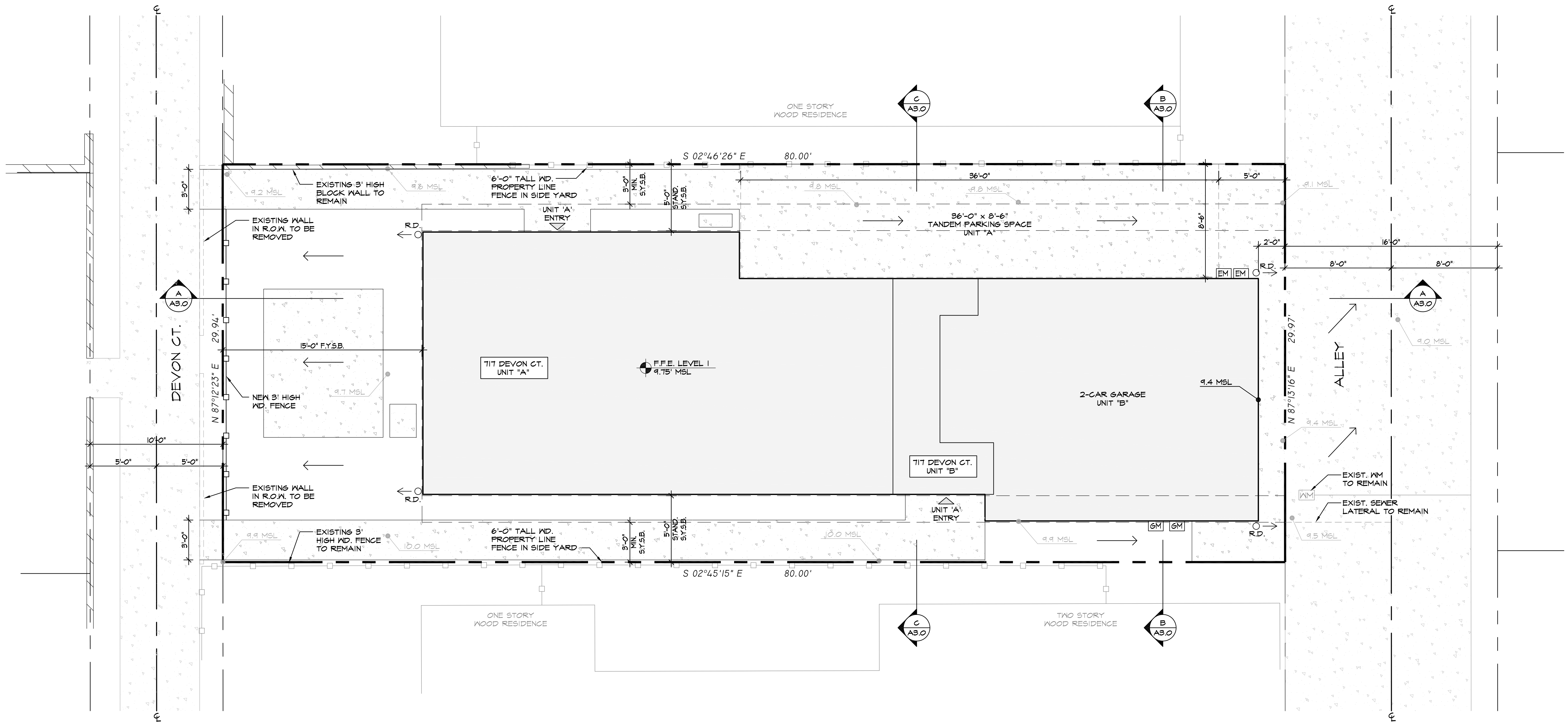
APPLICATION NO.

6-15-1205

Aerial Photo



California Coastal Commission



STORM WATER QUALITY NOTES/ CONSTRUCTION BMP'S

THIS PROJECT SHALL COMPLY WITH ALL REQUIREMENTS OF THE STATE PERMIT; CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION, ORDER NO. 2001-01 NPDES NO. CAS010815 ([HTTP://WWW.SANRCB.CA.GOV/RAGCB/PROGRAMS/SDSTORMWATER.HTML](http://www.sanrcb.ca.gov/RAGCB/PROGRAMS/SDSTORMWATER.HTML)) AND CITY OF SAN DIEGO LAND DEVELOPMENT CODE ([HTTP://CLERKDOC.SANNET.GOV/RIGHTSITE/GETCONTENT/LOCAL.PDF?dmx_objectid=0400145180006043](http://clerkdoc.sannet.gov/rightsite/getcontent/local.pdf?dmx_objectid=0400145180006043))

NOTES 1-6 BELOW REPRESENT KEY MINIMUM REQUIREMENTS FOR CONSTRUCTION BMP'S.

1. SUFFICIENT BMP'S MUST BE INSTALLED TO PREVENT SILT, MUD OR OTHER CONSTRUCTIONS DEBRIS FROM BEING TRACKED INTO THE ADJACENT STREET(S) OR STORM WATER CONVEYANCE SYSTEM DUE TO CONSTRUCTION VEHICLES OR ANY OTHER CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEARING ANY SUCH DEBRIS THAT MAY BE IN THE STREET AT THE END OF EACH WORK DAY OR AFTER A STORM EVENT THAT CAUSES A BREACH IN THE INSTALLED CONSTRUCTION BMP'S.
2. ALL STOCK PILES OF UNCOMPACTED SOIL AND/OR BUILDING MATERIALS THAT ARE INTENDED TO BE LEFT UNPROTECTED FOR A PERIOD GREATER THAN SEVEN CALENDAR DAYS ARE TO BE PROVIDED WITH EROSION AND SEDIMENT CONTROL. SUCH SOIL MUST BE PROTECTED EACH DAY WHEN THE PROBABILITY OF RAIN IS 30% OR GREATER.
3. A CONCRETE WASHOUT SHALL BE PROVIDED ON ALL PROJECTS WHICH PROPOSE THE CONSTRUCTION OF ANY CONCRETE IMPROVEMENTS THAT ARE TO BE POURED IN PLACE ON THE SITE.
4. ALL EROSION/SEDIMENT CONTROL DEVICES SHALL BE MAINTAINED IN WORKING ORDER AT ALL TIMES.
5. ALL SLOPES THAT ARE CREATED OR DISTURBED BY CONSTRUCTION ACTIVITY MUST BE PROTECTED AGAINST EROSION AND SEDIMENT TRANSPORT AT ALL TIMES.
6. THE STORAGE OF ALL CONSTRUCTION MATERIALS AND EQUIPMENT MUST BE PROTECTED AGAINST ANY POTENTIAL RELEASE OF POLLUTANTS INTO THE ENVIRONMENT.

