To: Appeal Committee

On this day, July 5th, Dan and Sighan 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.

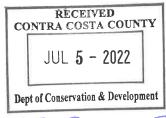
We also are asking commissioners to please come up to the Stokes home at 130 Oak Bridge Lane to see how beautiful the Oak tree line is before they make their decision.

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



CVTP71-0006



Vincent A. Moita -

Attorney at Law

SENT VIA EMAIL

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

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.



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 < <u>Dominique.Vogelpohl@dcd.cccounty.us</u>>

Clerk of the Board of Supervisors < clerkoftheboard@cob.cccounty.us>

Board of Supervisors District 1 – John Gioia < John Gioia@bos.cccounty.us >

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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 < <u>district5@bos.cccounty.us</u>>

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.

EXHIBT 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

EXHBIT 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

- 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, 2993 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.

<u>Indemnification</u>

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. <u>Tree Protection Bond</u>: 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. <u>Interim Tree Protection</u>: No trees shall be removed prior to approval of the grading/tree preservation plan without prior written approval of the Zoning Administrator.
- C. <u>Heritage Tree Nomination</u>: 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:

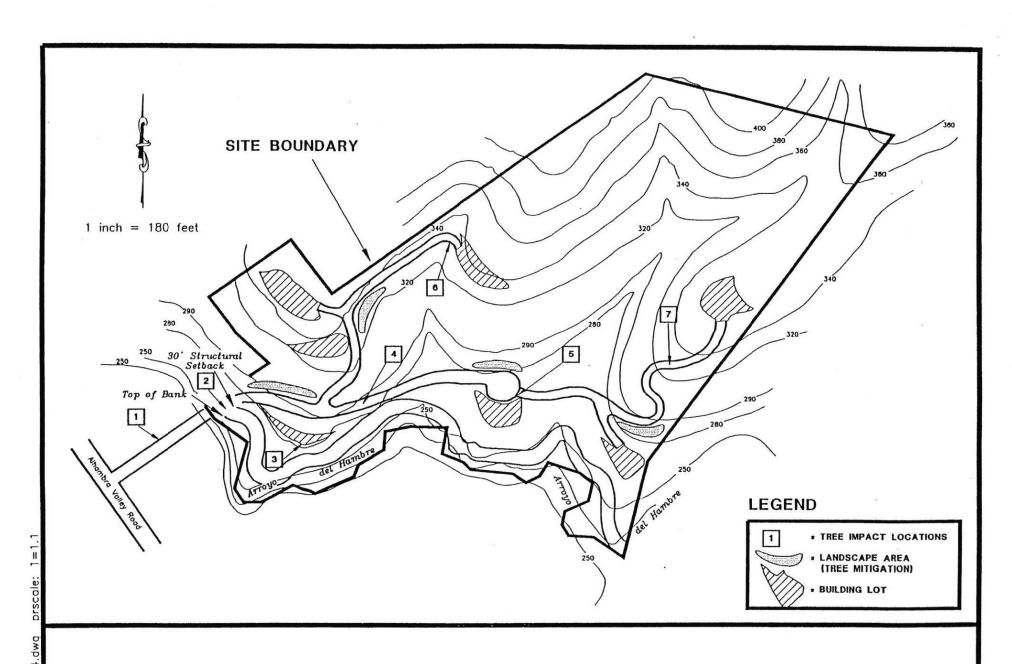
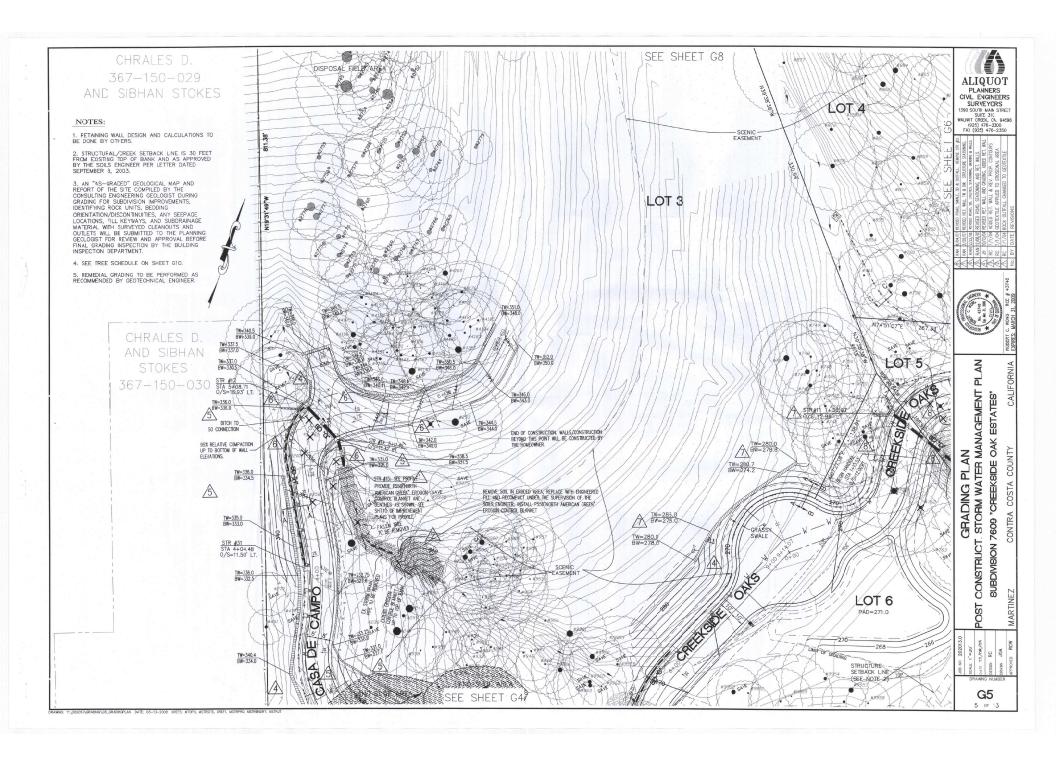
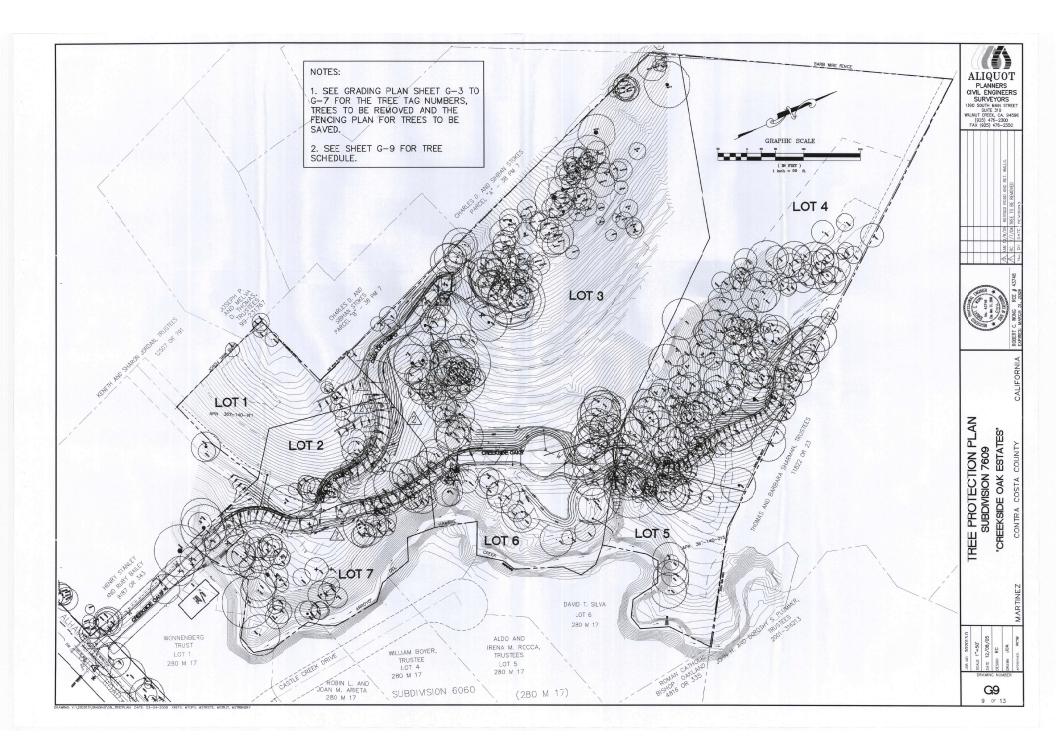


