

July 5, 2022

To: Appeal Committee

On this day, July 5th, Dan and Sibhan Stokes are appealing the cutting down of 21 Live Oak trees at the 5 Casa De Campo property.

We welcome new developments, we are just asking to save the trees and move the house around to the North to make everyone happy.

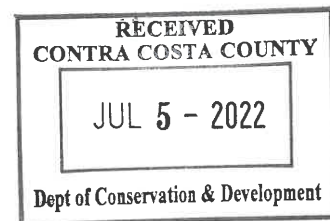
We also are asking commissioners to please come up to the Stokes home at 130 Oak Bridge Lane to see how beautiful the Oak tree line is before they make their decision.

We may be seeking legal assistance, so we are hoping for a 2 month grace period since everyone is on summer vacation.

Sincerely,

Dan and Sibhan Stokes

COUNTY FILE # CDTP21-00076



CDTP21-00076



Vincent A. Moita -----

Attorney at Law

PO Box 880
Seal Beach, CA 90740
(925) 783-9688 Tel
vm@moitalaw.com

SENT VIA EMAIL

August 12, 2022

Attn: Board of Supervisors – Contra Costa County

RE: Tree Removal Permit Appeal - County File #CDTP21-00076

Dear Board of Supervisors,

The current supply and demand imbalance for housing requires a systemic change in approving more housing projects. Preferably an approach should be reached that allows land use decisions to remain in local municipalities control and not become mandated by the State.

However, such zeal cannot be to the detriment of established planning policies that shape the built environment for a sustainable and enjoyable future.

It has come to my attention that a certain Tree Removal Permit - County File #CDTP21-00076 has been issued either through error or negligence that rises to the level of an abuse of discretion. Years of planning history, recorded documentation, and alternative site plans were not properly considered or weighed in issuing the Tree Removal Permit.

Of particular concern:

1. Five trees slated for removal are deed restricted and duly recorded Heritage Trees that were not properly analyzed under Contra Costa County Ordinance Title 8, Section 816- 4.1002 being Trees #293, #4143, #4157, #4197, and #4198.
2. The project as approved is not consistent with the Alhambra Valley Specific Plan’s express Goals and Policies, or Design Regulations and the findings of consistency were therefore improper:

- a. The Environment

Goal #1: *Preserve and enhance both the natural and man-made environment in Alhambra Valley.*

Policy 3:

Hilltops, ridges, rock outcroppings, **mature stands of trees** and other natural features shall be preserved to the greatest extent possible in the design of new projects. (**emphasis added**)



b. New Development

Goal 1: *Allow development in accord with the goals and policies of the Countywide General Plan as it pertains to Alhambra Valley.*

1. Policy 2:

Ensure that the applicable rules for environmental protection are applied to both major and minor subdivisions.

3. The project and Tree Removal Permit fail to uphold the Conditions of Approval required by the Vesting Tentative Map recorded November 14, 1994 as County File RZ912928 & FSD907609 for the initial Creekside Oaks Estates subdivision for which the subject project is a part of and legally bound by, and findings were therefore improper.

General Condition #3:

F. Tree Impact Analysis prepared by W.E.S. Technology Corporation dated received on July 15, 1993 by the Community Development Department.

“It is recommended that a certified arborist be contacted during individual lot design to minimize the effects on these trees” at pg 12, W.E.S. Technology Corporation Creek Preservation and Enhancement Plan and Tree Impact Analysis

“Tree impacts can be largely reduced through redesign. . . [t]hese recommendations are shown on Figure 4.” at pg 14, W.E.S. Technology Corporation Creek Preservation and Enhancement Plan and Tree Impact Analysis.

General Condition #13:

The applicant or owner shall submit grading plans for review and approval of the Zoning Administrator prior to issuance of a grading permit for the purpose of Tree Preservation. **All the mitigations contained in the July 15, 1993 Tree Impact Analysis are mandated.** Prior to the submission to the Zoning Administrator , a licensed arborist shall have an opportunity to comment on the proposed plan relative to compliance with required tree preservation measures. (**emphasis added**)

General Condition #20: Tree Impact

F. The driveway of Lot #3 should parallel the existing roadbed and the Lot #3 site should be moved downhill, out of the major tree mass to the extent feasible (Location #6). [referenced on Figure 4]

H. For any locations where the road passes close to trees located uphill of the road, retaining structures should be used to minimize impacts of grading on root zone integrity.



General Condition #21: Tree Preservation and Replacement Plan

The applicant shall provide for the replacement of trees for every 20 inches of aggregate circumference of trees proposed for removal.

4. The project fails to follow the Grading Plan and Tree Schedule in the Amended Map Subdivision 7609 filed 1-29-2004 in County Planning File # Z108-12188.
 - a. The provided project site plans fall outside the pre-planned grading plans. See Exhibit 2 - Grading Plan page G5
 - b. The provide project site plans ignores the Conditioned Tree Protection Plan. See Exhibit 2 - Tree Protection Plan page G9
 - c. The provided project site plans ignores the Tree Schedule. See Exhibit 2 - Tree Preservation Plan page G10