SITE NOTES:

1. THIS STRUCTURE SHALL NOT EXCEED 30' IN HEIGHT IN CONFORMANCE WITH SDMC SECTION 113.0210.
2. THERE ARE NO EXISTING OR PROPOSED BUS/ TRANSIT STOPS
3. PROVIDE BUILDING ADDRESS NUMBERS VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. (UFC 901.4.4)
4. METER LOCATIONS ARE SUBJECT TO APPROVAL BY SDG&E.
5. SEE ATTACHED TOPOGRAPHIC SURVEY FOR THE SOURCE OF TOPOGRAPHIC INFORMATION.
6. SEE ATTACHED LANDSCAPE DEVELOPMENT PLAN FOR PLANTING AND HARDSCAPE.
7. NO GRADING IS PROPOSED. MAX. CUT IS 2'-0", (FOR FOUNDATIONS) THERE IS NO FILL.
8. CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT

SITE LEGEND:

- | | |
|-----------|---|
| --- | INDICATES PROPERTY LINE |
| - - - - | INDICATES SETBACK LINE |
| [Pattern] | NEW CONCRETE PAVING |
| [Pattern] | EXISTING CONCRETE PAVING |
| [EM] | ELECTRIC METER |
| [GM] | GAS METER |
| [WM] | WATER METER |
| ← | DIRECTION OF DRAINAGE |
| ←-O R.D. | ROOF DRAIN: DISCHARGE INTO LANDSCAPE AREA |

PROPOSED SITE PLAN

SCALE: 1/4"=1'-0"