FIGURE 4. TREE IMPACT & MITIGATION

EXHIBIT 2

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





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<u>ن</u> <u>5</u>	33 F	**************************************	20' PRESERVE	委員	868	FORKE	D OAK 15" 6" 3	5 PRE	BERVE
53	38 3	3 PRONG OAK 11", 7", 6"	20' PRESERVE 15' PRESERVE 12' PRESERVE	X E	870	FORKE	O OAK 8", 11" 18	PRE	SERVE
53	39 3 40 1	17" OAK	20' PRESERVE 15' PRESERVE	-	871	4 PRO	AK 2 D OAK 15" 6" 3 D OAK 9",14" 2 D OAK 8",11" 11 NG OAK 10",11", 9", 9" 20" K. 1	5' PRE 5' PRE 6' PRES PRESE 5' PRE	SERVE
54	41 1	5" OAK	12' PRESERVE 15' PRESERVE	*	873	OAK 1	5° 1	5' PRE	SERVE
54	43 1	3" OAK		44	875	3 PRO	O OAK 18",19" 3 NG OAK 4", 4", 3" 15	PRE:	SERVE SERVE SERVE
54	44 F	ORKED DAK 12" & 10" 32" OAK	10 PRESERVE 30 FALLEN		876 878	FORKE FORKE	D OAK 11",1)" 25 D OAK 14" EA. 3	0 PRE	SERVE
A 54	46 (OAK 17" I3" OAK	15' PRESERVE	F	937	BAY 6	NG OAK 12" 10" 7" 16	2" PRES	SERVE SERVE
\$ 54 54	48 2	3 OAK 12" & 10" 22" OAK 12" & 10" 23" OAK 12" & 10" 24" OAK 12" & 13" OKED OAK 12" & 13"	15; PRESERVE. 30; FALLEN 15: PRESERVE. 16: PRESERVE. 35; PRESERVE. 22: PRESERVE. 14: PRESERVE. 16: PRESERVE. 16: PRESERVE. 25: PRESERVE. 25: PRESERVE. 20: PRESERVE. 20: PRESERVE. 20: PRESERVE. 20: PRESERVE.		949	15" 0/	M	O PRE	SERVE
<u>لا 54</u>	550 F	ORKED OAK 12" & 13"	22 PRESERVE 14 PRESERVE	H	950 951	12" O/	NK 2		SERVE SERVE
55	551 8	S" OAK	16' PRESERVE 15' PRESERVE	F	952	FORKE	0 0AK 9" & 12"	on' pr	RSFR VE
55	554 F	ORKED OAK 10" & 12"	25 PRESERVE	E	954	3 PRO	NG OAK 6", 5",17" 20	PRE	SERVE SERVE
55	65 1	1" OAK		-	955 956	4 PRO 10" B/	NG BAY 6", 5" 1	5 PRE	SERVE.
56	66 1	2" OAK 3 PRONG OAK 11", 13", 19" 3" OAK 66" OAK 5 PRONG OAK 10" & 17"	201 DECCEDIA	F	957	3 PRO	YY 1. NG BAY 7",",6" 15 NK 2 D OAK 4" & 8"	' DDC	CEDIAL
56	68 1	3" OAK	201 PRESERVE 101 PRESERVE 201 PRESERVE 301 PRESERVE	E	959	FORKE	O OAK 4" & 8"	IS PRE	SERVE ESERVE SERVE
56	570 3	5 PRONG OAK 10" & 17"	35' PRESERVE	E	961	O" OAL		5 PRE	SERVE SERVE
57	572 1 573 F	0" OAK FORKED OAK 10", 13"	18' PRESERVE 24' PRESERVE	F	263	FORKE	K 2 0 OAK 13" & 20"	01 PRE	SERVE ESERVE
A 57	74 F	ORKED OAK 6". 12"	24' PRESERVE 24' PRESERVE	A	973	BAY 1)" 2	4 REM	OVE