5. The Arborist Report prepared by Bob Peralta and submitted by David Viaggiano, of USGL Land, LLC as evidence for which findings were made in support of the Tree Removal Permit was materially incorrect creating insufficient basis to make substantive findings. Additionally, the findings made were improper based on the faulty evidence submitted.
 - a. The Arborist Report submitted Nov. 3, 2021 failed to identify any trees as heritage trees.
 - b. The Arborist Report failed to label some trees, improperly measured other trees, and inadequately analyzed tree grove health in totality as a grove and instead analyzed each tree as an individual.
 - i. Deed Recorded Heritage Tree #293 was listed in the Arborist report as a 19” tree in critical health. This tree, in the 2003 Hortscience Tree Survey was denoted as multi-stemmed, in good condition with a 4 out of 5 health rating, and had primary trunk diameters of 28” and 27” inches. The 2003 Hortscience Tree Survey health status was affirmed August 18, 2010 under the compliance review for Tree Bond Release – Subject SD907609.
 - ii. Deed Recorded Heritage Tree #4157 was listed in the Arborist report as poor health with diameters of 30” and 28”. The 2003 Hortscience Tree Survey was denoted as Good health, with a 4 out of 5 health rating and trunk diameters multi-stemmed trunk diameters of 21”, 20”, 18”, and 5”. The 2003 Hortscience Tree Survey health status was affirmed August 18, 2010 under the compliance review for Tree Bond Release – Subject SD907609.
 - iii. Tree #4198 was listed as being dead, when it is in fact alive.
 - iv. Tree #2770 was listed as a 30” oak, and is actually 11” in diameter and is right next to an unmarked 30” oak that has no tag.



DISCUSSION

The planning record for this subject site clearly establishes a goal of preserving trees, particularly heritage trees, when alternative designs are feasible. Here, the Tree Removal Permit was improperly granted without serious consideration of alternative site plans or designs. Further, the Conditions of Approval on the Vesting Tentative Map were ignored as to the original Tree Impact Analysis provided by W.E.S. Technology Corporation, and subsequent Grading Plan, Tree Protection Plan and Tree Schedule in the Amended Map Subdivision 7609. In reviewing the site plan as proposed compared to the planning record's housing site, visible in Figure 4, they are completely incongruous. As proposed, the site plan works against the foliage and mature tree grove to the determine of neighborhood viewsheds, deed recorded heritage trees, and the mature stands of trees and is therefore inconsistent with the Alhambra Valley Specific Plan's Environmental Goal #1, Policy #3. An alternative site plan that matches Figure 4's map reasonably allows development, and maintain consistency with years of planning intent and documentation.

Additionally, the evidentiary basis of the Arborist Report filed by the Project Proponent was riddled with errors and failed to disclose the Heritage tree status of three impacted Heritage Trees. This created a poor foundation for factual findings to be made by the Zoning Administrator and for the Planning Commission to rely upon. For example, the fact remains that only a singular inference could be reached as to tree #293 – that the evidence submitted was wrong and does not support granting of a tree removal permit. It was factually incorrect and no reasonable alternative deduction could be made. If factually correct evidence were originally presented, the result likely would have been different at both initial Zoning Administrator and County Planning Commission level.

The record shows that the findings in favor of granting the Tree Removal Permit did not “bridge the analytical gap between raw evidence and the ultimate decision”¹.

Therefore, we respectfully request that the Tree Removal Permit be **DENIED pursuant to County Ordinance, Title 8, Section 816-6.8010 (3) (a), (b), (c), (d) and (f)**.

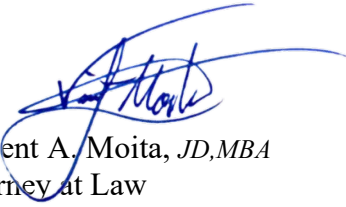
My Clients welcome the opportunity for the developer to resubmit a site plan that is consistent with the Alhambra Valley Specific Plan, the Conditions of Approval for the Creekside Oaks Estates Vesting Tentative Map dated November 11, 1994 and subsequent amendments, and one that ultimately respects the local biodiversity, canopy, viewsheds and heritage trees.

Should this body affirm the Tree Removal Permit, my Clients reserve all rights.

¹ Topanga Association for a Scenic Community v. County of Los Angeles, 11 Cal. 3d at 514-15.

M

Respectfully submitted,



Vincent A. Moita, *JD, MBA*
Attorney at Law

CC:

Department of Conservation and Development – Director <john.kopchik@dcd.cccounty.us>
Department of Conservation and Development – Planner <Dominique.Vogelpohl@dcd.cccounty.us>
Clerk of the Board of Supervisors <clerkoftheboard@cob.cccounty.us>
Board of Supervisors District 1 – John Gioia <John_Gioia@bos.cccounty.us>
Board of Supervisors District 2 – Candace Andersen <supervisorandersen@bos.cccounty.us>
Board of Supervisors District 3 – Diane Burgis <supervisor_burgis@bos.cccounty.us>
Board of Supervisors District 4 – Karen Mitchoff <supervisormitchoff@bos.cccounty.us>
Board of Supervisors District 5 – Federal D. Glover <district5@bos.cccounty.us>

List of Exhibits

EXHIBIT 1: Select pages of Conditions of Approval for Vesting Tentative Map Sub 7609 and 2928-RZ (Creekside Oaks Estates). Pages 1, 2, 6, 8 & 9 & Figure 4.