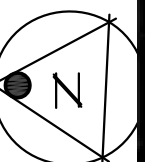


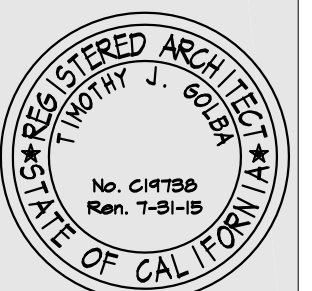
EXHIBIT NO. 3

APPLICATION NO.
6-15-1205

Site Plan



California Coastal Commission

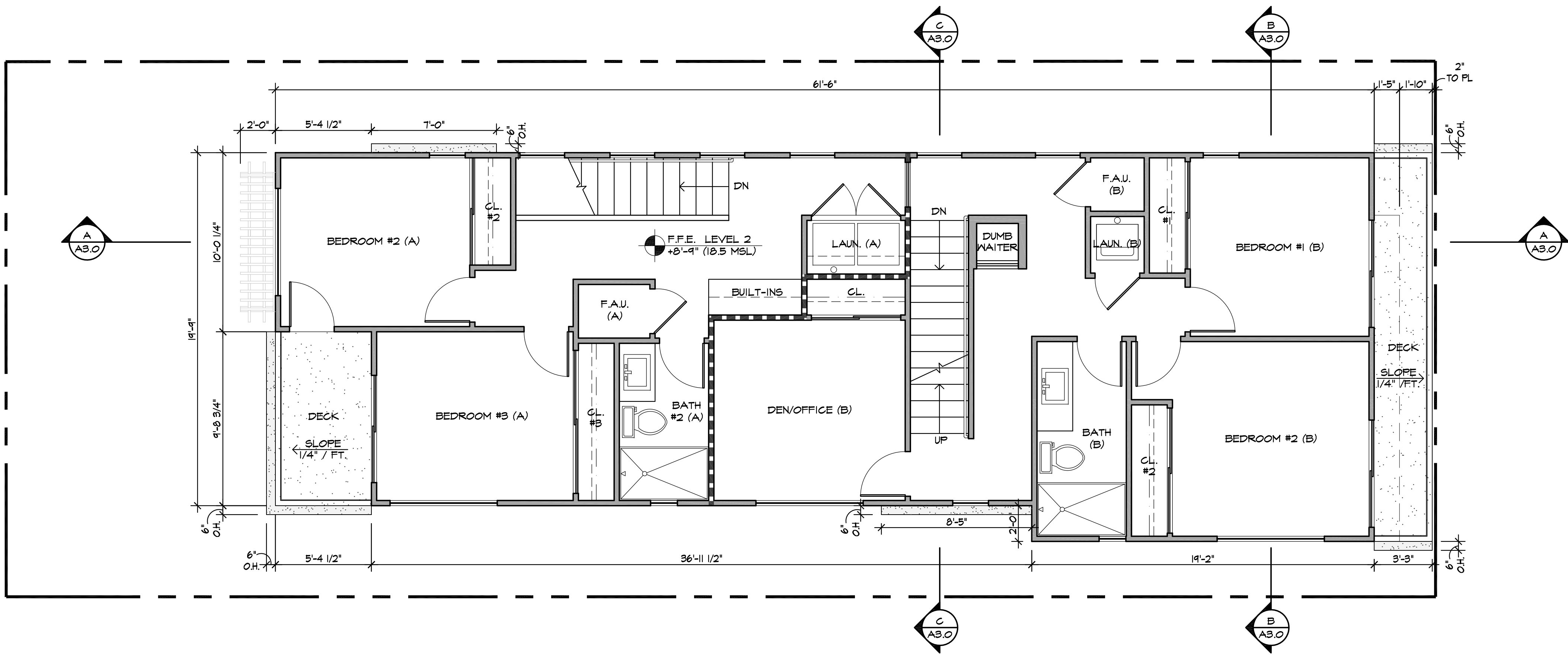


KOTZ DUPLEX

717-719 DEVON COURT
SAN DIEGO, CA 92109

GOLBA ARCHITECTURE

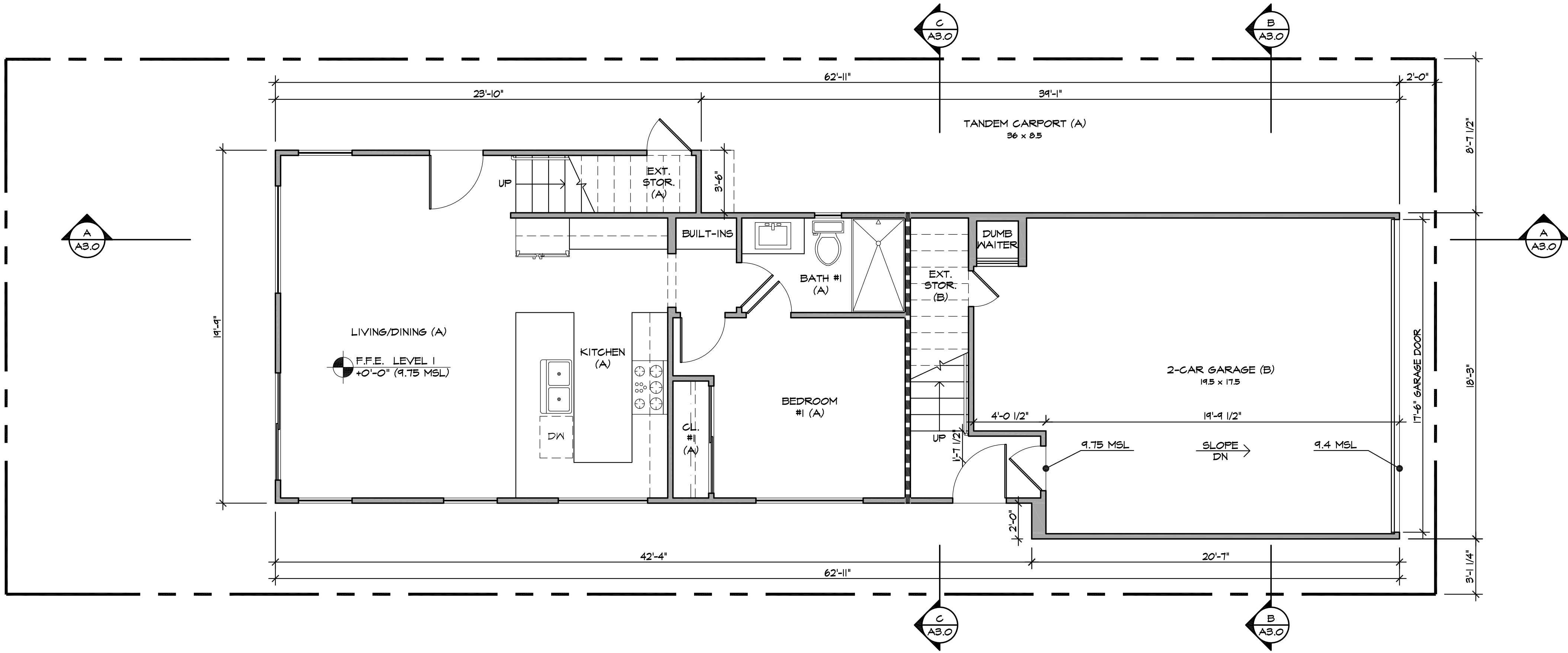
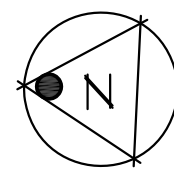
Architecture ■ Space Planning ■ Interior Design
1940 Garnet Ave. #100 San Diego California 92109
Phone: (619) 231-9905 Fax: (619) 750-3471



LEGEND	
	2x STUD WALL PER STRUCTURAL DWGS.
	1 HR. RATED WALL
	LOW WALL, 42" A.F.F., TYP.

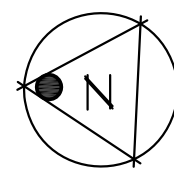
PROPOSED SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"



PROPOSED FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"