\$ 57 \$ 57 \$ 57	76 6	1, 1900 M. 10 . & 1). ORKED DAK 10', 13' ORKED DAK 6', 12' ORKED DAK 6', 12' OAK 1, 10', 10', 11', 17' 3, 7' OAK NOTI 3' OAK NOTI 3' OAK NOTI 1' OAK 1' OAK ORKED DAK 11' & 6' 1' OAK ORKED DAK 11' & 6' ORKED BAY 7' & 9'	20 PRESERVE 20 PRESERVE 0' PRESERVE 297 REMOVE 30 REMOVE	A	2002	4 PRO 10" 0/	2" 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	01 PRE 01 PRE 35' PR 4' REM 5' PRE 15' PRE 8' PRE	SERVE
ZA 57	77 5	5 PRONG OAK 6", 10", 11", 17" 30	D' PRESERVE 287 REMOVE	*	2003	FORKE	D OAK 4" & 12"	5 PR	ESERVE SERVE
57	79 1	3" OAK	30 REMOVE	44	4143	4 PRO			
58	81 1	2 PRONG OAK 11" & 6" 4" OAK	20' REMOVE 12' REMOVE 20' REMOVE 33' REMOVE 12' REMOVE	H	4147	14" OA	K 2 K 3	5' PRE 0' PRE	SERVE SERVE SERVE
58	82 1	1" OAK	20' REMOVE		4150	18" 0/	K 2	5' PRE 0' PRE	SERVE SERVE
58	84 1	4" OAK	12' REMOVE	Þ	4155	FORKE	O OAK 20"	25' PR	ESERVE
∆ 58 58	000 Z	ORKED BAY 7" & 9"	36 REMOVE 10' REMOVE 27' REMOVE 24' PRESERVE 12' PRESERVE		4156 4157	9" OAI 4 PRO	NG OAK 5".18".20".21" 41'	O' PRE PRESI	SERVE ERVE
58	87 F	28 OAK	27 REMOVE 24 PRESERVE	F	4183	15" O/	K 5	PRESI O' PRE 5 PRE 0' PRE	SERVE SERVE
58	89 9	OAK OAK	12 PRESERVE		4185	19" 0/	K 3	O PRE	SERVE
59	91 1	6 OAK	18 PRESERVE	E	4189	21 0/ 10" 0/	K 2 K 1	PRE	SERVE
59	93 3	* PROME OAK 5 OAK 5 PROME OAK 24", 17", 15" * BAY OAK 18" O OAK 4" OAK	30' PRESERVE 13' REMOVE 20' REMOVE 12' REMOVE	- F	4190	17" OA	K 2 K 2	O' PRE	SERVE SERVE SERVE
7,0	02 0	OK 18"	20 REMOVE	. [4196	3 PRO	K 2 NG OAK 13".13",18" 30	PRES 5 PRE	ERVE
70	04 1	4" OAK	20 PRESERVE 20 PRESERVE	-	4197 4198	FORKE	O OAK 11" & 19" 2	5 PRE	SERVE
70	05 1	5" OAK	20 PRESERVE 25 PRESERVE	F	4385	13" 0/	yK 1	2 PRE	SERVE
70	706 1 707 1	2" OAK 1" OAK	20 PRESERVE	F	4387	8" OA	· ·	2 PRE	SERVE SERVE SERVE
70	08 F	1" OAK "PREED OAK 18" & 24" "PAY "T BAY "T B	20	+	4388 4389	14" 0/ 4 PRO	NG OAK 7", 6", 6", 6" 12	21 PRE 55 PRE 57 PRE 58 PRE 59 PRE 50 PRE 60 PRE 60 PRE 60 PRE 60 PRE 70 PRE 60	SERVE ERVE
A +71	10 2	1" BAY	40' PRESERVE		4920	FORKE	D OAK 18", 14"	PRE	SERVE
71	12 1	4" OAK		E	4922	13" 0/	K 2	2 PRE	SERVE
A 71	13 1	6" OAK OAK 15"	25 PRESERVE 30' PRESERVE 19' REMOVE	F	4923	21° 0/ FORKF	K 2 D OAK 12", 9" 2	0 PRE	SERVE SERVE
A 71 71 71	15 0	AK 14"	17' REMOVE		4927	6" BA	1 1	2 PRE	SERVE
	10 IC	ORKED OAK 17" & 10"	20 REMOVE	H	4928	FORKE	O OAK 27" ½ 27"	35' PR	ESERVE
71									
71 71 71	18 2	ORKED OAK 12" & 10" 22" OAK AND TO	19 REMOVE 17' REMOVE 30' REMOVE 20' REMOVE 36' REMOVE 12' PRESERVE 25' PRESERVE	F	4931 4989	13" 04	K 2	O' PRE	SERVE MOVE

