Information for the public on participation at Planning Commission meetings can be found on the back of the Speaker Identification Card located near the Council Chamber entrance. Should you have any questions after consulting the Speaker Identification Card, please contact the Planning Division at (925) 671-3152 prior to the Planning Commission meeting.

AGENDIZED ITEMS - The public is entitled to address the Planning Commission on items appearing on the agenda before or during the Planning Commission’s consideration of that item. Each speaker will be limited to approximately three minutes.

1. ROLL CALL

2. PLEDGE TO THE FLAG

3. PUBLIC COMMENT PERIOD

4. CONSENT CALENDAR
   A. 9/4/19 Meeting Minutes

5. PUBLIC HEARINGS
   A. Myrtle Creek Estates Subdivision Amendment (PL19099 – TM, DR, RT) - Application for an amendment to an approved Tentative Major Subdivision Map, Design Review and Tree Removal for a seven-lot subdivision on a 3.6-acre lot at 5019 Myrtle Drive. The General Plan designation is Rural Residential; Zoning classification is RR-20 (Rural Residential, 20,000 square foot minimum lot size); APN 117-050-8. CEQA: Categorically exempt under CEQA Guidelines Section 15332
In-Fill Development Projects. Project Planner: Lorna Villa @ (925) 671-3176 (Continued from the September 4th meeting)

6. COMMISSION CONSIDERATIONS

7. STAFF REPORTS AND ANNOUNCEMENTS

8. COMMISSION REPORTS AND ANNOUNCEMENTS

9. FUTURE PUBLIC HEARING ITEMS

10. ADJOURNMENT

Next Meeting: Regular Meeting
Date: 10/2/2019 – 6:30 PM

ADA NOTICE AND HEARING IMPAIRED PROVISIONS - The Council Chamber is equipped with a T-Coil Hearing Loop. This system allows “T” coil reception of the audio proceedings. Please switch your hearing aid or cochlear device to the “T”, “T” Coil or telephone position. If you would like better audio reception, a loop receiver that picks up the audio loop is available from the City Clerk.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3031, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.
A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Barbour at 6:30 P.M., September 4, 2019, in the City Council Chamber.

1. ROLL CALL

COMMISSIONERS PRESENT: Chair Ray Barbour
Vice Chair John Mercurio
Commissioner Jason Laub
Commissioner Craig Mizutani
Commissioner Mark Weinmann

STAFF PRESENT: Mindy Gentry, Planning Manager/Secretary to the Planning Commission
Margaret Kotzebue, Senior Assistant City Attorney
Frank Abejo, Principal Planner
Sarah Yuwiler, Assistant Planner
Abhishek Parikh, Transportation Manager
Mitra Abkenari, Assistant Engineer

2. PLEDGE TO THE Flag

Commissioner Mizutani led the pledge.

3. PUBLIC COMMENT PERIOD

No public comment was heard.

4. CONSENT CALENDAR

APPROVAL OF MINUTES

No public comment was heard.

Motion was made by Vice Chair Mercurio and seconded by Commissioner Weinmann to approve the meeting minutes of August 7, 2019. The motion was passed by the following vote:

AYES: Mercurio, Weinmann, Barbour, Laub, Mizutani
NOES: None
ABSTAIN: None
ABSENT: None
5. PUBLIC HEARINGS

Myrtle Creek Estates Subdivision Amendment (PL19099 – TM, DR, RT) – Application for an amendment to an approved Tentative Major Subdivision Map, Design Review and Tree Removal for a seven-lot subdivision on a 3.6-acre lot at 5019 Myrtle Drive. The General Plan designation is Rural Residential; Zoning classification is RR-20 (Rural Residential, 20,000 square foot minimum lot size); APN 117-050-008. CEQA: Categorically exempt under CEQA Guidelines Section 15332 “In-Fill Development Projects”. Project Planner: Lorna Villa @ (925) 671-3176

Mindy Gentry, Planning Manager, requested this hearing item be continued to the next regularly scheduled meeting on September 18, 2019.

Public Comment

Blaik Musolf commented he received a notice indicating the meeting was taking place but it had no details on what was going to be discussed. He asked that he and his neighbors be notified of the next meeting.

Motion was made by Commissioner Weinmann and seconded by Commissioner Laub to continue the public hearing to September 18, 2019. The motion was passed by the following vote:

AYES: Weinmann, Laub, Barbour, Mercurio, Mizutani
NOES: None
ABSTAIN: None
ABSENT: None

Cardenas Market Appeal (PL19101 – AP) – Appeal of the Zoning Administrator’s approval of the Administrative Design & Site Review (PL18394 - DR), for exterior improvements of an existing 41,940 square foot tenant space to be occupied by Cardenas Market located at 2250 Monument Boulevard. The General Plan designation is Regional Commercial; Zoning Classification is RC (Regional Commercial); APN 129-170-026. CEQA: Not a project under Public Resources Code Section 21065 and CEQA Guidelines Section 15378. Alternatively, if deemed a project, the project is categorically exempt under CEQA Guideline Sections 15061(b)(2) and (3), 15301, 15302, 15304, 15305, and 15321. Project Planner: Sarah Yuwiler @ (925) 671-3465

Sarah Yuwiler, Assistant Planner, gave a presentation on the project and answered questions from the Planning Commission regarding the dates on the planting plans and whether new or replacement trees were included on the plan, timeline of the submitted plans, whether a tree removal permit would trigger CEQA, clarification on removing a condition of approval, and the need for a walkway and placement location.

Mindy Gentry, Planning Manager, gave clarification on the dates the plans were received and also stated the plans from February 6, 2019 included the replacement of eight trees
within the parking area. She further indicated the eight trees would have required a tree removal permit.

Abhishek Parikh, Transportation Manager, explained to the Commission that the 2011 traffic analysis associated with the 2012 development code update is still applicable because the project is a permitted use and this use was contemplated as part of the environmental review for the 2012 development code update.

Dana Dean, attorney representing the Monument Business Owners Coalition, expressed her concern that Cardenas did not follow CEQA procedures and removed protected trees without permits, and that an Initial Study should have been done. She answered a question from the Planning Commission on what the appellant’s end goal is and further clarified that every project should be treated equally and be subjected to the same process.

Marco Robles, Public Affairs Director for Cardenas Markets, gave a presentation about Cardenas Markets and answered a question from the Planning Commission regarding on-site security.

Dana Dean reiterated her desire for the Planning Commission to focus on the issues brought forward and not be distracted by the presentation given by Mr. Robles.

Spencer Eldred, outside Counsel for Cardenas Markets, explained that three letters had been submitted answering the CEQA concerns, the non-CEQA concerns, and a request for the removal of additional conditions by the Zoning Administrator.

Public Comment

Luz, a Monument Boulevard resident, explained she was surprised how quickly Cardenas Markets was able to get approved.

Crystal Aceves, a Concord resident, expressed her concerns with potential traffic impacts and was surprised the last traffic study along Monument Boulevard was done in 2011.

Cristina Gutierrez, a Concord resident and business owner, expressed her disappointment with the opening of Cardenas Markets and stated there has already been a reduction in sales at her business.

Olga Flores explained how she became a patron of Los Rancheros Market and feels Cardenas Markets will have a negative impact on small business owners.

Bryan Balch commented on the removal of trees without permits and someone needs to be held accountable for the removal.

Luis Peralta expressed his concern with insulation in the building.

Commissioner Weinmann asked staff what happens next if the appeal is granted.
Commissioner Mizutani expressed he was in agreement with enforcement action against the owner for the tree removal and stated he was concerned about the construction impacts now that the market is open. He also had a question about the motion to approve or deny the appeal.

Commissioner Laub mentioned that the role of the Planning Commission is to not review small businesses versus large businesses and tonight was whether the appeal has merit. He further stated that he feels the removal of protected trees is part of the project and therefore a tree removal permit is required. He mentioned he would be upholding the appeal based on the information he reviewed.

Vice Chair Mercurio stated he also was curious if CEQA is triggered and what effect that would have on the process.

Chair Barbour expressed the removal of the trees is wrong in his opinion and he is having a tough time getting past this action. He also felt that CEQA should have been triggered and will be following Commissioner Laub in upholding the appeal.

Motion was made by Commissioner Laub and seconded by Commissioner Weinmann to grant the appellant’s appeal and deny the City’s Administrative Design and Site Review. The motion was passed by the following vote:

**AYES:** Laub, Weinmann, Barbour
**NOES:** Mercurio, Mizutani
**ABSTAIN:** None
**ABSENT:** None

6. COMMISSION CONSIDERATIONS

There were none.

7. STAFF REPORTS / ANNOUNCEMENTS

There were none.

8. COMMISSION REPORTS / ANNOUNCEMENTS

There were none.

9. FUTURE PUBLIC HEARING ITEMS

Planning Manager Mindy Gentry stated the Myrtle Creek Estates Subdivision Amendment will be heard at the September 18, 2019 meeting.
10.  ADJOURNMENT

Vice Chair Mercurio moved to adjourn at 8:25 P.M. Commissioner Mizutani seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Mindy Gentry
Planning Manager / Secretary to the Planning Commission

Transcribed by Grant Spilman,
Administrative Coordinator
SUBJECT: MYRTLE CREEK ESTATES TENTATIVE MAP AND TREE REMOVAL PERMIT AMENDMENT (PL19099 - TMA, RTA)

Recommendation: Adopt Resolution No. 19-15PC, approving amendments to the Conditions of Approval for the Tentative Map, and Tree Removal Permit (PL19099 – TMA, RTA) for Myrtle Creek Estates.

CEQA: Categorically exempt under CEQA Guidelines Section 15332 “In-Fill Development Projects”

I. Introduction

A. Application Request

Application for amendments to the conditions of approval for an approved Tentative Map, and Tree Removal Permit for a seven-lot subdivision on a 3.6-acre lot.

Location

The project site is located at the northeast corner of Myrtle Drive and Ayers Road at 5019 Myrtle Drive, APN 117-050-008.

B. Applicant/Owner

Cyrus Land Development
Jackie Seeno
4021 Port Chicago Highway
Concord, CA 94520
II. **Background**

On July 18, 2018, the Planning Commission unanimously approved a Tentative Map, Tree Removal permit and Design and Site Review application by Millennium Planning & Engineering to subdivide a 3.60-acre site into seven lots for seven single family residences, and removal of 35 trees, at 5019 Myrtle Drive, located at the northeast corner of Myrtle Drive and Ayers Road. The July 18, 2018, Planning Commission staff report provides detailed background and information on the approved project, and is included as Exhibit D. The Planning Commission heard testimony from two neighbors who commented on drainage and trees. The meeting minutes are included as Exhibit E.

The project site and entitlements have since been acquired by Cyrus Land Development ("Applicant"). On June 7, 2019, the Applicant submitted a request to modify the following conditions of approval (COA) for Myrtle Creek Estates Subdivision:

- COA Nos. 31 and 32 to increase the number of trees to be removed from 35 to 94 trees; and
- Remove COA No. 72 requiring the formation of a homeowners association.

The application for the amendment was deemed complete on July 5, 2019.

III. **Approved Project Information**

On July 18, 2018, the Planning Commission approved a tentative map, design and site review, and tree removal permit for the project, which consists of seven parcels for seven new single-family homes. A new 32-foot wide private access road with a cul-de-sac was approved on the southern side of the site to provide shared access to all seven lots from Myrtle Drive. A new sidewalk was approved on both sides of the access road as well as the south side of the project site along Myrtle Drive to provide pedestrian access to Ayers Road to the west and residential properties to the east. The project has a density of 1.9 dwelling units per acre, which is consistent with the General Plan. As conditioned, the project was found to comply with all applicable provisions of the development code and the Concord Municipal Code (CMC). Three architectural plans were approved for the seven lots as follows:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Plan Number</th>
<th>Sq. Ft.</th>
<th>Stories</th>
<th>Bed/Bath</th>
<th>Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Plan 1</td>
<td>3,139 sq. ft.</td>
<td>2</td>
<td>5/3 ½</td>
<td>3 car</td>
</tr>
<tr>
<td>2</td>
<td>Plan 2</td>
<td>3,027 sq. ft.</td>
<td>2</td>
<td>4/4</td>
<td>2 car</td>
</tr>
<tr>
<td>3</td>
<td>Plan 1</td>
<td>3,139 sq. ft.</td>
<td>2</td>
<td>5/3 ½</td>
<td>3 car</td>
</tr>
<tr>
<td>4</td>
<td>Plan 3A</td>
<td>3,221 sq. ft.</td>
<td>2</td>
<td>5/4</td>
<td>3 car</td>
</tr>
<tr>
<td>5</td>
<td>Plan 1</td>
<td>3,139 sq. ft.</td>
<td>2</td>
<td>5/3 ½</td>
<td>3 car</td>
</tr>
<tr>
<td>6</td>
<td>Plan 2</td>
<td>3,027 sq. ft.</td>
<td>2</td>
<td>4/4</td>
<td>2 car</td>
</tr>
<tr>
<td>7</td>
<td>Plan 3B</td>
<td>3,221 sq. ft.</td>
<td>2</td>
<td>5/4</td>
<td>3 car</td>
</tr>
</tbody>
</table>

A bio-retention basin was approved on Lot 7 along Myrtle Drive to treat runoff prior to entering the City’s stormwater drainage system. In addition, a row of street trees was approved along Holly Drive to provide relief from the backyard fences of the lots along this street.
IV. ENVIRONMENTAL DETERMINATION

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15332 “In-Fill Development Projects,” the project is classified as a Class 32 Categorical Exemption, as the project is 1) consistent with the City’s General Plan and zoning; 2) the proposed project occurs within city limits on a project site no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered, rare or threatened species; 4) there will be no significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services.

This project consists of a residential in-fill development of single family homes in an existing residential area. Therefore, none of the exceptions to the categorical exemption apply under Section 15300.2, as there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, and the proposed site is not located on a scenic highway, hazardous waste site or near a historical resource. Therefore, no further environmental review is required.

V. REQUESTED AMENDMENTS

The project applicant, Cyrus Land Development, who recently acquired the property and approved project, is requesting amendments to the following conditions of approval:

- Amend the approved Tree Removal Permit PL17482-RT and amend Conditions of Approval Nos. 31 and 32 to allow an increase in the number of trees to be removed. The permit allowed the removal of four (4) protected trees in accordance with a report prepared by Abacus Consulting Arborists dated June 20, 2017 (Abacus Report). An updated report prepared by Traverso Tree Service dated March 18, 2019, identified several discrepancies contained in the Abacus Report and identified a total of ninety-four (94) trees to be removed, ten (10) of which are considered protected under City guidelines and will be removed as part of the project development. All palm trees, including those in the drainage areas, will be removed from the site. A total of twenty-five (25) trees will be saved onsite.

- Amend Condition of Approval No. 72, which requires formation of a homeowners association (HOA) for maintenance of the private access roadway, street trees along Holly Drive, and a bio-retention basin associated with Lot 7. The applicant is requesting that this condition be amended to require a Shared Maintenance Agreement in lieu of the formation of an HOA.

A. Amend Condition of Approval Nos. 2, 31 and 32 Regarding Tree Removal

On June 20, 2017, a Certified Arborist (Abacus) conducted a tree survey that identified 120 trees on site of which 15 are protected trees species as defined by Development Code Section 18.310.\(^1\) Four of the protected trees were proposed to be removed. An updated report prepared by Traverso Tree Service dated March 18, 2019, identified several discrepancies contained in the Abacus Report and identified a total of one hundred nineteen (119) trees, ten (10) of which

\(^{1}\) Protected trees in this case include Valley oak, California Black Walnut, and Myoporum.
are considered protected under City guidelines. The main discrepancy between the two reports involves an undercount of the trees to be removed in the Abacus report, which has been corrected in the current Traverso report. A comparison of the findings of the two reports is shown on the chart below.

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Total Trees On site</td>
<td>120</td>
<td>119</td>
</tr>
<tr>
<td>Total Trees to be Removed</td>
<td>35</td>
<td>94</td>
</tr>
<tr>
<td>Total Protected Trees to be Removed</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Required Protected Tree Replacement (3:1)</td>
<td>12</td>
<td>30 (43 Provided)</td>
</tr>
</tbody>
</table>

The Development Code requires a ratio of three replacement trees for each protected tree removed. The arborist report indicates of the ten (10) protected trees to be removed, one is dead and three have structural or health problems. The landscape plan proposes 43 new trees, which is in excess of the 30 trees required under the City’s standard replacement ratio.

Removal of the additional six Protected Trees requires amending Conditions of Approval Nos. 2, 31 and 32 regarding tree preservation and removal. The conditions are listed below with staff’s proposed revisions noted in **bold** and **strike-through** text.

2. These Conditions apply to and constitute approval of a Tree Removal Permit (PL17482-RT) for the removal of the following ten all-existing palm trees and four protected trees as identified in the arborist report prepared by **Traverso Tree Service dated March 18, 2019**, as follows: 37 California Black Walnut trees, and 2 Valley Oak tree, **and 1 Myoporum**. *(PLNG)*

31. All existing trees within the project boundaries shall be preserved, except for thirty-five ninety-four trees, which have been specifically designated for removal on the approved Landscape or Tree Removal plan: as identified in the arborist report prepared by **Traverso Tree Service dated March 18, 2019**. *(PLNG)*

32. The removal of protected trees shall be mitigated by planting 42 43 replacement trees, which exceeds the planting of 30 trees at a 3:1 ratio, unless specified otherwise in the approved arborist report. The size, species, and location of all replacement trees shall be identified on the Final Landscape plan, consistent with the Design Review approval. *(PLNG)*

Planning Commission approval of an amended Tree Removal permit is required because the Applicant proposes to remove six Protected Trees in addition to the four Protected Trees identified in the original arborist report. The findings required to amend the Tree Removal permit to include six additional Protected Trees are described below followed by a discussion on how each finding is met.
1) The tree removal is consistent with the provisions of Development Code Chapter 18.310, Tree Preservation and Protection, and will not be detrimental to the public health, safety or welfare.

The approved landscape plan will result in the planting of 43 new trees to replace the ten Protected Trees that have been identified for removal. The landscape plan would provide 43 trees, which exceeds the minimum requirement of 30 replacement trees, or a ratio of three replacement trees for each of the ten Protected Trees to be removed, consistent with the city’s standard replacement ratio.

The removal and installation of replacement trees would be coordinated through a demolition permit reviewed by the City to ensure that proper procedures are followed and would therefore not be detrimental to the public health, safety, or welfare.

2) The tree removal is consistent with the appropriate criteria in Sections 18.310.070(A) and (B).

Sections 18.310.070(A) and (B) list criteria to consider in evaluating a Tree Removal permit, including tree health, physical conditions unique to the site, and project alternatives to allow for tree preservation. An analysis of the proposed tree removal against these criteria is provided below.

18.310.070(A) Criteria for Evaluation

(1) The extent of proposed building or development activity that does not require the removal of protected trees, relative to the extent of proposed building or development activity that requires such removal.

Based on the grading and drainage plans, the new arborist report concluded that the six (6) additional Protected Trees would have to be removed to accommodate the development. A total of 25 existing trees will be preserved onsite, including five (5) Black Walnut trees and seven (7) Valley Oak trees that are considered to be protected.

(2) Design features of the project in comparison with other existing or approved projects in Concord that have (or had) protected trees on their sites.

The design features of the proposed project are similar to other existing and approved residential subdivisions in Concord that have required the removal of Protected Trees to accommodate development such as roadways, utilities, and homes. In this case, the six additional Protected Trees identified for removal are located in areas proposed for public/private improvements and building footprints.

(3) Factors that are unique to the site, such as topographic constraints, lot configuration and physical limitations.
While the proposed project density is consistent with the surrounding single-family development, the lot layout requires the removal of the additional Protected Trees because they conflict with proposed public/private improvements and building footprints.

(4) The overall health and structural condition of the potentially impacted protected trees.

Some of the additional Protected Trees planned for removal have health or structural issues in addition to conflicting with the location of public/private improvements and building footprints. These conditions are potentially hazardous and would likely require removal over time due to their continued deterioration.

(5) The approximate age of each protected tree compared with the average life span for each species.

According to the Traverso Tree Service report, some of the additional Protected Trees are mature and many of them are in poor condition with a low sustainability for preservation. However, the anticipated lifespan of said trees would be shortened if the area around them were disturbed by grading and new landscape planting.

(6) The number of healthy, protected trees that the site will support, with and without the proposed development.

As outlined in the Traverso Tree Service report, some of the Protected Trees planned for removal have health or structural issues and are not viable candidates for preservation. In addition, some of the trees are located where the private road is proposed, which is required for emergency vehicle access to the site. The preliminary landscape plan proposes 43 replacement trees, which exceeds the City’s standard 3:1 tree replacement ratio (or 30 replacement trees).

(7) The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes.

An existing channelized drainage is located along the south and west property lines; there are no steep slopes at the project site. Trees to be removed are mostly located away from the channelized drainage area. The approved conditions of approval Nos. 75 (required approval of a soils report) and 81 (stop grading during rain events) address any soil stability/erosion issues that may result from the proposed tree removal and grading of the project site.

(8) Whether any alternatives would allow for preservation of the protected tree.

Staff was unable to identify alternatives that would allow the construction of seven new homes while preventing the removal of Protected Trees without potentially further compromising their health or significantly changing the project design.
18.310.070(B) Criteria for Removal

(1) The age of the protected tree(s) with regard to whether removal would encourage healthier, more vigorous growth of younger similar trees in the area.

As discussed above, the anticipated lifespan of the Protected Trees would be diminished when subjected to on-site construction and surrounded by development. The replacement trees would be appropriately located and planted to encourage vigorous growth as younger specimens of the trees proposed for removal.

(2) The number of existing protected trees in the area and the effect of removal on the public health, safety, and general welfare of the area.

The proposed tree removal would not be detrimental to the public health, safety, or welfare because it would comply with City requirements and procedures for the proper removal of the trees. Further, the arborist report notes that some of the Protected Trees have health or structural issues due to neglect. Therefore, they are not viable candidates for preservation.

(3) The potential for the protected tree to become a public nuisance or interfere with utility service(s) and existing structures.

If preserved, the Protected Trees would interfere with the proposed access and public and private improvements.

(4) Present and future shade potential with regard to solar heating and cooling.

Although the Protected Trees at the project site currently offer shade, this is not guaranteed for the long-term because of health or structural issues identified in the arborist report. Appropriately planted and maintained replacement trees would offer ample future shade potential with regard to solar heating and cooling.

B. Amend Condition of Approval No. 72, Maintenance Agreement vs. Homeowner's Association

Condition of Approval No. 72 required the submittal of Conditions, Covenants and Restrictions (CC&Rs) to include a provision for the formation of a Homeowner's Association (HOA) for maintenance of all common improvements (private access drive, Lot 7 bio-retention basin, street trees along Holly Drive).

The applicant has indicated that because the project is relatively small (with seven units), the individual monthly cost to each of the homeowners to establish and fund the HOA is cost-prohibitive.

In lieu of forming a HOA, the applicant proposes that a maintenance agreement be recorded against each parcel in the subdivision to ensure maintenance of shared subdivision improvements, such as the shared roadway, bio-retention basin and common areas.
Staff finds that a shared maintenance agreement recorded against each parcel would be an acceptable mechanism for ensuring subdivision improvements are maintained properly with the costs equitably shared between homeowners. Accordingly, staff supports replacing Condition of Approval No. 72 with the language listed below: The conditions are listed below with staff's proposed revisions noted in **bold** and *strikethrough* text.

**COA #72:**

*Developer shall record against each of the lots a shared maintenance agreement, easement agreement(s), and/or Covenants, Conditions & Restrictions (CC&R’s), as deemed necessary or desirable by the City Engineer for the joint use of property including stormwater control basins and other drainage facilities, areas to be landscaped and jointly maintained, and portions of private streets and driveways. Such agreement(s) shall address, among other things, cost sharing, maintenance responsibilities, and access issues, and shall be subject to prior review and approval by the City Engineer and the City Attorney prior to recording the Final Map. Additionally, Developer shall disclose property owners' obligations to maintain improvements consistent with the approved plans, including but not limited to, street trees and fencing along Holly Drive, the stormwater control basin and drainage facilities, and maintenance of the private street and driveways, to subsequent purchasers of each parcel. The disclosure shall be in a form acceptable to the City Attorney and Planning Division and approved prior to recording the Final Map. (ENGR, PLNG, CA)*

Additionally, staff recommends the following modification to condition #68 to ensure that the final map is consistent with the approved seven lot subdivision.

**COA #68:**

*The final Map shall be prepared by a qualified Civil Engineer or Licensed Land Surveyor and shall be subject to review and approval by the Engineering Services. The lot lines shall be drawn on the Final Map such that each lot extends into the approximate centerline of the private street “Myrtle Court” and none of the proposed street is outside the seven (7) defined lots. An easement shall be defined over the private street for the purpose of public access and utilities. (ENGR)*

**VI. Fiscal Impact**

Staff's proposed amendments to the Conditions of Approval would have a negligible fiscal impact on the City because the subdivision improvements will be privately owned and maintained.

**VII. Public Contact**

Notification was mailed to all owners and occupant owners of property within three-hundred (300) feet of the subject parcel, and has been published in the East Bay Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.
VIII. Summary and Recommendations

Staff recommends that Condition Nos. 2, 31, and 32 be revised to reflect the higher number of trees to be removed from the site and commensurate replacement of 30 trees. Staff recommends that a shared maintenance agreement would be an acceptable mechanism for ensuring that subdivision improvements are maintained by amending Conditions Nos. 68 and 72.

Staff recommends the Planning Commission consider staff’s report, allow the applicant to make a presentation and answer any questions from the Planning Commission, take public testimony, and close the public hearing upon completion of public testimony. Following the public testimony, staff recommends that the Planning Commission deliberate regarding the identified policy and/or project issues.

IX. Motion

Project Approvals

I (Comm. ______) hereby move that the Planning Commission adopt Resolution 19-15PC approving an amendment to the Myrtle Creek Estates Tentative Map and Tree Removal Permit (PL19099-TMA, RTA), Conditions of Approval as set forth in Attachment A to Resolution 19-15PC. (Seconded by Comm. _______)

Prepared by: [Signature] Jerry Hittleman
Consultant
805-644-4455
jhittleman@rinconconsultants.com

Reviewed by: [Signature] Mindy Gentry
Planning Manager
925-671-3369
mindy.gentry@cityofconcord.org

Exhibits:

A - Resolution No. 15-19PC with Amended Conditions of Approval (Attachment A) and Resolution No. 18-09PC (Attachment B)
B - Applicant’s Statement date stamp received June 7, 2019
C - Applicant’s Tree Removal Statement date stamp received June 12, 2019
D - Planning Commission staff report date stamp received July 18, 2018 (without exhibits)
F - Abacus Arborist Report date stamp received October 16, 2017
G - Traverso Tree Service Arborist Report date stamp received June 12, 2019
H - Draft Agreement and Covenants for Shared Maintenance date stamp received September 9, 2019
BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION APPROVING AN AMENDMENT
TO THE MYRTLE CREEK ESTATES
SUBDIVISION TENTATIVE MAP, AND TREE
REMOVAL PL.19099- TMA, RTA CONDITIONS
OF APPROVAL

Resolution No. 19-15 PC

WHEREAS, on October 16, 2017, Robert Wood submitted an application for a Tentative
Map, Tree Removal and Design Review to allow a seven lot residential subdivision at 5019 Myrtle
Drive, APN 117-050-008; and

WHEREAS, on June 7, 2018, the application was deemed complete for processing; and

WHEREAS, the Planning Commission, after giving all public notices required by State law
and the Concord Municipal Code, held a duly noticed public hearing on July 18, 2018, the subject
proposal; and

WHEREAS, the Planning Commission considered testimony and information received at the
public hearing and the oral and written reports from City staff dated July 18, 2018, as well as other
documents contained in the record of proceedings relating to the proposed project, which are
maintained at the offices of the City of Concord Planning Division ("Project Information"); and

WHEREAS, on July 18, 2018, the Planning Commission, after consideration of all pertinent
plans, documents and testimony, declared its intent to amend Conditions of Approval; and

WHEREAS, the approval of the Tentative Map, Tree Removal and Design Review application are
valid through July 31, 2020; and

WHEREAS, on June 4, 2019, the new owner of the property, Cyrus Land Development LLC
submitted an application requesting an amendment to Condition Nos. 31, 32 (landscaping) and 72
(formation of a homeowners association); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA)
of 1970, as amended; the project is determined to be Categorically Exempt pursuant to Section 15332
"In-Fill Development Projects," and therefore no further environmental review is required; and

WHEREAS, the Planning Commission, after giving all public notices required by State law

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and the Concord Municipal Code, held a duly noticed public hearing on September 4, 2019, on the subject proposal; and

WHEREAS, the Planning Commission considered testimony and information received at the public hearing and at staff’s request continued the public hearing to September 18, 2019; and

WHEREAS, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff dated September 18, 2019, as well as other documents contained in the record of proceedings relating to the proposed project, which are maintained at the offices of the City of Concord Planning Division (“Project Information”); and

WHEREAS, on September 18, 2019, the Planning Commission, after consideration of all pertinent plans, documents and testimony, declared its intent to amend Conditions of Approval related to landscaping, tree removal, and the maintenance of subdivision improvements by homeowners’ association (COA Nos 2, 31, 32, 68 and 72).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission does hereby approve an amendment to Conditions of Approval Nos. 2, 31, and 32 regarding landscaping and tree removal, Condition of Approval No. 68 to ensure that the final map is consistent with the approved seven lot subdivision, and Condition of Approval No. 72 regarding the maintenance of subdivision improvements based on the following findings:

RECITALS
1. The recitals above are true and correct and incorporated herein by reference. The recitals constitute findings in this matter, and together with the Project Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution.

