



Tree Removal Permit Appeal

County File # Appeal CDTP21-00076

Vincent A. Moita, Esq.

Planning History

Timeline – Creekside Oaks – Subdivision Development



1992 Alhambra Valley Specific Plan Adopted

1994 Creekside Oaks Subdivision Vesting Tentative Map

- July 15, 1993 - W.E.S. Technology Corporation Tree Impact Analysis & recommendation included as COA to VTM.

2004 Amended Subdivision Map

- HortScience Tree Study Preservation Report

TREE PRESERVATION REPORT
Creekside Oaks Estates
Martinez CA

2019 New Home Construction in Creek Side Oaks

- Tree removal permit
- Granted, no objection

2021 Application for New House Construction

- Tree Permit Granted by Contra Costa Department of Conservation and Development
- CDTP21-00076

2021 February Initial Appeal filed

2022 June Planning Commission Appeal Supplemental Arborist Tree Study

2022 June Planning Commission Denial of Appeal

Board of Supervisors Appeal
10-11-2022





Alhambra Valley Specific Plan Adopted October 6, 1992

- 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.
- New Development
 - Goal 1: Allow development in accord with the goals and policies of the Countywide General Plan as it pertains to Alhambra Valley.
 - Policy 2:
 - Ensure that the applicable rules for environmental protection are applied to both major and minor subdivisions.

1994 Creekside Oaks Vesting Tentative Map Approval with COA's

H.7

TO: BOARD OF SUPERVISORS
 FROM: HARVEY E. BRAGDON
 DIRECTOR OF COMMUNITY DEVELOPMENT
 DATE: November 14, 1994
 SUBJECT: APPROVAL OF THE CREEKSIDE OAKS PROJECT (FILE #2928-RZ) (BELLECCI & ASSOCIATES, INC. - APPLICANT) IN THE ALHAMBRA VALLEY AREA



SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS

Approve the Creekside Oaks Project by taking the following actions:

1. Accept the environmental documentation as adequate.
2. Approve File #2928-RZ rezoning 1.35 acres from General Agricultural (A-2) to Single Family Residential (R-40) with conditions. (Exhibit A attached)
3. Approve Vesting Tentative Map 7609 for the 17.4 acre Creekside Oaks Project subject to conditions. (Exhibit B attached)
4. Adopt the findings contained in Resolution # ~~31-111~~ as the basis for the Board of Supervisors decision.
5. Introduce the ordinance giving effect to the rezoning; waive reading and set date for adoption of same.

DISCUSSION

This item was heard by the Central Planning Commission on November 1, 1994. At that time, staff presented the project in detail and the Commission took public testimony.

The applicant requested several modifications to the conditions pertaining to....

CONTINUED ON ATTACHMENT: YES SIGNATURE:

RECOMMENDATION OF COUNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
 APPROVE OTHER

SIGNATURE(S): _____
 ACTION OF BOARD ON December 20, 1994 APPROVED AS RECOMMENDED OTHER

*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.

*Exhibits A & B
 See Addendum For Changes*

- 2
- 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.