EXHIBIT 2: Amended Subdivision Map 7609 - Grading Plan, Tree Protection Plan, Tree Schedule

EXHIBIT 3: Compliance Review for Tree Bond Release – Dated August 18, 2010. SD907609

EXHIBIT 4: Heritage Tree Program Notification Subdivision 7609, September 30, 2003

Table of Authorities

- 1.) Alhambra Valley Specific Plan, Adopted October 6, 1992
- 2.) Vesting Tentative Map – Application No: RZ912928 FSD907609, Effective Date November 12, 1994
- 3.) Vesting Tentative Map – Amended Map subdivision 7609 Creekside Oak Estates – 461 M 11 Filed 1-29-04.
- 4.) HortScience Tree Preservation Report, Creekside Oaks Estates, Martinez, CA – August, 2003.
- 5.) W.E.S. Technology Corporation Tree Impact Analysis, July 15, 1993.
- 6.) Contra Costa County Ordinance, Title 8, Section 816
- 7.) Topanga Association for a Scenic Community v. County of Los Angeles, 11 Cal. 3d at 514-15.

EXHIBIT 1

Select pages of Conditions of Approval for Vesting Tentative Map Sub 7609 and 2928-RZ (Creekside Oaks Estates). Pages 1, 2, 6, 8 & 9 & Figure 4.

**CONDITIONS OF APPROVAL FOR VESTING TENTATIVE MAP SUB 7609 AND 2928-RZ
(Creekside Oaks Estates)**

The project site lies within the area of the Alhambra Valley Specific Plan adopted by the Board of Supervisors on October 6, 1992. All development must comply with the design restrictions of the Specific Plan.

General Conditions

1. This application is approved, subject to the Board of Supervisors approval of 2928-RZ, generally as shown on the Revised Vesting Tentative Map dated received July 7, 1993 by the Community Development Department for a maximum of 7 lots on the 16.65 acre site. Unless otherwise indicated, the following conditions shall be complied with prior to filing the Final Map.
2. The approval is for a three (3) years period which may be extended for an additional three (3) years. An extension request must be submitted prior to expiration of the initial approval and must be accompanied by the appropriate filing fee. An extension request is subject to review and approval of the appropriate hearing body.
3. The approval is based upon the exhibits received by the Community Development Department listed as follows:
 - A. Exhibit A - Revised Vesting Tentative Map received July 7, 1993 for 7 lots by the Community Development Department for single family residences on the 16.65 acre site.
 - B. Exhibit B - Tentative Grading plan for site shown on same sheet as Revised Vesting Tentative Map dated received by the Community Development Department on July 7, 1993.
 - C. Exhibit C - Slope Analysis.
 - D. Exhibit D - Scenic Easement.

The approval is also based upon the following reports:

- A. Preliminary Geotechnical Reconnaissance Mattson Estates prepared by Engeo, Inc. and dated received March 24, 1989 by the Community Development Department.
- B. Preliminary Geotechnical Reconnaissance Update, prepared by Engeo, Inc. dated received November 2, 1990 by the Community Development Department.
- C. Report and Geologic Issues, two reports, prepared by Darwin Myers Associates, dated received on July 27, 1993 and July 11, 1994 by the Community Development Department.

- D. Creek Preservation and Enhancement Plan prepared by W.E.S. Technology Corporation dated received on July 15, 1993 by the Community Development Department.
 - E. Creekbank - Riparian Habitat Setback Verification prepared by W.E.S. Technology Corporation dated received on July 15, 1993 by the Community Development Department.
 - F. Tree Impact Analysis prepared by W.E.S. Technology Corporation dated received on July 15, 1993 by the Community Development Department.
 - G. Archaeological Reconnaissance of the Mattson Property submitted by Archaeological and Historical Consultants dated April 1, 1993.
4. This subdivision is approved contingent upon approval of rezoning request 2928-RZ, of 1.35 acres of land from General Agricultural (A-2) to Single Family Residential (R-40) to conform with the County General Plan to the Urban Limit Line.

Indemnification

5. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the Contra Costa County Planning Agency and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Establishment of Police Services Districts

6. The owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision action. The tax shall be \$200 per parcel annually (with appropriate future Consumer Price Index (CPI) adjustment). The election to provide for the tax must be completed prior to the filing of the Final Map. The property owner shall be responsible for paying the cost of holding the election. The fee for election costs will be due at the time that the election is requested by the owner.

Addressing and Street Names

7. At least 30 days prior to filing the Final Map, plans shall be submitted for review by the Community Development Department, Graphics Section, to obtain addresses and for street name approval (public and private). Alternate street names should be submitted in the event of duplication and to avoid similarity with existing street names. The Final Map cannot be certified by the Community Development Department without the approved street names and the assignment of street addresses.

13. The applicant or owner shall submit grading plans for review and approval of the Zoning Administrator prior to issuance of a grading permit for the purpose of tree preservation. All the mitigations contained in the July 15, 1993 Tree Impact Analysis are mandated. Prior to the submittal to the Zoning Administrator, a licensed arborist shall have an opportunity to comment on the proposed plan relative to compliance with required tree preservation measures.
14. At least 45 days prior to issuance of a grading permit, or installation of improvements or utilities, submit a preliminary geology, soil, and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review and approval of the Planning Geologist. Improvement, grading, and building plans shall carry out the recommendations of the approved report. The report shall address the recommendations and conditions of the ENGEO Report dated November 2, 1990 to the satisfaction of the County Planning Geologist.
15. Prior to issuance of building permits within SUB 7609, submit an as-graded geologic map compiled by the consulting engineering geologist during grading for subdivision improvements. Map shall identify rock units, orientation of bedding and/or other discontinuities, and the location of any seepage, fill keyways, and subdrainage material with cleanouts and outlets as surveyed by the project civil engineer. The map and a final geologic report by an engineering geologist shall be submitted to the Planning Geologist for review and approval before final grading inspection by the Building Inspection Department.
16. Record a statement to run with deeds to the property acknowledging the approved report by title, author (firm), and date, calling attention to approved recommendations, and noting that the report is available from the seller.