CEQA
2. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970 (and as amended); the project is classified as Categorically Exempt pursuant to Section 15332 “In-Fill Development Projects,” because 1) the project is consistent with the General Plan, and applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project has

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no value as habitat for endangered, rare or threatened species; 4) approval of the project would not
result in any significant effects related to traffic, noise, air quality or water quality; and, 5) the site can
be adequately served by all required utilities and public services. Additionally, because the proposed
development is a residential infill development of single family homes in a residential neighborhood,
pursuant to Section 15300.2, there are no exceptions to the Section 15332 categorical “In-Fill”
exemption as there is no indication that there is a reasonable possibility that the project will have a
significant effect on the environment due to a cumulative impact of other projects or unusual
circumstances, that the site is designated as a hazardous waste site, or located near a historical
resource.

Amendment to Tree Removal Permit

3. **The tree removal is consistent with the provisions of Article VI, Division 3, Tree Preservation
   and Protection, and will not be detrimental to the public health, safety or welfare.** The
   approved landscape plan will plant 43 new trees to replace the Protected Trees that have been
   identified for removal. The 43 replacement trees exceeds the minimum requirement of 30
   replacement trees, or a ratio of three replacement trees for each of the ten Protected Trees to be
   removed, consistent with the city’s standard replacement ratio.

4. **The tree removal is consistent with the evaluation and removal criteria in Section 18.310.070
   (A) and (B).**
   
   (a) **The extent of proposed building or development activity that does not require the removal of
   protected trees, relative to the extent of proposed building or development activity that requires
   such removal.** Based on the grading and drainage plans, the new arborist report concluded that
   the six (6) additional Protected Trees would have to be removed to accommodate the
   development. A total of 25 existing trees will be preserved onsite, including five Black Walnut
   trees and seven Valley Oak trees that are considered to be protected.

   (b) **Design features of the project in comparison with other existing or approved projects in Concord
   that have (or had) protected trees on their sites.** The design features of the proposed project are
   similar to other existing and approved residential subdivisions in Concord that have required the
removal of Protected Trees to accommodate development, such as roadways, utilities, and homes. In this case, the six additional Protected Trees identified for removal are located in areas proposed for public/private improvements and building footprints.

(c) Factors that are unique to the site, such as topographic constraints, lot configuration and physical limitations. While the proposed project density is consistent with the surrounding single-family development, the lot layout requires the removal of the Protected Trees because they conflict with proposed public/private improvements and building footprints.

(d) The overall health and structural condition of the potentially impacted protected trees. Some of the additional Protected Trees planned for removal have health or structural issues in addition to conflicting with the location of public/private improvements and building footprints. These conditions are potentially hazardous and would likely require removal over time.

(e) The approximate age of each protected tree compared with the average life span for each species. According to the Traverso Tree Service report, some of the additional Protected Trees are mature and many of them are in poor condition with a low sustainability for preservation. However, the anticipated lifespan of said trees would be shortened if the area around them were disturbed by grading and new landscape planting.

(f) The number of healthy protected trees that the site will support, with and without the proposed development. As outlined in the arborist report, some of the Protected Trees planned for removal have health or structural issues and are not viable candidates for preservation. In addition, some of the trees are located where the private road is proposed, which is required for emergency vehicle access to the site. The preliminary landscape plan proposes 43 replacement trees, which exceeds the City’s standard 3:1 tree replacement ration (or 30 replacement trees).

(g) The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes. An existing channelized drainage is located along the south and west property lines; there are no steep slopes at the project site. Trees to be removed are mostly located away from the channelized drainage area. The approved conditions of approval Nos. 75 (require approval of a soils
report) and 81 (stop grading during rain) address any soil stability/erosion issues that may result from the proposed tree removal and grading of the project site.

(h) **Whether any alternatives would allow for preservation of the protected tree.** Staff was unable to identify alternatives that would allow the construction of seven new homes while preventing the removal of Protected Trees without potentially further compromising their health or significantly changing the project design.

(i) **The age of the protected tree(s) with regard to whether removal would encourage healthier, more vigorous growth of younger similar trees in the area.** The anticipated lifespan of the Protected Trees would be diminished when subjected to on-site construction and surrounded by development. The replacement trees would be appropriately located and planted to encourage vigorous growth as younger specimens of the trees proposed for removal.

(j) **The number of existing protected trees in the area and the effect of removal on the public health, safety, and general welfare of the area.** The proposed tree removal would not be detrimental to the public health, safety, or welfare because it would comply with City requirements and procedures for the proper removal of the trees. Further, the arborist report notes that some of the Protected Trees have health or structural issues and have been neglected; therefore they are not viable candidates for preservation.

(k) **The potential for the protected tree to become a public nuisance or interfere with utility service(s) and existing structures.** If preserved, the Protected Trees would interfere with the proposed access and public and private improvements.

(l) **Present and future shade potential with regard to solar heating and cooling.** Although the Protected Trees at the project site currently offer shade, this is not guaranteed for the long-term because of health or structural issues identified in the arborist report. Appropriately planted and maintained replacement trees would offer ample future shade potential with regard to solar heating and cooling.

5. **Measures have been incorporated into the project or permit to mitigate impacts to remaining trees or to replace the trees that have been removed.** The project meets the findings because
City standards will be followed for protecting remaining trees during construction. These conditions require, among other things, fencing around the drip line of trees prior to grading and construction activities, City inspection of the fencing and protection zone prior to the start of work, and site inspections by the project arborist during grading and construction to determine if additional protection measures are needed. Moreover, 43 trees will be provided, which is over the amount of trees required by the Development Code ratio of 3:1 new trees.

Amendment to Conditions of Approval

6. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Zoning Ordinance, and other applicable provisions of the Municipal Code. The amendments to the Conditions of Approval do not change the approved Tentative map in regards to the design of the lots and subdivision improvements that were found to be consistent with the applicable provisions of the General Plan and Development Code. The proposal to eliminate the Homeowner’s Association (Conditions of approval no. 72) will be replaced by a maintenance agreement to be recorded against each parcel in the subdivision to ensure maintenance of shared improvements such as roadway, bio-retention basin, landscaping and common areas.

7. The site is physically suitable for the proposed type and density of development. The amendments to the Conditions of Approval do not change the Tentative Map and development plan approved by the Planning Commission, which found the map and development consistent with RR-20 standards related to lot area, lot coverage, setbacks, and building height and all applicable requirements under Development Code, Article IV, Development.

8. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The amendments to the Conditions of Approval do not change the Tentative Map and the development plan approved by the Planning Commission, which found the project would not impact fish or wildlife or their habitat.

9. The design of the subdivision or the type of improvements will not cause serious public health
problems. The amendments to the Conditions of Approval do not change the design of the subdivision and its related improvements approved by the Planning Commission, which found the subdivision to be typical of residential infill development and will not cause serious health problems.

10. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The city may approve a tentative map if it finds that alternative easements for access will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This finding applies only to easements of record or to easements established by judgment of a court of competent jurisdiction. The amendments to the Conditions of Approval will not affect the Tentative Map and development plan approved by the Planning Commission, which found the project would not conflict with easements acquired by the public at large for access through or use of the property. The proposed subdivision includes a 32’ wide right-of-way dedication along the Myrtle Drive frontage for the proposed sidewalk extension, curbs and gutters, and new landscaping. A separate public access road with a cul-de-sac and related drainage, and utility easement are proposed to serve the subdivision and will not conflict with any existing city easements.

11. The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accord with Section 66473.1 of the Subdivision Map Act. The amendment to the Conditions of Approval would not change the Tentative Map and development plan approved by the Planning Commission, which found the project would provide passive and natural heating to the extent possible given the configuration of the site and the need to orient homes toward the public access road, and because either the side or rear of each home will be exposed to the south as recommended by the Subdivision Map Act.

12. Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accord with Section 66473.7 of the Subdivision Map Act. This finding does not apply because the project will not result in more than 500 dwelling units.

This resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** this September 18, 2019, by the following vote:
AYES:

NOES:

ABSTAIN:

ABSENT:

Mindy Gentry
Secretary to the Planning Commission

Attachment:
    A – Draft Amended Conditions of Approval
ATTACHMENT A

"DRAFT"

AMENDED CONDITIONS OF APPROVAL
MYRTLE CREEK ESTATES SUBDIVISION
PL19099 – TMA, RTA
5019 MYRTLE DRIVE
APN(s): 117-050-008

PERMIT DESCRIPTION

1. These Conditions of Approval apply to and constitute the approval of an Amendment to Tentative Map for Myrtle Creek Estates Subdivision (PL17482-TM) (PL19099-TMA) consisting of 7 individual parcels on 3.6 acres.

2. These Conditions apply to and constitute approval of a Tree Removal Permit (PL19099-RTA) for the removal of the following ten all-existing palm trees and four protected trees as identified in the arborist report prepared by Traverso Tree Service dated March 18, 2019, as follows: 3 7 California Black Walnut trees, and 1 2 Valley Oak tree, and 1 Myoporum. (PLNG)

3. These Conditions apply to and constitute approval of Design Review (PL17482-DR) for building elevations and landscape plans for seven single family homes. Final colors and materials shall be consistent with the color and materials exhibit dated July 2017, prepared by Farrell-Faber and approved by the Design Review Board. Exterior building materials and colors shall be in substantial conformance with the approved plans as follows:

Plan 1:

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<th>Material / Color</th>
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4. The following Exhibits, date stamped received by the City of Concord, on May 2018, are approved and shall be incorporated as Conditions of Approval.

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**GENERAL CONDITIONS**

5. The Conditions are the responsibility of the applicant and all contractors. Compliance shall occur as specified in the Conditions or at one of the following project milestones:

   a) With the submittal of Grading, Improvement, Landscape, or Building Plans.
   b) Prior to issuance of Encroachment, Grading, or Building Permits, whichever comes first.
   c) Prior to construction.
   d) On-going during construction.
   e) Prior to approval of the Final Map.
   f) Prior to occupancy approval.

If timing for compliance is not specified, it shall be determined by the Divisions listed after the Condition. *(PLNG, BLDG, ENGR)*

6. Where a plan or further information is required, it is subject to review and approval by the applicable City Department/Division, as noted at the end of each Condition. The Division listed first shall be the primary contact for implementation of that Condition. *(PLNG, BLDG, ENGR)*

7. The project shall comply with all applicable Federal and State laws and Concord Municipal Code (CMC) requirements. *(PLNG, BLDG, ENGR)*

8. Minor modifications that are found to be in substantial conformance with the approved plans such as colors, plant materials, or minor lot line adjustments, may be approved administratively. Major modifications shall be approved by the applicable decision making body. *(PLNG, ENGR)*
9. The Conditions of Approval shall be listed on a plan sheet that is included in the construction plan set (Grading, Utility, Landscape and Building Plans). *(PLNG, ENGR)*

10. Two annotated copies of the Conditions of Approval specifying how each applicable condition has been satisfied, shall be submitted as follows:

   a) At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan check, whichever comes first.

   b) Prior to occupancy approval. *(PLNG, ENGR)*

11. The project site and area surrounding the site shall be fenced and maintained in a weed and litter free condition for the period prior to construction. *(BLDG, PLNG)*

12. For projects that abut residential uses, the perimeter fence/wall shall be installed within two weeks from completion of site demolition or grading work in the area of the fence/wall. If the fence at an abutting residential property is planned for removal, or if an existing residential property does not have a fence, the replacement perimeter fence/wall shall be completed within two weeks from removal of the original fence, unless otherwise approved by the Planning Division. *(PLNG, ENGR)*

13. Submit a site plan with the parking details for all temporary real estate offices and model homes to Planning and Engineering prior to issuance of Building Permits. *(PLNG, ENGR, BLDG)*

**ARCHITECTURAL**

14. All composition shingle roofing shall be architecturally laminated style with a minimum weight of 280 lbs/square. *(PLNG)*

15. Any changes to the architecture, landscaping, and placement of the homes shall return to the Design Review Board for review and approval. *(DRB, PLNG)*

16. Rooftop equipment (HVAC, meters, refrigeration equipment, plumbing lines, ductwork and transformers), shall not extend above the building parapet and shall be screened from view on all sides with materials architecturally compatible with the main structure. Screening details shall be shown on the Building Plans and submitted for review and approval by the Planning Division, prior to the issuance of Building Permits and installed prior to occupancy approval. *(PLNG)*

17. Hardboard siding shall be installed per manufacturer’s standards, true and plumb, with no two butt joints lined up one above the other, and butt joints secured in clips designed for this purpose. Any siding that does not meet this requirement shall be replaced. *(PLNG)*

18. Vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless otherwise approved by the Planning Division. *(PLNG)*
19. Re-orient the home on Lot 5 to have the front elevation face the front property line and street. *(PLNG)*

20. The final design of the handrail located on the south side of the bio-retention area, adjacent to the public sidewalk shall be brought be Planning staff to the Design Review Board for their approval prior to approval of the final map. *(PLNG)*

**LANDSCAPING**

21. Submit Final Landscape Plans prepared by a Landscape Architect, registered by the State of California, for review and approval with the Grading, Improvement, or Building Plans, whichever comes first. The Plan shall be drawn on or consistent with the Grading, Improvement, Utility, and Stormwater Plans prepared by the Civil Engineer, with the following information:

   a) A legend that lists all plant species (Latin and common name), including size, quantities, spacing, and ultimate height and width.
   b) Specifications and details for planting, including staking of trees and planting in bio-retention or other stormwater treatment areas. Plants for bio-retention facilities should be compatible with temporarily flooded conditions.
   c) Utility and Grading information on the base map, screened back.
   d) Trees (minimum size 24-inch box size) and shrubs (minimum 5-gallon container size; accent or sub-shrubs may be 1-gallon container size).
   e) Root control barriers and four-inch perforated pipes for parking lot trees, street trees, and trees within six inches of any paved area or curb.
   f) Six-inch vertical concrete curbs around landscaped areas.
   g) A soils and plant laboratory analysis with recommendations for fertilization and mulching to be incorporated into the planting specifications.
   h) Removal of all existing palm trees onsite.

22. Irrigation Plans shall be submitted with the Final Landscape Plans in compliance with the requirements of CMC Chapter 18.170 “Water Efficient Landscaping”. All Irrigation Plans shall include the following standards:

   a) All landscaped areas shall have a fully automatic irrigation system.
   b) High water pressure areas shall have pressure regulation devices on the irrigation system.
   c) Valves and circuits shall be separated based on water use.
   d) Trees shall be watered with drip or bubbler irrigation systems with circuits on their own control valve.
   e) Drip and bubbler systems shall not discharge water in excess of 1.5 gallons per minute per device.
   f) Sprinkler heads shall have matched precipitation rates within each control valve circuit.
   g) Serviceable check valves shall be required where elevation differential may cause low head drainage.
   h) Sprinkler head spacing shall be designed for head-to-head coverage or closer due to high wind conditions.
i) Design sprinkler head orientation and throw for minimum runoff and for minimum overspray onto non-irrigated areas.

j) Be equipped with a controller capable of dual or multiple programming. Controllers shall have multiple-cycle start capacity and a flexible calendar program. Water shall be timed between the hours of 3:00 a.m. and 10:00 a.m. unless a “water smart” ET based controller which adjusts controller programs based upon the current evapotranspiration rate is used.

k) Provide a rain shut off device if the controller is not an ET based controller.

l) Sprinkler heads used on slopes exceeding 15 percent shall have a precipitation rate that does not exceed 0.85 inches per hour.

m) Sprinkler heads used on slopes exceeding 10 percent and located within 10 feet of any hardscape shall have a precipitation rate that does not exceed 0.85 inches per hour. *(PLNG)*

23. The Landscape Plans shall include a water usage program with the following:

a) Estimated annual water use (in gallons) and the area (in square feet) to be irrigated.

b) Precipitation rate(s) for each valve circuit.

c) Monthly irrigation schedule for each type of irrigation head showing the plant establishment period and the first year thereafter. *(PLNG)* CMC

24. All landscaping shall be installed prior to occupancy approval. Contact the Planning Division at least two weeks prior to occupancy, to request a site inspection of all exterior improvements including buildings, driveways, parking lots, landscaping, irrigation, signs, lighting, walls, fences, and trash enclosures. *(PLNG)*

25. Prior to occupancy approval, the licensed Landscape Architect shall:

a) Conduct a final field observation and an open trench examination of the irrigation system.

b) Provide written certification that:
   i) The landscaping and irrigation system were installed in conformance with the approved Landscape and Irrigation Plans.
   
   ii) The landscaping has been installed in accordance with the CCWD Water Conservation Guidelines or the Model Water Efficient Landscape Ordinance.
   
   iii) An irrigation audit was performed and deficiencies were listed which will be corrected within 30 days.
   
   iv) There will be a minimum 60-day maintenance period for all landscape improvements.

c) Provide a signed letter of compliance with the final construction documents stating that the Landscape Architect has met all State and City requirements. *(PLNG)*

26. Any vegetation damaged or destroyed by construction activities shall be replaced with like or comparable plant materials, and if damage occurs off-site, the replacement plants shall be approved by the property owner and the Planning Division, prior to occupancy approval. *(PLNG)*
27. Fences and walls shall be a maximum height of three feet in required front yards and sight visibility triangles, and a maximum height of six feet on side and rear property lines. Fences off-set twenty four inches or greater from retaining walls shall be considered as separate structures. *(PLNG) CMC*

28. Add a bio-retention area cross-section to the landscape plan showing all plant species within the basin. *(PLNG)*

29. Offset the privacy fences along the side and front of the lots to ensure that windows are not blocked and there is a variation in their location. *(PLNG)*

30. The bio-retention area slope shall be revised to a 2.3:1 or less steep gradient and a decorative wall shall be provided to protect the entrance ramp to the basin.

**TREE PRESERVATION**

31. All existing trees within the project boundaries shall be preserved, except for thirty-five ninety-four trees, which have been specifically designated for removal on the approved Landscape—or Tree Removal—plan. As identified in the arborist report prepared by Traverso Tree Service *(PLNG)*

32. The removal of protected trees shall be mitigated by planting of 42 43 replacement trees, which exceeds the planting of 30 trees at a 3:1 ratio, unless specified otherwise in the approved arborist report. The size, species, and location of all replacement trees shall be identified on the Final Landscape plan, consistent with the Design Review approval. *(PLNG)*

33. Demolition, Grading, Utility, Landscape, and Building plans shall show all trees to be preserved, with accurate trunk location, drip line, and existing grade. The plans shall show the location and type of protective fencing, and the location of on-site construction materials storage. The protective fencing shall be installed and inspected prior to the issuance of any Demolition, Grading, or Building Permit. *(PLNG, ENGR, BLDG, PARKS)*

34. Prior to demolition, site preparation, grading, or construction activity on a site with trees to be preserved, the following measures from CMC Chapter 18.310 “Tree Preservation and Protection”, shall be required:

   a) All trees to be preserved shall be clearly indicated on the Grading, Utility, Civil Site, and Landscape Plans.

   b) A temporary six foot fence shall be installed around the drip line of the trees, prior to on-site activity such as grading and construction activities. Prior to grading or construction, the City shall inspect and approve the placement of the fencing.

   c) No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the drip line of any tree to be saved, until a report prepared by a certified Arborist has been submitted to and approved by the City, providing specific guidelines for each case.

   d) No construction waste, either liquid or solid or other substance (oil, gasoline, chemicals, or other harmful materials) shall be deposited, disposed of, or stored, within
the drip line or within an area near the tree, which could enter into the root system of the tree.

e) Wires, signs, ropes, pulleys, etc., shall not be attached to any tree. (PLNG, PARKS) CMC

LIGHTING

35. Show all exterior lighting including: building fixtures, walkway lighting, parking lot lighting, and street lights on the Site, Utility, Landscape, and Building plans, prior to the issuance of any permits. The height and style of fixtures shall be shown. Energy-saving fixtures shall be used and noted on the plans. (PLNG, ENGR, BLDG)

36. All exterior building and parking lot lighting shall provide illumination for safety and shall be installed in a manner that is glare shielded and directed away from adjacent properties and right-of-ways. (PLNG)

37. Submit a Photometric plan for review and approval, showing the location of all light sources, streetlight spacing, intensity of luminance, and uniformity ratio, in accordance with the City’s specifications, with the Improvement, Utility, or Building Plans, whichever comes first. The photometric analysis shall be reviewed by Engineering Services for the determination of streetlight spacing. (ENGR, TRANS, BLDG, PD)

SIGNAGE

38. All signage shall comply with CMC Chapter 18.180 “Signs”. (PLNG) CMC

39. One sign denoting the architect, engineer, or contractor associated with the project may be permitted on site. The maximum sign area shall be 12 sq. ft. within single family districts and 40 sq. ft. for other districts, of which 32 sq. ft. may be for the general contractor. These signs shall be removed upon occupancy approval. (PLNG) CMC

PARKING

40. One-car garages shall be a minimum of 10 feet wide by 22 feet deep with a nine-foot door opening. Two-car garages shall be a minimum of 20 feet wide by 22 feet deep with a 16-foot door opening. No interior door shall open into a garage space unless the door will open fully without encroaching into the above specified areas. (PLNG) CMC

41. Parking shall comply with CMC Chapter 18.160 “Parking, Loading, and Access”, including motorcycle and bicycle parking spaces, drive aisle and parking space dimensions, turning radii, back-out dimensions, driveway clearances, landscape median dimensions, and other relevant information. (ENGR, PLNG) CMC

STREET IMPROVEMENTS

42. Construct improvements along the frontage on Myrtle Drive including but not limited to: driveway removal; pavement replacement one feet wide measured perpendicular from edge of
pavement; pavement widening; concrete valley gutter; wheel chair ramps; construction of concrete curb, gutter and sidewalk; ADA compliant concrete driveway approach; storm drainage system; conforms to existing improvements; and repair/replacement of deficient frontage improvements as determined by the City Engineer, prior to occupancy approval or Acceptance of Improvements. (ENGR)

43. Install slurry seal on Myrtle Drive from lip of gutter to street centerline, after completion of utility undergrounding and frontage improvements, prior to the Acceptance of Improvements. (ENGR)

44. Any trenching for underground utilities shall comply with the modified City Standard Detail S-17 for pavement repair and possible slurry placement. (ENGR)

45. Construct all public facilities in accordance with the current Americans with Disabilities Act (ADA), including driveways and curb ramps. (ENGR)

46. Show construction details for all pedestrian paths and trails on the Improvement Plans and Final Landscape Plans. Trail crossings of streets shall have curb cuts, ramps, signs, and pavement markings as approved by Engineering Services (and East Bay Regional Park District if required). (ENGR, PARKS)

NOISE

47. Noise producing site preparation and construction activities shall be limited to the days and hours as set forth below:

Monday through Friday 7:30 a.m. to 6:00 p.m.