Contra Costa
County GIS

Approved
Creekside Oaks
Subdivision

Creekside Oaks
subdivision VTM

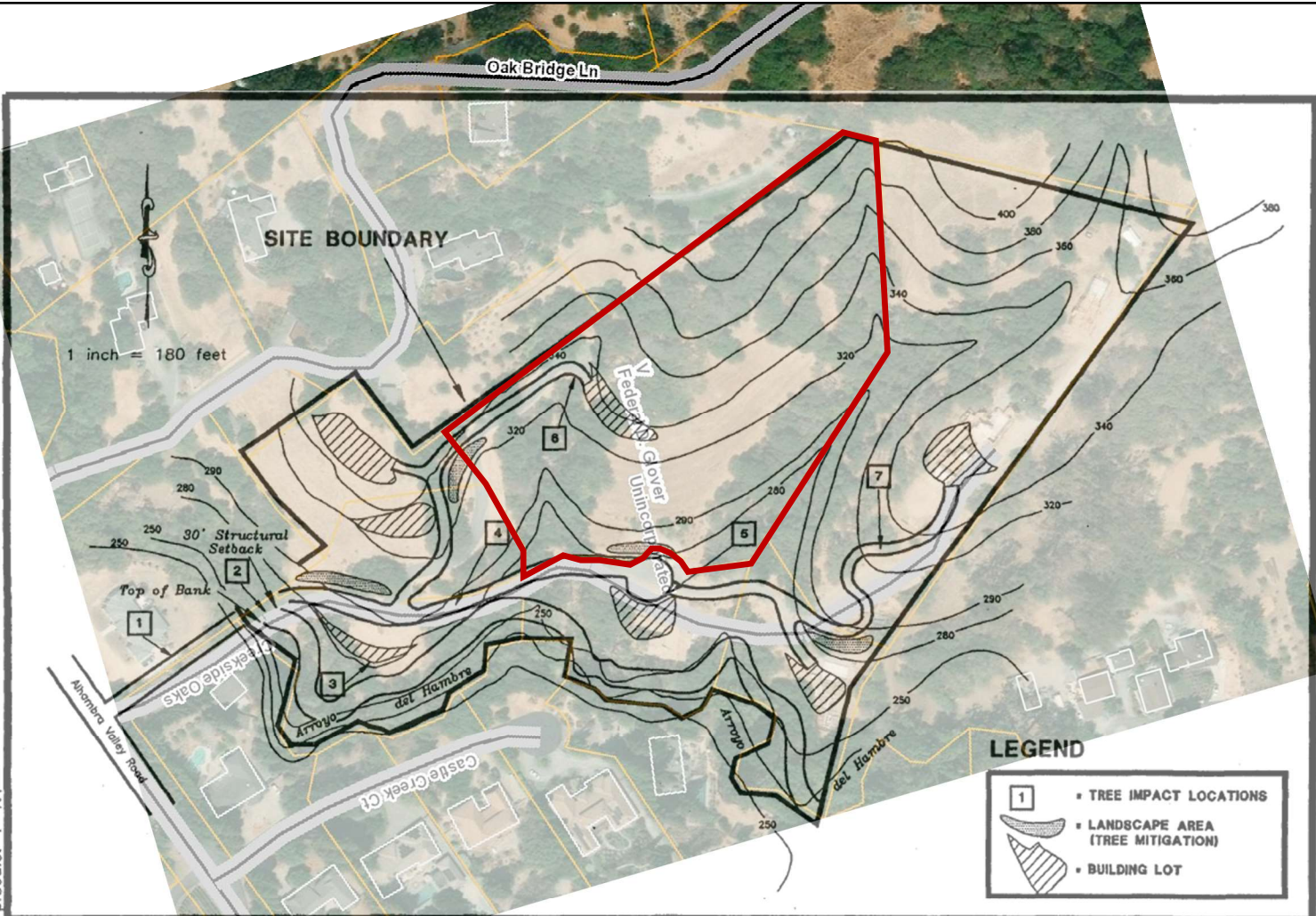


FIGURE 4. TREE IMPACT & MITIGATION

Approximate Building Pads
overlain on Contra Costa
County GIS

Vesting Tentative Map
Approved 1994 with
Conditions of Approval based
upon the following reports:

The approval is also based upon the following reports:

- D. Creek Preservation and Enhancement Plan 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.

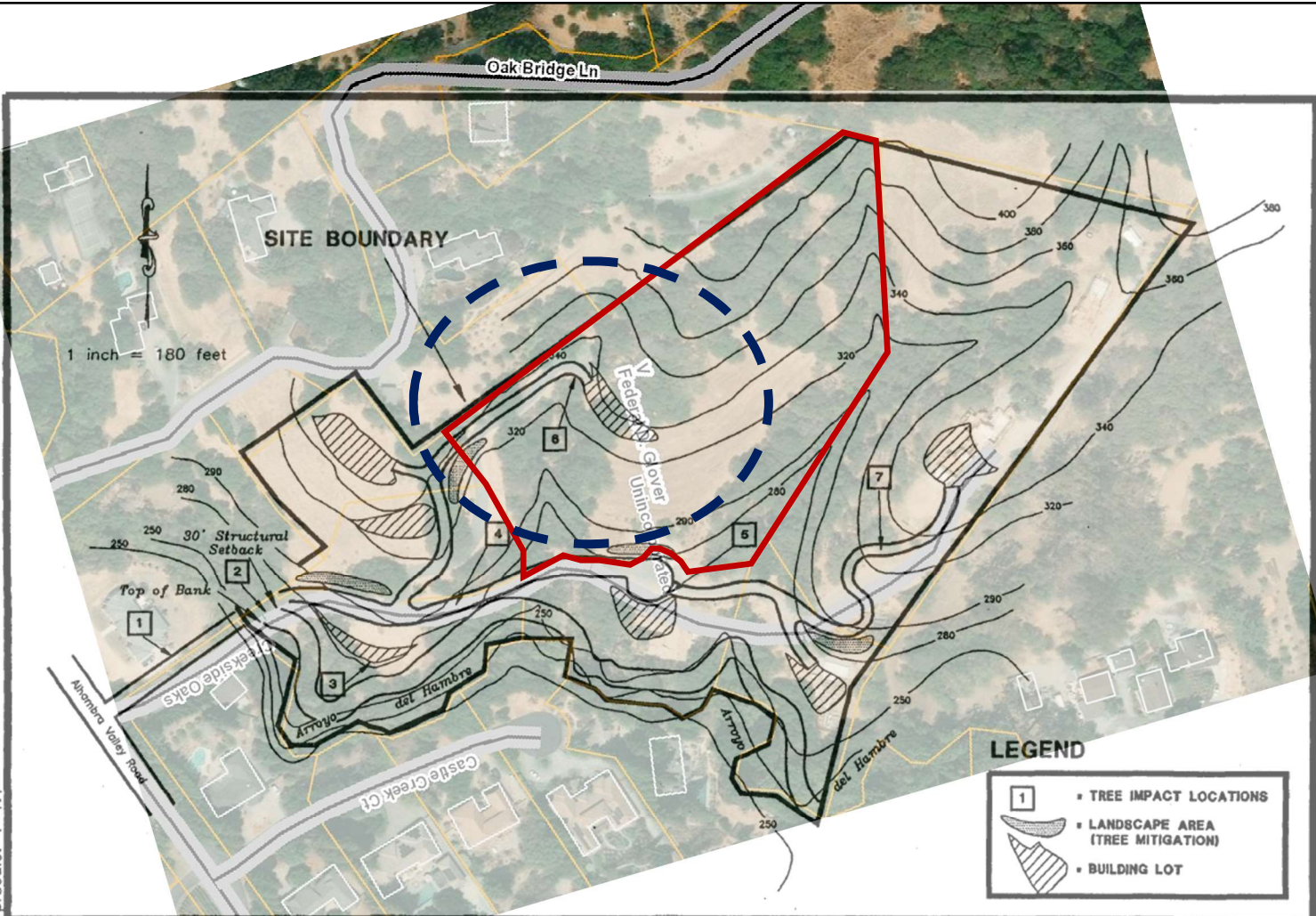


FIGURE 4. TREE IMPACT & MITIGATION

Approximate Building Pads overlain on Contra Costa County GIS.