TAG #				COMMENTS
9912	FORKED OAK 9", 4	14"		ERVE
9913	14" OAK	20"	REM	
9914		12"	REM	DVE
9915	12" OAK	21'	REMO)VE
9916	9" OAK 13" OAK	17'		ERVE
9917	13" OAK	20'		ERVE
9918	FORKED OAK 12" & 9"	20		SERVE
9919	9" OAK	15'	PRES	ERVE
9920	7" OAK	12"	PRE	SERVE
9921				SERVE
9922	38" OAK	37		SERVE
	FORKED BAY 8" & 19"	25		OVE
		20	REM	OVE
9925	25" OAK	25	REM	OVE
	FORKED OAK 32", 29"	35		SERVE
9927	7" BAY	12'	REM	DIA.
9928	3 PRONG BAY 6", 3", 3",	10'	REMO	
	11" OAK	12'	REM	
	24" OAK			SERVE
9930	19" OAK	NOTES B		
9931 9932	16" OAK	20	REM	SERVE
2022	FORKED OAK 10" & 12"	20		
9933	FURNED UAK 10 & 12	25	PRE	SERVE
9934	17" OAK		PRE	SERVE
9935	27" OAK	25	PRE	SERVE
9936 9937	4 PRONG OAK 7", 4", 4", 2" FORKED OAK 16"	10' 15	PRES	RVE SERVE
9937	FURKED UAK ID			
9938	13" OAK	20"		SERVE
9939	3 PRONG BAY 10", 5", 7"	15'	PRES	ERVE
	19" OAK	20"	PRE	\$ERVE
9941	3 PRONG BAY 15", 10", 5"	20'	PRES	ERVE
9942	22" OAK 16" OAK	20	PRE	SERVE
9943	16" OAK	20"		\$ERVE
9944	4 PRONG OAK 16",11", 9", 9"	25'	PRESE	RVE
	FORKED OAK 7" & 16"	15		SERVE
9946	15" OAK	25	PRE	\$ERVE
	BAY 8"	15'	PRE	\$ERVE
9948	BAY 3"	15' NOTE 280	PRE	SERVE OVE
9949	FORKED OAK 11" & 13" FORKED OAK 11" & 18"		REA	OVE
9950	FORKED OAK 11" & 18"	20		SERVE
9951	11.5" OAK	22'		SERVE
	FORKED OAK 12" & 17"	18		SERVE
9953	3 PRONG OAK 12".12".15"	35'	PRES	
9954	FORKED OAK 12", 13"	30'	PRE:	SERVE
9955	10" OAK	28		SERVE
9956	15" OAK	22'		\$ERVE
9957	FORKED OAK 7",10"	15'	PRE:	ERVE
9958	FORKED OAK 4",7"	15'	PRE	\$ERVE
		33	PRE	SERVE SERVE
9960	FORKED OAK 21", 20"	20'	PRF	\$ERVE
9963	FORKED OAK 17" & 15"	25	PRE	SERVE
9965	FORKED OAK 21", 20" FORKED OAK 17" & 15" 3 PRONG OAK 9",11",10"	25 30'	PRES	FRVF
9968	9" OAK	30	PRE	SERVE
9974	3 PRONG OAK 4",3",6", 2". 2"	10"	PRESE	RVE
9975	3 PRONG OAK 4",3",6", 2", 2" 4 PRONG OAK 12",15",16",20"	35'	PRES	
9976	FORKED OAK 8",18"	22'	FALI	
9977	15" OAK	25	PRE	SERVE
	12" OAK	20		SERVE
9979	12" OAK 13" OAK	15'	PRE:	SERVE
9980	FORKED OAK 20" & 34"	50	PR	ESERVE
9981	3 PRONG OAK 6".15".18"	40	PRES	
	18" OAK	35	REMO	
12001	11" OAK	NOTEOP	REMO	
12003	FORKED BAY 8" 6"	20'	PRES	
12003	EODVED DAY 13" FA	35'	DRES	ERVE
12005	FORKED BAY 8", 6" FORKED OAK 13" EA. 3 PRONG BAY 9", 5", 4"	40'	PRES	ERVE
12005	22" OAK	35	LKE2	ERVE