Creek Preservation Requirements

17. The applicant shall be required to fulfill all recommendations for proposed improvements for the streambed, creek bank and for upland channels which drain to the creek, set forth in the W.E.S. Technology Corporation report entitled "Creek Preservation and Enhancement Plan" when applicable as follows:
 - A. Replacement of culverts at all road crossing locations.
 - B. Emplacement of small walls in road cut areas (on the downhill side of the road) to minimize use of extensive amounts of fill material and consequent erosion.
 - C. Redesign of road sections where necessary to minimize vegetation removal and consequent erosion.
 - D. Narrowing of road alignment in appropriate locations, as approved by the County, to reduce vegetation removal (major trees) and consequently reduce erosion-siltation of the creek.

Tree Impact

20. The applicant shall be required to fulfil all recommendations set forth in the Tree Impact Report prepared by W.E.S. Technology Corporation when applicable.

The impact of the project roadways and house sites was cut from an estimates 40 trees to an estimated 20 to 25 trees. Only 15 to 16 trees will definitely require removal if the road alignment recommendations in this report are followed. Key points involved in those recommendations are (locations as cited appear on Figure 1):

- A. The entrance road should be split to go around the large elm tree (Tree #16) near the project entrance contingent on Fire Department approval (Location #1).
- B. Trees should be carefully removed and trimmed at the bridge location to minimize soil movement associated with removal of the root mass (Location #2).
- C. The house site in Lot 7 (Location #3) should be placed to minimize tree impact.
- D. The subdivision road should be narrowed at Location #4 to minimize disturbance of the creekbank and undercutting of large trees on the uphill side of the road, unless for safety reasons the Contra Costa County Fire Protection District requires a 20-foot width. At no point shall the road be 16-ft., wide.
- E. The exit from the traffic circle should be realigned to the east approximately 20 to 30 feet in order to reduce the number of trees affected (Location #5).
- F. The driveway of Lot #3 should parallel the existing roadbed and the Lot #3 site should be moved downhill, out of the major tree mass to the extent feasible (Location #6).
- G. The driveway to Lot #4 should be sited to avoid individual trees on this sparsely colonized slope to the extent possible (Location #7).
- H. For any locations where the road passes close to trees located uphill of the road, retaining structures should be used to minimize impacts of grading on root zone integrity.

Tree Preservation and Replacement Plan

21. The applicant shall provide for replacement of trees for every 20 inches of aggregate circumference of trees proposed for removal. Replacement trees shall consists of species that are naturally indigenous to the Bay Area. The approved replacement trees shall be planted prior to acceptance of subdivision improvements:

- A. Tree Protection Bond: To assure protection and/or reasonable replacement of existing trees to be preserved which are in proximity to subdivision improvements and replacement trees, at least 30 days prior to issuance of a grading permit or filing a final map, the applicant shall post a cash bond (or other acceptable surety) for the required work with the Community Development Department. The term of the bond shall extend at least 6 months beyond the completion of required subdivision improvements. Prior to posting the bond, a licensed arborist shall assess the value of the trees and reasonable compensatory terms in the event that a tree to be preserved is destroyed or otherwise damaged by subdivision-related development activity. The tree bonding program shall be subject to the review and approval of the Zoning Administrator.
- B. Interim Tree Protection: No trees shall be removed prior to approval of the grading/tree preservation plan without prior written approval of the Zoning Administrator.
- C. Heritage Tree Nomination: Prior to filing a final map or issuance of a grading permit, the applicant shall apply to the County for heritage tree designation for trees to be preserved on the property pursuant to Section 816-4.404 of the Zoning Code. The submittal shall be accompanied by the grading/tree preservation plan and tree replacement program approved by the Zoning Administrator, and required filing fee of \$100. This fee is subject to change.
- The submittal shall be prepared by a licensed arborist and shall provide detailed information on nominated trees. The survey shall include information on trunk circumference, tree species, and canopy of individual trees. The nomination proposal shall provide for a suitable marking of designated heritage trees. The number of trees designated for heritage status may be increased or diminished from those nominated by the applicant.
- The submittal shall include a proposed notice, upon Board of Supervisors designation action, to be used to inform prospective buyers of the residential review requirement (see below); the heritage tree program; and the process that must be followed in order to remove or otherwise damage a designated heritage tree.
- D. Residential Development Review: At least 30 days prior to issuance of a building permit, proposed residential development designs shall be submitted for the review and approval of the Zoning Administrator. The submittal shall include the site/grading plan; and preliminary landscape/irrigation plan. The site plan shall provide for tree preservation measures in accord with the tentative map approval.