Creek Preservation and Enhancement Plan W.E.S. Technology Corporation at pg. 11 filed July 15, 1993 with Contra Costa County

Tree Impact Analysis – Section 4.2
Tree Impact Location #6

- “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)**”

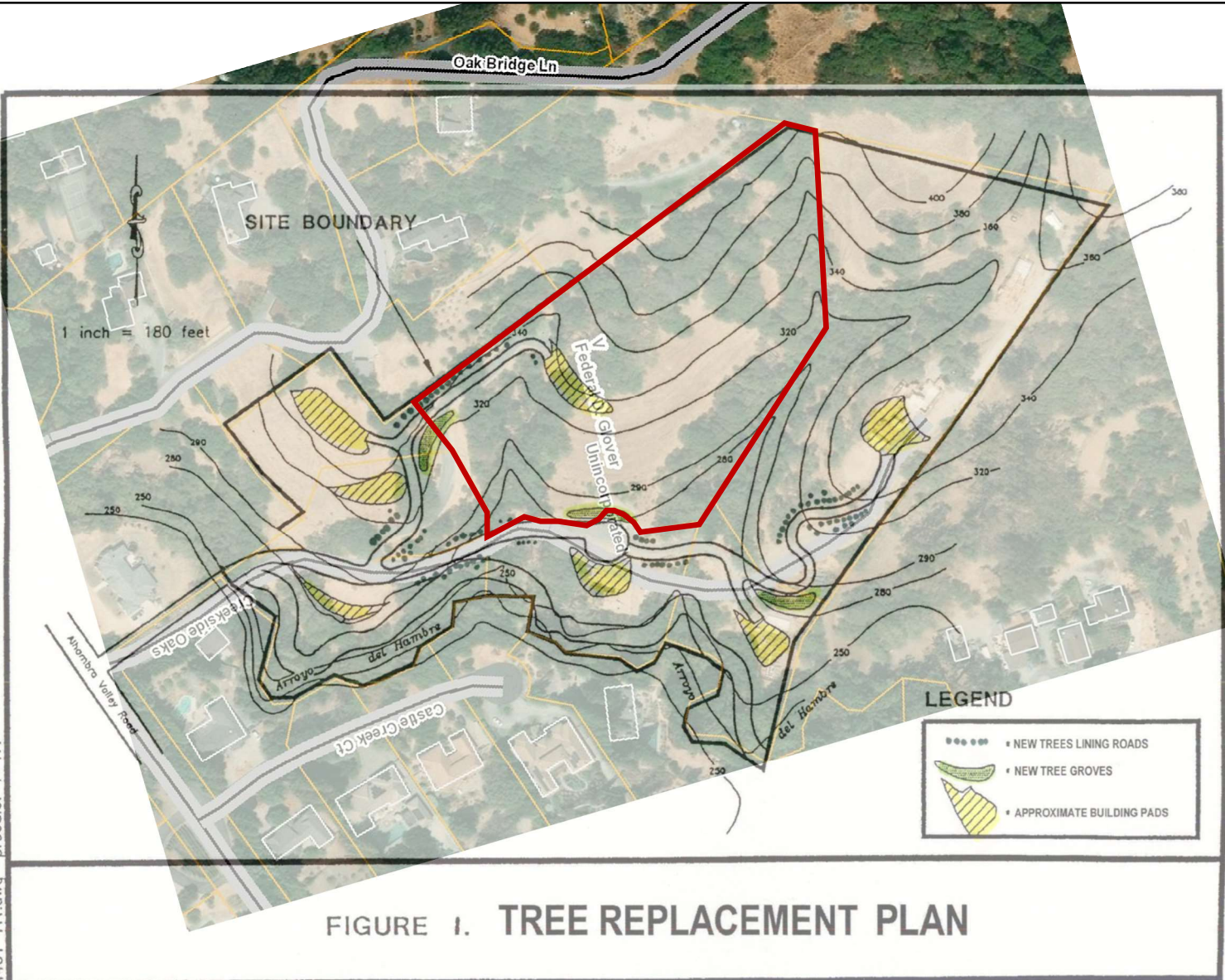


FIGURE 1. TREE REPLACEMENT PLAN

Affirmed Building pads 2004 VTM Amendment.