TOTAL NUMBER OF TREES: - 322

TOTAL NUMBER OF TREES
TO BE PRESERVED: - 258

TOTAL NUMBER OF TREES
TO BE REMOVED: - 64

- NOTE

 * TREE PERMIT WILL BE OBTAINED FOR REMOVAL IF REQUIRED BY COUNTY
- P PRESERVATION WILL BE ATTEMPTED, IF POSSIBLE, DURING CONSTRUCTION PERIOD.

ALIQUOT PLANNERS CIVIL ENGINEERS SURVEYORS SURVEYORS SURE 350 WALNUT CREEK, CA. 94596 (925) 478–2200 FAX (922) 478–2300

F/	X (92	5) 4	76	-23	50	_
					M REWSED TREE SCHEDULE	RG 7-1-04 TREES MARKED FOR REMOVAL	No. BY DATE REVISIONS
					7-22-	7-1-0	DATE
						N R	ВУ
					⋖	V	Š.



CONTRA COSTA COUNTY

TREE SCHEDULE SUBDIVISION 7609 'CREEKSIDE OAK ESTATES'

G10 10 or 13

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 Fa

Fax: (925) 335-1222

You Varie Petras

TO:

Becky England -Fiscal Officer

FROM:

DATE:

Rose Marie Pietras – Senior Planner

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 # 210 = 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		Trunk Diameter	Location		
(Metal Tag)	Tree Species	(inches)	(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 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	
otal Number of Nominated Trees		75		