GOLBA ARCHITECTURE inc

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KOTZ DUPLEX

717-719 DEVON COURT
SAN DIEGO, CA 92109



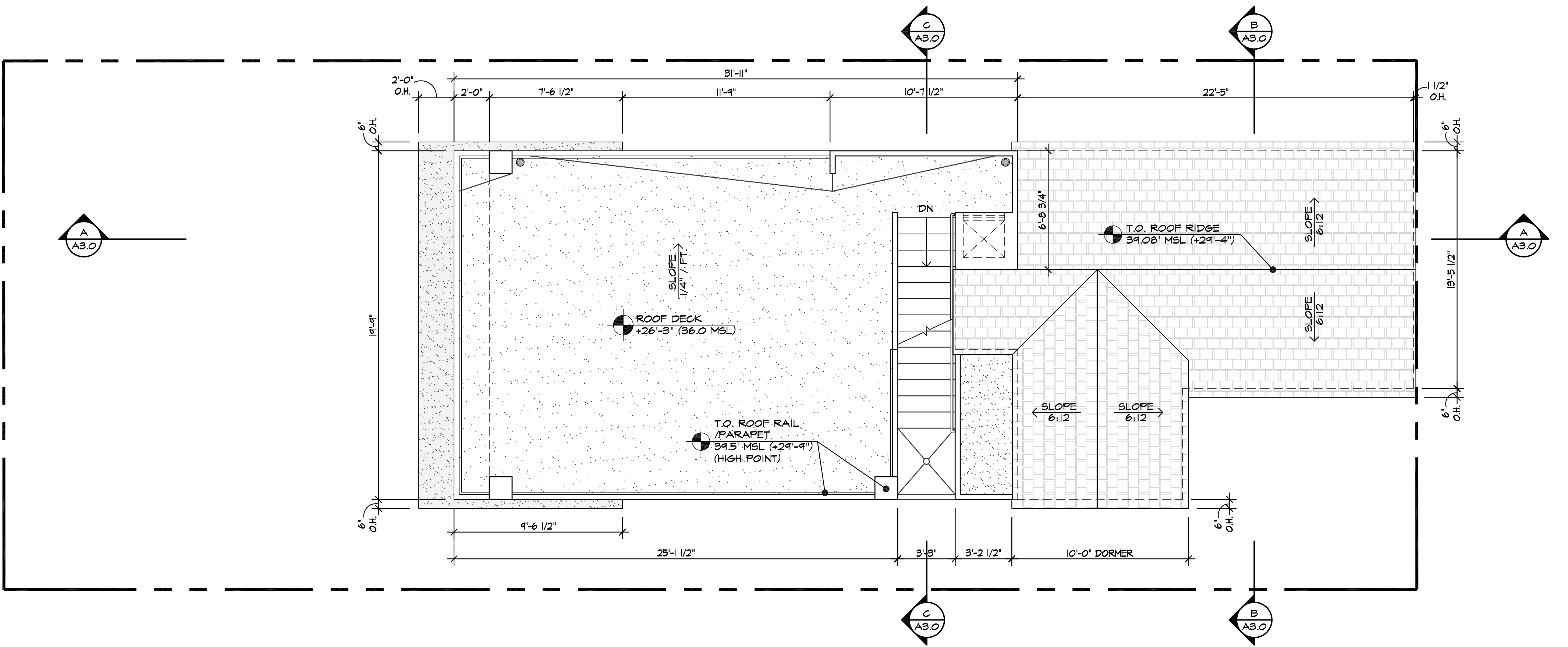
EXHIBIT NO. 4

APPLICATION NO.
6-15-1205

Floor Plans



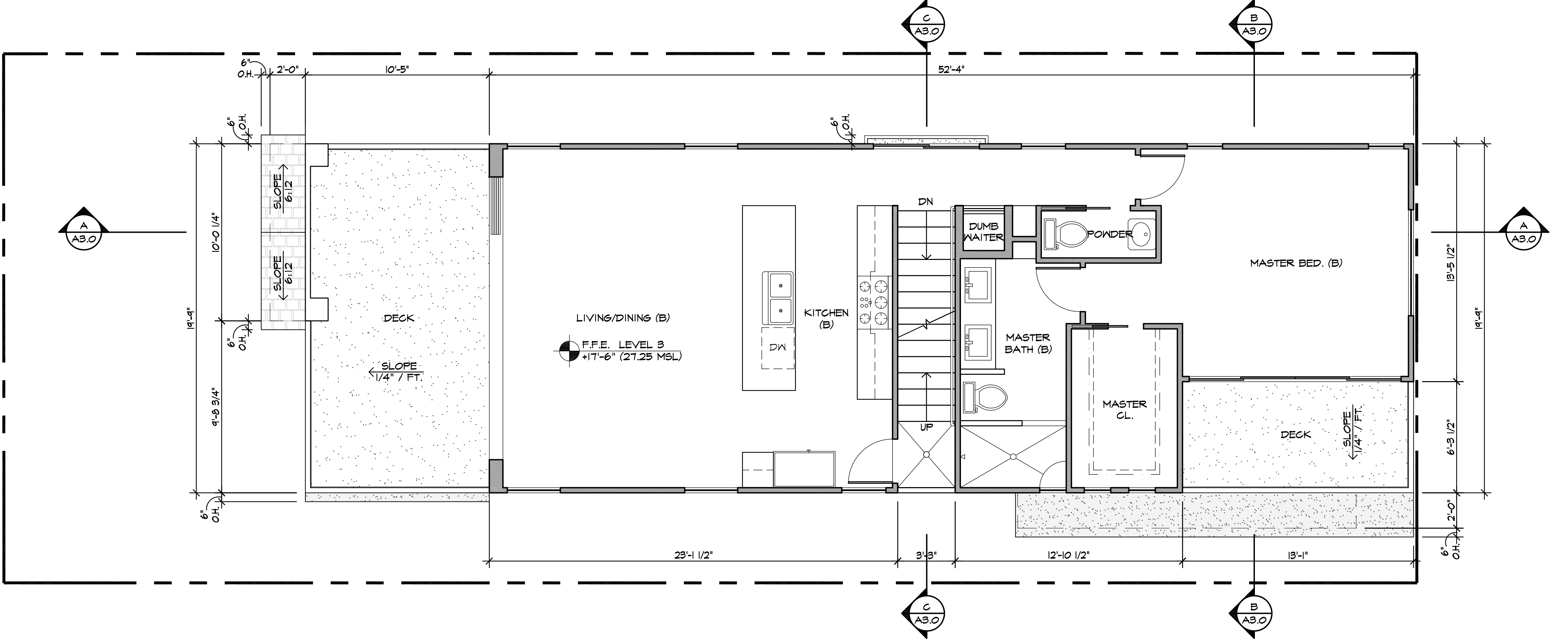
California Coastal Commission



LEGEND	
	2x STUD WALL PER STRUCTURAL DWGS.
	1 HR. RATED WALL
	LOW WALL, 42" A.F.F., TYP.

NOTE:
THE HIGHEST POINT OF THE ROOF EQUIPMENT, OR ANY VENT, PIPE, ANTENNA, OR OTHER PROJECTION SHALL NOT EXCEED 30'-0" ABOVE THE GRADE (SDMC 132.0505(a))

PROPOSED ROOF PLAN
SCALE: 1/4"=1'-0"



PROPOSED THIRD FLOOR PLAN
SCALE: 1/4"=1'-0"



GOLBA ARCHITECTURE
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KOTZ DUPLEX
717-719 DEVON COURT
SAN DIEGO, CA 92109