Approximate Building Pads with new tee groves overlain on Contra Costa County GIS

CHRALES D.
367-150-029
AND SIBHAN STOKES

NOTES:

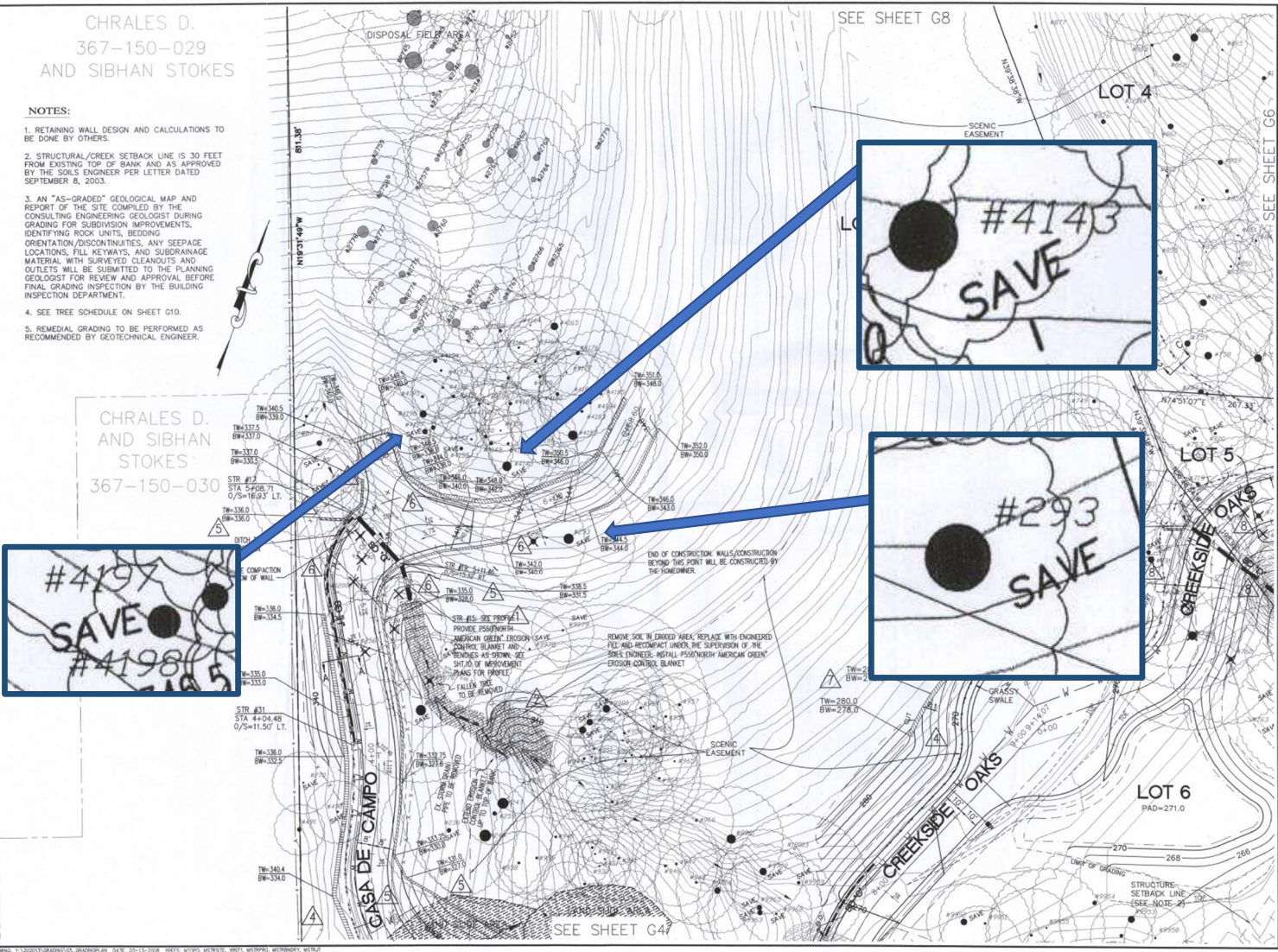
1. RETAINING WALL DESIGN AND CALCULATIONS TO BE DONE BY OTHERS.
2. STRUCTURAL/CREEK SETBACK LINE IS 30 FEET FROM EXISTING TOP OF BANK AND AS APPROVED BY THE SOILS ENGINEER PER LETTER DATED SEPTEMBER 8, 2003.
3. AN "AS-GRADED" GEOLOGICAL MAP AND REPORT OF THE SITE COMPILED BY THE CONSULTING ENGINEERING 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 INSPECTION 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

#4197
SAVE
#4198
#4195

#4143
SAVE
1

#293
SAVE



<p>ALIQUOT PLANNERS CIVIL ENGINEERS SURVEYORS 1300 SOUTH MAIN STREET SUITE 210 MENDOTA, CA 94058 (925) 478-2300 FAX (925) 478-2300</p>	
<p>GRADING PLAN POST CONSTRUCT. STORM WATER MANAGEMENT PLAN SUBDIVISION 7609 "CREEKSIDE OAK ESTATES"</p>	
<p>MARTINEZ</p>	
<p>CONTRA COSTA COUNTY CALIFORNIA</p>	
<p>ROBERT C. MARTINEZ, P.E. # 43748 EXPIRES: MARCH 31, 2008</p>	
<p>DATE: 12/29/05 SCALE: 1"=20'</p>	
<p>DRAWING NUMBER G5 5 OF 13</p>	

Amended Subdivision
Map 7609
Creekside Oak Estates
filed 1-29-2004

Approved Grading Plans

Following original VTM's
Location 6 guidance on
avoiding tree massing.

Trees Delineated on
grading plan to save.