Construction Period Development Restrictions

22. Comply with the following construction, noise, dust and litter control requirements:

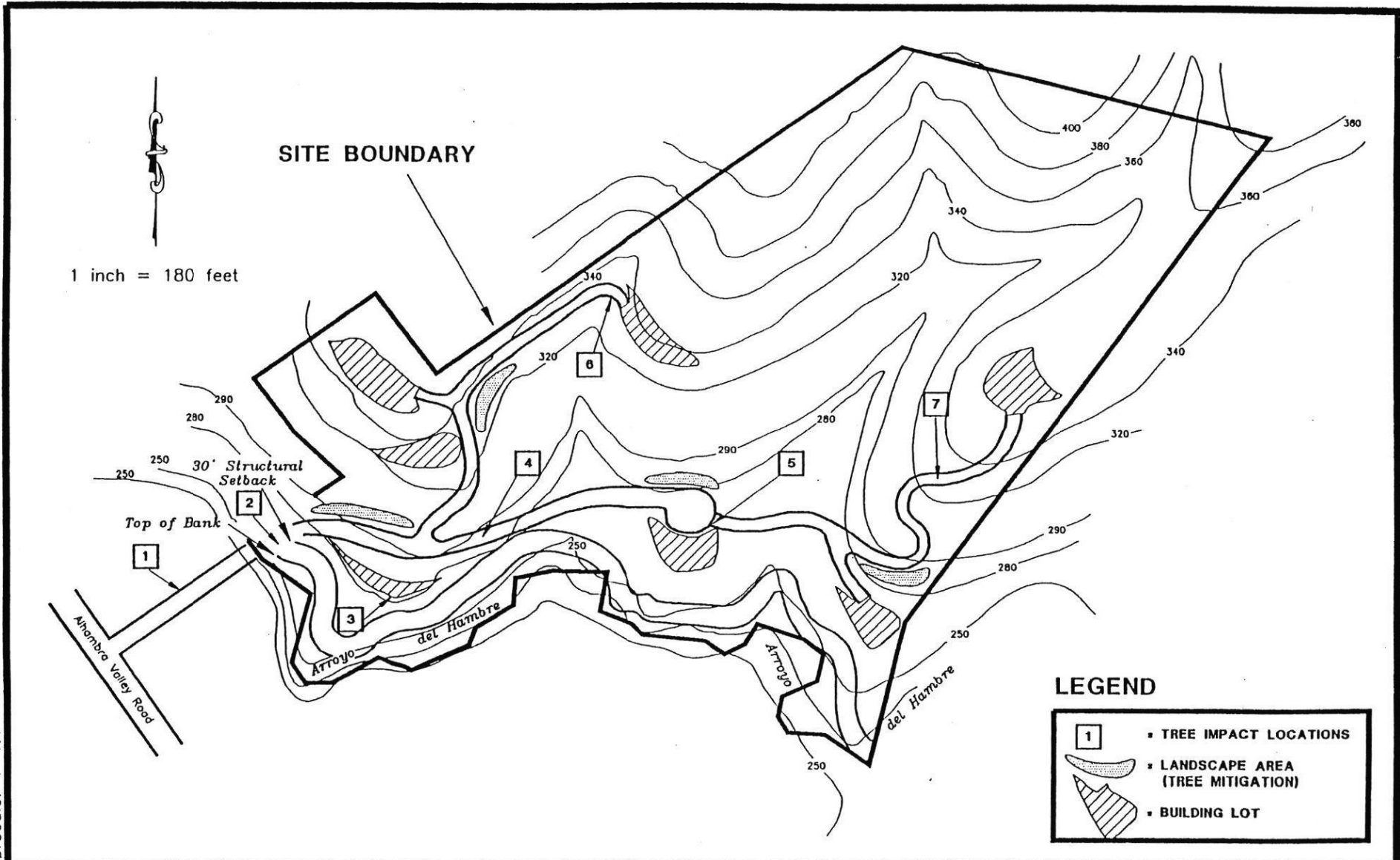


FIGURE 4. TREE IMPACT & MITIGATION

EXHIBIT 2

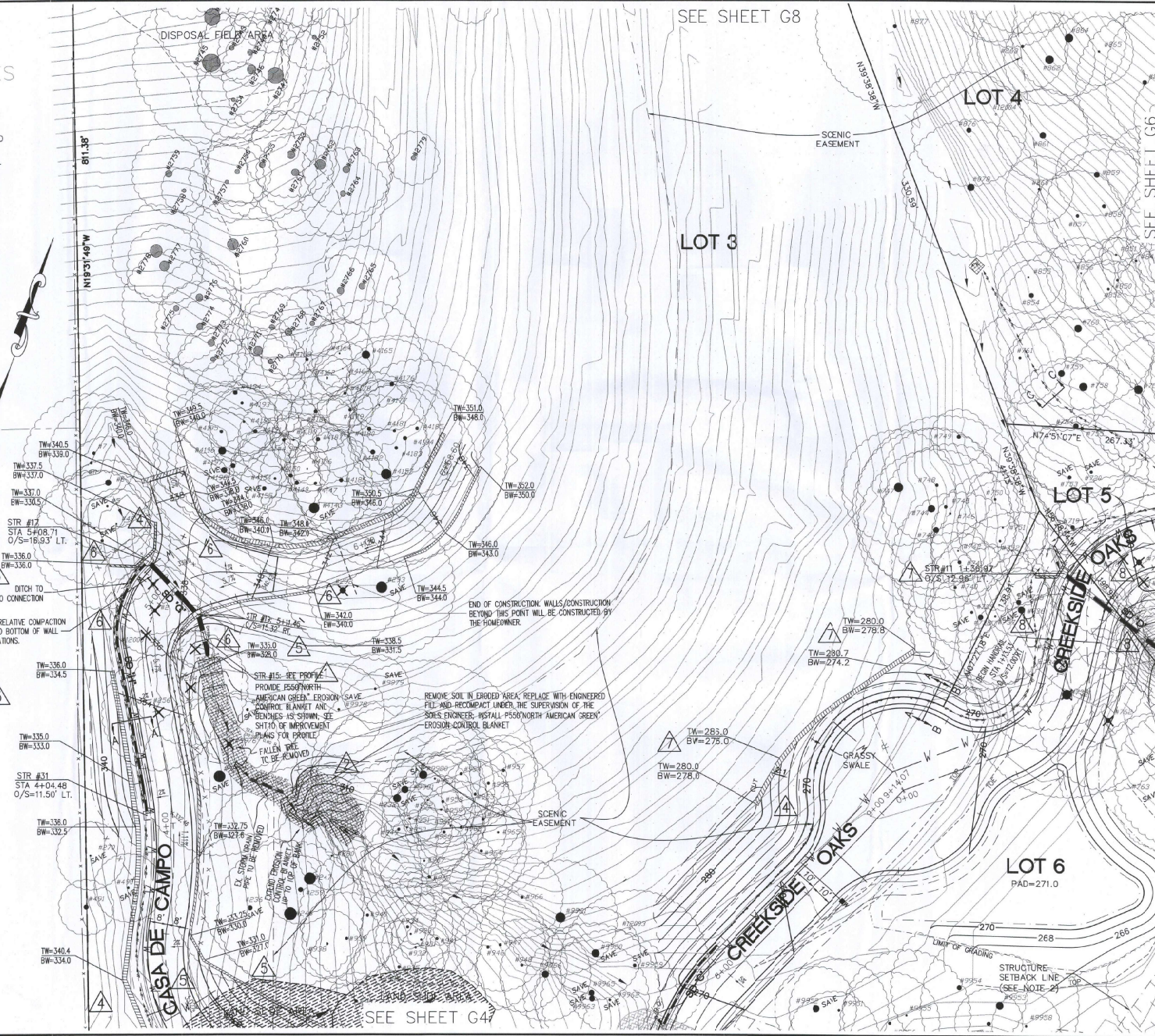
Amended Subdivision Map 7609 - Grading Plan, Tree Protection Plan, Tree Schedule

CHRALES D.
367-150-029
AND SIBHAN STOKES

NOTES:

1. RETAINING WALL DESIGN AND CALCULATIONS TO BE DONE BY OTHERS.
2. STRUCTURAL/CREEK SETBACK LINE IS 30 FEET FROM EXISTING TOP OF BANK AND AS APPROVED BY THE SOILS ENGINEER PER LETTER DATED SEPTEMBER 3, 2003.