Construction on Saturdays may be allowed only upon prior approval by the Building, Engineering, and Planning Divisions. No changes to these construction hours shall be allowed without the prior written consent of the City. A contact person shall be available during all construction activities in the evening and on weekends to respond to complaints and take actions necessary to reduce noise. (BLDG, ENGR, PLNG)

CONSTRUCTION ACTIVITIES

48. Contact Engineering Services to arrange for a Pre-Construction Meeting prior to issuance of Grading or Building Permits, whichever comes first. (ENGR)

49. Implement a dust and construction noise control plan. The plan shall be included as part of the Erosion control plan and shall be submitted to Engineering Services for review and approval prior to issuance of the Grading Permit. (ENGR)

50. Construction equipment shall not be serviced at the site at any time. During construction no deliveries shall be made to the site and no delivery vehicles (including gasoline tanker trucks) shall enter the site between 6:00 p.m. and 7:30 a.m. on weekdays, and between 5:00 p.m. and 8:00 a.m. on weekends and federal holidays. Delivery vehicles shall have their engines turned off during unloading. (BLDG, ENGR, PLNG)
51. Employ the quietest construction equipment available, to muffle noise from construction equipment and keep all mufflers in good working order in accordance with State law. (BLDG, ENGR, PLNG)

52. Implement the following measures during construction:
   
a) Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
   
b) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and storm drains adjoining the project site. During wet weather, avoid driving vehicles off paved areas.
   
c) Broom sweep the public street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.
   
d) Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest the downstream side of the site in order to preclude any debris or dirt from flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and to prevent street flooding. Dispose of filter particles in an approved trash receptacle.
   
e) Create a contained and covered area on the site for the storage of bags, cement, paints, flammable, oils, fertilizers, pesticides, or any other materials used on the site that have the potential for being discharged to the storm drain system by being windblown or in the event of a material spill.
   
f) Never clean items such as machinery, tools, and brushes or rinse containers in a street, gutter, or storm drain.
   
g) Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash water into street gutters or drains. (ENGR, BLDG)

53. No equipment shall be started or staging area be established on the streets or the site before or after the specified hours of construction. (ENGR, BLDG)

54. Ensure that no debris or construction scrap material is placed on any adjoining lot, open space area, or street, and that any such material stored on an adjoining site shall be completely removed and the site cleaned, prior to occupancy approval. (ENGR, BLDG)

55. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site unless authorized for site security. (ENGR, BLDG)

56. There shall be no parking of construction equipment or construction worker's vehicles on residential streets at any time; all vehicles shall be maintained on-site. (ENGR, BLDG)

57. Portable toilets used during construction shall be kept as far as possible from adjacent properties, public right of way and shall be emptied on a regular basis as necessary to prevent odor. (ENGR, BLDG)
58. Identify truck routes for the import or export of cut/fill material and/or construction debris for review and approval by the City Engineer prior to the issuance of permits. Repair any damage to City streets (private and public) caused by activity associated with this project. \( (ENGR) \)

59. In the event of the encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading and/or excavation shall cease, the find shall be left untouched, and the City Planning Division shall be immediately notified. The County Coroner and the Native American Heritage Commission shall also be notified and the procedures required in CEQA §15064.5 shall be followed. This requirement shall be noted on the Grading and Building Plans, prior to issuance of permits. \( (PLNG, ENGR, BLDG) \)

60. In the above event, retain a qualified professional archaeologist certified by the Register of Professional Archaeologists or paleontologist with a degree(s) in paleontology or geology, to evaluate and make recommendations as to disposition, mitigation and/or salvage. The recommendation shall be implemented before work may proceed. The applicant shall be responsible for all costs associated with the professional investigation and implementation. \( (PLNG, ENGR, BLDG) \)

CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS

61. Submit electronic copy of Preliminary Title Report, prepared within three months prior to plan submittal. \( (ENGR) \)

62. The proposed buildings are within the 100-year Floodplain Zone X. At a minimum, comply with the City of Concord Municipal Code requirements in establishing building finished floor elevations. The Grading Plan shall be referenced to the same elevation datum as the FEMA map, and shall show the finished floor elevations of the proposed buildings, 100-year Base Flood Elevations (BFE), and building setback line per CMC. \( (ENGR) CMC \)

63. The Improvement Plans shall show frontage improvements on Myrtle Drive including but not limited to: drainage improvements, curb, gutter and sidewalk per City Standard Detail S-10, and driveway construction per City Standard Detail S-14 and repair/replacement of deficient frontage improvements as determined by the City Engineer. Any unusable existing driveway shall be replaced with standard curb, gutter, and sidewalk per S-10 above. Any trenching for utility installation shall comply with the modified City Standard Detail S-17 for pavement repair and possible slurry placement. \( (ENGR) \)

64. The Improvement Plans shall show plan and profile of all proposed street, drainage and sewer improvements and details for curb, gutter, sidewalk, and driveway construction. \( (ENGR) \)

65. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight distance, sidewalk, back up, fencing, geometrics at intersection and corner setback requirements, prior to the Acceptance of Improvements. Plans shall be subject to review and approval by Engineering Services. \( (ENGR) \)

66. Obtain an Encroachment Permit from the City prior to performing any work within the public right-of-way or public easements. \( (ENGR) CMC \)
SUBDIVISIONS/SITE DEVELOPMENT PLANS

67. The preliminary Civil Plan prepared by Millennium Planning and Engineering received by the Planning Division is not approved for construction. Submit Grading, Erosion Control, Improvement, Stormwater Pollution Prevention Plans (SWPPP), and Stormwater Control Plans prepared by a Registered Civil Engineer to Engineering Services for review and approval prior to issuance of an Encroachment Permit and Grading Permit. (ENGR)

68. The Final Map shall be prepared by a qualified Civil Engineer or Licensed Land Surveyor and shall be subject to review and approval by Engineering Services. The lot lines shall be drawn on the Final Map such that each lot extends into the approximate centerline of the private street “Myrtle Court” and none of the proposed street is outside the seven (7) defined lots. An easement shall be defined over the private street for the purpose of public access and utilities. (ENGR)

69. Prior to the approval of the Final Map for the first phase of development, a phasing plan for the entire project site shall be submitted and approved by staff. Each phase shall identify the building(s) contained within each phase and the site improvements that will be constructed within each phase (e.g., roadways, soundwalls, off-street parking, and landscaping) as well as the timing of the installation of the related improvements. The phasing plan shall also include plotting of all units, specifying unit type, or model for each lot, building envelopes, or setbacks, and shall be consistent with the City-approved plans. (ENGR, BLDG, PLNG)

70. If building occupancy occurs in phases, all physical improvements shall be in place prior to occupancy per an approved phasing plan. No individual unit/house shall be occupied until the adjoining area is made safe, accessible, provided with all reasonable services and amenities, and completely separated from any remaining construction-related activity. (BLDG, PLNG, ENGR)

71. Approved street names shall be shown on the Final Map prior to recordation of the map. (ENGR, PLNG)

72. Developer shall record against each of the lots a shared maintenance agreement, easement agreement(s), and/or Covenants, Conditions & Restrictions (CC&R’s), as deemed necessary or desirable by the City Engineer for the joint use of property including stormwater control basins and other drainage facilities, areas to be landscaped and jointly maintained, and portions of private streets and driveways. Such agreement(s) shall address, among other things, cost sharing, maintenance responsibilities, and access issues, and shall be subject to prior review and approval by the City Engineer and the City Attorney prior to recording the Final Map. Additionally, Developer shall disclose property owners’ obligations to maintain improvements consistent with the approved plans, including but not limited to, street trees and fencing along Holly Drive, the stormwater control basin and drainage facilities, and maintenance of the private street and driveways, to subsequent purchasers of each parcel. The disclosure shall be in a form acceptable to the City Attorney and Planning Division and approved prior to recording the Final Map.

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Three copies of project Covenants, Codes and Restrictions (CC&Rs) shall be submitted with the Grading and Improvement Plans and Final Map, for review and approval. The CC&Rs shall include the following provisions and shall be recorded with the Final Map:

A Homeowners Association (HOA), shall be formed and shall be responsible in perpetuity, for the maintenance, repair, and replacement of:

- All parcels held in common, open space and common area improvements including building exteriors, driveways, the private street, access easements, pedestrian paths and walkways, landscaping, irrigation systems, fencing, retaining walls, soundwalls, signage, trash and recycling areas and utilities.
- All landscaping and irrigation equipment on-site and within the public right-of-way.
- All permanent stormwater management facilities included in the approved Stormwater Control Plan and the approved Stormwater Control Operations and Maintenance Plan.
- Contain a statement that in the event these areas or facilities are not properly maintained, repaired or replaced according to the approved plans, each property owner shall be responsible for their proportionate share of these costs, secured by a lien on the property in favor of the HOA, in accordance with the HOA procedures.
- Provide reciprocal easements over all common parcels for maintenance purposes.
- The HOA shall be responsible for enforcing the CC&Rs and providing written notice of any violation to the property owners.
- The HOA shall provide the Planning Division with the name, address and phone number of the current HOA representative. (PLNG, ENGR, CA)
- Contain a statement that any revisions to the approved architectural or landscape plans shall be reviewed and approved by the City of Concord Design Review Board.

**GRADING/erosion control/GEOLOGIC**

73. Submit a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. A licensed geologist must prepare an evaluation and written report. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet). *(ENGR)*

74. Submit a Geotechnical Report with the Grading Plans and Building Plans, pursuant to CMC Chapter 16.10 that addresses and provides recommendations for grading, drainage, walls, building foundations, and pavement structural sections. *(ENGR)*

75. All grading shall require a Grading and Drainage Plan prepared by a registered Civil Engineer, a Soils Report prepared by a registered Geotechnical Engineer and receipt of a Grading Permit approved by the City Engineer. The Grading Plans and Soils Report shall require review by the City’s Geotechnical consultant with all costs to be borne by the applicant. *(ENGR)*

76. Contour grading techniques shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements. All cut-and-fill slopes in excess of five feet in height shall be rounded both horizontally and vertically. *(ENGR)*
77. Grading on adjacent properties shall require written approval from the affected property owners. *(ENGR)*

78. On-site finish grading work shall require drainage to be directed away from all building foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. *(ENGR)*

79. The project engineer shall inspect the finished grading and certify that it conforms to the compaction and elevations shown on the Grading Plan and Soils Report. *(ENGR)* *(CMC)*

80. At all times seasonally appropriate erosion control measures shall be implemented per plans approved by the City Engineer for all grading work at all times. Wet season measures shall be in place October through April at a minimum and when rain is otherwise predicted. At the time of approval of the Improvement and/or Grading Plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer. *(ENGR)*

81. All graded slopes and stockpiles of loose soil shall be hydromulched/hydroseeded by October of any given year. During grading work between October and April, if rain is forecast, stop all grading work two days before the rain forecast and implement BMPs to insure that the site is protected from erosion. *(ENGR)*

82. Submit Grading, Erosion Control, Improvement, Stormwater Pollution Prevention Plan (SWPPP), and Stormwater Control Plans to Engineering Services for review and approval prior to the issuance of Grading, Encroachment, and Building Permits. Where applicable, evidence of compliance with the State General Construction Permit shall be provided. *(ENGR)* *(CMC)*

83. Comply with the applicable provisions of the Grading Ordinance and the Storm Water Management and Discharge Control Ordinance. *(ENGR)* *(CMC)*

84. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight distance, sidewalk, back up, fencing, geometrics at intersection, and corner setback requirements, prior to the acceptance of improvements. Plans shall be subject to review and approval by Engineering Services. *(ENGR)* *(CMC)*

85. Improve interior private streets, *(name each street)* in accordance with the City of Concord standards. *(ENGR)* *(CMC)*

86. Designate the private streets as a required fire access lane thereby prohibiting parking on both sides of the street at all times. Signs and/or curb striping shall be installed according to the regulations established by the Contra Costa County Fire Protection District, the Concord Police Department, and Engineering Services. The signs shall include, the Police Department telephone number and a notification that a citation may be issued for the violation with vehicle removal at the owner’s expense. *(ENGR, CCCFPD)*

**UTILITIES**
87. New electrical transformers shall be placed underground or screened from view. *(PLNG, ENGR)*

88. No above ground utility facilities/structures shall be located between the face of curb and back of sidewalk in the public right-of-way. *(ENGR)*

89. Dedicate to the City a 15-foot wide Storm Drain easement along Myrtle Drive over the main storm drain lines outside of the public street right-of-way for construction and maintenance purposes prior to recording of the Final Map or Building occupancy approval whichever comes first. The City will not accept maintenance of building laterals. *(ENGR)*

90. Install streetlights along the Myrtle Drive and Myrtle Creek private access road frontage(s). Submit streetlight plans in accordance with the City Standard Specifications showing pole type, luminaries type, conductor and wiring schedule, connection points, lamp wattage and pull box locations, at the time of submittal of improvement plans. Streetlights shall be completely installed and operational prior to occupancy approval. *(ENGR)*

91. All new utilities shall be constructed underground prior occupancy approval. *(ENGR)*

92. Comply with the City of Concord sewer design flow criteria and sewer construction requirements of the Central Contra Costa Sanitary District. *(ENGR)*

93. Submit to Engineering Services sanitary sewer calculations with the Improvement Plans stamped and signed by a Registered Civil Engineer for review. *(ENGR)*

94. Coordinate all facility adjustments, relocations, or additions to utility services with the appropriate utility companies. *(ENGR)*

95. Utility areas, electrical and gas meters shall be architecturally screened from view. *(PLNG)*

96. The location of all outdoor, above-ground and/or at-grade pad mounted transformers, utility equipment, electrical and gas meters, vaults, irrigation control boxes, back flow prevention devices, and the like shall be subject to approval by Planning and Engineering Services prior to the issuance of the Grading or Building Permit, whichever comes first. All such equipment shall be screened from view either architecturally or with landscaping and painted forest green or other approved color as approved by the Planning Division. Any changes to the approved Utility Plans, including location or screening details shall be reviewed and approved by the Planning Division. *(PLNG, ENGR)*

97. Provide cable companies a set of approved site diagrams in electronic format showing the joint trench layout for dry utilities for cable service to be provided to the site. *(ENGR)*

98. Connect all buildings to the sanitary sewer collection facilities of the City, and pay all current sewer connection and service fees prior to occupancy approval. *(ENGR) CMC*

99. Submit proof acceptable to Engineering Services that all work within the existing (new) private waterline easement(s) are reviewed and approved by the easement owner of record. *(ENGR)*
DRAINAGE/STORMWATER C.3 REQUIREMENTS

100. Submit a Stormwater Control Plan (SWCP) prepared in accordance with the current Contra Costa Clean Water Program Stormwater C.3 Guidebook for review and approval by Engineering Services prior to issuance of any permit. The SWCP shall be prepared and certified by a Civil Engineer, registered in the State of California, demonstrating an understanding of the design of treatment measures for water quality and groundwater protection principles applicable to the project site. (ENGR)

101. Prior to issuance of permits for building, site improvements, or landscaping, applicant shall submit a permit application consistent with the applicant’s approved Stormwater Control Plan (SWCP), and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMP’s, permanent source control BMP’s, and other features that control stormwater flow and potential stormwater pollutants. The Contra Costa Clean Water Program permit application shall include a completed “Construction Plan C.3 Checklist” as described in the Stormwater C.3 Guidebook, and a detailed draft Stormwater BMP Operation and Maintenance Plan consistent with the general O&M plan included in the applicant’s approved Stormwater Control Plan. Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are in Appendix F of the Stormwater C.3 Guidebook. (ENGR)

102. Construct stormwater treatment measures per the approved SWCP prior to occupancy approval. (ENGR)

103. Submit a final Stormwater BMP Operation and Maintenance Plan (O&M Plan) in accordance with City of Concord Guidelines, for review and approval by Engineering Services, prior to occupancy approval. This O&M Plan shall incorporate City comments on the draft O&M Plan and any revisions resulting from changes made during construction. The implementation of the O&M Plan shall be the responsibility of the property owner or the HOA where one exists. (ENGR)

104. Execute any agreements identified in the SWCP which pertain to the transfer of ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs, prior to occupancy approval. (ENGR)

105. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner. (ENGR)

106. Collect and convey all stormwater entering, and/or originating from, the site to an adequate downstream drainage facility. Submit a detailed hydrologic and hydraulic study including calculations for a 100-year storm as well as a capacity study accounting for offsite sources with the Improvement Plans to Engineering Services for review and approval. (ENGR)

107. Install City of Concord “No Dumping, Drains to Creek” curb marker (English and Spanish version) on all catch basins. (ENGR)
108. Sweep or vacuum the private road a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually. If sidewalks and/or the parking lot are pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the Central Contra Costa Sanitary District. *(ENGR)*

109. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered. *(ENGR)*

110. Clean all on-site stormdrain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by the City Engineer/Director of Building Inspection. *(ENGR, BLDG)*

**SOLID WASTE/RECYCLING**

111. Comply with CMC Chapter 8.20, Solid Waste, Article III, Construction and Demolition (C&D) Waste Recycling, Sections 8.20.330 through 8.20.450, as applicable. *(BLDG)*

**AGREEMENTS, FEES, BONDS**

112. All fees noted below are the fees currently in effect as of April 25, 2017 per the Resolution of Fees and Charges. The fees and charges are reviewed annually as part of the budget public hearing process. Fee adjustments are based on a number of factors and vary depending on the type of fee:

- **Service-based fees** are adjusted annually based on the San Francisco-San Jose-Oakland Area Consumer Price Index;

- **Improvement based fees** (also called impact fees) are adjusted annually based on Engineering News Record Construction Cost Index (San Francisco Bay Area); and the

113. Provide a ($3,000) cash deposit to the Planning Division to cover Condition Compliance, at the time of submittal of plans and documents to Engineering Services or the Building Division for plan check. Planning staff’s time will be charged to this deposit for work performed to implement the Conditions of Approval, from the time of project approval to occupancy approval. The deposit will be placed in a refundable account and any unused funds will be returned upon completion. If the initial deposit is insufficient to cover actual costs, an additional deposit will be required. *(PLNG)*

114. Pay a Document Imaging fee to reimburse the City for implementation of the Document Imaging and File Retention programs, prior to issuance of Grading or Building Permits. *(PLNG)*
115. Enter into a Maintenance Agreement, as set forth in Condition of Approval No. 72 above, acceptable to the City prior to the approval of the Final Map, agreeing to provide for proper maintenance of the private street, storm drain outside of the public street right of way, street lights and other privately maintained improvements pursuant to CMC Section 18.160 “Streets”. *(ENGR)*

116. Enter into a Subdivision Agreement with the City agreeing to construct and complete all improvements necessary to service the subdivision. The Agreement shall be executed and submitted to the City prior to approval of the Final Map. As part of the Agreement, provide securities acceptable to the City, guaranteeing construction of the required improvements. *(ENGR)*

117. All improvement agreements required in connection with said plans shall be submitted to and approved by the City and other agencies having jurisdiction over said project prior to approval of the Final Map or issuance of the Building or Grading Permit, whichever comes first. *(ENGR)*

118. All required faithful performance bonds and labor materials bonds in a penal amount equal to 100 percent of the approved estimates of construction costs of improvements shall be submitted to and approved by the City and other agencies having jurisdiction prior to approval of the Final Map or issuance of the Building or Grading Permit, whichever comes first. *(ENGR)*

119. Site Development Permit Application:

a) Pay the current Filing Fee at the time of submittal of permit application, improvement plans and supporting documents to City Engineering Services for review.

b) Provide a restoration security before issuance of the Encroachment Permit. The security shall be in an amount sufficient to restore existing public improvements to a serviceable condition should development improvement activity cause damage. The amount of the security shall be determined by, and be in a form acceptable to the City Engineer.

c) Provide a $10,000 cash deposit to cover Condition Compliance/Mitigation Monitoring costs at the time of submittal of plans and documents to Engineering Services for review. The deposit will be placed in a refundable account. Condition Compliance/Mitigation Monitoring costs will be charged to this deposit over the life of the project permit and mitigation requirements. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required. *(ENGR)*

d) Pay Grading Fees at submittal of a Permit application. The current fee is determined based on cubic yardage of cut and fill combined.

e) Provide a $10,000 cash deposit for Erosion Control prior to issuance of Grading Permit. The deposit will be placed in a refundable account. Any unused funds will be
returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required.

f) Pay the current Stockpile and Erosion Control Monitoring fee prior to issuance of Grading Permit. (ENGR)

120. Final Map Application:

a) Pay the current Final Map review fee at the time of submittal of Final Map documents to Engineering Services for review. Current fee is estimated to be $5,121.00 plus $256.00 per lot.

b) Pay the current Final Map filing fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $2,561.00.

c) Pay the current Improvement Plan review fee at the time of submittal of Improvement Plans and supporting documents to Engineering Services for review. The fee includes initial submission and two revisions and is estimated based on the construction cost estimate.

d) Pay the Construction Inspection fee prior to issuance of the Construction Permits or scheduling the Subdivision Agreement for consideration by the City. The current fee is based is based on the estimated cost of constructing the required improvements to support the subdivision.

e) Pay the Drainage Acreage Fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $0.7/S.F. (Drainage Area 33B).

f) Pay the Parkland Fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $16,961.00 per living unit for Low Density Designation.

g) Submit a fully executed Subdivision Agreement and provide all necessary bonds, securities, and insurance required in the Agreement prior at the time the Final Map is scheduled for consideration by the City Council.

h) Pay new street monument fee of $284.00 per monument, prior to approval of the Final Map.

i) Pay the current subdivision fee at the time of submittal of map and supporting documents to engineering services. The current fee is $7,566.00.

j) Pay acceptance of improvements and dedications fee of $2,049.00 prior to scheduling items for action by City Council.

k) Provide a $500 deposit for archiving permanent records prior to approval of the Final Map. Actual fees will be charged following completion of work.

l) Provide a $5,000 deposit for specialty inspections prior to approval of the Final Map. (ENGR)

121. Sewer Connection Permit:

a) Pay Sanitary Sewer connection fee. The current sewer connection fee is $5,043.00 per single-family dwelling unit and shall be paid prior to approval of the Final Map.

b) Pay the current sewer service fee prior to approval of the Final Map. The current fee is $547 per year and is pro-rated by the month that connection is made. (ENGR)

122.
Pay Offsite Street Improvement Program (OSIP) fee less possible fee credit. The OSIP fee shall be the fee in effect at the time of approval of the Final Map. The current OSIP Fee is $3,251.00 per single-family dwelling unit and shall be paid prior to Acceptance of the Final Map. *(ENG)*

**OTHER/MISCELLANEOUS**

123. Contact local postal authorities to get their requirements for mail facilities for the project. The design and location of mail receptacles shall be reviewed and approved by the Planning Division and shown on the Utility, Landscape, and Building Plans, prior to issuance of Grading or Building Permits, whichever comes first. Mail facilities shall be installed prior to occupancy approval. *(PLNG)*

124. Submit a written request for new street names with a site plan showing their location to the Planning Division for review and approval, at the time of submittal of Improvement Plans and Final Map. Include a list of alternatives for each name, as some names may not be acceptable. *(PLNG)*

125. Comply with the requirements of the Contra Costa County Health Department for the abandonment of existing septic tanks or wells. *(ENG)* *(CMC)*

126. Comply with the requirements of the Contra Costa County Fire Protection District. Submit complete sets of plans and specifications to the Fire District for review and approval at:

   Contra Costa County Fire Protection District  
   2010 Geary Road  
   Pleasant Hill CA 94523

Plan review fees are assessed at that time. The City is not responsible for the collection of fees or enforcement of requirements imposed by the Fire District. *(CCCFPD)*

127. The applicant shall defend, (with counsel approved by City), indemnify and hold harmless the City, any agency or instrumentality thereof, and its/their respective agents, officers, officials, volunteers, and employees from and against any and all administrative and/or legal claims, actions or proceedings to attack, set aside, void, or annul approval of the project, including without limitation, any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods (“Challenge”), with the exception of a Challenge arising out of the City’s sole negligence or willful misconduct. The City shall have the right to pre-approve any material decision involved in defending any such Challenge, including settlement, and may (but is not obligated to) participate in the defense of any Challenge. If applicant does not promptly defend any Challenge, City may (but is not obligated to) defend such Challenge as City, in its sole discretion, determines appropriate, all at applicant’s sole cost and expense. The applicant shall bear any and all losses, damages, injuries, liabilities, costs, and expenses (including, without limitation, staff time and in-house attorney’s fees on a fully-loaded basis, attorney’s fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge (“Costs”), whether incurred by Developer, City, or awarded to any third party, and shall pay to the City upon
demand any Costs incurred by the City. No modification of the project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant’s indemnity obligation. Pursuant to Government Code Section 66474.9, the applicant’s indemnification obligation with respect to any claim, action or proceeding to attack, set aside, void, or annul an approval of City concerning a subdivision (tentative, parcel, or final map application or approval) shall be limited to actions brought within the time period provided for in Government Code Section 66499.37, unless such time period is extended for any reason. The City shall promptly notify applicant of any Challenge, and shall cooperate fully in the defense. (CA)

128. The permit and approval shall expire in two year(s) from the date on which they became effective unless construction permits are obtained and work has begun. All permits approved concurrently with a Tentative Map shall be valid for the life of the map. The effective date of the permit and approval is July 31, 2018. September 29, 2019 (PLNG)

129. A request for a time extension from the expiration date of July 31, 2020 September 29, 2021 can be considered if an application with required fee is filed at least 10 days before the original expiration date, otherwise a new application is required. A public hearing will be required for all extension applications, except those involving only Design Review. Extensions are not automatically approved. Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require, or permit denial. (PLNG)
BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION APPROVING MYRTLE CREEK
ESTATES SUBDIVISION TENTATIVE MAP,
DESIGN REVIEW, AND TREE REMOVAL
PL17482-TM, DR, AND RT

Resolution No. 18-09 PC

WHEREAS, on October 16, 2017, Robert Wood submitted an application for a Design Review and Tentative Map, to allow a Seven lot residential subdivision at 5019 Myrtle Drive, APN 117-050-008; and

WHEREAS, on June 7, 2018, the application was deemed complete for processing; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended; the project is classified as Categorically Exempt pursuant to Section 15332 “In-Fill Development Projects,” and therefore no further environmental review is required; and

WHEREAS, the Planning Commission, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public hearing on July 18, 2018, the subject proposal; and

WHEREAS, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff dated July 18, 2018, as well as other documents contained in the record of proceedings relating to the proposed project, which are maintained at the offices of the City of Concord Planning Division (“Project Information”); and

WHEREAS, on July 18, 2018, the Planning Commission, after consideration of all pertinent plans, documents and testimony, declared their intent to approve the subject proposal subject to the Conditions of Approval contained herein as Attachment A.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission does hereby approve Tentative Map and Design Review PL17482-TM, DR, RT subject to the Conditions of Approval and further makes the following findings:

REQUITAGES
1. The recitals above are true and correct and incorporated herein by reference. The
recitals constitute findings in this matter, and together with the Project Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution.

**CEQA**

2. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970 (and as amended); the project is classified as Categorically Exempt pursuant to Section 15332 “In-Fill Development Projects,” because 1) the project is consistent with the General Plan, and applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects related to traffic, noise, air quality or water quality; and, 5) the site can be adequately served by all required utilities and public services. Additionally, pursuant to Section 15300.2, there are no exceptions to the Section 15332 categorical “In-Fill” exemption as there is no indication that there is a reasonable possibility that the project will have a significant effect on the environment due to a cumulative impact of other projects or unusual circumstances, or that the site is designated as a hazardous waste site.

**General Plan**

3. *Rural Residential.* The project’s density of 1.9 dwelling units per net acre is within the density of less than 2.5 dwelling units per net acre allowed by the Rural Residential designation.

4. *Support land use decisions that reinforce and capitalize on neighborhood strengths and benefit neighborhood identity and scale.* *(Policy LU-1.1.1).* The project is consistent with this policy because it enforces neighborhood identity and strengths by proposing building designs and materials that are consistent with the neighborhood and architecture that mitigates the mass of the two-story homes with setbacks, hipped and sloped roofs, and careful use of landscaping to blend with the surrounding neighborhood.

5. *Require new development in residential areas to preserve and enhance positive neighborhood characteristics.* *(Policy LU-1.1.2).* The project is consistent with this policy because proposed lots meet the minimum size allowed by zoning, preserving the existing pattern of homes along
Ayers Road and Holly Drive, and by designing homes determined by the Design Review Board to be compatible with the neighborhood.

6. *Require all new development to locate structures to accommodate ultimate street widths and required setbacks, provide adequate right-of-way, and construct ultimate on and off-site improvements.* (Policies T-1.1.6 and T-1.1.7). The project is consistent with the findings because a public access road with a cul-de-sac is proposed with curb and gutter improvements, street parking, and a sidewalk along the access road and the Myrtle Drive frontage.

**Development Code**

7. The project meets standards for lot area, lot coverage, setbacks, and building height of RR-20 zoning, and all applicable requirements under Development Code, Article IV, Development Standards.

**Tentative Map**

8. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Zoning Ordinance, and other applicable provisions of the Municipal Code.* The project falls within the density allowed under the General Plan's Low Density Rural Residential designation by providing a density of 1.9 dwelling units per acre, is consistent with General Plan and Development Code policies related to residential development, and the applicable provisions of the Municipal Code, as set forth in greater detail herein.

9. *The site is physically suitable for the proposed type and density of development.* The project meets standards for lot area, lot coverage, setbacks, and building height of RR-20 zoning, and all applicable requirements under Development Code, Article IV, Development Standards.

10. *The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.* The proposed project would not have a substantial adverse effect on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service.
(USFWS) because no species within these categories have a potential to occur on the project site.

11. The design of the subdivision or the type of improvements will not cause serious public health problems. The design of the subdivision and its related improvements are typical of residential development and are not deemed a threat to human health or the environment.

12. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The city may approve a tentative map if it finds that alternative easements for access will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This finding applies only to easements of record or to easements established by judgment of a court of competent jurisdiction. The proposed subdivision will not conflict with easements acquired by the public at large for access through or use of the property. The proposed subdivision includes a 32' wide private right-of-way dedication along the Myrtle Drive frontage for the proposed sidewalk extension, curbs and gutters, and new landscaping. A separate public access road with a cul-de-sac and related drainage, and utility easement are proposed to serve the subdivision and will not conflict with any existing city easements.

13. The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accord with Section 66473.1 of the Subdivision Map Act. The project meets the finding because passive and natural heating will be provided to the extent possible given the configuration of the site and the need to orient homes toward the public access road, and because either the side or rear of each home will be exposed to the south as recommended by the Subdivision Map Act.

14. Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accord with Section 66473.7 of the Subdivision Map Act. This finding does not apply because the project will not result in more than 500 dwelling units.

Design Modification

15. A modification to the subdivision design standard is appropriate because one or more special circumstances clearly apply to the subdivision under Section 17.20.070(b) titled, “Eligibility.”
The subdivision is located in an urban infill area with existing streets that do not conform to the standards in the Subdivision Ordinance. Myrtle Drive, Ayers Road, and Holly Drive, the neighboring roadways, are substandard with respect to the City’s 60-foot neighborhood and residential model roadway sections. Modification of the standard is necessary in this case to allow the logical and compatible access to the residential lots and extension of utilities, or other public improvements due to the existing conditions and subdivision design, which includes access to the residential lots only from Myrtle Drive in order to retain current traffic patterns in the surrounding area.

16. The project is consistent with the purpose of the Subdivision Map Act in that proper consideration has been given to its design and relationship to adjoining areas; the applicant is proposing street and other improvements; and the design has been reviewed to protect both the public and purchasers of the subdivision. The project falls within the density allowed under the General Plan’s Low Density Rural Residential designation, is consistent with General Plan and Development Code policies related to residential development, and the applicable provisions of the Municipal Code.