2003 HortScience Tree Survey Designating Trees fit for preservation

□ Future Heritage Trees #293, #4143, #4157, #4197, #4198



John Curtis
 Creekside Oaks Estates
 Martinez CA
 August 2003

TREE No.	SPECIES	TRUNK DIAMETER (inches)	CONDITION 1=POOR 5=EXCELLENT PRESERVATION	SUITABILITY FOR	COMMENTS
292	Coast live oak	13,10,7	3	Moderate	Multi-stemmed at base.
293	Coast live oak	28,27	4	Good	Multi-stemmed at base.
483	Coast live oak	5	4	Good	Single trunk with high crown.
484	Coast live oak	5	4	Good	Single trunk with high crown.
485	Coast live oak	6,5	4	Good	Trunks attach at 3'.
486	Coast live oak	17,15	3	Moderate	Trunks attach at base; bark included.
487	Coast live oak	9,5	3	Moderate	Trunks attach at base.
488	Coast live oak	12,10	4	Good	Trunks attach at base.
489	Coast live oak	5	3	Moderate	Lower branches pruned to clear road.
490	Coast live oak	12	4	Good	Multi-stemmed at 6'.
491	Coast live oak	6,5,5,4	3	Moderate	Multi-stemmed at base.
492	Coast live oak	22	5	Good	Multi-stemmed at 5'.
493	Coast live oak	5	3	Moderate	Trunk leans north.
494	Coast live oak	14,13	4	Good	Trunk divides at 3'.
495	Coast live oak	7	4	Good	Trunk divides at 5'.
496	Coast live oak	15	3	Moderate	Multi-stemmed at 5'.
497	Coast live oak	7,6,3	4	Good	Multi-stemmed at base.
506	Valley oak	9	3	Moderate	Branch dieback on south side.
507	Coast live oak	13,8	4	Good	Trunk leans south.
508	Coast live oak	23	4	Good	Trunk leans south.
511	Coast live oak	17,14,6	4	Good	Trunks attach at base.
512	Coast live oak	23	3	Moderate	Low, spreading crown.
513	Calif. bay	8	3	Moderate	Crown suppressed.
533	Coast live oak	6,6,5	3	Moderate	Trunks attach at base.
537	Coast live oak	13	3	Moderate	High crown.



John Curtis
 Creekside Oaks Estates
 Martinez CA
 August 2003

TREE No.	SPECIES	TRUNK DIAMETER (inches)	CONDITION 1=POOR 5=EXCELLENT PRESERVATION	SUITABILITY FOR	COMMENTS
974	Calif. bay	8,6,5,4	3	Moderate	Trunks attach at base.
4143	Coast live oak	12,12,12,10,7	3	Moderate	Trunk leans south.
4147	Coast live oak	14	3	Moderate	Trunk leans south.
4149	Coast live oak	15	3	Moderate	Trunk leans south.
4150	Coast live oak	18	3	Moderate	High crown.
4154	Coast live oak	14	3	Moderate	High crown.
4155	Coast live oak	20	3	Moderate	Trunks lean south.
4156	Coast live oak	9	3	Moderate	Cavity in trunk.
4157	Coast live oak	21,20,18,5	4	Good	Crown leans south.
4183	Coast live oak	15	4	Good	Trunk leans south.
4184	Coast live oak	20	4	Good	Crown leans east.
4185	Coast live oak	19	4	Good	Crown leans east.
4186	Coast live oak	21	4	Good	High crown.
4189	Coast live oak	10	2	Poor	Trunk decayed at base.
4190	Coast live oak	17	3	Moderate	High crown.
4191	Coast live oak	19	4	Good	Crown leans west.
4196	Coast live oak	18,13,13	3	Moderate	Crown leans west.
4197	Coast live oak	16,13	4	Good	Trunks attach at base.
4198	Coast live oak	19,11	3	Moderate	Crown leans west.
4385	Coast live oak	13	4	Good	Good form and health.
4386	Coast live oak	8	4	Good	Single trunk with high crown.
4387	Coast live oak	8	4	Good	Trunk divides at 6'.
4388	Coast live oak	14	4	Good	Crown bare on east side.
4389	Coast live oak	7,6,6,6	4	Good	Good form and health.
4920	Coast live oak	.18,14	3	Moderate	Two large branches failed.

COA # 21C & 21D

RECORDED AT THE REQUEST OF:

RETURN TO:

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

Following COA, Heritage Trees were designated and
Deed Restricted in 2003

Heritage Trees #293, #4143, #4157, #4197, #4198

Attachment A
Page 1 of 2

Attachment A
Page 2 of 2

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	18,17,7,8	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	7,6,8,6	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

Red shows Heritage Trees affected
by current project's tree removal
permit

Conflicting Evidentiary Basis: Arborist Reports

2021 Arborist Report – Submitted By Project
Applicant’s Arborist



Tree Evaluation

Prepared For:

David Viggiano

USGL Land, LLC

1200 Business Center Drive

San Leandro, CA 94577

Prepared By:

Bob Peralta

Bob Peralta Arbor Consulting

American Society of Consulting Arborists

237 Berna Avenue

Napa, California 94559

(925) 525- 3795

November 3, 2021

2021 Arborist Report – Submitted By Project Applicant’s Arborist

Listed below is the Inventory and Health of each protected tree.

Tree Inventory and Health

Note: Trees are measured using the DBH method - circumference, measured at 4.3 above the ground.