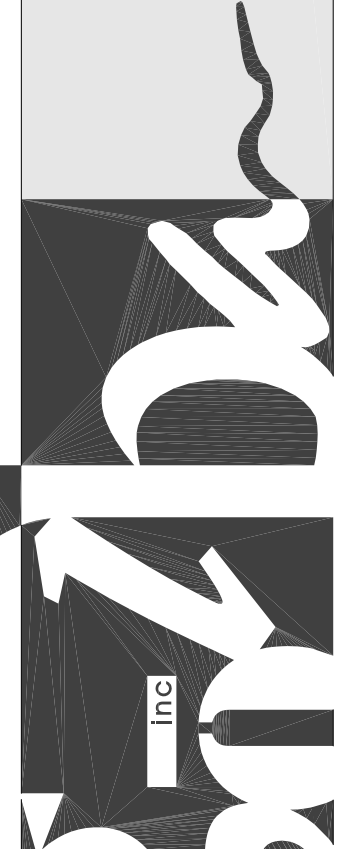
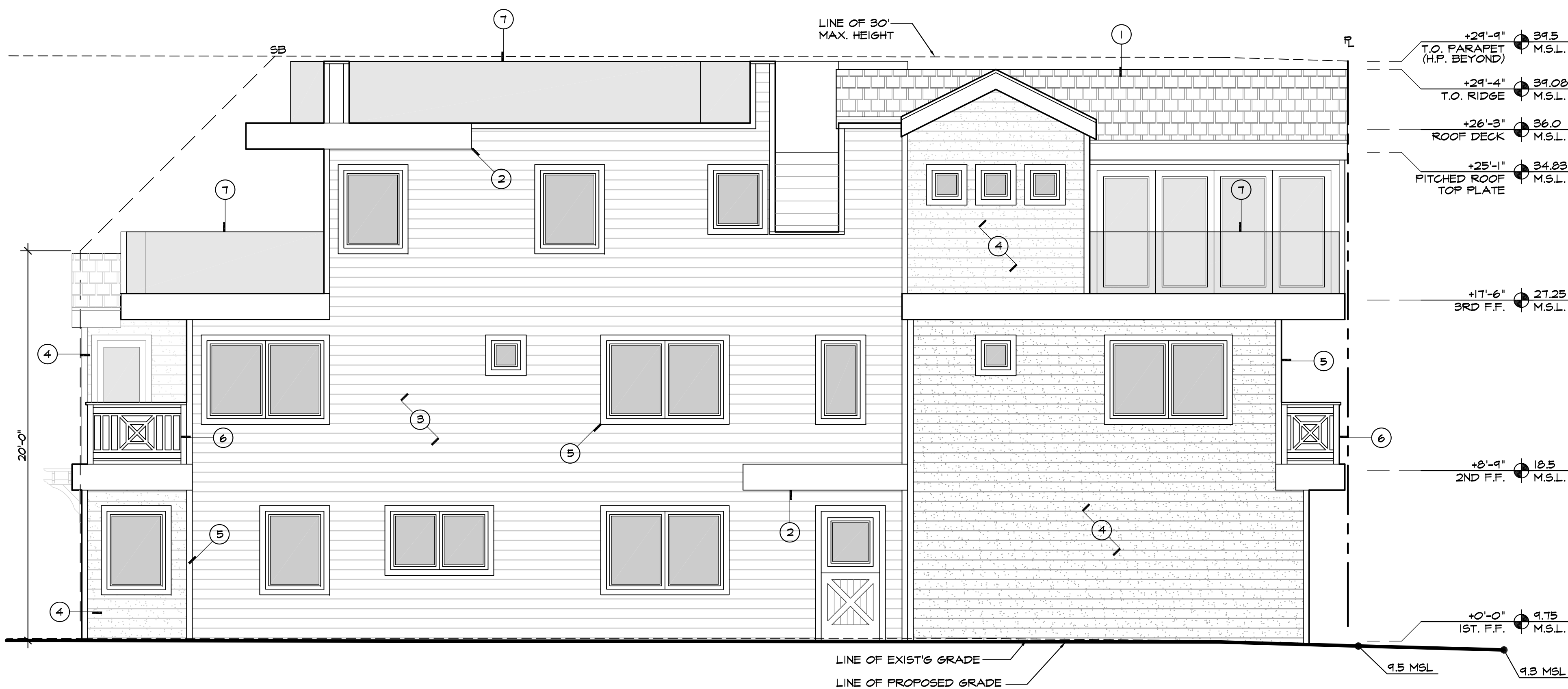
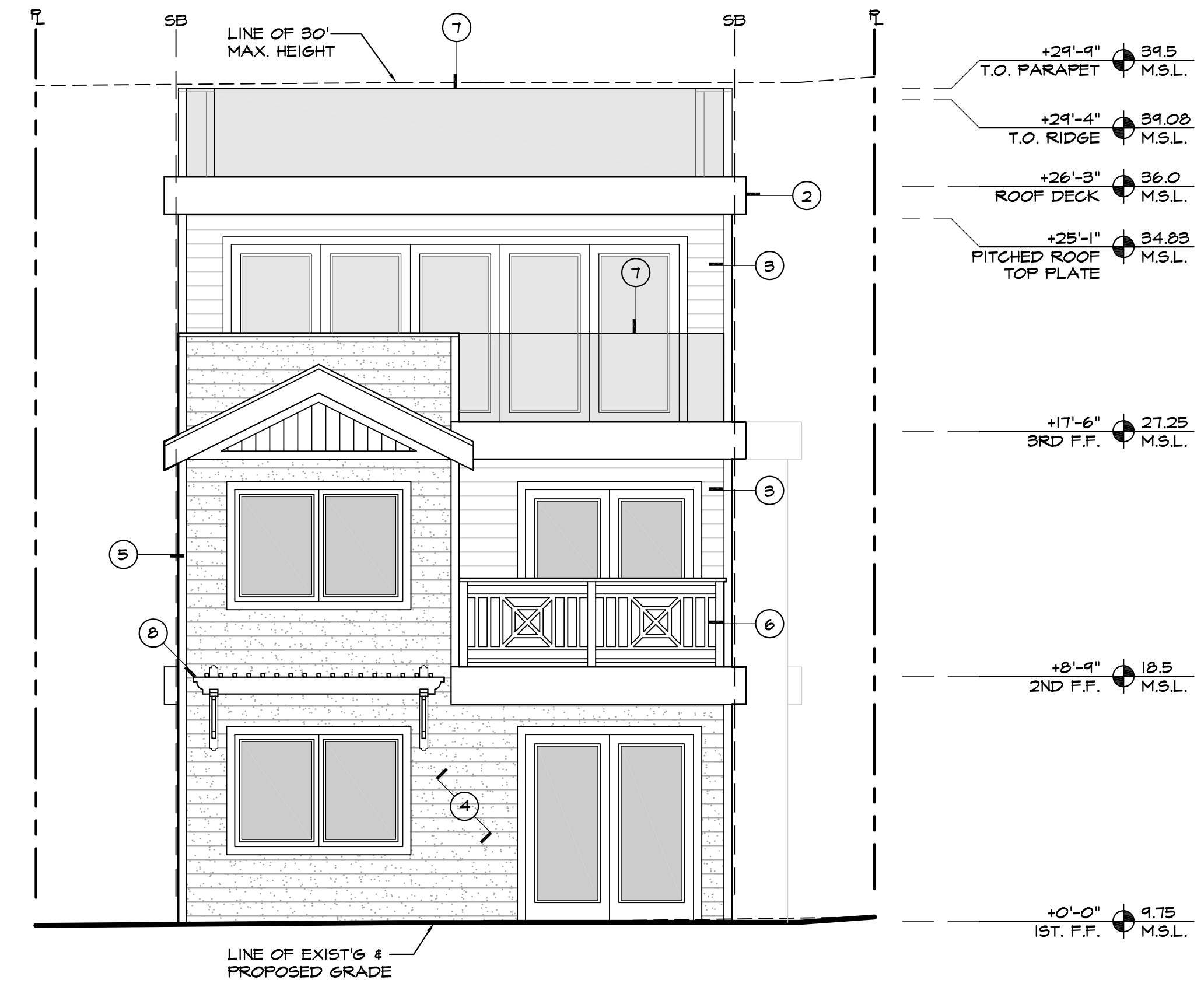


EXHIBIT NO. 5
APPLICATION NO.
6-15-1205
Floor Plans



WEST ELEVATION

SCALE: 1/4"=1'-0"



NORTH (FRONT) ELEVATION

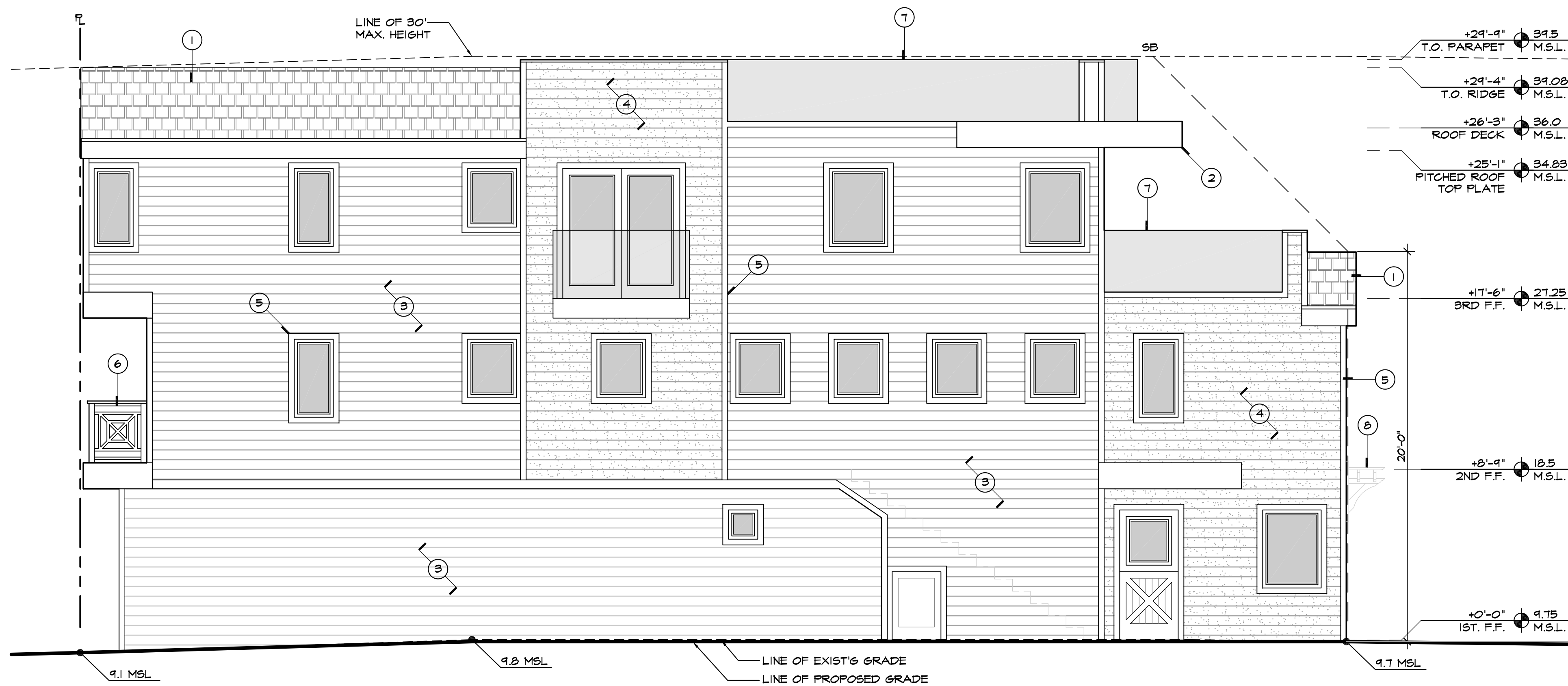
SCALE: 1/4"=1'-0"