17. The modification to the residential roadway width does not result in a special privilege as the subdivision ordinance establishes a process by which the city may approve modifications to subdivision design and improvement standards upon making findings. The implementation of this provision is necessary to allow development of the site due to its relatively small size and unique characteristics.

Tree Removal

18. The tree removal is consistent with the provisions of Article VI, Division 3, Tree Preservation and Protection, and will not be detrimental to the public health, safety or welfare. There are a total of 120 trees on this site, of which 15 are protected species. A total of 35 trees are proposed for removal and 85 will be retained. Eleven of the 15 protected trees onsite will be retained and four protected trees will be removed as part of the development. The Development Code requires that a ratio of three replacement trees for each removed protected tree. This project will
provide 12 replacement trees for a ratio of 3.1 replacement trees, which meets the Development
Code's ratio of three replacement trees and is deemed appropriate by the Design Review Board
to ensure adequate coverage, health, and vitality of the replacement trees. The removal and
installation of replacement trees would be coordinated through a demolition permit reviewed by
the City to ensure that proper procedures are followed and would therefore not be detrimental to
the public health, safety or welfare.

19. The tree removal is consistent with the evaluation and removal appropriate criteria in Section
18.310.070 (A) and (B).

(a) The extent of proposed building or development activity that does not require the removal of
protected trees, relative to the extent of proposed building or development activity that requires
such removal. Based on the grading and drainage plans, the arborist report concluded that four of
the Protected Trees would have to be removed to accommodate the development with the exception
of eleven protected trees.

(b) Design features of the project in comparison with other existing or approved projects in Concord
that have (or had) protected trees on their sites. The design features of the proposed project are
similar to other existing and approved residential subdivisions in Concord that have required the
removal of Protected Trees to accommodate roadways, utilities, and homes. In this case, all of the
Protected Trees identified for removal are located in areas proposed for public/private
improvements and building footprints.

(c) Factors that are unique to the site, such as topographic constraints, lot configuration and physical
limitations. While the proposed project density is consistent with the surrounding single-family
development, the revised lot configuration requires the removal of the Protected Trees because they
conflict with proposed public/private improvements and building footprints.

(d) The overall health and structural condition of the potentially impacted protected trees. Some of the
Protected Trees planned for removal have health or structural issues in addition to conflicting with
the location of public improvements and building footprints. These conditions are potentially
hazardous and would likely require removal over time.
(e) **The approximate age of each protected tree compared with the average life span for each species.**

According to the City's arborist, the some of the trees are mature and many of them are in poor condition with a low sustainability for preservation. However, the anticipated lifespan of said trees would be shortened if the area around them were disturbed by grading and new landscape planting.

(f) **The number of healthy protected trees that the site will support, with and without the proposed development.** As outlined in the arborist report, some of the Protected Trees planned for removal have health or structural issues and are not viable candidates for preservation. In addition, some of the trees are located where the private road is proposed, which is required for emergency vehicle access to the site. The preliminary landscape plan indicates the site can support 13 replacement trees, which exceeds the City's standard for mitigation.

(g) **The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes.** An existing channelized drainage is located along the south and west property lines; there are no steep slopes at the project site. Tree removal is proposed throughout the property, and mostly away from this area. The proposed conditions of approval would address any soil stability/erosion issues that may result from the proposed tree removal.

(h) **Whether any alternatives would allow for preservation of the protected tree.** Staff was unable to identify alternatives that would allow the construction of seven new homes while preventing the removal of Protected Trees without potentially further compromising their health or significantly changing the project design.

(i) **The age of the protected tree(s) with regard to whether removal would encourage healthier, more vigorous growth of younger similar trees in the area.** The anticipated lifespan of the Protected Trees would be diminished when surrounded by development. The replacement trees would be appropriately located and planted to encourage their vigorous growth as younger similar trees.

(j) **The number of existing protected trees in the area and the effect of removal on the public health, safety, and general welfare of the area.** The proposed tree removal would not be detrimental to the public health, safety, or welfare because it would comply with City
requirements and procedures for the proper removal of the trees. Further, the arborist report
notes that some of the Protected Trees have health or structural issues and have been
neglected. Therefore they are not viable candidates for preservation.

(k) *The potential for the protected tree to become a public nuisance or interfere with utility
service(s) and existing structures.* If preserved, the Protected Trees would interfere with the
proposed access and public and private improvements.

(l) *Present and future shade potential with regard to solar heating and cooling.* Although the
Protected Trees at the project site currently offer shade, this is not guaranteed for the long-term
because of health or structural issues identified in the arborist report. Appropriately planted
and maintained replacement trees would offer ample future shade potential with regard to solar
heating and cooling.

20. *Measures have been incorporated into the project or permit to mitigate impacts to remaining
trees or to replace the trees that have been removed.* The project meets the finding because
City standards will be followed for protecting remaining trees during construction. These
conditions require, among other things, fencing around the drip line of trees prior to grading
and construction activities, City inspection of the fencing and protection zone prior to the start
of work, and site inspections by the project arborist during grading and construction to
determine if additional protection measures are needed. Moreover, a ratio of 3:1 new trees will
be provided for each Protected Tree to be removed, in accordance with the Development Code.

**Design and Site Development Review**

21. The project is consistent with the General Plan as addressed in findings 1 through 4 above.

22. The project meets the following criteria in Section 18.415.080 (Design Criteria):

(a) *The building design and landscaping supports public safety and security by allowing for
surveillance of the street by people inside buildings and elsewhere on the site.* The project will
orient the homes toward a public access road to allow for surveillance of the street within the
homes and properties.

(b) *The design is compatible with the historical or visual character of any area recognized by the*
City as having such character. The area is not recognized as a historical, architectural, or scenic area by the City.

(c) The project design preserves major view and vistas along major streets and open spaces and trails and enhances them by providing project amenities. The site and surrounding area is flat and has no topographically significant features, such as valleys, hillsides, and ridgelines that provide scenic views or vistas. The site is not near any open space or trail.

(d) The proposed lighting and fixtures are designed to complement on-site buildings, are of an appropriate scale for the development, and provide adequate light for safety and security while minimizing glare. Exterior lighting will be residential in type and character to minimize glare, and new street lights are proposed along the public access road and Myrtle Drive to improve nighttime visibility and safety for pedestrians and vehicles.

(e) All mechanical, electrical, and utility equipment is located, screened, or incorporated into the design of the buildings so as not to be visible from off-site, and screening devices are consistent with the exterior colors and materials of the buildings. The project conditions require final details of mechanical, electrical, and utility equipment to be shown on building permit plans to ensure they are located behind fencing or screened so as not to be visible from off-site.

(f) The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, enhances the appearance and features of the project site and surrounding natural and built environment. Design changes have been made to ensure the project is appropriate for the surrounding environment, including its scale, massing, site plan, and exterior design. These changes, which were recommended for approval by the Design Review Board, include design enhancements such as four-sided design to reduce mass and create visual interest.

(g) The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community. The project includes, among other things, the following design features to enhance the functionality of the proposed homes and the attractiveness and comfort of the general community: landscaping that
provides screening and shade; a sidewalk along the public access road and the Myrtle Drive
frontage, stormwater facilities to reduce and treat runoff; and improvements along Myrtle Drive
to improve circulation, parking, drainage, and lighting for the area.

(h) The architectural details, colors, materials, and landscaping are internally consistent, fully
integrated with one another, and used in a manner that is visually consistent with the proposed
architectural design. The project meets the criteria because similar building materials and
colors will be used between the homes, and a unifying landscape palette will be used for the
entire project.

(i) The project is compatible with neighboring development in a similar Zoning District by
avoiding large differences in building scale and character and provides a harmonious
transition between the proposed project and surrounding development. The project meets the
criteria and is similar in scale to other two-story homes in the neighborhood, the second story
elements are pulled back to allow for larger setbacks between properties, similar rear yard
setbacks are proposed, and the project complies with RR-20 development standards, which
allow two-story homes.

(j) The project creates an attractive and visually interesting built environment with a variety of
building styles and designs, well-articulated structures that present varied building facades,
rooflines, and building heights within a unifying context. The project meets the criteria and
creates an attractive and visually interesting built environment featuring different architectural
styles with various design elements including varied roof forms; decorative elements such as
covered entries and porches, and shutters; and a mix of building materials that create interesting
textures and a quality look to the buildings. Similarities in the design elements, materials, and
colors between the homes create a unifying context for the project.

(k) The landscaping is compatible with and enhances the architectural character of the buildings
and site features, and blends with the surrounding landscape. Landscape elements complement
the buildings and rooflines through color, texture, density, and form. Landscaping is in scale
with on-site and off-site buildings, and plantings have been selected and located to avoid
conflicts with views, lighting, infrastructure, utilities, and signage. The DRB has reviewed the landscape plan and determined that it is compatible with the building architecture.

(l) Stormwater treatment areas have been integrated into the landscape design. The project includes a bio-retention area integrated into the landscape design along Myrtle Drive.

(m) New construction does not need to match existing surrounding development or buildings; however, the design shall complement or enhance existing development. The project does not match surrounding homes, which are older, but meets the criteria because it will improve and enhance an underutilized site with new homes designed in traditional architectural styles to complement the neighborhood’s design vernacular.

23. The project is consistent with all applicable Design Guidelines adopted by the City Council that are in effect at the time of approval. The project is consistent with the Concord Community Design Guidelines because:

(a) Exterior building colors and materials consist of earth tone colors, wood, stone, and other materials that are compatible with the neighborhood;

(b) Homes are sited and designed with a functional relationship to the site and street, and in compliance with setbacks to provide accessible and usable yard areas;

(c) Front yard setbacks reinforce a spacious suburban character and consistent streetscape;

(d) Homes are sited to minimize second story windows overlooking private yards of adjacent residences;

(e) The project provides emergency access as required by Contra Costa County Fire Protection District;

(f) Building lighting design is compatible with the architecture and will be operated at levels consistent with lighting in the area;

(g) Street lighting will comply with City photometric standards to ensure lighting levels are kept to the minimum necessary for public safety;

(h) Perimeter fencing will be constructed of durable high quality wood material;

(i) Exterior yards are landscaped to provide a continuity of the landscape palette and
concept along the public access road; and

(j) Required off-street parking is provided for each home.

24. The interrelationship between the orientation, location, and elevations of buildings and structures and site improvements are mutually compatible and aesthetically harmonious. The homes front on the public access road and provide a consistent pattern oriented toward the street and is thus aesthetically harmonious with the streetscape. As discussed above, the homes will be designed with similar design elements, materials, and colors to create a unifying/harmonious context.

25. The orientation, location, and elevation of the buildings and structures and site improvements are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood. The project will be harmonious with the pattern of existing homes in the neighborhood and will use architectural styles that the Design Review Board finds to be aesthetically compatible with homes in the neighborhood.

26. Landscaping, irrigation systems, walls and fences, or features to conceal outdoor activities, utility enclosures, and trash facilities meet current requirements or provide a significant upgrade and improvement to the site and the appearance of the neighborhood. New landscaping and fencing designed to meet current requirements will result in a significant improvement to existing site conditions and a visual upgrade to the neighborhood in general.

27. Parking, pedestrian access, and traffic circulation are adequate or improved for all modes of circulation. The project meets this finding because it will construct improvements that enhance parking, pedestrian safety, and access for the neighborhood, including the construction of a public access road thus creating on-street parking, adding sidewalks, and installing street lighting.

This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this July 18, 2018, by the following vote:

AYES: Laub, Mercurio, Aliano, Barbour, Weinmann

NOES:
ABSTAIN:

ABSENT:

Attachment:

A – Final Conditions of Approval
ATTACHMENT A

“FINAL”

CONDITIONS OF APPROVAL
MYRTLE CREEK ESTATES SUBDIVISION
PL17482 – DR, TM, RT
5019 MYRTLE DRIVE
APN(s): 117-050-008-4

PERMIT DESCRIPTION

1. These Conditions of Approval apply to and constitute the approval of a Tentative Map for Myrtle Creek Estates Subdivision (PL17482-TM) consisting of 7 individual parcels on 3.6 acres.

2. These Conditions apply to and constitute approval of a Tree Removal Permit (PL17482-RT) for the removal of all existing palm trees and four protected trees, as follows: 3 California Black Walnut trees and 1 Valley Oak tree.

3. These Conditions apply to and constitute approval of Design Review (PL17482-DR) for building elevations and landscape plans for seven single family homes. Final colors and materials shall be consistent with the color and materials exhibit dated July 2017, prepared by Farrell-Faber and approved by the Design Review Board. Exterior building materials and colors shall be in substantial conformance with the approved plans as follows:

Plan 1:

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<th>Approved Colors and Materials</th>
<th>Manufacturer</th>
<th>Sample Number</th>
<th>Material / Color</th>
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Plan 2:

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**Plan 3A:**

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4. The following Exhibits, date stamped received by the City of Concord, on **May 2018**, are approved and shall be incorporated as Conditions of Approval.

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**GENERAL CONDITIONS**

5. The Conditions are the responsibility of the applicant and all contractors. Compliance shall occur as specified in the Conditions or at one of the following project milestones:

   a) With the submittal of Grading, Improvement, Landscape, or Building Plans.
   b) Prior to issuance of Encroachment, Grading, or Building Permits, whichever comes first.
   c) Prior to construction.
   d) On-going during construction.
   e) Prior to approval of the Final Map.
   f) Prior to occupancy approval.

   If timing for compliance is not specified, it shall be determined by the Divisions listed after the Condition. *(PLNG, BLDG, ENGR)*

6. Where a plan or further information is required, it is subject to review and approval by the applicable City Department/Division, as noted at the end of each Condition. The Division listed first shall be the primary contact for implementation of that Condition. *(PLNG, BLDG, ENGR)*

7. The project shall comply with all applicable Federal and State laws and Concord Municipal Code (CMC) requirements. *(PLNG, BLDG, ENGR)*

8. Minor modifications that are found to be in substantial conformance with the approved plans such as colors, plant materials, or minor lot line adjustments, may be approved administratively. Major modifications shall be approved by the applicable decision making body. *(PLNG, ENGR)*
9. The Conditions of Approval shall be listed on a plan sheet that is included in the construction plan set (Grading, Utility, Landscape and Building Plans). *(PLNG, ENGR)*

10. Two annotated copies of the Conditions of Approval specifying how each applicable condition has been satisfied, shall be submitted as follows:
   a) At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan check, whichever comes first.
   b) Prior to occupancy approval. *(PLNG, ENGR)*

11. The project site and area surrounding the site shall be fenced and maintained in a weed and litter free condition for the period prior to construction. *(BLDG, PLNG)*

12. For projects that abut residential uses, the perimeter fence/wall shall be installed within two weeks from completion of site demolition or grading work in the area of the fence/wall. If the fence at an abutting residential property is planned for removal, or if an existing residential property does not have a fence, the replacement perimeter fence/wall shall be completed within two weeks from removal of the original fence, unless otherwise approved by the Planning Division. *(PLNG, ENGR)*

13. Submit a site plan with the parking details for all temporary real estate offices and model homes to Planning and Engineering prior to issuance of Building Permits. *(PLNG, ENGR, BLDG)*

ARCHITECTURAL

14. The design of the handrail along Myrtle Drive shall return to the Design Review Board for approval as a staff report item prior to approval of the final map. *(PLNG)*

15. All composition shingle roofing shall be architecturally laminated style with a minimum weight of 280 lbs/square. *(PLNG)*

16. Any changes to the architecture, landscaping, and placement of the homes shall return to the Design Review Board for review and approval. *(DRB, PLNG)*

17. Rooftop equipment (HVAC, meters, refrigeration equipment, plumbing lines, ductwork and transformers), shall not extend above the building parapet and shall be screened from view on all sides with materials architecturally compatible with the main structure. Screening details shall be shown on the Building Plans and submitted for review and approval by the Planning Division, prior to the issuance of Building Permits and installed prior to occupancy approval. *(PLNG)*

18. Hardboard siding shall be installed per manufacturer’s standards, true and plumb, with no two butt joints lined up one above the other, and butt joints secured in clips designed for this purpose. Any siding that does not meet this requirement shall be replaced. *(PLNG)*

19. Vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless otherwise approved by the Planning Division. *(PLNG)*
20. Re-orient the home on Lot 5 to have the front elevation face the front property line and street. *(PLNG)*

**LANDSCAPING**

21. Submit Final Landscape Plans prepared by a Landscape Architect, registered by the State of California, for review and approval with the Grading, Improvement, or Building Plans, whichever comes first. The Plan shall be drawn on or consistent with the Grading, Improvement, Utility, and Stormwater Plans prepared by the Civil Engineer, with the following information:

   a) A legend that lists all plant species (Latin and common name), including size, quantities, spacing, and ultimate height and width.
   
   b) Specifications and details for planting, including staking of trees and planting in bio-retention or other stormwater treatment areas. Plants for bio-retention facilities should be compatible with temporarily flooded conditions.
   
   c) Utility and Grading information on the base map, screened back.
   
   d) Trees (minimum size 24-inch box size) and shrubs (minimum 5-gallon container size; accent or sub-shrubs may be 1-gallon container size).
   
   e) Root control barriers and four-inch perforated pipes for parking lot trees, street trees, and trees within six inches of any paved area or curb.
   
   f) Six-inch vertical concrete curbs around landscaped areas.
   
   g) A soils and plant laboratory analysis with recommendations for fertilization and mulching to be incorporated into the planting specifications.

22. Irrigation Plans shall be submitted with the Final Landscape Plans in compliance with the requirements of CMC Chapter 18.170 “Water Efficient Landscaping”. All Irrigation Plans shall include the following standards:

   a) All landscaped areas shall have a fully automatic irrigation system.
   
   b) High water pressure areas shall have pressure regulation devices on the irrigation system.
   
   c) Valves and circuits shall be separated based on water use.
   
   d) Trees shall be watered with drip or bubbler irrigation systems with circuits on their own control valve.
   
   e) Drip and bubbler systems shall not discharge water in excess of 1.5 gallons per minute per device.
   
   f) Sprinkler heads shall have matched precipitation rates within each control valve circuit.
   
   g) Serviceable check valves shall be required where elevation differential may cause low head drainage.
   
   h) Sprinkler head spacing shall be designed for head-to-head coverage or closer due to high wind conditions.
   
   i) Design sprinkler head orientation and throw for minimum runoff and for minimum overspray onto non-irrigated areas.
   
   j) Be equipped with a controller capable of dual or multiple programming. Controllers shall have multiple-cycle start capacity and a flexible calendar program. Water shall be timed between the hours of 3:00 a.m. and 10:00 a.m. unless a “water smart” ET based
controller which adjusts controller programs based upon the current evapo-
transpiration rate is used.

k) Provide a rain shut off device if the controller is not an ET based controller.

l) Sprinkler heads used on slopes exceeding 15 percent shall have a precipitation rate that
does not exceed 0.85 inches per hour.

m) Sprinkler heads used on slopes exceeding 10 percent and located within 10 feet of any
hardscape shall have a precipitation rate that does not exceed 0.85 inches per hour. *(PLNG)*

23. The Landscape Plans shall include a water usage program with the following:

a) Estimated annual water use (in gallons) and the area (in square feet) to be irrigated.
b) Precipitation rate(s) for each valve circuit.
c) Monthly irrigation schedule for each type of irrigation head showing the plant
   establishment period and the first year thereafter. *(PLNG) CMC*

24. All landscaping shall be installed prior to occupancy approval. Contact the Planning Division
at least two weeks prior to occupancy, to request a site inspection of all exterior improvements
including buildings, driveways, parking lots, landscaping, irrigation, signs, lighting, walls,
fences, and trash enclosures. *(PLNG)*

25. Prior to occupancy approval, the licensed Landscape Architect shall:

a) Conduct a final field observation and an open trench examination of the irrigation
   system.
b) Provide written certification that:
   i) The landscaping and irrigation system were installed in conformance with the
      approved Landscape and Irrigation Plans.
   ii) The landscaping has been installed in accordance with the CCWD Water
       Conservation Guidelines or the Model Water Efficient Landscape Ordinance.
   iii) An irrigation audit was performed and deficiencies were listed which will be
       corrected within 30 days.
   iv) There will be a minimum 60-day maintenance period for all landscape
       improvements.
c) Provide a signed letter of compliance with the final construction documents stating that
   the Landscape Architect has met all State and City requirements. *(PLNG)*

26. Any vegetation damaged or destroyed by construction activities shall be replaced with like or
comparable plant materials, and if damage occurs off-site, the replacement plants shall be
approved by the property owner and the Planning Division, prior to occupancy approval.
*(PLNG)*

27. Fences and walls shall be a maximum height of three feet in required front yards and sight
visibility triangles, and a maximum height of six feet on side and rear property lines. Fences
off-set twenty four inches or greater from retaining walls shall be considered as separate
structures. *(PLNG) CMC*
28. Add a bio-retention area cross-section to the landscape plan showing all plant species within the basin. *(PLNG)*

29. Offset the privacy fences along the side and front of the lots to ensure that windows are not blocked and there is a variation in their location. *(PLNG)*

30. The bio-retention area slope shall be revised to a 2.3:1 or gentler gradient and a decorative wall shall be provided to protect the entrance ramp to the basin.

**TREE PRESERVATION**

31. All existing trees within the project boundaries shall be preserved, except for thirty five, which have been specifically designated for removal on the approved Landscape or Tree Removal plan. *(PLNG)*

32. The removal of protected trees shall be mitigated by planting 12 trees at a 3:1 ratio, unless specified otherwise in the approved arborist report. The size, species, and location of all replacement trees shall be identified on the Final Landscape plan, consistent with the Design Review approval. *(PLNG)*

33. Demolition, Grading, Utility, Landscape, and Building plans shall show all trees to be preserved, with accurate trunk location, drip line, and existing grade. The plans shall show the location and type of protective fencing, and the location of on-site construction materials storage. The protective fencing shall be installed and inspected prior to the issuance of any Demolition, Grading, or Building Permit. *(PLNG, ENGR, BLDG, PARKS)*

34. Prior to demolition, site preparation, grading, or construction activity on a site with trees to be preserved, the following measures from CMC Chapter 18.310 “Tree Preservation and Protection”, shall be required:

a) All trees to be preserved shall be clearly indicated on the Grading, Utility, Civil Site, and Landscape Plans.

b) A temporary six foot fence shall be installed around the drip line of the trees, prior to on-site activity such as grading and construction activities. Prior to grading or construction, the City shall inspect and approve the placement of the fencing.

c) No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the drip line of any tree to be saved, until a report prepared by a certified Arborist has been submitted to and approved by the City, providing specific guidelines for each case.

d) No construction waste, either liquid or solid or other substance (oil, gasoline, chemicals, or other harmful materials) shall be deposited, disposed of, or stored, within the drip line or within an area near the tree, which could enter into the root system of the tree.

e) Wires, signs, ropes, pulleys, etc., shall not be attached to any tree. *(PLNG, PARKS)*

**LIGHTING**
35. Show all exterior lighting including: building fixtures, walkway lighting, parking lot lighting, and street lights on the Site, Utility, Landscape, and Building plans, prior to the issuance of any permits. The height and style of fixtures shall be shown. Energy-saving fixtures shall be used and noted on the plans. (PLNG, ENGR, BLDG)

36. All exterior building and parking lot lighting shall provide illumination for safety and shall be installed in a manner that is glare shielded and directed away from adjacent properties and right-of-ways. (PLNG)

37. Submit a Photometric plan for review and approval, showing the location of all light sources, streetlight spacing, intensity of luminance, and uniformity ratio, in accordance with the City’s specifications, with the Improvement, Utility, or Building Plans, whichever comes first. The photometric analysis shall be reviewed by Engineering Services for the determination of streetlight spacing. (ENGR, TRANS, BLDG, PD)

SIGNAGE

38. All signage shall comply with CMC Chapter 18.180 “Signs”. (PLNG) CMC

39. One sign denoting the architect, engineer, or contractor associated with the project may be permitted on site. The maximum sign area shall be 12 sq. ft. within single family districts and 40 sq. ft. for other districts, of which 32 sq. ft. may be for the general contractor. These signs shall be removed upon occupancy approval. (PLNG) CMC

PARKING

40. One-car garages shall be a minimum of 10 feet wide by 22 feet deep with a nine-foot door opening. Two-car garages shall be a minimum of 20 feet wide by 22 feet deep with a 16-foot door opening. No interior door shall open into a garage space unless the door will open fully without encroaching into the above specified areas. (PLNG) CMC

41. Parking shall comply with CMC Chapter 18.160 “Parking, Loading, and Access”, including motorcycle and bicycle parking spaces, drive aisle and parking space dimensions, turning radii, back-out dimensions, driveway clearances, landscape median dimensions, and other relevant information. (ENGR, PLNG) CMC

STREET IMPROVEMENTS

42. Construct improvements along the frontage on Myrtle Drive including but not limited to: driveway removal; pavement replacement one feet wide measured perpendicular from edge of pavement; pavement widening; concrete valley gutter; wheel chair ramps; construction of concrete curb, gutter and sidewalk; ADA compliant concrete driveway approach; storm drainage system; conforms to existing improvements; and repair/replacement of deficient frontage improvements as determined by the City Engineer, prior to occupancy approval or Acceptance of Improvements. (ENGR)
43. Install slurry seal on Myrtle Drive from lip of gutter to street centerline, after completion of utility undergrounding and frontage improvements, prior to the Acceptance of Improvements. *(ENGR)*

44. Any trenching for underground utilities shall comply with the modified City Standard Detail S-17 for pavement repair and possible slurry placement. *(ENGR)*

45. Construct all public facilities in accordance with the current Americans with Disabilities Act (ADA), including driveways and curb ramps. *(ENGR)*

46. Show construction details for all pedestrian paths and trails on the Improvement Plans and Final Landscape Plans. Trail crossings of streets shall have curb cuts, ramps, signs, and pavement markings as approved by Engineering Services *(and East Bay Regional Park District if required)*. *(ENGR, PARKS)*

**NOISE**

47. Noise producing site preparation and construction activities shall be limited to the days and hours as set forth below:

**Monday through Friday**  7:30 a.m. to 6:00 p.m.

Construction on Saturdays may be allowed only upon prior approval by the Building, Engineering, and Planning Divisions. No changes to these construction hours shall be allowed without the prior written consent of the City. A contact person shall be available during all construction activities in the evening and on weekends to respond to complaints and take actions necessary to reduce noise. *(BLDG, ENGR, PLNG)*

**CONSTRUCTION ACTIVITIES**

48. Contact Engineering Services to arrange for a Pre-Construction Meeting prior to issuance of Grading or Building Permits, whichever comes first. *(ENGR)*

49. Implement a dust and construction noise control plan. The plan shall be included as part of the Erosion control plan and shall be submitted to Engineering Services for review and approval prior to issuance of the Grading Permit. *(ENGR)*

50. Construction equipment shall not be serviced at the site at any time. During construction no deliveries shall be made to the site and no delivery vehicles *(including gasoline tanker trucks)* shall enter the site between 6:00 p.m. and 7:30 a.m. on weekdays, and between 5:00 p.m. and 8:00 a.m. on weekends and federal holidays. Delivery vehicles shall have their engines turned off during unloading. *(BLDG, ENGR, PLNG)*

51. Employ the quietest construction equipment available, to muffle noise from construction equipment and keep all mufflers in good working order in accordance with State law. *(BLDG, ENGR, PLNG)*

52. Implement the following measures during construction:
a) Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.

b) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and storm drains adjoining the project site. During wet weather, avoid driving vehicles off paved areas.

c) Broom sweep the public street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.

d) Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest the downstream side of the site in order to preclude any debris or dirt from flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and to prevent street flooding. Dispose of filter particles in an approved trash receptacle.

e) Create a contained and covered area on the site for the storage of bags, cement, paints, flammable, oils, fertilizers, pesticides, or any other materials used on the site that have the potential for being discharged to the storm drain system by being windblown or in the event of a material spill.

f) Never clean items such as machinery, tools, and brushes or rinse containers in a street, gutter, or storm drain.

g) Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash water into street gutters or drains. (ENGR, BLDG)