Map ID Tag	Tree Tag #	Species	DBH	Health
1	4157	CoastLive Oak	30/28	Poor
2	4185	CoastLive Oak	21"	Poor
3	4184	CoastLive Oak	23"	Poor
4	4183	CoastLive Oak	17"	Poor
5	4181	CoastLive Oak	17"	Poor
6	4177	CoastLive Oak	9"	Poor
7	4176	Valley Oak	14"	Poor
8	4165	CoastLive Oak	28/22	Poor
9	2765	Valley Oak	14"	Fair
10	2766	Valley Oak	10/8	Poor
11	2771	CoastLive Oak	25"	Fair
12	2768	CoastLive Oak	30"	Dead
13	2770	CoastLive Oak	30"	Poor
14	4158	CoastLive Oak	20"	Poor
15	4164	Valley Oak	8"	Poor
16	4162	Valley Oak	14"	Poor
17	4163	CoastLive Oak	6"	Poor
18	4178	CoastLive Oak	10/8	Poor
19	4179	Valley Oak	16"	Fair
20	4188	CoastLive Oak	13"	Poor
21	4187	CoastLive Oak	16"	Poor
22	4180	CoastLive Oak	24"	Poor
23	4182	Bay Laurel	8/12	Poor
24	292	CoastLive Oak	22	Critical
25	4186	CoastLive Oak	22/24/18	Critical
26	293	CoastLive Oak	19"	Critical
27	4147	CoastLive Oak	14"	Critical
28	4156	CoastLive Oak	8"	Fair
29	4149	CoastLive Oak	13"	Dead
30	4150	CoastLive Oak	20"	Dead

Map ID Tag	Tree Tag #	Species	DBH	Health
31	4143	CoastLive Oak	12/14	Critical
32	4154	CoastLive Oak	12/14	Critical
33	4155	CoastLive Oak	24"	Critical
34	4189	CoastLive Oak	12/22	Critical
35	4197	CoastLive Oak	14/12	Dead
36	4198	CoastLive Oak	14/12/17	Dead

Heritage Trees recommended for removal. No discussion or disclosure of heritage tree status.



RECEIVED on 06/07/2022 CDP21-00076
By Contra Costa County
Department of Conservation and Development

2022 Arborist Peer Review– Submitted By Appellant

June 6, 2022

Dan and Sibhan Stokes
130 Oak Bridge Lane
Martinez, CA 94553

Re: Arborist Pier Review Assessment of Oaks Proposed for Removal on the 5 Casa De Campo Property

Dear Mr. & Mrs. Stokes,

Per your request, and approved by the county, the following arborist report is an assessment of the grove of oaks located on the undeveloped Casa De Campo property located downslope and to the east of your property.

Assignment

I was asked to look at a previously assessed grove of 35 native oaks and one bay that are part of an extensive oak woodland lining the west edge of the lower property to be developed. The Stokes have concerns regarding the plan to remove 26 protected oaks, and how that might affect screening between them and other homes. While the Stokes are not opposed to the development of the lot, they would like the design to consider saving some of the trees in an effort to retain more of the screening.

Introduction / Observations

The project arborist (PA) for the development had inventoried 35 native oaks and one bay laurel back in October of 2021. Only 4 trees were given a fair rating, and all the rest were rated as poor (19), critical (8), or dead (5). It was recommended to remove the 26 trees that are dead, or in critical to poor condition. The basis for the recommendations are to reduce fire fuel loads by removing the dead trees or trees in poor condition that will become a greater fire concern as they decline. Critical trees were described as those with heavy leans that could pose a risk to the property.

It is my opinion that the arborist looked at each tree individually and not as being part of a grove. This would reduce both their health and structural ratings. Trees with phototropic leans due to the adjacent over-story canopies adapt over the years and are less likely to fail as would an isolated tree that leans. In addition leaning trees with no targets placed under them are not considered a risk.

I also observed a few trees that appeared to be miss-rated or miss-identified in the report. Tree #293 listed as a 19" coast live oak in critical condition is actually a multi-stemmed tree measuring 19", 17", 15", & 12". The tree is actually one of the healthiest trees in the grove, and although it does have co-dominant leader attachments, that defect could easily be mitigated with some minor pruning and or cabling.

Tree #4198 is listed as being dead and is actually in fairly good condition. Tree #2770 listed as a 30" oak is only 11" in diameter and is right next to a 30" oak that has no tag. There are at least 7 other trees that I would upgrade their conditions to fair from critical or poor.

Denotes factually incorrect evidence submitted by project applicant, upon which the Zoning Administrator relied in making Findings.

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I also observed a few trees that appeared to be miss-rated or miss-identified in the report. Tree #293 listed as a 19" coast live oak in critical condition is **actually a multi-stemmed tree measuring 19", 17", 15", & 12"**. The tree is actually one of the healthiest trees in the grove, and although it does have co-dominant leader attachments, that defect could easily be mitigated with some minor pruning and or cabling.

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Arborist Review, 5 Casa De Campo

June 6, 2022



Tree #293 listed as being in critical condition and only 19" in diameter.

Arborist Review, 5 Casa De Campo

June 6, 2022



Trees #497 & 498 both listed as dead. Tree #498 is healthy with a phototropic lean that could be pruned a bit to make more pleasing and lesson end weight. This tree would help with screening and erosion as well.