KEY NOTES:

- 1 ASPHALT ROOF SHINGLES - 36" 'CAMELOT II' WEATHERED WOOD GLASS 'A' ASSEMBLY, LISTED CLASS 'A' FIRE UL-190. ICC REPORT ESR-1475.
- 2 COPPER CLAD EYEBROW PROJECTION, MAX. 6" ENCROACHMENT INTO SETBACK, TYP.

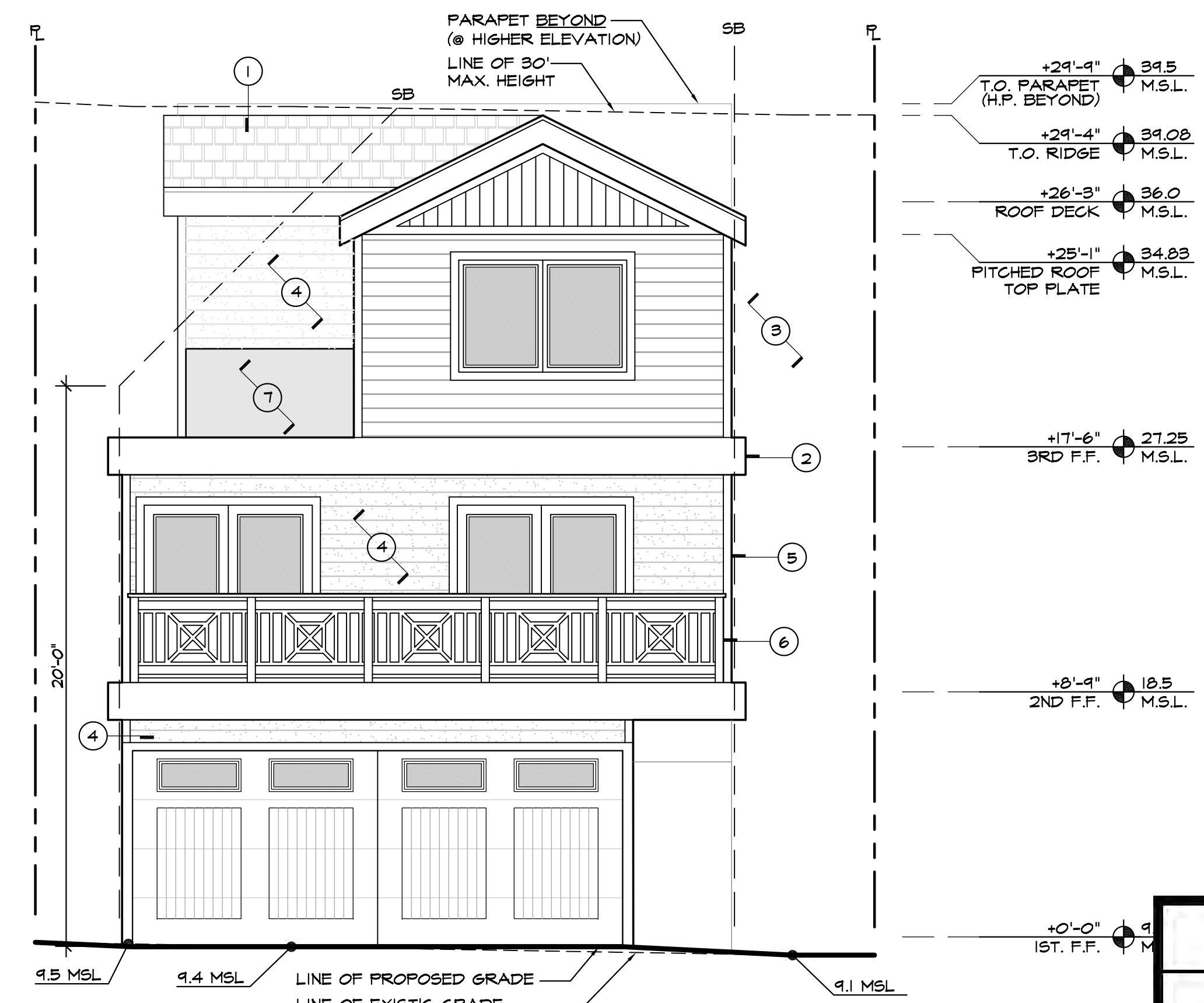
- 3 6" EXPOSURE JAMES HARDIE 'HARDIPLANK' LAP SIDING, RUSTIC CEDAR FINISH. INSTALL PER MANUF. SPECS. TYP. - COLOR #1 PER ARCHITECT APPROVAL, TYP.
- 4 6" EXPOSURE JAMES HARDIE 'HARDIPLANK' LAP SIDING, RUSTIC CEDAR FINISH. INSTALL PER MANUF. SPECS. TYP. - COLOR #2 PER ARCHITECT APPROVAL, TYP.