53. No equipment shall be started or staging area be established on the streets or the site before or after the specified hours of construction. (ENGR, BLDG)

54. Ensure that no debris or construction scrap material is placed on any adjoining lot, open space area, or street, and that any such material stored on an adjoining site shall be completely removed and the site cleaned, prior to occupancy approval. (ENGR, BLDG)

55. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site unless authorized for site security. (ENGR, BLDG)

56. There shall be no parking of construction equipment or construction worker’s vehicles on residential streets at any time; all vehicles shall be maintained on-site. (ENGR, BLDG)

57. Portable toilets used during construction shall be kept as far as possible from adjacent properties, public right of way and shall be emptied on a regular basis as necessary to prevent odor. (ENGR, BLDG)

58. Identify truck routes for the import or export of cut/fill material and/or construction debris for review and approval by the City Engineer prior to the issuance of permits. Repair any damage to City streets (private and public) caused by activity associated with this project. (ENGR)

59. In the event of the encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading and/or excavation shall cease, the find shall be left untouched, and the City Planning Division shall be immediately notified. The County Coroner
and the Native American Heritage Commission shall also be notified and the procedures required in CEQA §15064.5 shall be followed. This requirement shall be noted on the Grading and Building Plans, prior to issuance of permits. (PLNG, ENGR, BLDG)

60. In the above event, retain a qualified professional archaeologist certified by the Register of Professional Archaeologists or paleontologist with a degree(s) in paleontology or geology, to evaluate and make recommendations as to disposition, mitigation and/or salvage. The recommendation shall be implemented before work may proceed. The applicant shall be responsible for all costs associated with the professional investigation and implementation. (PLNG, ENGR, BLDG)

CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS

61. Submit electronic copy of Preliminary Title Report, prepared within three months prior to plan submittal. (ENGR)

62. The proposed buildings are within the 100-year Floodplain Zone X. At a minimum, comply with the City of Concord Municipal Code requirements in establishing building finished floor elevations. The Grading Plan shall be referenced to the same elevation datum as the FEMA map, and shall show the finished floor elevations of the proposed buildings, 100-year Base Flood Elevations (BFE), and building setback line per CMC. (ENGR) CMC

63. The Improvement Plans shall show frontage improvements on Myrtle Drive including but not limited to: drainage improvements, curb, gutter and sidewalk per City Standard Detail S-10, and driveway construction per City Standard Detail S-14 and repair/replacement of deficient frontage improvements as determined by the City Engineer. Any unusable existing driveway shall be replaced with standard curb, gutter, and sidewalk per S-10 above. Any trenching for utility installation shall comply with the modified City Standard Detail S-17 for pavement repair and possible slurry placement. (ENGR)

64. The Improvement Plans shall show plan and profile of all proposed street, drainage and sewer improvements and details for curb, gutter, sidewalk, and driveway construction. (ENGR)

65. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight distance, sidewalk, back up, fencing, geometrics at intersection and corner setback requirements, prior to the Acceptance of Improvements. Plans shall be subject to review and approval by Engineering Services. (ENGR)

66. Obtain an Encroachment Permit from the City prior to performing any work within the public right-of-way or public easements. (ENGR) CMC

SUBDIVISIONS/SITE DEVELOPMENT PLANS

67. The preliminary Civil Plan prepared by Millennium Planning and Engineering received by the Planning Division is not approved for construction. Submit Grading, Erosion Control, Improvement, Stormwater Pollution Prevention Plans (SWPPP), and Stormwater Control Plans prepared by a Registered Civil Engineer to Engineering Services for review and approval prior to issuance of an Encroachment Permit and Grading Permit. (ENGR)
68. The Final Map shall be prepared by a qualified Civil Engineer or Licensed Land Surveyor and shall be subject to review and approval by Engineering Services. *(ENGR)*

69. Prior to the approval of the Final Map for the first phase of development, a phasing plan for the entire project site shall be submitted and approved by staff. Each phase shall identify the building(s) contained within each phase and the site improvements that will be constructed within each phase (e.g., roadways, soundwalls, off-street parking, and landscaping) as well as the timing of the installation of the related improvements. The phasing plan shall also include plotting of all units, specifying unit type, or model for each lot, building envelopes, or setbacks, and shall be consistent with the City-approved plans. *(ENGR, BLDG, PLNG)*

70. If building occupancy occurs in phases, all physical improvements shall be in place prior to occupancy per an approved phasing plan. No individual unit/house shall be occupied until the adjoining area is made safe, accessible, provided with all reasonable services and amenities, and completely separated from any remaining construction-related activity. *(BLDG, PLNG, ENGR)*

71. Approved street names shall be shown on the Final Map prior to recordation of the map. *(ENGR, PLNG)*

72. Three copies of project Covenants, Codes and Restrictions (CC&Rs) shall be submitted with the Grading and Improvement Plans and Final Map, for review and approval. The CC&Rs shall include the following provisions and shall be recorded with the Final Map:

   a) A Homeowners Association (HOA), shall be formed and shall be responsible in perpetuity, for the maintenance, repair, and replacement of:
      i) All parcels held in common, open space and common area improvements including building exteriors, driveways, the private street, access easements, pedestrian paths and walkways, landscaping, irrigation systems, fencing, retaining walls, soundwalls, signage, trash and recycling areas and utilities.
      ii) All landscaping and irrigation equipment on-site and within the public right-of-way.
      iii) All permanent stormwater management facilities included in the approved Stormwater Control Plan and the approved Stormwater Control Operations and Maintenance Plan.

   b) Contain a statement that in the event these areas or facilities are not properly maintained, repaired or replaced according to the approved plans, each property owner shall be responsible for their proportionate share of these costs, secured by a lien on the property in favor of the HOA, in accordance with the HOA procedures.

   c) Provide reciprocal easements over all common parcels for maintenance purposes.

   d) The HOA shall be responsible for enforcing the CC&Rs and providing written notice of any violation to the property owners.

   e) The HOA shall provide the Planning Division with the name, address and phone number of the current HOA representative. *(PLNG, ENGR, CA)*

   f) Contain a statement that any revisions to the approved architectural or landscape plans shall be reviewed and approved by the City of Concord Design Review Board.
73. Submit a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. A licensed geologist must prepare an evaluation and written report. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet). (ENGR)

74. Submit a Geotechnical Report with the Grading Plans and Building Plans, pursuant to CMC Chapter 16.10 that addresses and provides recommendations for grading, drainage, walls, building foundations, and pavement structural sections. (ENGR)

75. All grading shall require a Grading and Drainage Plan prepared by a registered Civil Engineer, a Soils Report prepared by a registered Geotechnical Engineer and receipt of a Grading Permit approved by the City Engineer. The Grading Plans and Soils Report shall require review by the City's Geotechnical consultant with all costs to be borne by the applicant. (ENGR)

76. Contour grading techniques shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements. All cut-and-fill slopes in excess of five feet in height shall be rounded both horizontally and vertically. (ENGR)

77. Grading on adjacent properties shall require written approval from the affected property owners. (ENGR)

78. On-site finish grading work shall require drainage to be directed away from all building foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. (ENGR)

79. The project engineer shall inspect the finished grading and certify that it conforms to the compaction and elevations shown on the Grading Plan and Soils Report. (ENGR) CMC

80. At all times seasonally appropriate erosion control measures shall be implemented per plans approved by the City Engineer for all grading work at all times. Wet season measures shall be in place October through April at a minimum and when rain is otherwise predicted. At the time of approval of the Improvement and/or Grading Plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer. (ENGR)

81. All graded slopes and stockpiles of loose soil shall be hydromulched/hydroseeded by October of any given year. During grading work between October and April, if rain is forecast, stop all grading work two days before the rain forecast and implement BMPs to insure that the site is protected from erosion. (ENGR)

82. Submit Grading, Erosion Control, Improvement, Stormwater Pollution Prevention Plan (SWPPP), and Stormwater Control Plans to Engineering Services for review and approval prior to the issuance of Grading, Encroachment, and Building Permits. Where applicable,
evidence of compliance with the State General Construction Permit shall be provided. (ENGR) CMC

83. Comply with the applicable provisions of the Grading Ordinance and the Storm Water Management and Discharge Control Ordinance. (ENGR) CMC

84. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight distance, sidewalk, back up, fencing, geometrics at intersection, and corner setback requirements, prior to the acceptance of improvements. Plans shall be subject to review and approval by Engineering Services. (ENGR) CMC

85. Improve interior private streets, (name each street) in accordance with the City of Concord standards. (ENGR) CMC

86. Designate the private streets as a required fire access lane thereby prohibiting parking on both sides of the street at all times. Signs and/or curb striping shall be installed according to the regulations established by the Contra Costa County Fire Protection District, the Concord Police Department, and Engineering Services. The signs shall include, the Police Department telephone number and a notification that a citation may be issued for the violation with vehicle removal at the owner’s expense. (ENGR, CCCFPD)

UTILITIES

87. New electrical transformers shall be placed underground or screened from view. (PLNG, ENGR)

88. No above ground utility facilities/structures shall be located between the face of curb and back of sidewalk in the public right-of-way. (ENGR)

89. Dedicate to the City a 15-foot wide Storm Drain easement along Myrtle Drive over the main storm drain lines outside of the public street right-of-way for construction and maintenance purposes prior to recording of the Final Map or Building occupancy approval whichever comes first. The City will not accept maintenance of building laterals. (ENGR)

90. Install streetlights along the Myrtle Drive and Myrtle Creek private access road frontage(s). Submit streetlight plans in accordance with the City Standard Specifications showing pole type, luminaries type, conductor and wiring schedule, connection points, lamp wattage and pull box locations, at the time of submittal of improvement plans. Streetlights shall be completely installed and operational prior to occupancy approval. (ENGR)

91. All new utilities shall be constructed underground prior occupancy approval. (ENGR)

92. Comply with the City of Concord sewer design flow criteria and sewer construction requirements of the Central Contra Costa Sanitary District. (ENGR)

93. Submit to Engineering Services sanitary sewer calculations with the Improvement Plans stamped and signed by a Registered Civil Engineer for review. (ENGR)
94. Coordinate all facility adjustments, relocations, or additions to utility services with the appropriate utility companies. *(ENGR)*

95. Utility areas, electrical and gas meters shall be architecturally screened from view. *(PLNG)*

96. The location of all outdoor, above-ground and/or at-grade pad mounted transformers, utility equipment, electrical and gas meters, vaults, irrigation control boxes, back flow prevention devices, and the like shall be subject to approval by Planning and Engineering Services prior to the issuance of the Grading or Building Permit, whichever comes first. All such equipment shall be screened from view either architecturally or with landscaping and painted forest green or other approved color as approved by the Planning Division. Any changes to the approved Utility Plans, including location or screening details shall be reviewed and approved by the Planning Division. *(PLNG, ENGR)*

97. Provide cable companies a set of approved site diagrams in electronic format showing the joint trench layout for dry utilities for cable service to be provided to the site. *(ENGR)*

98. Connect all buildings to the sanitary sewer collection facilities of the City, and pay all current sewer connection and service fees prior to occupancy approval. *(ENGR, CMC)*

99. Submit proof acceptable to Engineering Services that all work within the existing (new) private waterline easement(s) are reviewed and approved by the easement owner of record. *(ENGR)*

**DRAINAGE/STORMWATER C.3 REQUIREMENTS**

100. Submit a Stormwater Control Plan (SWCP) prepared in accordance with the current Contra Costa Clean Water Program Stormwater C.3 Guidebook for review and approval by Engineering Services prior to issuance of any permit. The SWCP shall be prepared and certified by a Civil Engineer, registered in the State of California, demonstrating an understanding of the design of treatment measures for water quality and groundwater protection principles applicable to the project site. *(ENGR)*

101. Prior to issuance of permits for building, site improvements, or landscaping, applicant shall submit a permit application consistent with the applicant’s approved Stormwater Control Plan (SWCP), and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMP’s, permanent source control BMP’s, and other features that control stormwater flow and potential stormwater pollutants. The Contra Costa Clean Water Program permit application shall include a completed “Construction Plan C.3 Checklist” as described in the Stormwater C.3 Guidebook, and a detailed draft Stormwater BMP Operation and Maintenance Plan consistent with the general O&M plan included in the applicant’s approved Stormwater Control Plan. Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are in Appendix F of the Stormwater C.3 Guidebook. *(ENGR)*

102. Construct stormwater treatment measures per the approved SWCP prior to occupancy approval. *(ENGR)*
103. Submit a final Stormwater BMP Operation and Maintenance Plan (O&M Plan) in accordance with City of Concord Guidelines, for review and approval by Engineering Services, prior to occupancy approval. This O&M Plan shall incorporate City comments on the draft O&M Plan and any revisions resulting from changes made during construction. The implementation of the O&M Plan shall be the responsibility of the property owner or the HOA where one exists. (ENGR)

104. Execute any agreements identified in the SWCP which pertain to the transfer of ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs, prior to occupancy approval. (ENGR)

105. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner. (ENGR)

106. Collect and convey all stormwater entering, and/or originating from, the site to an adequate downstream drainage facility. Submit a detailed hydrologic and hydraulic study including calculations for a 100-year storm as well as a capacity study accounting for offsite sources with the Improvement Plans to Engineering Services for review and approval. (ENGR)

107. Install City of Concord “No Dumping, Drains to Creek” curb marker (English and Spanish version) on all catch basins. (ENGR)

108. Sweep or vacuum the private road a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually. If sidewalks and/or the parking lot are pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the Central Contra Costa Sanitary District. (ENGR)

109. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered. (ENGR)

110. Clean all on-site stormdrain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by the City Engineer/Director of Building Inspection. (ENGR, BLDG)

SOLID WASTE/RECYCLING

111. Comply with CMC Chapter 8.20, Solid Waste, Article III, Construction and Demolition (C&D) Waste Recycling, Sections 8.20.330 through 8.20.450, as applicable. (BLDG)

AGreements, FEES, BONDS
112. All fees noted below are the fees currently in effect as of April 25, 2017 per the Resolution of Fees and Charges. The fees and charges are reviewed annually as part of the budget public hearing process. Fee adjustments are based on a number of factors and vary depending on the type of fee:

**Service-based fees** are adjusted annually based on the San Francisco-San Jose-Oakland Area Consumer Price Index;

**Improvement based fees** (also called impact fees) are adjusted annually based on Engineering News Record Construction Cost Index (San Francisco Bay Area); and the

113. Provide a ($3,000) cash deposit to the Planning Division to cover Condition Compliance, at the time of submittal of plans and documents to Engineering Services or the Building Division for plan check. Planning staff’s time will be charged to this deposit for work performed to implement the Conditions of Approval, from the time of project approval to occupancy approval. The deposit will be placed in a refundable account and any unused funds will be returned upon completion. If the initial deposit is insufficient to cover actual costs, an additional deposit will be required. *(PLNG)*

114. Pay a Document Imaging fee to reimburse the City for implementation of the Document Imaging and File Retention programs, prior to issuance of Grading or Building Permits. *(PLNG)*

115. Enter into a Maintenance Agreement acceptable to the City prior to the approval of the Final Map, agreeing to provide for proper maintenance of the private street, storm drain outside of the public street right of way, street lights and other privately maintained improvements pursuant to CMC Section 18.160 “Streets”. *(ENGR)*

116. Enter into a Subdivision Agreement with the City agreeing to construct and complete all improvements necessary to service the subdivision. The Agreement shall be executed and submitted to the City prior to approval of the Final Map. As part of the Agreement, provide securities acceptable to the City, guaranteeing construction of the required improvements. *(ENGR)*

117. All improvement agreements required in connection with said plans shall be submitted to and approved by the City and other agencies having jurisdiction over said project prior to approval of the Final Map or issuance of the Building or Grading Permit, whichever comes first. *(ENGR)*

118. All required faithful performance bonds and labor materials bonds in a penal amount equal to 100 percent of the approved estimates of construction costs of improvements shall be submitted to and approved by the City and other agencies having jurisdiction prior to approval of the Final Map or issuance of the Building or Grading Permit, whichever comes first. *(ENGR)*

119. Site Development Permit Application:
a) Pay the current Filing Fee at the time of submittal of permit application, improvement plans and supporting documents to City Engineering Services for review.

b) Provide a restoration security before issuance of the Encroachment Permit. The security shall be in an amount sufficient to restore existing public improvements to a serviceable condition should development improvement activity cause damage. The amount of the security shall be determined by, and be in a form acceptable to the City Engineer.

c) Provide a $10,000 cash deposit to cover Condition Compliance/Mitigation Monitoring costs at the time of submittal of plans and documents to Engineering Services for review. The deposit will be placed in a refundable account. Condition Compliance/Mitigation Monitoring costs will be charged to this deposit over the life of the project permit and mitigation requirements. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required. (ENGR)

d) Pay Grading Fees at submittal of a Permit application. The current fee is determined based on cubic yardage of cut and fill combined.

e) Provide a $10,000 cash deposit for Erosion Control prior to issuance of Grading Permit. The deposit will be placed in a refundable account. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required.

f) Pay the current Stockpile and Erosion Control Monitoring fee prior to issuance of Grading Permit. (ENGR)

120. Final Map Application:

a) Pay the current Final Map review fee at the time of submittal of Final Map documents to Engineering Services for review. Current fee is estimated to be $5,121.00 plus $256.00 per lot.

b) Pay the current Final Map filing fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $2,561.00.

c) Pay the current Improvement Plan review fee at the time of submittal of Improvement Plans and supporting documents to Engineering Services for review. The fee includes initial submission and two revisions and is estimated based on the construction cost estimate.

d) Pay the Construction Inspection fee prior to issuance of the Construction Permits or scheduling the Subdivision Agreement for consideration by the City. The current fee is based is based on the estimated cost of constructing the required improvements to support the subdivision.

e) Pay the Drainage Acreage Fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $0.78/S.F. (Drainage Area 33B).

f) Pay the Parkland Fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $16,961.00 per living unit for Low Density Designation.
g) Submit a fully executed Subdivision Agreement and provide all necessary bonds, securities, and insurance required in the Agreement prior to the time the Final Map is scheduled for consideration by the City Council.

h) Pay new street monument fee of $284.00 per monument, prior to approval of the Final Map.

i) Pay the current subdivision fee at the time of submittal of map and supporting documents to engineering services. The current fee is $7,966.00.

j) Pay acceptance of improvements and dedications fee of $2,049.00 prior to scheduling items for action by City Council.

k) Provide a $500 deposit for archiving permanent records prior to approval of the Final Map. Actual fees will be charged following completion of work.

l) Provide a $5,000 deposit for specialty inspections prior to approval of the Final Map. (ENGR)

121. Sewer Connection Permit:

a) Pay Sanitary Sewer connection fee. The current sewer connection fee is $5,043.00 per single-family dwelling unit and shall be paid prior to approval of the Final Map.

b) Pay the current sewer service fee prior to approval of the Final Map. The current fee is $547 per year and is pro-rated by the month that connection is made. (ENGR)

122. Pay Offsite Street Improvement Program (OSIP) fee less possible fee credit. The OSIP fee shall be the fee in effect at the time of approval of the Final Map. The current OSIP Fee is $3,251.00 per single-family dwelling unit and shall be paid prior to Acceptance of the Final Map. (ENGR)

OTHER/MISCELLANEOUS

123. Contact local postal authorities to get their requirements for mail facilities for the project. The design and location of mail receptacles shall be reviewed and approved by the Planning Division and shown on the Utility, Landscape, and Building Plans, prior to issuance of Grading or Building Permits, whichever comes first. Mail facilities shall be installed prior to occupancy approval. (PLNG)

124. Submit a written request for new street names with a site plan showing their location to the Planning Division for review and approval, at the time of submittal of Improvement Plans and Final Map. Include a list of alternatives for each name, as some names may not be acceptable. (PLNG)

125. Comply with the requirements of the Contra Costa County Health Department for the abandonment of existing septic tanks or wells. (ENGR) CMC

126. Comply with the requirements of the Contra Costa County Fire Protection District. Submit complete sets of plans and specifications to the Fire District for review and approval at:

Contra Costa County Fire Protection District
2010 Geary Road
Plan review fees are assessed at that time. The City is not responsible for the collection of fees or enforcement of requirements imposed by the Fire District. *(CCCFPD)*

127. The applicant shall defend, (with counsel approved by City), indemnify and hold harmless the City, any agency or instrumentality thereof, and its/their respective agents, officers, officials, volunteers, and employees from and against any and all administrative and/or legal claims, actions or proceedings to attack, set aside, void, or annul approval of the project, including without limitation, any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods (“Challenge”), with the exception of a Challenge arising out of the City’s sole negligence or willful misconduct. The City shall have the right to pre-approve any material decision involved in defending any such Challenge, including settlement, and may (but is not obligated to) participate in the defense of any Challenge. If applicant does not promptly defend any Challenge, City may (but is not obligated to) defend such Challenge as City, in its sole discretion, determines appropriate, all at applicant’s sole cost and expense. The applicant shall bear any and all losses, damages, injuries, liabilities, costs, and expenses (including, without limitation, staff time and in-house attorney’s fees on a fully-loaded basis, attorney’s fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge (“Costs”), whether incurred by Developer, City, or awarded to any third party, and shall pay to the City upon demand any Costs incurred by the City. No modification of the project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant’s indemnity obligation. Pursuant to Government Code Section 66474.9, the applicant’s indemnification obligation with respect to any claim, action or proceeding to attack, set aside, void, or annul an approval of City concerning a subdivision (tentative, parcel, or final map application or approval) shall be limited to actions brought within the time period provided for in Government Code Section 66499.37, unless such time period is extended for any reason. The City shall promptly notify applicant of any Challenge, and shall cooperate fully in the defense. *(CA)*

128. The permit and approval shall expire in two year(s) from the date on which they became effective unless construction permits are obtained and work has begun. All permits approved concurrently with a Tentative Map shall be valid for the life of the map. The effective date of the permit and approval is **July 31, 2018.** *(PLNG)*

129. A request for a time extension from the expiration date of **July 31, 2020** can be considered if an application with required fee is filed at least 10 days before the original expiration date, otherwise a new application is required. A public hearing will be required for all extension applications, except those involving only Design Review. Extensions are not automatically approved. Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require, or permit denial. *(PLNG)*
June 4, 2019

Concord Planning Commission
1950 Parkside Drive
Concord, CA 94519

RE: Myrtle Creek Estates – 5019 Myrtle Drive (PL17482 – TM, DR, RT)
Request for clarification and modification to Condition of Approval

To: Planning Commissioners

On behalf of Cyrus Land Investments, LLC, I submit this Request for Clarification and Modification to the Conditions of Approval for the Myrtle Creek Estates project at 5019 Myrtle Drive (PL17482 – TM, DR, RT).

On July 18, 2018, the Planning Commission adopted a resolution approving the Myrtle Creek Estates subdivision tentative map and design review for a seven lot residential subdivision at 5019 Myrtle Drive through Resolution No. 18-09 PC. As the project has been undergoing additional review by the City over the last year in preparation for approval of the final Grading & Improvement Plans and Final Map, a series of inconsistencies between the City's approval documents have been discovered.

Accordingly we are requesting that the Planning Commission do the following:

1) clarify the record to reconcile the inconsistencies; and
2) modify the Condition of Approval requiring establishment of a Homeowners Association (HOA).

Section 18.505.030 of the Concord Municipal Code permits changes to an approved project, so long as any major changes are considered by the review authority for the original permit.

Inconsistencies in Project Approval Documents

Based on approval documents from the City, including Resolution No. 18-09 PC and the Tentative Map, Myrtle Court is to be a public access road following a street dedication. The adopted Resolution repeatedly, on nine separate instances, referred to the proposed entry road into the seven lot subdivision as a "public access road" (see Sections 6, 12, 13, 22(a), 22(d), 22(g), 23(i),
24, and 27 – highlighted in Attachment 1). Additionally, the Tentative Map approved as part of the Planning Commission’s July 18, 2018 action contained a notation that there was to be a "ROW offer for dedication" on Lot A (Myrtle Court) (see Attachment 2) further suggesting Myrtle Court was intended to be a public access road.

Furthermore, the adopted Resolution provided special consideration to the modification of current subdivision design standards relative to the City’s typical 60-foot neighborhood and residential model roadway sections for this project. Sections 15 and 17 of the resolution allow for this roadway to be constructed at a substandard right-of-way width of 42 feet. A 42-foot right-of-way is consistent with that of projects in adjacent neighborhoods, all of which have been dedicated to the City as public right-of-way.

There are four streets in the immediate project vicinity that have 42-foot right of way sections that were previously approved and dedicated to the City as public roads. The following are examples of those nearby streets with dedicated 42-foot right-of-way sections:

- Off of Myrtle Drive:
  - Spring Ridge Unit 1 (Subdivision 7088)
  - Oakridge Court
  - Springridge Court
  - Shadywood Court
- Off of Laurel Drive:
  - Kings Ridge IV (Subdivision 7787)
  - Renee Way

On April 16, 2019, the City's Engineering Division asked us to "revise plans to show the new Myrtle Court cul-de-sac as a Private Street." This request did not match our understanding of the project, nor the wording of the adopted Resolution or the notation on the Tentative Map. Based on these approvals, we believed, upon taking over this project following entitlements obtained by another developer, that the new Myrtle Court cul-de-sac was to be a public access road.

Given the above described inconsistencies, we are requesting that the Planning Commission clarify and confirm that the Myrtle Court cul-de-sac is to be a public right-of-way upon dedication to the City.

Modification to Condition of Approval

We are also seeking a modification to Condition of Approval #72, which required formation of an HOA. Based on condition #72, as well as #115, we understand the City's intention for establishment of an HOA to be primarily for the maintenance of the roadway leading to the cul-de-sac and its surrounding areas. Given that the roadway leading to Myrtle Court is to be a public access road, the primary justification for forming an HOA is no longer necessary.

With respect to the remainder of Condition of Approval #72 relating to the stormwater management facility, landscaping, pedestrian paths and walkways, irrigation systems, signage etc, those can be handled pursuant to a Shared Maintenance Agreement which is less cumbersome to
homeowners than an HOA. A previous email exchange between Mr. Marstall, Ms. Susan Brown and myself suggested that Staff would advocate for a Shared Maintenance Agreement as all lots would be collectively responsible for maintenance, replacement and repair of the stormwater basin located on lot 7.

We have successfully created and used Shared Maintenance Agreements for a similar purpose at a prior subdivision in the City of Concord – Harvest Glen (Subdivision MS 401-02). We are confident that such an arrangement would be both effective and appropriate in ensuring proper maintenance of the agreed-upon areas within Myrtle Creek Estates.

**Conclusion**

Given the above, and the authority for the Planning Commission to make modifications to approved projects under Section 18.505.030 of the Municipal Code, we respectfully ask that the Planning Commission accept our request for the following:

(a) confirm the Myrtle Court cul-de-sac and entry roadway is to be a public access road that will be dedicated to the City, and

(b) modify the Condition of Approval requiring establishment of an HOA, and instead require establishment of a Shared Maintenance Agreement between all lots for the obligations of Condition of Approval #72.

I am available if you have any questions.

*Sincerely,*

[Signature]

Jackie Seeno
June 12, 2019

Loma Villa
Planning Division
City of Concord
1950 Parkside Drive
Concord, CA 94519

RE: Myrtle Creek Estates – 5019 Myrtle Drive (PL17482 – TM, DR, RT)
Request to modify Tree Removal Permit PL17482-RT

Ms. Villa,

This brief letter present a request by Cyrus Land Investments, LLC (Cyrus Land Investments) to modify the Tree Removal Permit PL17482-RT related to the Myrtle Creek Estates project at 5019 Myrtle Drive, Concord, California.

On July 18, 2018, the Planning Commission adopted a resolution approving the Myrtle Creek Estates subdivision which included Tree Removal Permit PL17482-RT. At that time, assumed requirements for tree removal associated with the Myrtle Creek Estates project were based in part on information contained within the tentative map documentation prepared by Millenium Planning & Engineering dated May 2018 and the Consulting Arborist Report prepared by Abacus Consulting Arborists dated June 20, 2017 (Abacus Report). In summary, the Abacus Report recommended removal of approximately thirty-five (35) City of Concord listed non-exempt trees in conflict with the proposed improvements including four (4) trees considered as protected under City guidelines.