2022 Arborist Peer Review– Submitted By Appellant

Trees #298

Trees *#1498 & *#1497

Contra Costa County
Department of
Conservation and
Development Findings

Staff Report – CDTP21-00076

B. Tree Permit Findings

Required Factors for Granting Permit. The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 (A) and (G) for granting a Tree Permit have been satisfied as follows:

1. 816-6.8010(A): The arborist report indicates that the tree is in poor health and cannot be saved.

Staff Response: The arborist report prepared by certified arborist Bob Peralta (#WE-7150) of Bob Peralta's Consulting Arborists dated November 3, 2021, indicates that 5 Coast Live Oaks (between 13-43 inches trunk diameter) are dead and cannot be saved.

2. 816-6.8010(G): Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.

Staff Response: New single-family residential development of a vacant lot that requires removal of 17 Coast Live Oaks (between 6.5-64 inches trunk diameter), 3 Valley Oaks (8, 14, and 14 inches trunk diameter), and 1 Bay Laurel (20 inches trunk diameter), and work within the dripline of 3 Coast Live

2

Oaks (8, 20, and 26 inches trunk diameter) and 2 Valley Oaks (14 and 16 inches trunk diameter), and could not be reasonably accommodated on another area of the lot.

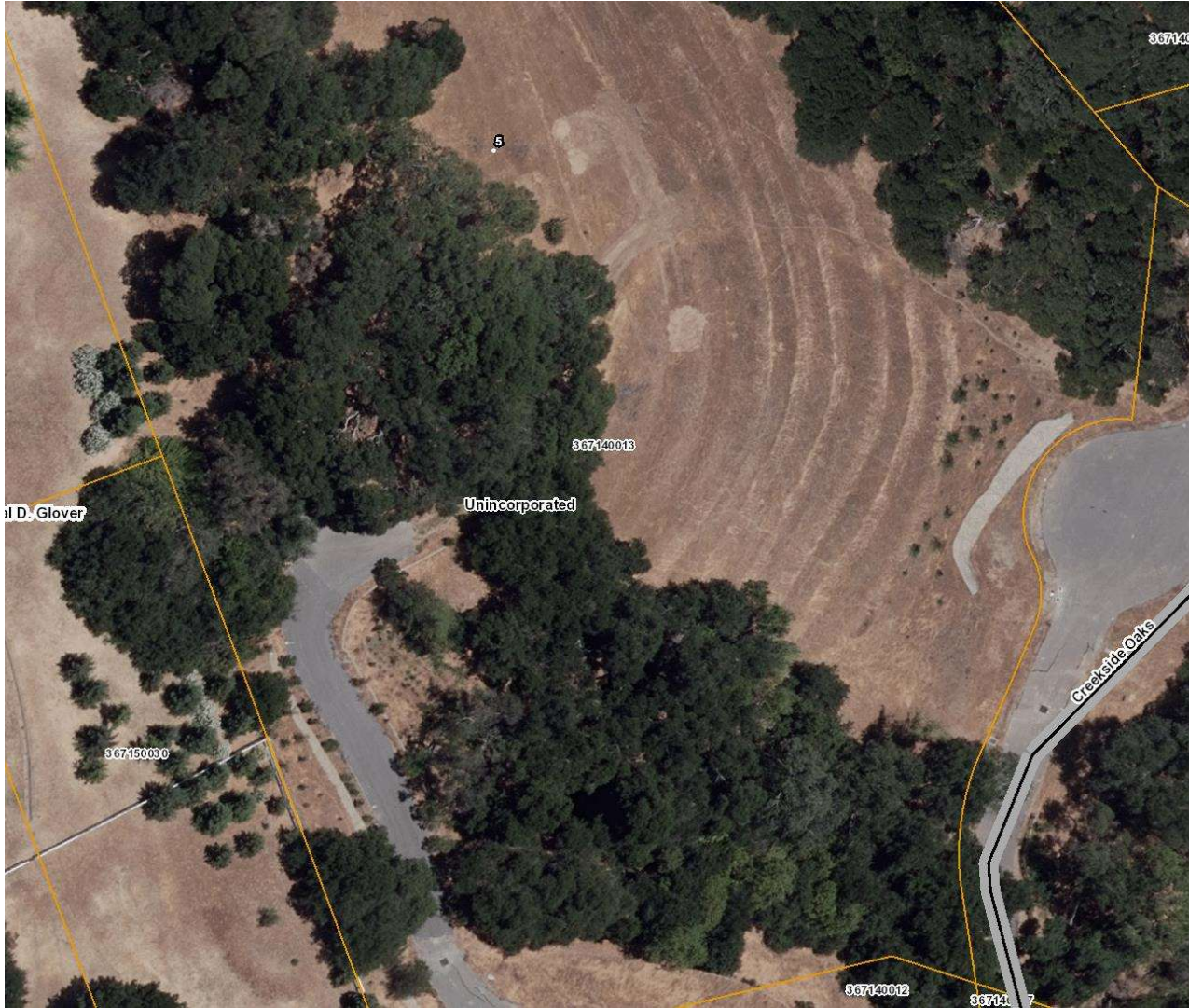
The subdivision established this area to be the least impactful when constructing a residence with the recording of the Restricted Development Area. Also, the road and driveway were already constructed with the creation of the subdivision, so the house site is already predetermined. This development is outside the Restricted Development Area and at the end of the already constructed driveway, resulting in the least amount of grading and tree removal.

Appellant Commentary - Inconsistent

816-6.8010(A) – Determination that the trees are in poor health and cannot be saved is inconsistent with the supplemental Arborist Report.