3. AN "AS-GRADED" GEOLOGICAL MAP AND REPORT OF THE SITE COMPILED BY THE CONSULTING ENGINEERING GEOLOGIST DURING GRADING FOR SUBDIVISION IMPROVEMENTS, IDENTIFYING ROCK UNITS, BEDDING ORIENTATION/DISCONTINUITIES, ANY SEEPAGE LOCATIONS, FILL KEYWAYS, AND SUBDRAINAGE MATERIAL WITH SURVEYED CLEANOUTS AND OUTLETS WILL BE SUBMITTED TO THE PLANNING GEOLOGIST FOR REVIEW AND APPROVAL BEFORE FINAL GRADING INSPECTION BY THE BUILDING INSPECTOR DEPARTMENT.
4. SEE TREE SCHEDULE ON SHEET G10.
5. REMEDIAL GRADING TO BE PERFORMED AS RECOMMENDED BY GEOTECHNICAL ENGINEER.

CHRALES D.
AND SIBHAN
STOKES
367-150-030



SEE SHEET G8

ALIQUOT
PLANNERS
CIVIL ENGINEERS
SURVEYORS
1380 SOUTH MAIN STREET
SUITE 310
WALNUT CREEK, CA 94596
(925) 476-2200
FAX (925) 476-2350