On March 25, 2019, Cyrus Land Investments submitted the first set of Grading & Improvement Plans to the City of Concord for review along with an updated arborist report entitled “Design Level Arborist Report for Myrtle Drive & Ayers Road, Concord” completed by Treverso Tree Service dated March 18, 2019 (Design Level Arborist Report) a copy of which is attached. The Design level Arborist Report identified several discrepancies contained within the Abacus Report. Per the Design Level Arborist Report, a total of approximately ninety-four (94) City of Concord listed non-exempt trees are in conflict with the proposed improvements and will need to be removed to accommodate the proposed project of which ten (10) are considered protected under City guidelines. Cyrus Land Investments understands that as a part of the tree removal permit, the City requires replacement of protected trees at a ratio of three new trees for every protected tree removed. The project landscape plans, currently under review, include a total of forty-two (42)
eligible replacement trees, twelve (12) more than required per City requirements. Accordingly, Cyrus Land Investments requests modification to the project Tree Removal Permit to accommodate the more closely defined needs of the project.

I trust this is the information you require for consideration of the request by Cyrus Land Investments for modification to Tree Removal Permit PL 17482-RT per the Design Level Arborist Report recommendations. Should you have any questions or require additional information, please call.

Sincerely,

[Signature]

Brian S. Kesler
Project Manager
Cyrus Land Investments, LLC

attachment
REPORT TO PLANNING COMMISSION

DATE: July 18, 2018

SUBJECT: MYRTLE CREEK ESTATES SUBDIVISION - DESIGN REVIEW AND TENTATIVE MAP, (PL17482 - DR, TM, RT)


CEQA: Categorically exempt under CEQA Guidelines Section 15332 “In-Fill Development Projects”

I. Introduction

A. Application Request

Application for a Tentative Map and Design Review, and Tree Removal for a seven-lot subdivision on a 3.6-acre lot.

B. Location

The project site is located at the northeast corner of Myrtle Drive and Ayers Road at 5019 Myrtle Drive; APN 117-050-008.

C. Applicant

Millennium Planning & Engineering
Robert Wood
471 Sutton Way, Suite 210
Grass Valley, CA 95945

Owners
Joseph and Antony Loyola, Co-Trustees
124 Shear Peak Avenue
Henderson, Nevada 89002
II. **Background**

On October 16, 2017, the Planning Division received an application for a Tentative Map, Design Review, and Tree Removal for Myrtle Creek Estates, a seven-lot residential subdivision proposed on a 3.6-acre site located at 5019 Myrtle Drive.

On October 31, 2017, the Development Advisory Committee (DAC), which is comprised of staff from various City Departments and other agencies, reviewed the development application. Based on the City's submittal requirements, the DAC members deemed the application incomplete.

On November 13, 2017, staff and the applicant conducted a neighborhood meeting. Eight neighbors attended the meeting who voiced concerns related to drainage along Ayers Road, school traffic, tree removal, finished grades for the homes, and retention of a private access easement in the northeast portion of the site along Holly Drive.

On January 23, 2018, the applicant submitted revised plans in response to staff's incomplete letter. The DAC reviewed the revised plans and deemed the application incomplete on February 23, 2018.

On March 22, 2018, the Design Review Board (DRB) conducted a preliminary review of the Myrtle Creek Estates Subdivision. The Board provided the applicant with comments regarding the Lot 4 flag lot driveway, breaking up the board and batten siding with smaller width sections, wrapping of the board and batten siding from the front to the side elevations, showing the front yard landscaping for all lots, upsizing the trees and shrubs, showing the canopy of existing trees on the landscape plan, adding trees along Holly Drive, providing a detailed cross-section of the bio-swale, and showing the side and front fencing for Lot 4.

On April 18, 2018, the applicant submitted revised plans in response to comments received at the March 22, 2018 DRB meeting. The DAC reviewed the revised plans and deemed the application incomplete on May 16, 2018 due to further comments from the City's Engineering Division. Upon further coordination with the Engineering Division, the revised plans were deemed complete on June 5, 2018.

On June 14, 2018, the DRB reviewed the revised site plan and architecture and recommended design approval with conditions.

III. **General Information**

A. **General Plan**

The General Plan designation is Rural Residential.

B. **Zoning**

The site is zoned RR 20 (Rural Residential, minimum lot size 20,000 sq. ft.).
C. CEQA Status

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15332 “In-Fill Development Projects,” the project is classified as a Class 32 Categorical Exemption, as the project is 1) consistent with the City’s General Plan and zoning; 2) occurs within city limits on a project site no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered, rare or threatened species; 4) there will be no significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services.

In addition, none of the exceptions to the categorical exemption apply under Section 15300.2, as there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, and the proposed site is not located on a scenic highway, hazardous waste site or near a historical resource. Therefore, no further environmental review is required.

D. Site Description

The project site is an irregular-shaped parcel that is approximately 3.6 acres in size. The site is located at the northeast corner of Myrtle Drive and Ayers Road. The project site is bounded on the north and west by Holly Drive and residential development, to the east by a residential neighborhood, and to the south by Myrtle Drive and Ayers Elementary School. The site is vacant; however, a large area containing an old asphalt driveway and remnants of structural foundations is located in the western part of the parcel. The subject property is relatively level with one small unimproved drainage that runs along the southern edge of the property along Myrtle Drive that drains toward the east. Existing on-site landscaping is characterized by 120 trees, 15 of which qualify as protected status and include Valley oak, California black walnut, and Kaffir Plum specimens.

E. Surrounding Land Use

The site is surrounded by the following uses:

<table>
<thead>
<tr>
<th>North and West</th>
<th>Land Use</th>
<th>General Plan Designation</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single-family residential</td>
<td>Rural Residential</td>
<td>RR-20</td>
</tr>
<tr>
<td>East</td>
<td>Single-family residential</td>
<td>Low Density Residential</td>
<td>RS-12</td>
</tr>
<tr>
<td>South</td>
<td>Ayers Elementary School</td>
<td>Public/Quasi-Public</td>
<td>Public/Quasi Public (PQP)</td>
</tr>
</tbody>
</table>

IV. Project Description & Analysis

A. General Plan
The General Plan designates the site as Rural Residential, which is intended for very low density residential at densities less than 2.5 units per net acre. The 3.6-acre project proposes a subdivision consisting of seven parcels for new single-family homes. The project will have a density of 1.9 dwelling units per acre. The project is consistent with General Plan policies related to residential development, as discussed below.

1) Support land use decisions that reinforce and capitalize on neighborhood strengths and benefit neighborhood identity and scale. (Policy LU-1.1.1)

The project reinforces neighborhood identity and strengths by proposing building designs and materials that are consistent with the neighborhood and architecture that mitigates the mass of the two-story homes with setbacks, varied roof designs, and careful use of landscaping to blend with the surrounding neighborhood. The development standards for the RR-20 zoning district regulate the size and scale of residential developments through restrictions on building height and lot coverage. The project complies with the 30 foot building height limitation and 25 percent lot coverage established in the district and is thus consistent with the General Plan and appropriate for the neighborhood.

2) Require new development in residential areas to preserve and enhance positive neighborhood characteristics. (Policy LU-1.1.2)

The project preserves and enhances neighborhood characteristics by creating lots that meet the minimum size allowed by zoning (20,000 square foot minimum, preserving the existing pattern of home massing adjacent Ayers Road and Holly Drive, and by designing homes determined by the DRB to be compatible with the neighborhood.

3) Require all new development to locate structures to accommodate ultimate street widths and required setbacks, provide adequate right-of-way, and construct ultimate on and off-site improvements. (Policies T-1.1.6 and T-1.1.7)

A 32-foot wide private access road is proposed with curb and gutter improvements designed to meet public road standards, three parking spaces, and a sidewalk on both sides of the street. The project also proposes improvements to the street frontage of Myrtle Drive by installing curb, gutter, and sidewalk improvements to better serve uses along this street such as the Ayers Elementary School.

**B. Zoning Consistency**

As conditioned, the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Development Code and the Concord Municipal Code (CMC). The proposed use is classified as Single-Family, Detached, which is a permitted use in the RR-20 (Rural Residential; 20,000 square foot minimum lot size) Zoning District. The project meets the standards for lot area, lot coverage, setbacks, and building height of RR-20 zoning, satisfies applicable requirements under Development Code, General Development Standards, and complies with all other applicable provisions of the Development Code and Concord Municipal Code as described below.
C. Development Regulations

The project meets standards for lot area, lot coverage, setbacks, and building of RR-20 zoning (as noted in the table below), and all applicable requirements under the Development Code, Development Standards.

<table>
<thead>
<tr>
<th>Standards</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (minimum)</td>
<td>20,000</td>
<td>20,002 – 25,961</td>
</tr>
<tr>
<td>Density (net)</td>
<td>0-2.5 du/net acre</td>
<td>1.9 du/net acre</td>
</tr>
<tr>
<td>Lot width (minimum)</td>
<td>100 ft.</td>
<td>100 ft. – 140 ft.</td>
</tr>
<tr>
<td>Lot Depth (minimum)</td>
<td>100 ft.</td>
<td>130 ft. – 200 ft.</td>
</tr>
<tr>
<td>Setbacks (minimum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard</td>
<td>25 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Side yard</td>
<td>10 and 25 ft. (aggregate)</td>
<td>10 ft. – 40 ft.</td>
</tr>
<tr>
<td>Corner Side yard</td>
<td>15 ft.</td>
<td>27 ft.</td>
</tr>
<tr>
<td>Rear yard</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Building Height (max.)</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>2 spaces, one of which must be covered</td>
<td>2 garage spaces minimum</td>
</tr>
</tbody>
</table>

D. Site Planning/Circulation/Parking

A new 32-foot wide private road with a cul-de-sac is proposed on the southern side of the site to provide shared access to all seven lots from Myrtle Drive. Up to three parking spaces will be provided along the sides of the access road and cul-de-sac, with additional parking spaces on Myrtle Drive. A new sidewalk is proposed on both sides of the access road as well as the south side of the project site along Myrtle Drive to provide pedestrian access to Ayers Road to the west and residential properties to the east.

Staff finds the site plan practical and responsive to neighborhood constraints and opportunities. The site plan will orient the homes toward the proposed private access road with rear yards oriented to adjacent rear yards similar to existing subdivisions in the neighborhood. The proposed homes and yards are situated to reduce impacts on the privacy of neighboring properties.

E. Tentative Map

Pursuant to Concord Municipal Code Section 17.10.030(a), the Planning Commission is responsible for considering tentative maps for all major subdivisions (i.e., subdivisions of five or more parcels) and for making the findings pursuant to Section 17.10.080 and listed below to approve the major subdivision tentative map.

Staff analysis on how the project meets each finding is provided.
1) The proposed map is consistent with the general plan, any applicable specific plan, any policy or guideline implementing the general plan, the Development Code, and all other applicable provisions of the Municipal Code.

The project falls within the density allowed under the General Plan’s Rural Residential designation and is consistent with policies related to residential development as explained in Section IV-A above.

2) The site is physically suitable for the proposed type and density of development.

The project meets standards for lot area, lot coverage, setbacks, and building height of RR-20 zoning, and all applicable requirements under Development Code, Article IV, Development Standards.

3) The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The proposed project would not have a substantial adverse effect on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service (USFWS) because no species within these categories have a potential to occur on the project site.

4) The design of the subdivision or the type of improvements will not cause serious public health problems.

The design of the subdivision and its related improvements are typical of residential development and are not deemed a threat to human health or the environment.

5) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The city may approve a tentative map if it finds that alternative easements for access will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This finding applies only to easements of record or to easements established by judgment of a court of competent jurisdiction.

The proposed subdivision will not conflict with easements acquired by the public at large for access through or use of the property. The proposed subdivision includes a right-of-way dedication along the Myrtle Drive frontage for the proposed sidewalk extension, curbs and gutters, and new landscaping. A separate private access road with a cul-de-sac and related drainage, and utility easement are proposed to serve the subdivision and will not conflict with any existing city easements.

6) The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accordance with Government Code Section 66473.
The project provides for passive and natural heating to the extent possible given the configuration of the site and the need to orient homes toward the private access road, and because the side and rear of each home will be exposed to the south as recommended by the Subdivision Map Act.

7) Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Government Code Section 66473.7.

This finding does not apply because the project will not result in more than 500 dwelling units.

F. Building Architecture

Three architectural plans are proposed as follows:

**Plan 1 (Lots 3 and 5)** is a two-story plan with approximately 3,139 sq. ft. of living space including five bedrooms, three and-a-half baths, and three-car garage. The architecture features a combination of smooth board and batten and eight-inch smooth lap siding with trim panel accents at the gables.

**Plan 2 (Lots 2 and 6)** is a one-story plan with approximately 3,027 sq. ft. of floor area providing four bedrooms, four baths, study, and two-car garage. The architecture features four-inch smooth lap and shingle siding with decorative stone at the wall and column bases.

**Plan 3 A and B (Lots 1, 4, and 7)** is a two-story plan with approximately 3,221 sq. ft. of floor area providing five bedrooms, four baths, study and three-car garage that includes one tandem parking space. Two different elevations (Plans A and B) and color/material schemes are provided for both plans. Each plan includes four-inch smooth lap siding with smooth board and batten accents at the gables. Plan A will have darker gray tone colors, a low wood fence in front porch entry area and a sloping roof above the garage. Plan B will feature lighter white based colors and will include a gable roof above the garage and an open front porch entry area.

Colors and materials (stone base, stucco, lap siding and board and batten) will be varied to differentiate the homes.

<table>
<thead>
<tr>
<th>Lot</th>
<th>Plan Number</th>
<th>Sq. Ft.</th>
<th>Stories</th>
<th>Bed/Bath</th>
<th>Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Plan 1</td>
<td>3,139 sq. ft.</td>
<td>2</td>
<td>5/3 ½</td>
<td>3 car</td>
</tr>
<tr>
<td>2</td>
<td>Plan 2</td>
<td>3,027 sq. ft.</td>
<td>2</td>
<td>4/4</td>
<td>2 car</td>
</tr>
<tr>
<td>3</td>
<td>Plan 1</td>
<td>3,139 sq. ft.</td>
<td>2</td>
<td>5/3 ½</td>
<td>3 car</td>
</tr>
<tr>
<td>4</td>
<td>Plan 3A</td>
<td>3,221 sq. ft.</td>
<td>2</td>
<td>5/4</td>
<td>3 car</td>
</tr>
<tr>
<td>5</td>
<td>Plan 1</td>
<td>3,139 sq. ft.</td>
<td>2</td>
<td>5/3 ½</td>
<td>3 car</td>
</tr>
<tr>
<td>6</td>
<td>Plan 2</td>
<td>3,027 sq. ft.</td>
<td>2</td>
<td>4/4</td>
<td>2 car</td>
</tr>
<tr>
<td>7</td>
<td>Plan 3B</td>
<td>3,221 sq. ft.</td>
<td>2</td>
<td>5/4</td>
<td>3 car</td>
</tr>
</tbody>
</table>
G. Design and Site Development Review

Pursuant to Development Code Chapter 18.415, findings are required for approval of the Design Review application. Staff analysis on how the project meets those findings is provided below with a comprehensive list included in the draft resolution attached as Exhibit A to this report.

1) The project is consistent with the General Plan.

The project is consistent with the General Plan as explained in Section IV-A above.

2) The project meets the relevant criteria in Section 18.415.080.

(a) The building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site.

The project will orient the homes toward a new private access road with a cul-de-sac to allow for surveillance of the street within the homes and properties.

(b) The proposed lighting and fixtures are designed to complement on-site buildings, are of an appropriate scale for the development, and provide adequate light for safety and security while minimizing glare.

Exterior lighting will be residential in type and character to minimize glare and improve nighttime visibility and safety for pedestrians and vehicles.

(c) All mechanical, electrical, and utility equipment is located, screened, or incorporated into the design of the buildings so as not to be visible from off-site, and screening devices are consistent with the exterior colors and materials of the buildings.

The project conditions require final details of mechanical, electrical, and utility equipment to be shown on building permit plans to ensure they are located behind fencing or screened so as not to be visible from off-site.

(d) The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, enhances the appearance and features of the project site and surrounding natural and built environment.

Design changes have been made to ensure the project is appropriate for the surrounding built environment, including its scale, massing, site plan, and exterior design. These changes, which were recommended for approval by the DRB, include the reorientation of Lots 3 and 4 to reduce the driveway length for the flag lot (Lot 4), for Plans 1B and 3A, the lap siding accents were repositioned and added at push-outs to break up large board and batt siding sections, and the board and batten siding was wrapped from front to side elevations where appropriate.
The DRB recommended approval of the project on June 14, 2018, following revisions to the project’s design to address architectural detailing and clarifying the location of proposed landscaping. Staff has included the Board’s specific recommendations as conditions of approval (Nos. 21, 32, 33, and 34). These conditions address the following issues raised at the DRB meeting: (1) add a bio-retention area cross-section to the landscape plans and show the plant species to be planted; (2) identify that the trees along Holly Drive and other common areas will be maintained by a homeowners association or similar mechanism; (3) provide offset fences along the front and side of the residential lots; (4) revise the bio-retention area slope to a 3:1 gradient and provide a decorative wall to protect the entrance to the basin; and, (5) reorient the home on Lot 5 to face the front property line and street.

3) The project is consistent with all applicable Design Guidelines adopted by the City Council that are in effect at the time of approval.

Concord’s Community Design Guidelines were adopted by the City Council in 1987. Most of the recommendations contained in the Guidelines pertain to larger commercial or multi-family developments, where the potential for differences in scale and operational compatibility between sites and uses is greater. The Guidelines also contain recommendations for single-family developments that the project complies with, as follows:

- Exterior building colors and materials consist of earth tone colors, wood, stone, and other materials that are compatible with the neighborhood;
- Homes are sited and designed with a functional relationship to the site and street, and in compliance with setbacks to provide accessible and usable yard areas;
- Front yard setbacks reinforce a spacious rural character and consistent streetscape;
- Homes are sited to minimize second story windows overlooking private yards of adjacent residences.

H. Landscaping/Walls/Fencing

The project proposes typical front yard landscaping to emphasize exterior front yard areas and the streetscape along the access drive. The proposed plant palette includes: Valley Oak and fruitless olive trees for front yard trees; and varieties of small to large shrubs, perennials, and groundcover. A unique non-irrigated hydroseed mix of grasses and perennials is proposed for bio retention area.

The canopy of all existing trees is shown on the Landscape Plan. A dense stand of trees is to remain along the drainage adjacent to a portion of Holly Drive. A total of 13 Bay Laurel trees will be planted along Holly Drive on the northern perimeter of the subdivision.
Front, rear, and side yard fencing as well as perimeter fencing is shown on the Landscape Plan for all 7 lots within the proposed subdivision. A 6-foot wood fence is proposed in all areas described above. In addition, a 42-inch tall steel guardrail would be placed between the bioswale and pedestrian sidewalk along Myrtle Drive for pedestrian safety purposes.

I. Tree Removal

On June 20, 2017, a Certified Arborist conducted a tree survey (Exhibit G) of the project site as required under Development Code Section 18.310.040. The site is surrounded by suburban/developed residential properties and the Ayers Elementary School to the south consisting of various trees and ornamental vegetation.

There are 120 trees on site of which 15 are protected trees species in accordance with City of Concord Municipal Code Section 8.401. Eleven of the 15 protected trees will be retained mainly along the perimeter of the site. The four protected tree species to be removed would be in areas where the homes and other improvements are proposed. The protected trees to remain are Black walnuts, Valley oaks, and Kaffir Plum species spread throughout the site. Replacement trees include eight Valley oaks and five olive trees to be planted along Myrtle Drive. This does not include trees to be planted in the front yards of the residences.

The Development Code requires a ratio of three replacement trees for each protected tree removed. The arborist report indicates of the four trees to be removed, one is dead, one has major problems and two have minor problems. Based on the condition of the trees to be removed, four trees would require replacement mitigation. The landscape plan proposes 12 trees which satisfies the replacement mitigation requirement.

Planning Commission approval of a Tree Removal permit is required because the applicant proposes to remove some of the Protected Trees from the site. The findings required for approving a Tree Removal permit are listed below followed by a discussion on how the project meets each finding.

1) The tree removal is consistent with the provisions of Development Code Chapter 18.310, Tree Preservation and Protection, and will not be detrimental to the public health, safety or welfare.

The project would provide 12 replacement trees, or a ratio of 3 replacement trees for each Protected Tree to be removed, which meets the city’s required replacement ratio of “three replacement trees for every one that is removed.”

The removal and installation of replacement trees would be coordinated through a demolition permit reviewed by the City to ensure that proper procedures are followed and would therefore not be detrimental to the public health, safety, or welfare.

1A Protected Tree is any of the following trees: (a) native Valley oak, Blue oak, Coast live oak, California bay, California buckeye, and California sycamore with a diameter of 12 inches or more, (b) single trunk tree with a diameter of 24 inches or more, and (c) a multi-stemmed tree where the sum of all of the stem diameters is 24 inches or more.
2) The tree removal is consistent with the appropriate criteria in Sections 18.310.070(A) and (B).

Sections 18.310.070(A) and (B) list criteria to consider in evaluating a Tree Removal permit, including tree health, physical conditions unique to the site, and project alternatives to allow for tree preservation. An analysis of the proposed tree removal against these criteria is provided below.

18.310.070(A) Criteria for Evaluation

(1) The extent of proposed building or development activity that does not require the removal of protected trees, relative to the extent of proposed building or development activity that requires such removal.

Based on the grading and drainage plans, the arborist report concluded that four of the Protected Trees would have to be removed to accommodate the development with the exception of eleven protected trees.

(2) Design features of the project in comparison with other existing or approved projects in Concord that have (or had) protected trees on their sites.

The design features of the proposed project are similar to other existing and approved residential subdivisions in Concord that have required the removal of Protected Trees to accommodate roadways, utilities, and homes. In this case, all of the Protected Trees identified for removal are located in areas proposed for public/private improvements and building footprints.

(3) Factors that are unique to the site, such as topographic constraints, lot configuration and physical limitations.

While the proposed project density is consistent with the surrounding single-family development, the revised lot configuration requires the removal of the Protected Trees because they conflict with proposed public/private improvements and building footprints.

(4) The overall health and structural condition of the potentially impacted protected trees.

Some of the Protected Trees planned for removal have health or structural issues in addition to conflicting with the location of public improvements and building footprints. These conditions are potentially hazardous and would likely require removal over time.

(5) The approximate age of each protected tree compared with the average life span for each species.

According to the City’s arborist, the some of the trees are mature and many of them are in poor condition with a low sustainability for preservation. However, the anticipated lifespan of
said trees would be shortened if the area around them were disturbed by grading and new landscape planting.

(6) The number of healthy, protected trees that the site will support, with and without the proposed development.

As outlined in the arborist report, some of the Protected Trees planned for removal have health or structural issues and are not viable candidates for preservation. In addition, some of the trees are located where the private road is proposed, which is required for emergency vehicle access to the site. The preliminary landscape plan indicates the site can support 13 replacement trees, which exceeds the City’s standard for mitigation.

(7) The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes.

An existing channelized drainage is located along the south and west property lines; there are no steep slopes at the project site. Tree removal is proposed throughout the property, and mostly away from this area. The proposed conditions of approval would address any soil stability/erosion issues that may result from the proposed tree removal.

(8) Whether any alternatives would allow for preservation of the protected tree.

Staff was unable to identify alternatives that would allow the construction of seven new homes while preventing the removal of Protected Trees without potentially further compromising their health or significantly changing the project design.

18.310.070(B) Criteria for Removal

(1) The age of the protected tree(s) with regard to whether removal would encourage healthier, more vigorous growth of younger similar trees in the area.

As discussed above, the anticipated lifespan of the Protected Trees would be diminished when surrounded by development. The replacement trees would be appropriately located and planted to encourage their vigorous growth as younger similar trees.

(2) The number of existing protected trees in the area and the effect of removal on the public health, safety, and general welfare of the area.

The proposed tree removal would not be detrimental to the public health, safety, or welfare because it would comply with City requirements and procedures for the proper removal of the trees. Further, the arborist report notes that some of the Protected Trees have health or structural issues and have been neglected. Therefore they are not viable candidates for preservation.

(3) The potential for the protected tree to become a public nuisance or interfere with utility service(s) and existing structures.
If preserved, the Protected Trees would interfere with the proposed access and public and private improvements.

(4) Present and future shade potential with regard to solar heating and cooling.

Although the Protected Trees at the project site currently offer shade, this is not guaranteed for the long-term because of health or structural issues identified in the arborist report. Appropriately planted and maintained replacement trees would offer ample future shade potential with regard to solar heating and cooling.

V. Fiscal Impact

The proposed would have a negligible fiscal impact on the City.

VI. Public Contact

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, and has been published in the East Bay Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

VII. Summary and Recommendations

Staff is pleased with the proposed project. With input from staff and the DRB, the site plan and project design respond to the adjacent land uses and development pattern and minimize potential negative impacts. The building design results in an aesthetically pleasing facility in terms of architecture and streetscape presence. The use will be a low intensity/low intrusive use, thus no significant impacts are anticipated with the development of the project.

Staff recommends the Planning Commission consider staff’s report, allow the applicant to make a presentation and answer any questions from the Planning Commission, take public testimony, and close the public hearing upon completion of public testimony. Following the public testimony, staff recommends that the Planning Commission deliberate regarding the identified policy and/or project issues.

VIII. Motion

Project Approvals

I (Comm. ______) hereby move that the Planning Commission adopt Resolution 18-09PC approving Myrtle Creek Estates Subdivision Tentative Map, Design Review, and Tree Removal (PL17482- TM, DR, RT), subject to the Conditions of Approval set forth in Attachment A to Resolution 18-09PC. (Seconded by Comm. _________.)
Exhibits:
A - PC Resolution, Conditions of Approval (Attachment A)
B - Applicant’s Statement date stamp received October 16, 2017
C - Architect’s Statement date stamp received October 16, 2017
D - Project Plans date stamp received May 24, 2018
E - House Paint Colors received October 16, 2017
F - Arborist Report date stamp received October 16, 2017
REGULAR MEETING OF THE  
CITY OF CONCORD PLANNING COMMISSION  
PERMIT CENTER CONFERENCE ROOM, 1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  

Wednesday, July 18, 2018

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Aliano at 6:30 P.M., July 18, 2018, in the Permit Center Conference Room.

I. ROLL CALL

COMMISSIONERS PRESENT: Chair Dominic Aliano  
Vice Chair John Mercurio  
Commissioner Ray Barbour  
Commissioner Jason Laub  
Commissioner Mark Weinmann

STAFF PRESENT: Frank Abejo, Acting Planning Manager  
Margaret Kotzebue, Senior Assistant City Attorney  
Sgt. Russ Norris, Police Department  
Ryan Lenhardt, Senior Planner  
Jerry Hittleman, Contract Planner  
Mitra Abkenari, Assistant Engineer

II. PLEDGE TO THE FLAG

Commissioner Barbour led the pledge.

III. PUBLIC COMMENT PERIOD

None was heard.

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

Frank Abejo, Acting Planning Manager, requested the Rack’ Em Up Billiards public hearing item be moved to the first hearing item discussed since Sgt. Russ Norris would be in attendance to help answer any questions pertaining to an entertainment permit.

Motion was made by Vice Chair Mercurio and seconded by Commissioner Weinmann to move the public hearing order. The motion was passed by the following vote:

AYES: Mercurio, Weinmann, Aliano, Laub
NOES: None
ABSTAIN: Barbour
ABSENT: None

V. CONSENT CALENDAR

No public comment was heard.
APPROVAL OF MINUTES

Motion was made by Commissioner Weinmann and seconded by Commissioner Laub to approve the meeting minutes of June 20, 2018 with a change to the motion on the Thomas Eissner Appeal. The motion was passed by the following vote:

AYES: Weinmann, Laub, Aliano, Mercurio
NOES: None
ABSTAIN: Barbour
ABSENT: None

VI. PRESENTATION

Crime Prevention Through Environmental Design – Sgt. Russ Norris, Police Department

Sgt. Russ Norris gave the presentation and answered a question from the Planning Commission pertaining to future presentations of this program.