816-6.8010(G) – Reasonable development could be made on the lot as the 2004 grading plan & site pad proposes. The proposed site cuts directly into the tree mass, incongruent with the planned 2004 building site pads located below the tree line. This is inconsistent with the Alhambra Valley Specific Plan Environmental Goal 1, Policy 3.

Proposed Site Plan & Visual Impact



Contra Costa
County GIS



Contra Costa
County GIS

2004 Approved
Grading Plan
overlain
approximate
location



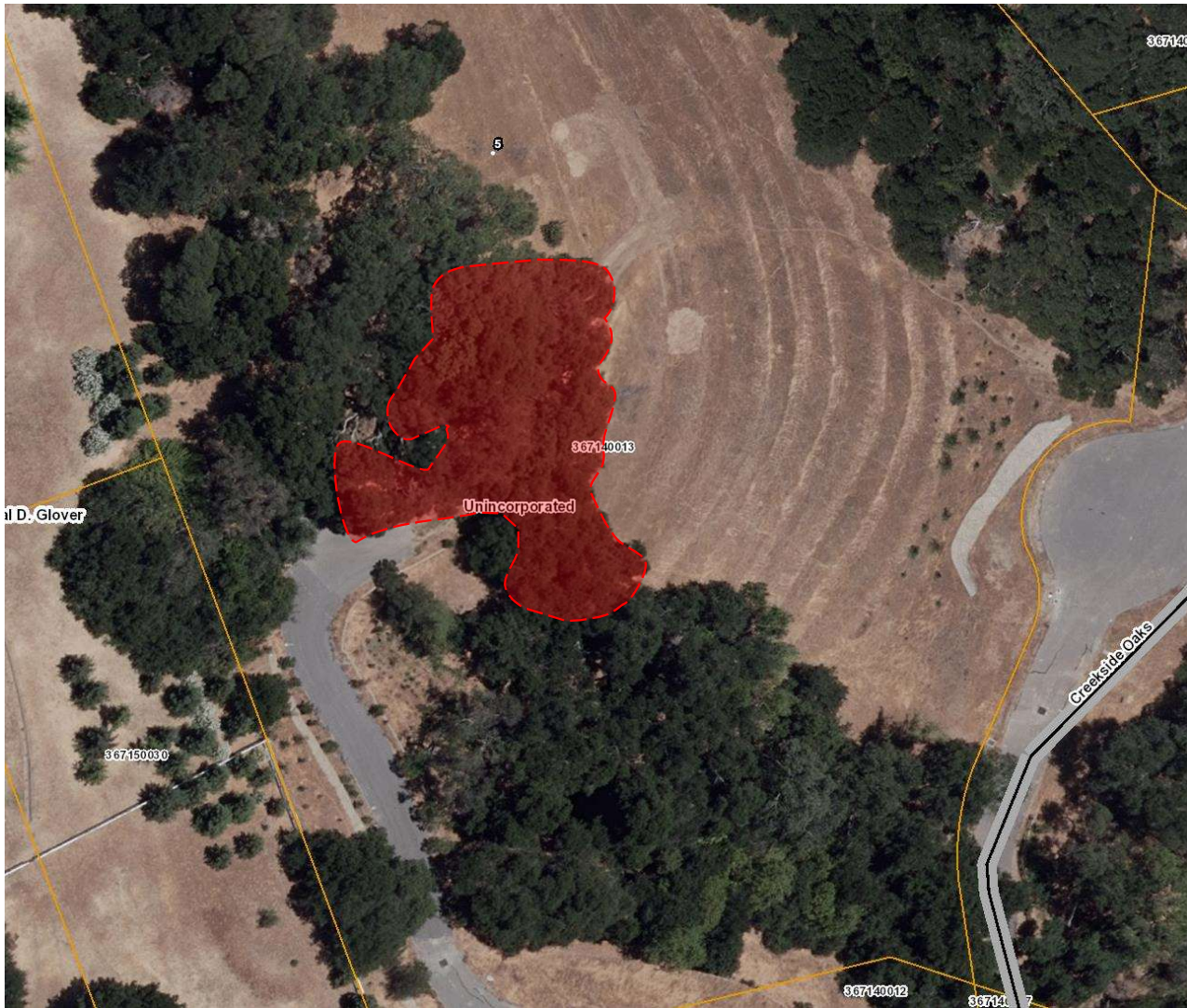
Contra Costa
County GIS

2004 Grading Plan
with current
project showing
trees to be
removed with
approximate
location.



Contra Costa
County GIS

With Site Plan
showing trees to
be removed and
affected
approximate
canopy



Contra Costa
County GIS

Showing affected
approximate
canopy



Aerial Image from
Stokes Property
Line

Photo taken
September, 2022



Aerial Image showing approximate site plan with approximate affected canopy removal based on Tree Removal Permit



Aerial Image showing approximate site plan with approximate affected canopy removal based on Tree Removal Permit



Aerial Image showing approximate canopy removal based on Tree Removal Permit



Canopy Viewshed
from Stokes
property looking
East / Northeast.



Visual Impact of
upholding Tree
Removal Permit

Approximate
canopy affected.



Request to Overrule Tree Removal Permit

County File # Appeal CDTP21-00076

Allow developer to resubmit plans consistent with planning goals and policies and preserve deed restricted heritage trees