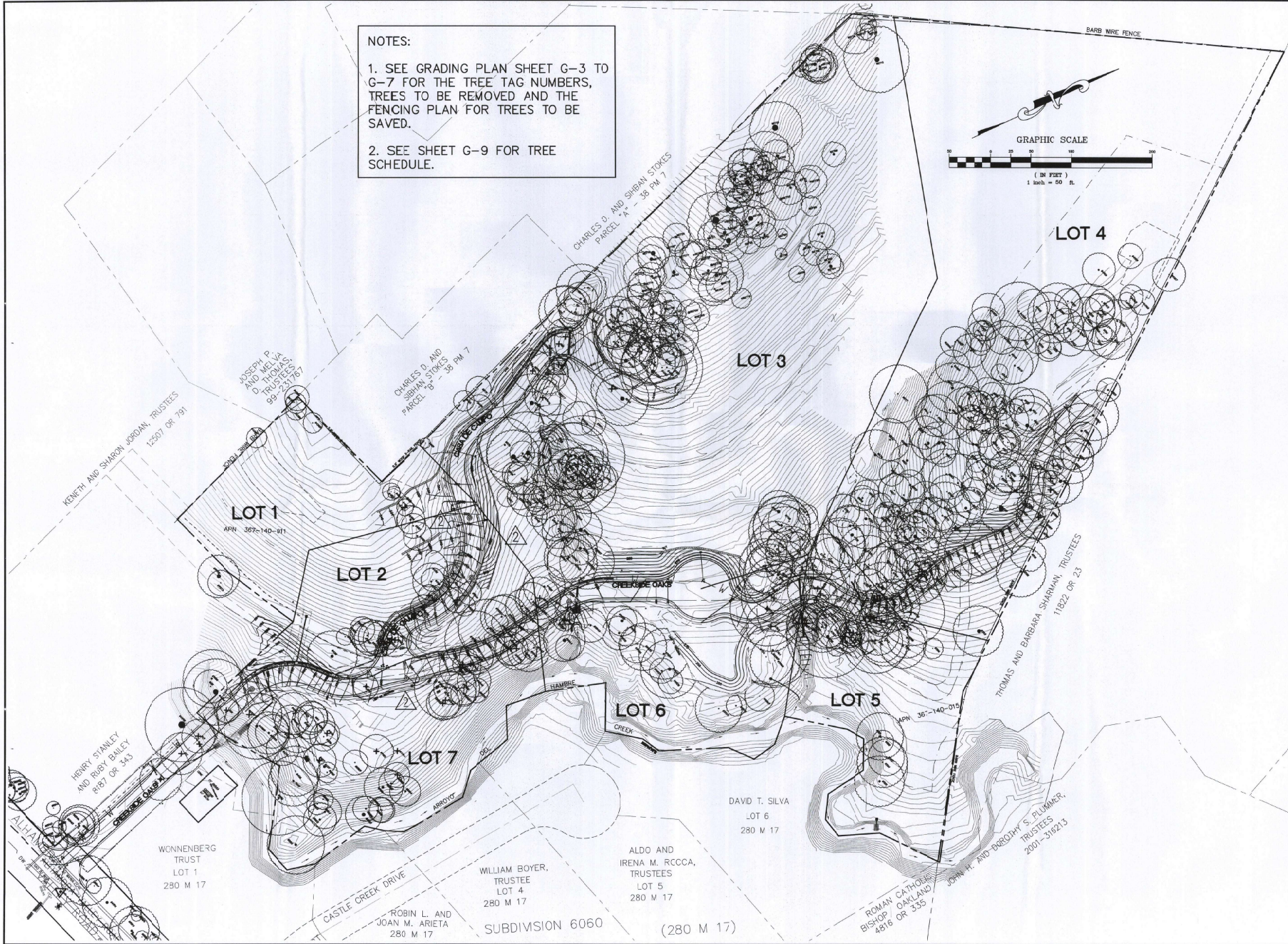
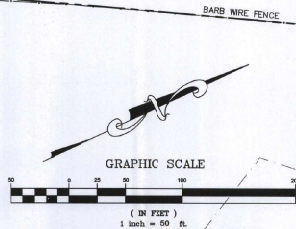


GRADING PLAN
POST CONSTRUCT. STORM WATER MANAGEMENT PLAN
SUBDIVISION 7609 'CREEKSIDE OAK ESTATES'
MARTINEZ
CONTRA COSTA COUNTY
CALIFORNIA

CAD NO: 22201.510
SCALE: 1"=40'
DATE: 12/08/08
DESIGN: RC
DRAWN: JDA
APPROVED: RCW

DRAWING NUMBER
G5
5 OF 13

NOTES:
 1. SEE GRADING PLAN SHEET G-3 TO G-7 FOR THE TREE TAG NUMBERS, TREES TO BE REMOVED AND THE FENCING PLAN FOR TREES TO BE SAVED.
 2. SEE SHEET G-9 FOR TREE SCHEDULE.



ALIQUOT
 PLANNERS
 CIVIL ENGINEERS
 SURVEYORS
 1190 SOUTH MAIN STREET
 SUITE 310
 WALNUT CREEK, CA. 94596
 (925) 478-2300
 FAX (925) 478-2350

DATE	BY	REVISION



TREE PROTECTION PLAN
SUBDIVISION 7609
'CREEKSIDE OAK ESTATES'
 CONTRA COSTA COUNTY
 CALIFORNIA

MARTINEZ

JOB NO.	2009013.0
SCALE	1"=50'
DATE	12/09/09
DESIGN	RC
DRAWN	JAA
INCHES	BY
DRAWING NUMBER	

DRAWING: Y:\2009\3\GRADING\DR_TREEPLAN DATE: 03-04-2009 XREFS: M10P0, M10R0E, M10R1Z, M10R0NDY

EXHIBIT 3

Compliance Review for Tree Bond Release – Dated August 18, 2010. SD907609



CONTRA COSTA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
651 Pine Street, N. Wing - 4th Floor
Martinez, CA 94553
Telephone: (925) 335-1210 Fax: (925) 335-1222

TO: Becky England –Fiscal Officer

FROM: Rose Marie Pietras – Senior Planner *Rose Marie Pietras*

DATE: August 18, 2010

SUBJECT: SD907609 – Compliance Review for Tree Bond Release

The Department of Conservation and Development has completed a compliance review for the tree bond release for Subdivision 7609. Attached is a letter from the arborist confirming that 65 Coast Live Oak trees were planted to mitigate the loss of two protected trees. He also confirmed the health of the trees. Attached is a copy of the CD for \$90,000. The applicant included pictures of the seedlings planted throughout the property. Staff has determined by the attached documentation that the CD for \$90,000.00 issued to Contra Costa County can be refunded to the applicant, John Curtis.