VII. PUBLIC HEARINGS

Rack’Em Up Billiards Use Permit Amendment (PL18251 – UP) – Application for a Use Permit Amendment for Rack’Em Up Billiards to allow live entertainment within an existing 6,460 square foot tenant space located at 2395 Monument Boulevard, Suite K. The General Plan designation is Service Commercial; Zoning classification is SC (Service Commercial); APN 128-322-021. CEQA: Categorically exempt under CEQA Guidelines Section 15301 “Existing Facilities”. Project Planner: Lorna Villa @ (925) 671-3176

Frank Abejo, Acting Planning Manager, gave a presentation and answered questions from the Planning Commission about the notification radius, neighboring property zoning, condition of approval modifications and the garbage collection location.

Sgt. Russ Norris answered a question pertaining to the conditions of the entertainment permit and weather there have been issues at this site.

The applicant, Miguel Valle, clarified a question about the dumpster location and the number of pool tables within the establishment.

Public comment

No public comment was heard.

Motion was made by Vice Chair Mercurio and seconded by Commissioner Laub to adopt Resolution 18-11 PC approving a Live Entertainment Permit (PL18251-UP), for Rack’Em Up Billiards, subject to the Conditions of Approval set forth in Attachment A to Resolution 18-11 PC. The motion was passed by the following vote:
AYES: Mercurio, Laub, Weinmann, Aliano, Barbour,
NOES: None
ABSTAIN: None
ABSENT: None

Carondelet High School Science, Technology, Engineering, and Mathematics (STEM) Innovation Center (PL18196 – UP, DR) – Application for a Use Permit Amendment and Design Review for a 17,700 sq. ft. STEM Innovation Center and a 3,720 sq. ft. Makers Space building on a 9.18-acre high school campus at 1133 Winton Drive. The General Plan designation is Public/Quasi-Public; Zoning classification is PQP (Public/Quasi-Public); APN 145-130-024. CEQA: Categorically exempt under CEQA Guidelines Section 15314 “Minor Additions to Schools”. Project Planner: Ryan Lenhardt @ (925) 671-3162

Ryan Lenhardt, Senior Planner, gave a presentation and answered a question from the Planning Commission pertaining to the noise study.

The applicants, Bonnie Cotter and Dan Wetherell, further explained the project and answered questions from the Planning Commission about their work on the Hofmann Center building at De La Salle and what is to happen to the remaining tennis courts once the Makers Space building is built.

No public comment was heard.

Motion was made by Commissioner Weinmann and seconded by Commissioner Barbour to adopt Resolution No. 18-12PC approving Carondelet High School STEM Innovation Center Use Permit Amendment and Design Review (PL18196 - UP, DR), subject to the Conditions of Approval set forth in Attachment A to Resolution 18-12PC. The motion was passed by the following vote:

AYES: Weinmann, Barbour, Aliano, Laub, Mercurio
NOES: None
ABSTAIN: None
ABSENT: None

Myrtle Creek Estates Subdivision (PL17482 – TM, DR) – Application for a Tentative Subdivision Map and Design Review for a seven-lot subdivision on a 3.6-acre lot located at 5019 Myrtle Drive. The General Plan designation is Rural Residential; Zoning classification is RR-20 (Rural Residential, minimum lot size 20,000 sq. ft.); APN 117-050-008. CEQA: Categorically exempt under CEQA Guidelines Section 15332 “In-Fill Development Projects”. Project Planner: Jerry Hittleman @ (805) 644-4455

Jerry Hittleman, Contract Planner, gave a presentation and answered questions from the Planning Commission about the requirement for a home owners association, an easement location, sidewalks, parking, homeowner association conditions, and whether this area is septic or sewer.
Mitra Abkenari, Assistant Engineer, answered questions about drainage, bio-swales, storm drains, power lines, traffic safety and guard rails.

Rob Wood, the project applicant, spoke about the project and answered questions from the Planning Commission regarding the short driveway on Lot 1 and a guard rail condition modification.

Public comment

Blaik Musolf commented that he was happy that the R-20 zoning designation was maintained and questioned the size of the sewer pipe and potential for additional trees being planted.

Mike Hutslar had concerns about drainage and protected trees.

Motion was made by Commissioner Laub and seconded by Vice Chair Mercurio to adopt Resolution 18-09PC approving Myrtle Creek Estates Subdivision Tentative Map, Design Review, and Tree Removal (PL17482- TM, DR, RT), subject to the Conditions of Approval set forth in Attachment A to Resolution 18-09PC and the amendments to conditions of approval as discussed. The motion was passed by the following vote:

AYES: Laub, Mercurio, Aliano, Barbour, Weinmann
NOES: None
ABSTAIN: None
ABSENT: None

VIII. COMMISSION CONSIDERATIONS

There were none.

IX. STAFF REPORTS / ANNOUNCEMENTS

Acting Planning Manager Frank Abejo announced that Andrea Ouse, Director of Community and Economic Development, has allocated the Planning Manager role to be divided between the three Principal Planners on a rotating basis while the recruitment for a new Planning Manager takes place. Acting Planning Manager Frank Abejo will remain the Secretary to the Planning Commission for the duration of the recruitment process.

X. COMMISSION REPORTS / ANNOUNCEMENTS

There were none.

XI. FUTURE PUBLIC HEARING ITEMS

Acting Planning Manager Frank Abejo announced the upcoming Planning Commission on August 1st will contain an appeal of a Planning Division interpretation and a hearing to consider the change to the home based business regulations. He also stated the August 15th meeting will have hearings for BP ARCO AM/PM and Development Code Updates.
XII. ADJOURNMENT

Vice Chair Mercurio moved to adjourn at 8:50 P.M. Commissioner Barbour seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Frank Abejo
Acting Planning Manager

Transcribed by Grant Spilman,
Administrative Coordinator
Consulting Arborist Report

For the project of:

5019 Myrtle Drive

Prepared at the Request of:

SCO Planning and Engineering

Project Located in:

City of Concord, CA

June 20, 2017

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**Executive Summary:**
Rob Wood of SCO Planning and Engineering contacted Abacus Consulting Arborists to inventory and evaluate the protected trees and produce an Arborist Report as the end product. The property is APN #117-050-008, 5019 Myrtle Drive located in the City of Concord, California. See Attached Tree Location Map.

There are One Hundred Twenty (120) trees\(^1\) on this property, of which, Fifteen (15) qualify as “protected trees” by the standards of the City of Concord, municipal code chapter 8.40 – Trees and Shrubs, of which [To Be Determined] (--) are proposed for removal or will be critically impacted by the development.

<table>
<thead>
<tr>
<th>Tree Species</th>
<th>Trees on this Site:</th>
<th>Protected Trees on this Site:</th>
<th>Proposed for Removal for Development</th>
<th>Proposed for Retention</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Black Walnut</td>
<td>27</td>
<td>8</td>
<td>5</td>
<td>22</td>
</tr>
<tr>
<td>Valley Oak</td>
<td>19</td>
<td>7</td>
<td>8</td>
<td>11(^2)</td>
</tr>
<tr>
<td>Western Cottonwood</td>
<td>31</td>
<td>0</td>
<td>17</td>
<td>14</td>
</tr>
<tr>
<td>Willow sp.</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Pine sp.</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Misc other species(^3)</td>
<td>38</td>
<td>1</td>
<td>11</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>120</td>
<td>15</td>
<td>35</td>
<td>75</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Arborist Ratings</th>
<th>Protected Trees on this Site:</th>
<th>Protected Trees Proposed for Removal for Development</th>
<th>Mitigation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 No problem(s)</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
</tr>
<tr>
<td>4 No apparent problem(s)</td>
<td>1</td>
<td>0</td>
<td>Yes</td>
</tr>
<tr>
<td>3 Minor problem(s)</td>
<td>6</td>
<td>2(^2)</td>
<td>Yes</td>
</tr>
<tr>
<td>2 Major problem(s)</td>
<td>8</td>
<td>1</td>
<td>No</td>
</tr>
<tr>
<td>1 Extreme problem(s)</td>
<td>0</td>
<td>0</td>
<td>No</td>
</tr>
<tr>
<td>0 Dead</td>
<td>1</td>
<td>1</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>15</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

See Chart B – Inventory of Trees for specific information on each tree.
See Chart C – Trees Proposed for Removal for additional Mitigation information.

Trees to be preserved require special preservation measures. In addition, trees that are off-site but could be impacted by development and will also require preservation measures.

See Chart D – Development Recommendations and Tree Preservation Plan

---

\(^1\) Tree count does NOT include Eucalyptus, Acacia, Palm and Privet pursuant to the Concord Municipal Code, Chapter 8.40. Note: Monterey Pine are included in the survey so that they are marked to avoid misidentification.

\(^2\) Grading details are required. An additional 2 trees may be critically impacted (Trees #84 and 85).

\(^3\) Olea europaea; Punica granatum; Prunus sp.; Prunus dulcis; Shinus molle;
Assignment:
Julie McNamara, ISA Certified Arborist #WE-11439A, and Stefan Barios, arborists assistant, of ABACUS were on site from May 30th to June 4th, 2017; providing species identification, number of trunks, measurements of DBH and canopy, field condition notes, recommended actions, ratings, and locations of protected native trees as defined by the City of Concord municipal code.

Methods:
The protected trees (on-site) tagged by ABACUS have a numbered tag, placed on each one that is 1-1/8” x 1-3/8”, green anodized aluminum, “acorn” shaped, and labeled: ABACUS, Auburn, CA with 1/4” pre-stamped tree number and Tree Tag. They are attached with a natural colored aluminum 10d nail, installed at approximately 6 feet above ground level on the approximate north side of the tree. The tag should last ~10 – 20+ years depending on the species, before it is enveloped by the trees’ normal growth cycle.

A Level 2 – Basic Visual Assessment was performed in accordance with the International Society of Arboriculture’s best management practices. This assessment level is limited to the observation of conditions and defects which are readily visible. Additional limiting factors, such as blackberries, poison oak, and/or debris piled at the base of a tree can inhibit the visual assessment.

Tree Location: The GPS location of each tree was collected using the ESRI’s ArcGIS collector application on an Apple iPad. The data was then processed in ESRI’s ArcMap by Julie McNamara, M.S. GiSci, to produce the tree location map.

Tree Measurements: DBH (diameter breast high) is normally measured at 4'6” (above the average ground height for “Urban Forestry”), but if that varies then the location where it is measured is noted. A Haglöf Mantax Caliper was used to measure the DBH for trees less than 32” in diameter or less and a steel diameter tape for trees greater than 32”.

The following data was collected.

Species
The species of a tree is listed by our local and correct common name and botanical name by genus (capitalized) and species (lower case). Oaks frequently cross-pollinate and hybridize, but the identification is towards the strongest characteristics.

# Stems
Refers to the quantity of trunks or stems of a tree that have a significant connection. If one stem or trunk were to be removed, it would cause decay to harm an adjoining stem, making it one tree. All stems must be of the same species. (Also see “Tree SIZE Expressed by Trunk Diameter” at the end of this report)

DBH
Diameter breast high is normally measured at 4’6” (above the average ground height for “Urban Forestry”), but if that varies then the location where it is measured is noted here. A Swedish caliper[1] was used to measure the DBH for trees less than 26” in diameter and a steel diameter tape[2] for trees greater than 26”Ø.
**Canopy radius**
The farthest extent of the crown composed of leaves and small twigs. Most trees are not evenly balanced. This measurement represents the longest extension from the trunk to the outer canopy.

**Notes:**
Provide notable details about each tree which are factors considered in the determination of the tree rating including: (a) condition of root crown and/or roots; (b) condition of trunk; (c) condition of limbs and structure; (d) growth history and twig condition; (e) leaf appearance; and (f) cripilne environment. Notes also indicate if the standard tree evaluation procedure was not followed and why (i.e., why dbh may have been measured at a location other than the standard 54") Additionally, notes will list any evaluation limiting factors such as debris at the base of a tree.

**Actions**
Recommended to Improve Heath or Structure. Trees in public spaces require maintenance. If a tree is to remain and be preserved, then the tree may need some form of work to reduce the likelihood of failure and increase the longevity of the tree.

**Remove**
Indicates the Arborists recommendation whether the tree should be planned for removal or retention.

**Arborist Rating**
Subjective to condition and is based on both the health and structure of the tree. All of the trees were rated for condition, per the recognized national standard as set up by the Council of Tree and Landscape Appraisers and the International Society of Arboriculture (ISA) on a numeric scale of 5 (being the highest) to 0 (the worst condition, dead) as in Chart A. The rating was done in the field at the time of the measuring and inspection. The scale is as follows:

<table>
<thead>
<tr>
<th>Rating</th>
<th>Score</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>No problem(s)</td>
<td>5</td>
<td>excellent</td>
</tr>
<tr>
<td>No apparent problem(s)</td>
<td>4</td>
<td>good</td>
</tr>
<tr>
<td>Minor problem(s)</td>
<td>3</td>
<td>fair</td>
</tr>
<tr>
<td>Major problem(s)</td>
<td>2</td>
<td>poor</td>
</tr>
<tr>
<td>Extreme problem(s)</td>
<td>1</td>
<td>hazardous, non-correctable</td>
</tr>
<tr>
<td>Dead</td>
<td>0</td>
<td>dead</td>
</tr>
</tbody>
</table>

There is a very important line drawn between a tree rated a 3 and a 2. A tree rated 3, 4, or 5 is a tree to be preserved, and a tree rated 0, 1, or 2 is recommended for removal. On the following tree list BLACK marks are field notes and action items on trees that are to remain, and RED are trees that are recommended for removal. Trees rated a 2 may be retained but only if the recommendations are followed, otherwise the tree should be removed.

**Rating #0:** This indicates a tree that has no significant sign of life.

**Rating #1:** The problems are extreme. This rating is assigned to a tree that has structural and/or health problems that no amount of work or effort can change. The issues may or may not be considered a dangerous situation.

**Rating #2:** The tree has major problems. If the option is taken to preserve the tree, its condition could be improved with correct arboricultural work including, but not limited to: pruning, cabling, bracing, bolting, guying, spraying, mistletoe removal, vertical mulching, fertilization, etc. If the recommended actions are completed correctly, hazard can be reduced and the rating can be elevated to a 3. If no action is taken the tree is considered a liability and should be removed.

**Rating #3:** The tree is in fair condition. There are some minor structural or health problems that pose no immediate danger. When the recommended actions in an arborist report are completed correctly the defect(s) can be minimized or eliminated.

**Rating #4:** The tree is in good condition and there are no apparent problems that a Certified Arborist can see from a visual ground inspection. If potential structural or health
problems are tended to at this stage future hazard can be reduced and more serious health problems can be averted.

Rating #5: No problems found from a visual ground inspection. Structurally, these trees have properly spaced branches and near perfect characteristics for the species. Highly rated trees are not common in natural or developed landscapes. No tree is ever perfect especially with the unpredictability of nature, but with this highest rating, the condition should be considered excellent.
# Chart B – Inventory of Trees

BLACK marks are **field notes and action items** on **trees that are to remain**, and **RED are trees that are recommended for removal**, **BOLD is tree that are protected by the City of Concord municipal code.**

<table>
<thead>
<tr>
<th>Tree Tag #</th>
<th>Species Common Name</th>
<th>Species Botanical Name</th>
<th>DBH</th>
<th>Protected Y/N</th>
<th>Canopy Radius in feet</th>
<th>Notes</th>
<th>Actions</th>
<th>Remove</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Prune to reduce weight, Remove dead wood</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>38</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>6</td>
<td>N</td>
<td>10</td>
<td>Root collar ok, codominant leader at base, one stem prostrate to N, other stem leans over road, under lines, dead wood 1-3&quot;, poor leaf surface</td>
<td>Prune for good structure</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>39</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4</td>
<td>N</td>
<td>8</td>
<td>On slope, root collar buried, suppressed by palms and eucalyptus, very poor structure in canopy, trunk leans to S, canopy leans to E, crossing limbs</td>
<td>Remove debris and raise canopy</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>40</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>4, 4, 3, 2, 5</td>
<td>N</td>
<td>11</td>
<td>Collar buried by debris, codominant leader at base into many, leans on fence, canopy to ground, good leaf surface</td>
<td>Prune for good structure</td>
<td>Remove</td>
<td>2</td>
</tr>
<tr>
<td>41</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>5</td>
<td>N</td>
<td>14</td>
<td>Epicormic growth at base, large limb extensions, good leaf surface</td>
<td>Remove epicormic growth at base, reduce extensions</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>42</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>4</td>
<td>N</td>
<td>6</td>
<td>Root collar good, codominant leader at 6', fair structure, good leaf surface</td>
<td>Prune for good structure</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>43</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Prune to balance canopy, establish central leader</td>
<td>Remove</td>
<td>0</td>
</tr>
<tr>
<td>44</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4</td>
<td>N</td>
<td>12</td>
<td>Good collar, slightly suppressed by eucalyptus, unbalanced canopy to E, large extensions, poor structure at top, good leaf surface</td>
<td>Expose root collar, Prune for good structure</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>45</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>3, 5, 3</td>
<td>N</td>
<td>8</td>
<td>On slope, codominant leader at base into 3, suppressed by eucalyptus, unbalanced canopy to E, good leaf surface</td>
<td>Remove debris, Crown clean</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>46</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>6</td>
<td>N</td>
<td>10</td>
<td>On slope, root collar buried, debris from euc at base, codominant leader at 4', suppressed by eucalyptus, good leaf surface</td>
<td>Raise canopy, Prune for good structure</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>47</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>5</td>
<td>N</td>
<td>15</td>
<td>On slope, root collar buried, unbalanced canopy to W, suppressed by eucalyptus, good leaf surface</td>
<td>Suppress 3&quot; stem, raise canopy</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>48</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>5, 3</td>
<td>N</td>
<td>12</td>
<td>On slope, root collar buried, unbalanced canopy to W, suppressed by eucalyptus, good leaf surface</td>
<td>Suppress 3&quot; stem, raise canopy</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------</td>
<td>----------------------</td>
<td>-----</td>
<td>--------------</td>
<td>----------------------</td>
<td>-------</td>
<td>---------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>49</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 2</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4, 2, 2, 2</td>
<td>N</td>
<td>7</td>
<td>On slope, root collar buried, codominant leader at base, severe unbalanced canopy to W, one stem dead, fair leaf surface</td>
<td>Remove dead wood, Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>TBD</td>
<td>TBD</td>
<td>16</td>
<td>Root collar buried, on slope, codominant leader at base into many, crossing limbs, leans over road, good leaf surface</td>
<td>Raise canopy, remove crossing limb</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>8</td>
<td>N</td>
<td>13</td>
<td>On slope, root collar buried, codominant leader at 2', over weight limbs, good leaf surface</td>
<td>Raise canopy, reduce extended limbs</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 3</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 4, 4</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>6, 4</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, codominant leader at base, trunk leans to S, main stem mostly dead with severe decay, epicormic growth, poor structure</td>
<td>Recommended for removal</td>
<td>1 Extreme Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>8 at 1</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, codominant leader at 2', dead wood 1-2&quot;, epicormic growth, poor leaf surface, hit by failures</td>
<td>Remove dead wood, Prune for good structure, supp 1&quot; stem</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4</td>
<td>N</td>
<td>4</td>
<td>Root collar buried, codominant leader at 2', previously topped, poor leaf surface, dead wood 1-3&quot;</td>
<td>Poor health, Remove dead wood</td>
<td>1 Extreme Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4, 1</td>
<td>N</td>
<td>0</td>
<td>Root collar buried, on slope, dead tree within 3' of base, crossing limbs, suppressed, unbalanced canopy to SW, good leaf surface</td>
<td>Remove dead tree, supp 1&quot; stem, prune canopy for g's and away from road</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>9</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, on slope, leans to E away from power lines, over road, epicormic growth, good leaf surface, codominant leader at 25'</td>
<td>Expose root collar, raise canopy, suppress one leader</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>3, 2, 2, 2, 1, 1</td>
<td>Y</td>
<td>10</td>
<td>On slope, root collar buried, stump sprout, very poor structure, debris covering base, understory, suppressed by eucalyptus, epicormic growth</td>
<td>Remove debris and reinspect for pruning/supp recs</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 6</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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</tr>
<tr>
<td>62</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5, 5</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, on slope, codominant leader at 1', included bark, unbalanced canopy, suppressed by oaks, poor taper, over weight limb, epicormic growth, good leaf surface</td>
<td>Remove dead wood, Prune to balance canopy, reduce owl</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>8, 4</td>
<td>N</td>
<td>15</td>
<td>Root collar buried, codominant leader at base, large stem leans to NW over concrete wall, mechanical damage at 5', heartwood decay, poor structure, fair leaf surface, suppressed by oaks, understory</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>5, 4</td>
<td>N</td>
<td>9</td>
<td>Root collar buried, codominant leader at 2', included bark, supp by oaks, under stormy, poor structure in canopy, dead wood 1-4&quot;, fair leaf surface</td>
<td>Remove dead wood, Prune for good structure</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4, 4, 6, 7, 3</td>
<td>Y</td>
<td>10</td>
<td>Root collar buried, codominant leader at 1' into many, rip out, 1-4&quot; dead wood, good leaf surface, canopy to ground</td>
<td>Raise canopy, Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>7,3,7,2,4,5,5</td>
<td>Y</td>
<td>17</td>
<td>Stump sprout, codominant leader at base into many, good leaf surface, 1' dead wood, canopy to ground</td>
<td>Raise canopy, Prune to balance canopy</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>7, 7, 5</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td></td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>68</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>8</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, unbalanced canopy to N, codominant leader at 4', fair leaf surface, dead wood 1&quot;</td>
<td>Prune to balance canopy, exp root collar</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>69</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>9, 9, 8, 5</td>
<td>Y</td>
<td>16</td>
<td>Root collar buried, codominant leader at base into 3, narrow attachment in canopy, canopy to ground, good leaf surface, 1-3&quot; dead wood</td>
<td>Raise canopy, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>10, 11,11</td>
<td>Y</td>
<td>18</td>
<td>Root collar buried, codominant leader at 2', 4', 5', canopy to ground, dead wood 1-3&quot;, good leaf surface</td>
<td>Remove dead wood, raise canopy, no target</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>17, 15 at 2'</td>
<td>Y</td>
<td>15</td>
<td>Root collar buried, codominant leader at base with advanced decay, codominant leader at 3.5&quot;, mistletoe, canopy to ground, dead wood 1-4&quot;, good leaf surface</td>
<td>Remove dead wood, raise canopy, no target</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 5, 4, 3</td>
<td>N</td>
<td>12</td>
<td>Root collar, codominant leader at 1', included bark, codominant leader, poor structure, good leaf surface</td>
<td>Remove xl, Prune for good structure, raise canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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</tr>
<tr>
<td>73</td>
<td>Olive</td>
<td>Olea europea</td>
<td>15</td>
<td>N</td>
<td>15</td>
<td>Main trunk okay with decay at base, many sprouts around edge, codominant leader at 4', included bark, crossing limbs, canopy to ground, good leaf surface, good for species</td>
<td>Remove smaller stems near base, raise canopy, Prune for good structure</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>74</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>26</td>
<td>Y</td>
<td>25</td>
<td>Root collar slightly buried, codominant leader at 5', included bark, all canopy to S, due to old dead tree to N, stub, canopy to ground, rope in canopy, 1-3&quot; dead wood, good leaf surface</td>
<td>Prune to reduce weight, Prune to balance canopy, Crown clean</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>75</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4, 4, 4, 4, 4, 5, 4, 3</td>
<td>Y</td>
<td>12</td>
<td>Stump sprout, very poor structure at base, main tops dead</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>76</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4, 3, 3, 2, 2, 2</td>
<td>N</td>
<td>10</td>
<td>Stump sprout, very poor structure at base, suppressed by eucalyptus, main tops dead, dead wood 1-4&quot;, fair leaf surface</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>77</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4, 4</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td></td>
<td>Remove</td>
<td>Dead</td>
</tr>
<tr>
<td>78</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>3, 1, 1, 2, 2, 2, 2, 3, 3</td>
<td>N</td>
<td>8</td>
<td>Stump sprout, very poor structure at base, suppressed by eucalyptus, dead wood 1-4&quot;, good leaf surface</td>
<td>Raise canopy, Prune for good structure</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>79</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>6</td>
<td>N</td>
<td>9</td>
<td>On slope, root collar buried, codominant leader at 2', crossing limbs, poor structure in canopy, good leaf surface</td>
<td>Supp center stem, Prune for good structure,</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>80</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>4, 4</td>
<td>N</td>
<td>8</td>
<td>Root collar buried, codominant leader at 3', suppressed by oaks, under story, epicormic growth, canopy bows, very poor structure, fair leaf surface</td>
<td>Crown clean, Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>81</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4</td>
<td>N</td>
<td>5</td>
<td>Root collar good, near road, bend in trunk at 15', good leaf surface</td>
<td>Raise canopy</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>82</td>
<td>Pinus spp- 2 per bundle less than 2&quot;, cones stalked,</td>
<td></td>
<td>8</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, trunk prostrate, hits hard rail, leans over road, codominant leader at 2', unbalanced canopy to S, very poor structure, old pruning cut with no wound wood, tips browning</td>
<td>Raise canopy over road, rec 4r</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>84</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>36</td>
<td>Y</td>
<td>45</td>
<td>On slope, root collar buried on uphill side, codominant leader at 20', 27&quot;, narrow attachment in canopy, stubs from past failures, unbalanced canopy to NE, over</td>
<td>Prune to reduce weight, Prune to balance canopy, Crown clean</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy Radius in Feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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</tr>
<tr>
<td>85</td>
<td>Valley Oak</td>
<td>Quercus lobata</td>
<td>23</td>
<td>Y</td>
<td>40</td>
<td>Slightly buried on uphill slope, codominant leader at 6', included bark, unbalanced canopy to 5, branches to ground, narrow attachments in canopy, good leaf surface</td>
<td>Prune to reduce weight, Prune to balance canopy, remove dead stub</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>86</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 4</td>
<td>N</td>
<td>10</td>
<td>On slope, mechanical damage at base, codominant leader at 2', crossing limbs, poor structure in canopy, dead wood 1-3&quot;, fair leaf surface</td>
<td>Remove dead wood, Prune for good structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>Valley Oak</td>
<td>Quercus lobata</td>
<td>8</td>
<td>N</td>
<td>14</td>
<td>Root collar good, unbalanced canopy to 5, epicormic growth Leans close to road</td>
<td>Raise canopy, Prune to balance canopy and away from road</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>88</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>2, 2, 2</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, codominant leader at base, poor structure, suppressed, fair leaf surface</td>
<td>Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>89</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>8, 3, 4, 3</td>
<td>N</td>
<td>7</td>
<td>Root collar buried, trunk prostrate, severe lean to W, dead wood 1-2&quot;, good leaf surface, next to road</td>
<td>Remove dead wood, prune away from road</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>91</td>
<td>Valley Oak</td>
<td>Quercus lobata</td>
<td>6 at base</td>
<td>N</td>
<td>5</td>
<td>Root collar buried, codominant leader at base, crossing limbs, powdery mildew, tops dead, suppressed by eucalyptus</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>92</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5,</td>
<td>N</td>
<td>7</td>
<td>Root collar buried, codominant leader at base, crossing limbs, fair leaf surface, unbalanced canopy to 5, dead wood 1-4&quot;</td>
<td>Remove dead wood, Prune to balance canopy away from road</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>93</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 3, 3, 2, 3, 2</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td></td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
<tr>
<td>94</td>
<td>Valley Oak</td>
<td>Quercus lobata</td>
<td>5</td>
<td>N</td>
<td>7</td>
<td>Root collar slightly buried, canopy to 5, suppressed by eucalyptus, good leaf surface</td>
<td>Raise canopy, Prune to balance canopy</td>
<td></td>
<td>4 Good - No Apparent Problems</td>
</tr>
<tr>
<td>95</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>10</td>
<td>N</td>
<td>11</td>
<td>Root collar good, in water, codominant leader at 20', epicormic growth, dead wood 1-4&quot;, fair</td>
<td>Remove dead wood, Prune to</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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</tr>
<tr>
<td>97</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>12</td>
<td>N</td>
<td>12</td>
<td>In water, codominant leader at S, understory, suppressed by eucalyptus, fair leaf surface, dead wood 1-3&quot;</td>
<td>Remove dead wood</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>98</td>
<td>Prunus</td>
<td></td>
<td>2, 2, 2, 2</td>
<td>N</td>
<td>8</td>
<td>Root collar buried, codominant leader at base in to 3, narrow attachments in canopy, unbalanced canopy to N, good leaf surface</td>
<td>Remove dead tree at base, Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>99</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>7, 4, 4, 3, 1</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>100</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>6</td>
<td>N</td>
<td>10</td>
<td>Collar good at base, trunk leans to N, codominant leader at 2', included bark, unbalanced canopy to N, suppressed by eucalyptus, good leaf surface</td>
<td>Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>101</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>6</td>
<td>N</td>
<td>12</td>
<td>On small slope, base good, unbalanced canopy to S, suppressed by eucalyptus, dead wood 1-2&quot;, good leaf surface</td>
<td>Prune to balance canopy</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>102</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>3, 3, 2</td>
<td>N</td>
<td>12</td>
<td>Base at eucalyptus, root collar buried, trunk leans to NE, crossing limbs, codominant leader st 3', included bark, suppressed by eucalyptus, good leaf surface</td>
<td>Remove debris at base, Remove dead eucalyptus, Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>103</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 3, 3</td>
<td>N</td>
<td>8</td>
<td>Root collar poor, stump sprout, codominant leader at base, sap sucker damage, small dead wood, suppressed by eucalyptus, good leaf surface</td>
<td>Prune for good structure</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>104</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5</td>
<td>N</td>
<td>8</td>
<td>Base good, codominant leader at 2', suppressed by eucalyptus, poor structure in canopy, good leaf surface</td>
<td>Supp smaller stem, Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>105</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>8</td>
<td>N</td>
<td>12</td>
<td>On slope, root collar buried, codominant leader at 20', suppressed by eucalyptus, poor leaf surface</td>
<td>Raise canopy, Remove dead wood, Prune for good structure</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>106</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>6</td>
<td>N</td>
<td>8</td>
<td>On slope, trunk at base curves, canopy corrected, close proximity to lady tree, unbalanced canopy to S, over road, good leaf surface</td>
<td>Suppress small stem at base, expose root collar, reduce canopy over road</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>107</td>
<td>Western</td>
<td>Populus</td>
<td>7, 6</td>
<td>N</td>
<td>12</td>
<td>On slope, root collar buried, codominant</td>
<td>Expose root collar,</td>
<td></td>
<td>3 Fair - Minor</td>
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</table>