- 5 4" JAMES HARDIE, "HARDITRIM", RUSTIC CEDAR FINISH. INSTALL PER MANUF. SPECS. TYP.
- 6 DECORATIVE WOOD RAIL PER OWNER APPROVAL, 42" A.F.F., TYP.
- 7 TEMPERED GLASS RAILING PER OWNER APPROVAL, 42" A.F.F., TYP.
- 8 REDWOOD TRELLIS



EAST ELEVATION

SCALE: 1/4"=1'-0"



SOUTH (ALLEY) ELEVATION

SCALE: 1/4"=1'-0"

GOLBA ARCHITECTURE

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KOTZ DUPLEX

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SAN DIEGO, CA 92109

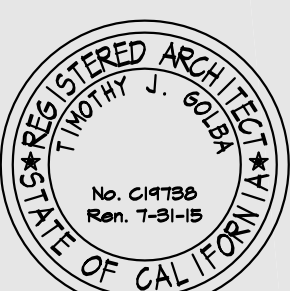


EXHIBIT NO. 6

APPLICATION NO.

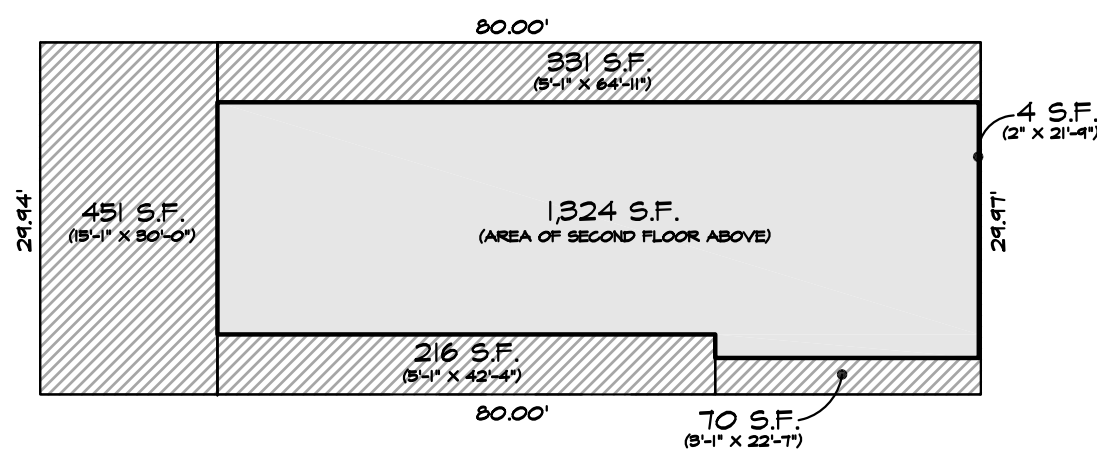
6-15-1205

Elevations



California Coastal Commission

LOT COVERAGE CALCULATIONS:



SCALE: N.T.S.

LOT COVERAGE CALCULATIONS: (DIMENSIONS ARE APPROXIMATE)

LOT SIZE: 2,396 S.F.

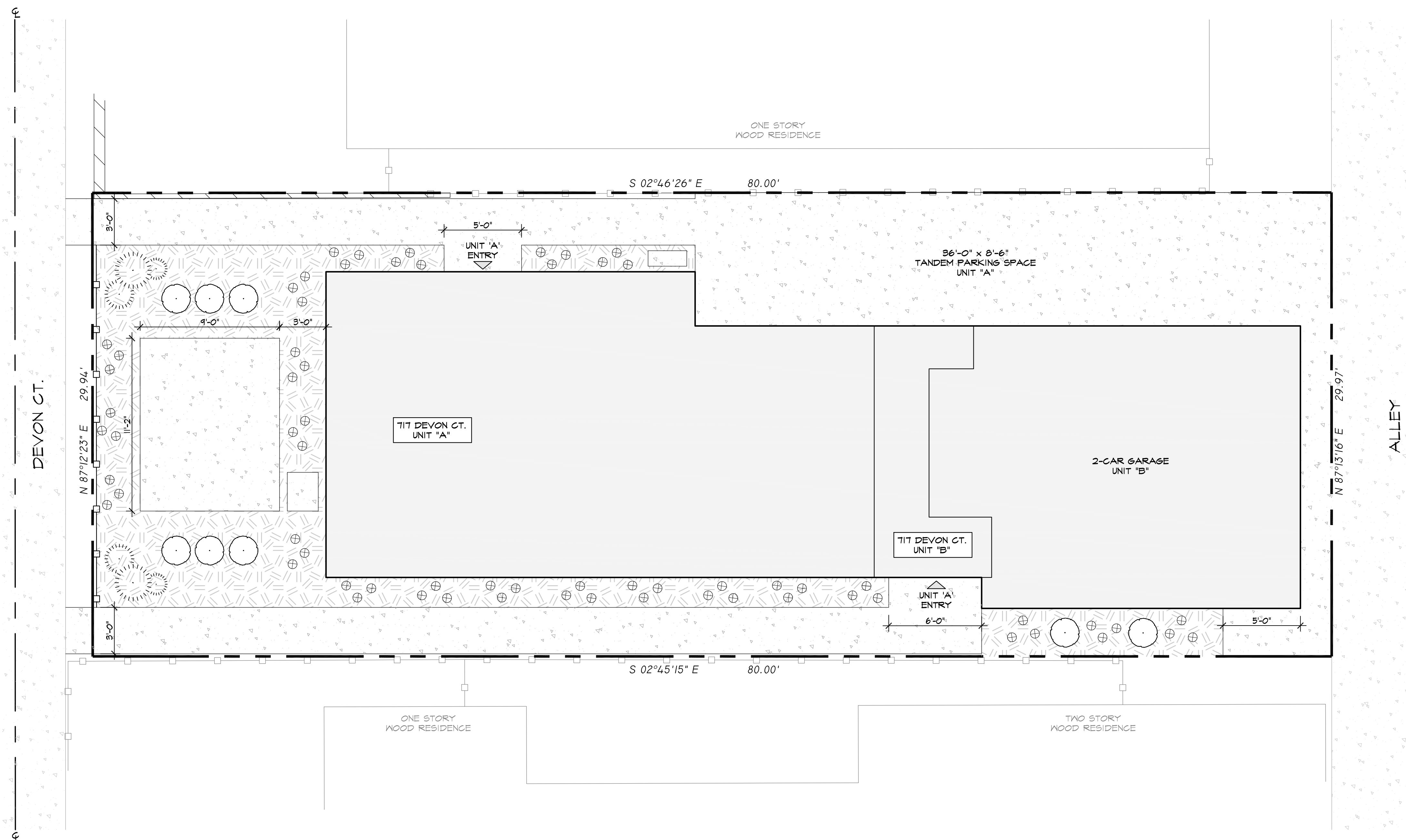
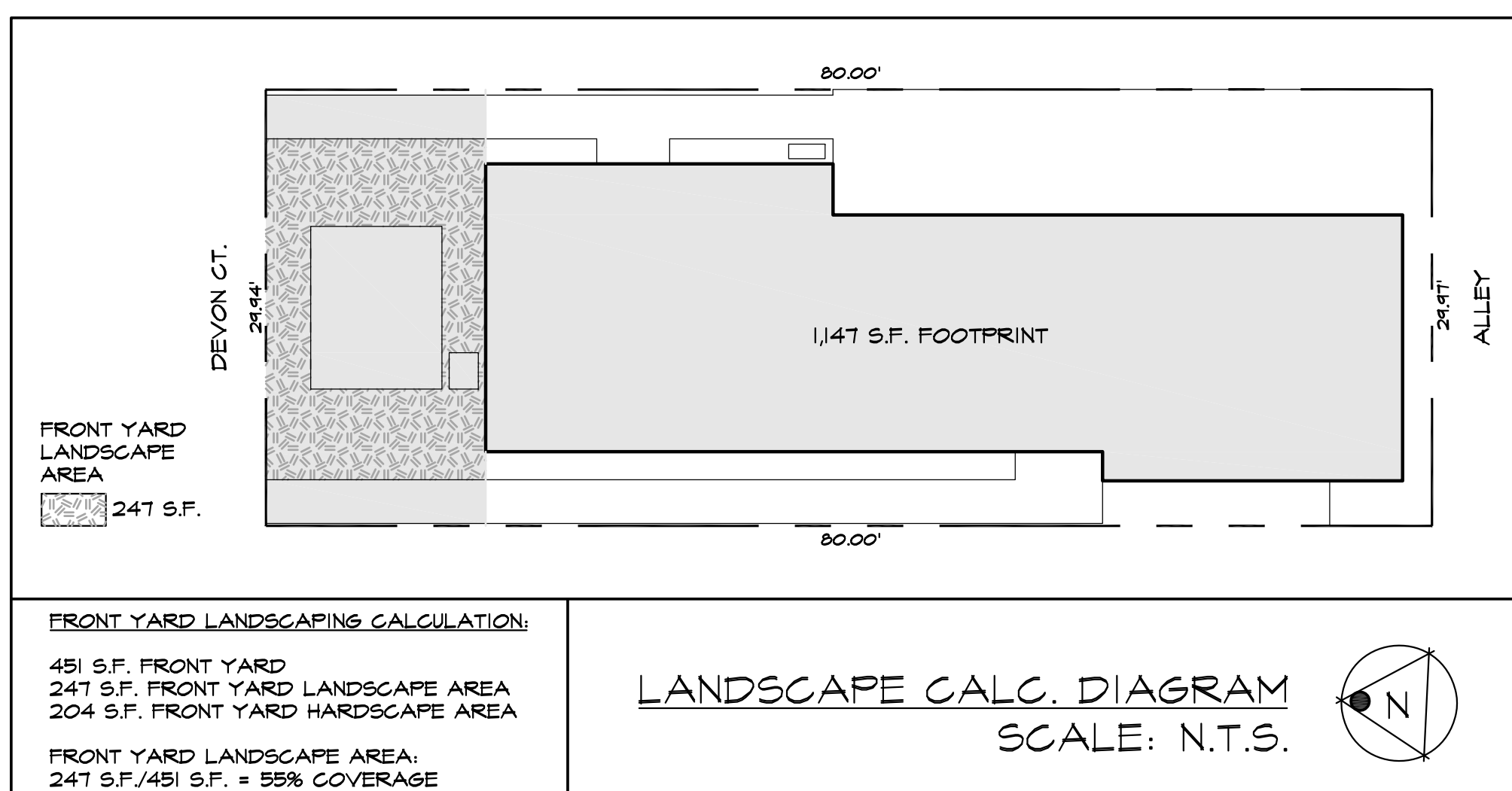
2ND FLOOR: 1,324 S.F. (INCLUDING DECKS)