EXHIBIT 4

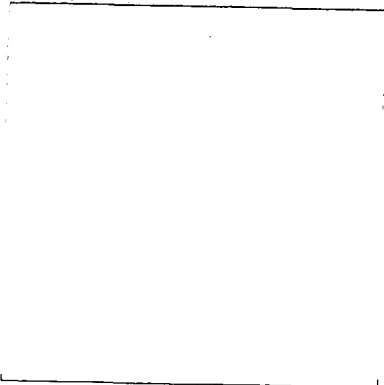
Heritage Tree Program Notification Subdivision 7609, September 30, 2003

COA # 21C & 21D

RECORDED AT THE REQUEST OF:

RETURN TO:

Area: Unincorporated Contra Costa County
Subdivision: SD 7609
APN: 367-140-001



RESIDENTIAL DEVELOPMENT REVIEW REQUIREMENTS
HERITAGE TREE PROGRAM NOTIFICATION
SUBDIVISION 7609

To meet condition of approval No. 21 of Subdivision 7609, John D. Curtis, a single man, (Owner) hereby establishes the following requirements, to be recorded with deeds to Assessor's Parcel number 367-140-001 and parcels created by Contra Costa County, California, Subdivision 7609, and any future subdivision of those parcels:

Residential Development Review

At least 30 days prior to issuance of a building permit, proposed residential development designs shall be submitted for the review and approval of the Zoning Administrator. The submittal shall include the site/grading plan and preliminary landscape/irrigation plan. The site plan shall provide for tree preservation measures in accord with the Approved Permit for the Subdivision dated November 21, 1994.

Heritage Tree Program

A heritage tree program was approved for Subdivision 7609. Lots created in this subdivision may contain designated heritage trees. A list of the heritage trees is attached to this deed as Exhibit A. Owners must ascertain if there are heritage trees on their lots. To remove or otherwise damage a designated heritage tree, Owners must contact Contra Costa County Community Development and follow the designated County process in effect at the time.

This requirement shall be a form of covenant, which shall run with said property and shall bind the current Owner and future Owners of all or any portion of said property.

The undersigned executed this instrument on September 30, 2003

John D. Curtis,
A Single Man

(Signature)

(Printed name & title)

John D. Curtis, Owner

**Heritage Trees
Creekside Oaks Estates**

Tree Number (Metal Tag)	Tree Species	Trunk Diameter (inches)	Location (Lot Number)
6	Coast live oak	19,16	3
30	Coast live oak	21,20	7
35	Coast live oak	23,15	4
36	Coast live oak	24,11	4
232	Coast live oak	18,17,7,6	3
236	Coast live oak	15,13	3
246	Coast live oak	26,24,14,14,10	3
247	Coast live oak	24,17,16,16	3
292	Coast live oak	13,10,7	3
293	Coast live oak	28,27	3
486	Coast live oak	17,15	1
508	Coast live oak	23	5
511	Coast live oak	17,14,6	4
512	Coast live oak	23	4
538	Coast live oak	11,7,6	4
539	Coast live oak	16,10,9	4
585	Coast live oak	28	4
593	Valley oak	24,17,15	4
708	Coast live oak	24,18	5
721	Coast live oak	18,12	5
722	Coast live oak	24,21,19	4
724	Coast live oak	23	4
727	Coast live oak	14,13,8	4
730	Coast live oak	16,14	4
736	Coast live oak	22,17	6
738	Coast live oak	15,14	3
739	Coast live oak	8,5,3	3
756	Coast live oak	27,14	4
758	Coast live oak	18,15,15	4
759	Coast live oak	15,9	4
760	Coast live oak	27,16	4
764	Coast live oak	24	6
766	Coast live oak	16,11	5
841	Coast live oak	15,14,7	4
871	Coast live oak	11,10,9,9	4
878	Coast live oak	14,14	4
938	Coast live oak	12,10,7	3
954	Coast live oak	17,15,6	3
963	Coast live oak	20,13	3
4143	Coast live oak	12,12,12,10,7	3

**Heritage Trees
Creekside Oaks Estates**

Tree Number	Species	Trunk Diameter (Inches)	Location (Lot Number)
4157	Coast live oak	21,20,18,5	3
4196	Coast live oak	18,13,13	3
4197	Coast live oak	16,13	3
4198	Coast live oak	19,11	3
4389	Coast live oak	7,6,6,6	1
4920	Coast live oak	18,14	4
4921	Coast live oak	26	4
4930	Coast live oak	27,27	4
9910	Coast live oak	10,9,8	2
9922	Coast live oak	38	7
9926	Coast live oak	32,29	2
9930	Coast live oak	24	3
9935	Coast live oak	27	2
9941	Calif. bay	15,10,5	7
9944	Coast live oak	16,11,9,9	6
9945	Valley oak	16,7	7
9949	Coast live oak	13,11	6
9950	Coast live oak	18,11	6
9952	Coast live oak	17,12	6
9953	Coast live oak	15,12,12	6
9954	Coast live oak	13,12	6
9960	Coast live oak	21,20	3
9963	Coast live oak	17,15	3
9965	Coast live oak	11,10,9	3
9975	Coast live oak	20,16,15,12	3
9976	Coast live oak	18,8	3
9980	Coast live oak	34,20	3
9981	Coast live oak	18,15,6	3
12004	Coast live oak	13,13	4
430	Coast live oak	23	7
433	Coast live oak	30	7
435	Calif. Bay	18,17	7
437	Coast live oak	17,15	7
4999	Coast live oak	14,12	7

Total Number of Nominated Trees

75