1,324 S.F./2,396 S.F. = 55% COVERAGE

55% COVERAGE < 65% ALLOWABLE

LANDSCAPE NOTES:

1. ALL PROPOSED LANDSCAPING IN THE REQUIRED YARD AREA FOR NANTASKET COURT SHALL BE MAINTAINED AT A HEIGHT OF 3 FEET OR LOWER (INCLUDING RAISED PLANTERS) TO PRESERVE PUBLIC VIEWS. ALL LANDSCAPING SHALL BE DROUGHT-TOLERANT AND NATIVE OR NON-INVASIVE PLANT SPECIES.
2. MAINTENANCE; ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER, AND SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION, DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.
3. MULCH; ALL REQUIRED PLANTING AREAS AND ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 2 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION PER SDMC 142.0411.
4. IF ANY REQUIRED LANDSCAPE INDICATED ON THE APPROVED CONSTRUCTION DOCUMENT PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED TO THE SAME KIND AND EQUIVALENT SIZE PER THE APPROVED DOCUMENTS TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT WITHIN 30 DAYS OF DAMAGE.



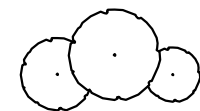
LANDSCAPING LEGEND *

SHRUBS:

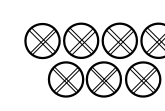


FORM: VERTICAL SHRUB
FUNCTION: SCREENING

PHORMIUM TENAX
NEW ZEALAND FLAX
5 GAL. MIN.
EVERGREEN PERENIAL
COLOR



FORM: VERTICAL SHIP
FUNCTION: SCREENING
PITIOSPORUM TOBIRA
"VARIGATED TOBIRA"
5 GAL. MIN.
PERIMETER HEDGE



FORM: VERTICAL SHRUB
FUNCTION: SCREENING
PELARGONIUM
PELTATUM
IVY GERANIUM
1 GAL. MIN.
PERENNIAL COLOR

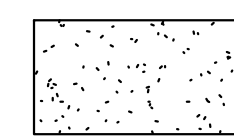
OPTIONAL ALTERNATIVES FOR SHRUBS:

BUDDLEIA DAVIDII
BUTTERFLY BUSH - DECIDUOUS

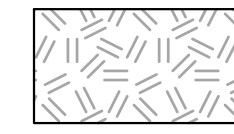
VIBURNUM DAVIDII
DAVID VIBURNUM - BROADLEAF
EVERGREEN

LAVANDULA ANGUSTIFOLIA
ENGLISH LAVENDER - BROADLEAF EVERGREEN

GROUND COVER:



FORM: HORIZONTAL SHRUB
FUNCTION: GROUND COVER
ZOYSIA JAPONICA
GRASS LAWN

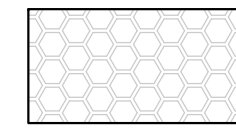
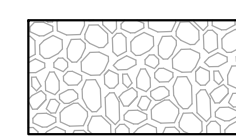


FORM: HORIZONTAL SHRUB
FUNCTION: GROUND COVER
PELARGONIUM PELTATUM
IVY GERANIUM
FLATS
ANNUAL COLOR

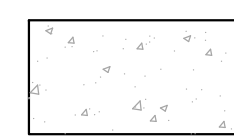
OPTIONAL ALTERNATIVES FOR GROUND COVER

CYNODON DACTYLON
BERMUDAGRASS

FESTUCA ARUNDINACEA
TALL FESCUE



HARDSCAPE:



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