leaf surface balance canopy
<table>
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<tr>
<th>Tree Tag #</th>
<th>Species Common Name</th>
<th>Species Botanical Name</th>
<th>DBH</th>
<th>Protected Y/N</th>
<th>Canopy radius in feet</th>
<th>Notes</th>
<th>Actions</th>
<th>Remove</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>108</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>6, 6, 6, 4</td>
<td>N</td>
<td>12</td>
<td>dead wood, unbalanced canopy to S over road</td>
<td>reduce over road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>109</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>10</td>
<td>epicormic growth from base, balanced canopy to S, lean over road, good leaf surface</td>
<td>Raise canopy, Prune to balance canopy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>110</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>8</td>
<td>root collar buried, unbalanced canopy to S, good leaf surface, inside tree</td>
<td>Expose root collar</td>
<td></td>
<td></td>
</tr>
<tr>
<td>111</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>0</td>
<td>base next to water, top broken out at 20', poor structure, epicormic growth, poor leaf surface</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>112</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>12</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>113</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>16</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>114</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>9</td>
<td>N</td>
<td>11</td>
<td>root collar buried on slope, trunk leans to NE, included bark, good leaf surface</td>
<td>Raise canopy, Prune to balance canopy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>11</td>
<td>N</td>
<td>15</td>
<td>root collar buried, good taper, dead wood 1-4', good leaf surface</td>
<td>Remove dead wood, Prune for good structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>116</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>12</td>
<td>root collar buried, trunk close to 117, unbalanced canopy to W, epicormic growth, top dead</td>
<td>Recommended for removal</td>
<td></td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>117</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>14</td>
<td>slope, trees within few inches of trunk, inside tree, good leaf surface, dead wood 1-3&quot;</td>
<td>Prune to reduce weight, remove smaller tree near base</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>118</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>8</td>
<td>N</td>
<td>12</td>
<td>root collar buried, codominant leader at 50', good leaf surface, dead wood 1-3&quot;</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>119</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>8</td>
<td>N</td>
<td>16</td>
<td>root collar buried, on slope, uc to SSE, do 1-4', fair leaf surface</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
</tr>
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</tr>
<tr>
<td>120</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>14</td>
<td>Root collar buried, unbalanced canopy to NE, dead wood 1-3&quot;, poor taper</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>121</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>9,4</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, codominant leader at 3&quot;, understory, suppressed, poor structure in canopy, unbalanced canopy to SSE, fair leaf surface</td>
<td>Prune to reduce weight, suppress 4&quot; stem</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>122</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>123</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, poor taper, top dead</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>124</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, poor taper, unbalanced canopy to S, codominant leader at 30', break out, poor structure</td>
<td>Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>125</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>125</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, codominant leader break out at 40', poor structure, fair leaf surface, epicormic growth, dead wood 1-3&quot;</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>126</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>9</td>
<td>N</td>
<td>15</td>
<td>Root collar buried, close to other trees, unbalanced canopy to S, dead wood 1-2&quot;, good leaf surface</td>
<td>Prune to balance canopy</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>127</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, in between larger trunks, unbalanced canopy to NNE, dead wood 1-2&quot;, good leaf surface</td>
<td>Remove if keeping larger cottonwood, or Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>128</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>10</td>
<td>Root collar buried, codominant leader at 20', included bark, unbalanced canopy to NW, good leaf surface, dead wood 1&quot;</td>
<td>3 Fair - Minor Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>129</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>4, 5</td>
<td>N</td>
<td>9</td>
<td>On slope, root collar good, codominant leader at 3', understory, suppressed, crossing limbs, poor structure, poor leaf surface</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>130</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>6</td>
<td>N</td>
<td>7</td>
<td>On slope, root collar buried on uphill side, good, dead wood 1-4&quot;, good leaf surface</td>
<td>Remove dead wood</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>131</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>9</td>
<td>On slope, root collar buried on uphill side, abnormal trunk bend at 5', inside tree, codominant leader at 30', included bark, dead wood 1-4&quot;, good leaf surface</td>
<td>Remove dead wood, Prune to reduce weight</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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<td>--------</td>
</tr>
<tr>
<td>132</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>8</td>
<td>N</td>
<td>8</td>
<td>On slope, root collar buried on uphill side, or, inside tree, codominant leader at 30', degrees 1-3&quot;, good leaf surface</td>
<td>Remove dead wood, expose root collar</td>
<td></td>
<td>2 Significant Structure or Health Problems</td>
</tr>
<tr>
<td>133</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>4</td>
<td>On slope, root collar buried, epicormic growth at base, inside tree, suppressed, good leaf surface</td>
<td>Remove epicormic growth</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>134</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>6</td>
<td>On slope, root collar buried, epicormic growth at base, inside tree, good leaf surface</td>
<td>Remove epicormic growth</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>135</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>6</td>
<td>Root collar good, trunk bends slightly canopy corrected, good leaf surface</td>
<td></td>
<td></td>
<td>4 Good - No Apparent Problems</td>
</tr>
<tr>
<td>136</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>10</td>
<td>N</td>
<td>8</td>
<td>Root collar good, good taper, good tree</td>
<td>Raise canopy</td>
<td></td>
<td>5 Excellent</td>
</tr>
<tr>
<td>137</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>19</td>
<td>N</td>
<td>18</td>
<td>Root collar buried, codominant leader removed at base, decay, unbalanced canopy to SSE, epicormic growth, hazardous, most limbs dead, leans over road, top broken out</td>
<td>Remove</td>
<td></td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>138</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>16</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove if target, keep for wildlife habitat</td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
<tr>
<td>139</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>14</td>
<td>N</td>
<td>13</td>
<td>Root collar buried, unbalanced canopy to N, epicormic growth, top dead</td>
<td>Remove dead wood</td>
<td></td>
<td>2 Significant Structure or Health Problems</td>
</tr>
<tr>
<td>140</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>14, 2, 2, 2</td>
<td>N</td>
<td>9</td>
<td>Main stem has significant decay, with sprouts mostly dead, fair leaf surface, poor structure</td>
<td>Recommended for removal</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>141</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>12</td>
<td>N</td>
<td>5</td>
<td>Main stem topped, significant decay, very poor structure, fair leaf surface, dead wood</td>
<td>Recommended for removal</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>142</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>5, 4, 12</td>
<td>N</td>
<td>9</td>
<td>Main stem topped and significant decay, very poor structure, small dead wood, fair leaf surface</td>
<td>Recommended for removal</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>143</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>14</td>
<td>N</td>
<td>14</td>
<td>Root collar buried, small limbs near 2' should be removed, narrow attachment in canopy, good leaf surface, small dead wood</td>
<td>Remove limbs near base, Remove dead wood</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>144</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>6, 5, 4</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, codominant leader at base into 3, dead wood, three stems to 5 near tree are dead</td>
<td>Remove dead wood, raise canopy</td>
<td></td>
<td>2 Significant Structure or Health Problems</td>
</tr>
<tr>
<td>145</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>12</td>
<td>Y</td>
<td>18</td>
<td>Base good, codominant leader at 20', included bark, unbalanced canopy slightly to</td>
<td></td>
<td></td>
<td>4 Good - No Apparent Problems</td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
</tr>
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</tr>
<tr>
<td>146</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>4</td>
<td>N</td>
<td>6</td>
<td>Good tree</td>
<td>Remove smaller stems near base, Prune for good structure</td>
<td>4 Good - No Apparent Problems</td>
<td></td>
</tr>
<tr>
<td>147</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>10, 9</td>
<td>N</td>
<td>17</td>
<td>Base not visible, barbwire cage embedded in trunk, codominant leader at 3', &quot;u&quot; crotch, narrow attachment in canopy, unbalanced canopy to E and W, mistletoe</td>
<td>Remove wire inspect base, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>148</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5</td>
<td>N</td>
<td>7</td>
<td>Root collar buried, small 1&quot; stem broken off at 2', unbalanced canopy to N, suppressed by surrounding trees</td>
<td>Prune for good structure, remove 1&quot; stem broken at 2'</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>148</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>14</td>
<td>N</td>
<td>20</td>
<td>Root collar buried, 1&quot; stem at base- remove, trunk leans to N, good leaf surface</td>
<td>Remove 1&quot; stem at base. If targets are present- reduce canopy to prevent failure</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>150</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>18</td>
<td>N</td>
<td>19</td>
<td>Root collar buried, codominant leader at 6', poor structure in canopy, mistletoe, small dead wood, fair leaf surface, active nesting birds</td>
<td>Remove mistletoe, Crown clean, Check crotches for decay</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>150</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5</td>
<td>N</td>
<td>10</td>
<td>Root collar right next to fence, 1&quot; stem dead at base, unbalanced canopy to E, suppressed by surrounding larger trees</td>
<td>Prune for good structure, move fence</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>152</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>10, 3</td>
<td>N</td>
<td>6</td>
<td>Very poor structure, significant decay on trunk, previously topped, mostly dead</td>
<td>Recommended for removal</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>153</td>
<td>Kaffir Plum</td>
<td>Harpephyllum caffrum</td>
<td>10, 6, 6, 5, 9, 10, 10, 9</td>
<td>Y</td>
<td>12</td>
<td>Stump sprout, codominant leader at base into many, prostrate limbs, concrete structure and pipes near base of tree, small dead wood, good leaf surface</td>
<td>Raise canopy, Crown clean</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>154</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>12, 24 @ 2'</td>
<td>Y</td>
<td>35</td>
<td>12&quot; stem with severe lean to W, codominant leader into 3 at 2' on 24&quot; stem, large dead wood, previous failure, poor structure in canopy, good leaf surface</td>
<td>Crown clean and reduce large limbs for impact zone</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>155</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>8, 8, 7</td>
<td>N</td>
<td>14</td>
<td>Poor root flare, codominant leader at base into 3, low lateral to N, narrow attachment in canopy, epicormic growth</td>
<td>Crown clean, raise canopy &lt;4&quot;</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
</tr>
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</tr>
<tr>
<td>156</td>
<td>Pomegranate</td>
<td>Punica granatum</td>
<td>3, 2, 2, 2, 2, 2, 3, 3, 3, 2</td>
<td>Y</td>
<td>8</td>
<td>Stump sprout, poor structure, canopy leans away from fence</td>
<td>Raise canopy, Prune for good structure</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>157</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>6, 4, 6, 3</td>
<td>N</td>
<td>14</td>
<td>Root collar covered by vegetation, codominant leader at base, close to fence, poor structure</td>
<td>Prune for good structure</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>158</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>12</td>
<td>Y</td>
<td>15</td>
<td>Buried root collar, codominant leader at 6', included bark, close to fence, narrow attachment in canopy, epicormic growth, good leaf surface</td>
<td>Prune to balance canopy</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>159</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>13, 13</td>
<td>Y</td>
<td>0</td>
<td>Dead</td>
<td></td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
</tbody>
</table>
**Limitations:**
All of the conclusions in this report are based solely on the observation of conditions on the site which were readily visible. Trees may appear to be healthy and structurally sound but can contain hidden faults which could result in failure.

Blackberries, Poison Oak and Debris (such as limbs, firewood, garbage, etc) visually inhibit the observation of critical defects at the base of a tree such as decay or evidence of decay agents (mushrooms or conks). They also can hide ground heaving, compacted soil, soil contamination, and many other critical evaluation details. Whenever these conditions exist, the visual assessment was limited and the tree should be reevaluated upon removal of the inhibiting condition.

Fill soil or the collection of dirt and natural debris on the uphill side of a trunk can visually inhibit the observation of critical defects at the base of a tree such as detached bark, decay or evidence of decay agents (mushrooms or conks). It also increases the likelihood of the presence of decay. Whenever these conditions exist, the visual assessment was limited and the tree should be reevaluated upon removal of the inhibiting condition.

**Testing & Analysis:**
A Level 2 – Basic Visual Assessment was performed in accordance with the International Society of Arboriculture's best management practices. This assessment level is limited to the observation of conditions and defects which are readily visible. No laboratory or chemical testing and analysis was performed, only ground level observations.

**Discussion:**

**Root Structure**
The majority of a tree’s roots are contained in a radius from the main trunk outward approximately two to three times the canopy of the tree. These roots are located in the top 6” to 3’ of soil. It is a common misconception that a tree underground resembles the canopy (see Drawing A below). The correct root structure of a tree is in Drawing B. All plants’ roots need both water and air for survival. Surface roots are a common phenomenon with trees grown in compacted soil. Poor canopy development or canopy decline in mature trees is often the result of inadequate root space and/or soil compaction.

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*Drawing A*
Common misconception of where tree roots are assumed to be located
**Structural Issues**

Limited space for canopy development produces poor structure in trees. The largest tree in a given area, which is ‘shading’ the other trees is considered Dominant. The ‘shaded’ trees are considered Suppressed. The following picture illustrates this point. Suppressed trees are more likely to become a potential hazard due to their poor structure.

Co-dominant leaders are another common structural problem in trees.
The tree in this picture has a co-dominant leader at about 3' and included bark up to 7 or 8'. Included bark occurs when two or more limbs have a narrow angle of attachment resulting in bark between the stems – instead of cell to cell structure. This is considered a critical defect in trees and is the cause of many failures.

Figure 6. Codominant stems are inherently weak because the stems are of similar diameter.

Photo from Evaluation of Hazard Trees in Urban Areas by Nelda P. Matheny and James R. Clark, 1994 International Society of Arboriculture

Our native oak trees are easily damaged or killed by having the soil within the Critical Root Zone (CRZ) disturbed or compacted. All of the work initially performed around protected trees that will be saved should be done by people rather than by wheeled or track type tractors. Oaks are fragile giants that can take little change in soil grade, compaction, or warm season watering. Don't be fooled into believing that warm season watering has no adverse effects on native oaks. Decline and eventual death can take as long as 5-20 years with poor care and inappropriate watering. Oaks can live hundreds of years if treated properly during construction, as well as later with proper pruning, and the appropriate landscape/irrigation design.

Conclusion:
There are Forty Six (46) trees proposed for removal and Four (4) trees to remain on the site. General development guidelines are included below. Specific preservation requirements can be determined based on the grading plans when available.
# Chart C – Trees Proposed for Removal

<table>
<thead>
<tr>
<th>Tag</th>
<th>Species Common Name</th>
<th>Species Botanical Name</th>
<th>DBH</th>
<th>Protected Y/N</th>
<th>Canopy radius in feet</th>
<th>Protected Root Zone</th>
<th>Notes</th>
<th>Remove</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>67</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>7, 7, 5</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>26</td>
<td>Y</td>
<td>25</td>
<td>Root collar slightly buried, codominant leader at 5', included bark, all canopy to 5, due to old dead tree to N, stub, canopy to ground, rope in canopy, 1-3&quot; dead wood, good leaf surface</td>
<td>3 Fair - Minor Problems</td>
<td></td>
<td></td>
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<tr>
<td>75</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4, 4, 4, 4, 5, 3</td>
<td>Y</td>
<td>12</td>
<td>Stump sprout, very poor structure at base, main tops dead</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4, 4</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>4, 4</td>
<td>N</td>
<td>8</td>
<td>Root collar buried, codominant leader at 3', suppressed by oaks, under story, epicormic growth, canopy bows, very poor structure, fair leaf surface</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>81</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4</td>
<td>N</td>
<td>5</td>
<td>Root collar good, near road, bend in trunk at 15', good leaf surface</td>
<td>3 Fair - Minor Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>Pinus spp- 2 per bundle less than 2', cones stalked,</td>
<td></td>
<td>8</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, trunk prostrate, hits hard rail, leans over road, codominant leader at 2', unbalanced canopy to S, very poor structure, old pruning cut with no wound wood, tips</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tag</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Protected Root Zone</td>
<td>Notes</td>
<td>Remove</td>
<td>Rating</td>
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</tr>
<tr>
<td>84</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>36</td>
<td>Y</td>
<td>45</td>
<td></td>
<td>On slope, root collar buried on uphill side, codominant leader at 20', 27', narrow attachment in canopy, stubs from past failures, unbalanced canopy to NE, over weight limb, under power lines, epicormic growth</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>85</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>23</td>
<td>Y</td>
<td>40</td>
<td></td>
<td>Slightly buried on uphill slope, codominant leader at 6', included bark, unbalanced canopy to S, branches to ground, narrow attachments in canopy, good leaf surface</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>8</td>
<td>N</td>
<td>14</td>
<td></td>
<td>Root collar good, unbalanced canopy to S, epicormic growth Leans close to road</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>2, 2, 2</td>
<td>N</td>
<td>6</td>
<td></td>
<td>Root collar buried, codominant leader at base, poor structure, suppressed, fair leaf surface</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
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<tr>
<td>89</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>8, 3, 4, 3</td>
<td>N</td>
<td>7</td>
<td></td>
<td>Root collar buried, trunk prostrate, severe lean to W, dead wood 1-2&quot;, good leaf surface, next to road</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>91</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>6 at base</td>
<td>N</td>
<td>5</td>
<td></td>
<td>Root collar buried, codominant leader at base, crossing limbs, powdery mildew, tops dead, suppressed by eucalyptus</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>92</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5,</td>
<td>N</td>
<td>7</td>
<td></td>
<td>Root collar buried, codominant leader at base, crossing limbs, fair leaf surface, unbalanced</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>Tag</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Protected Root Zone</td>
<td>Notes</td>
<td>Remove</td>
<td>Rating</td>
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<tr>
<td>93</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 3, 3, 2, 3, 2</td>
<td>N</td>
<td>0</td>
<td></td>
<td>canopy to S, dead wood 1-4&quot;</td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
<tr>
<td>94</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5</td>
<td>N</td>
<td>7</td>
<td></td>
<td>Root collar slightly buried, canopy to S, suppressed by eucalyptus, good leaf surface</td>
<td>4 Good - No Apparent Problems</td>
<td></td>
</tr>
<tr>
<td>95</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>10</td>
<td>N</td>
<td>11</td>
<td></td>
<td>Root collar good, in water, codominant leader at 20&quot;, epicormic growth, dead wood 1-4&quot;, fair leaf surface</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>97</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>12</td>
<td>N</td>
<td>12</td>
<td></td>
<td>In water, codominant leader at 5, understory, suppressed by eucalyptus, fair leaf surface, dead wood 1-3&quot;</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>98</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>2, 2, 2, 2, 2, 2</td>
<td>N</td>
<td>8</td>
<td></td>
<td>Root collar buried, codominant leader at base in to 3, narrow attachments in canopy, unbalanced canopy to N, good leaf surface</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
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<tr>
<td>99</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>7, 4, 4, 3, 1</td>
<td>N</td>
<td>0</td>
<td></td>
<td>Collar good at base, trunk leans to N, codominant leader at 2', included bark, unbalanced canopy to N, suppressed by eucalyptus, good leaf surface</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>100</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>6</td>
<td>N</td>
<td>10</td>
<td></td>
<td>Collar good at base, trunk leans to N, codominant leader at 2', included bark, unbalanced canopy to N, suppressed by eucalyptus, good leaf surface</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>101</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>6</td>
<td>N</td>
<td>12</td>
<td></td>
<td>On small slope, base good, unbalanced canopy to S, suppressed by eucalyptus, dead wood 1-2&quot;, good leaf surface</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>102</td>
<td>Almond</td>
<td>Prunus</td>
<td>3, 3, 2</td>
<td>N</td>
<td>12</td>
<td></td>
<td>Base at eucalyptus, root collar</td>
<td>2 significant</td>
<td></td>
</tr>
<tr>
<td>Tag</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Protected Root Zone</td>
<td>Notes</td>
<td>Remove</td>
<td>Rating</td>
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<tr>
<td></td>
<td>dulcis</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>buried, trunk leans to NE, crossing limbs, codominant leader st 3', included bark, suppressed by eucalyptus, good leaf surface</td>
<td>Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>103</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 3, 3</td>
<td>N</td>
<td>8</td>
<td></td>
<td>Root collar poor, stump sprout, codominant leader at base, sap sucker damage, small dead wood, suppressed by eucalyptus, good leaf surface</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5</td>
<td>N</td>
<td>8</td>
<td></td>
<td>Base good, codominant leader at 2', suppressed by eucalyptus, poor structure in canopy, good leaf surface</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>8</td>
<td>N</td>
<td>12</td>
<td></td>
<td>On slope, root collar buried, codominant leader at 20', suppressed by eucalyptus, poor leaf surface</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>6</td>
<td>N</td>
<td>8</td>
<td></td>
<td>On slope, trunk at base curves, canopy corrected, close proximity to larger tree, unbalanced canopy to S over road, good leaf surface</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>107</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7, 6</td>
<td>N</td>
<td>12</td>
<td></td>
<td>On slope, root collar buried, codominant leader at 1', included bark, 1-3&quot;dead wood, unbalanced canopy to S over road</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>108</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>6, 6, 4</td>
<td>N</td>
<td>12</td>
<td></td>
<td>On slope, codominant leader at base into 4, straight trunks, slight is to S, 1-2&quot;dead wood, good leaf</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>Tag</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Protected Root Zone</td>
<td>Notes</td>
<td>Remove</td>
<td>Rating</td>
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<tr>
<td>109</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>10</td>
<td></td>
<td>surface</td>
<td></td>
<td>3 Fair - Minor Problems</td>
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<tr>
<td>110</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>8</td>
<td></td>
<td>On slope, root collar buried, unbalanced canopy to S, good leaf surface</td>
<td></td>
<td>4 Good - No Apparent Problems</td>
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<tr>
<td>111</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>0</td>
<td></td>
<td>On slope, base next to water, top broken out at 20', poor structure, epicormic growth, poor leaf surface</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>112</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>12</td>
<td>N</td>
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<td></td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
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<tr>
<td>113</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>16</td>
<td>N</td>
<td>0</td>
<td></td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
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<tr>
<td>116</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>12</td>
<td></td>
<td>Root collar buried, trunk close to 117, unbalanced canopy to N, epicormic growth, top dead</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>121</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>9,4</td>
<td>N</td>
<td>12</td>
<td></td>
<td>Root collar buried, codominant leader at 3', understory, suppressed, poor structure in canopy, unbalanced canopy to SSE, fair leaf surface</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>122</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>0</td>
<td></td>
<td>Dead</td>
<td>Remove</td>
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</tr>
<tr>
<td>123</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>6</td>
<td></td>
<td>Root collar buried, poor taper, top dead</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>127</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>12</td>
<td></td>
<td>Root collar buried, in between larger trunks, unbalanced canopy to NNE, dead wood 1-2&quot;, good</td>
<td>Remove if keeping larger</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>Tag</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Protected Root Zone</td>
<td>Notes</td>
<td>Remove</td>
<td>Rating</td>
</tr>
<tr>
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<tr>
<td>133</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>4</td>
<td></td>
<td>leaf surface</td>
<td></td>
<td>cottonwood, or Prune to balance canopy</td>
</tr>
<tr>
<td>136</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>10</td>
<td>N</td>
<td>8</td>
<td></td>
<td>Root collar good, good taper, good tree</td>
<td></td>
<td>5 Excellent</td>
</tr>
<tr>
<td>137</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>19</td>
<td>N</td>
<td>18</td>
<td></td>
<td>Root collar buried, codominant leader removed at base, decay, unbalanced canopy to SSE, epicormic growth, hazardous, most limbs dead, leans over road, top broken out</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>138</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>16</td>
<td>N</td>
<td>0</td>
<td></td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
<tr>
<td>139</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>14</td>
<td>N</td>
<td>13</td>
<td></td>
<td>Root collar buried, unbalanced canopy to N, epicormic growth, top dead</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>152</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>10,3</td>
<td>N</td>
<td>6</td>
<td></td>
<td>Very poor structure, significant decay on trunk, previously topped, mostly dead</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>159</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>13, 13</td>
<td>Y</td>
<td>0</td>
<td></td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
</tbody>
</table>
Myrtle Court Subdivision
in
Concord, California

Please refer to the Arborist Report for additional information.
Tree locations are approximate.
Aerial- NAIP (2016)
**Tree SIZE Expressed by Trunk Diameter**

"The height at which the trunk diameter of a tree is measured depends on its size. The American Standard for Nursery Stock (ANSI 1990) states that measurements shall be taken 6 inches (15 cm) above the ground for trunk diameters up to and including 4 inches (10 cm). Larger trees (assumed, but not stated, to be of transplantable size) are to be measured at 12 inches (30 cm). Trees normally considered too large to transplant are to be measured 3.5 feet (1.1 m) above the ground. Trees, like conifers, which have branches below 3.5 feet, should be measured at a height that most effectively represents the size of the tree. The diameter is calculated by first measuring the circumference divided by 3.14 (π called pi) or by using a "diameter tape" wherein the inches are multiplied by π and shown to produce the diameter directly."

This is the dbh standard for measurement as shown in figure 4-2.

**Figure 4-2 (top) and 4-1 (bottom)**
In each case, the trunk circumference should be measured at right angles to the trunk 4.5 feet (1.4 m) along the center of the trunk axis on the height to the average of the lowest and longest sides of the trunk.

There are some exceptions to the dbh standard as shown in the figures 4-3, 4-4, 4-5 & 4-6.

**Figure 4-3**
In a multi-stem tree, measure the trunk circumference of each trunk at 4.5 feet (1.4 m) above the ground. The area of each trunk is determined and then added together to obtain a trunk area that is representative of the size of the tree and each of the stems contribute in proportionate shares to the canopy.

**Figure 4-5**
When low branches preclude measuring the trunk at 4.5 feet (1.4 m) measure the smallest circumference below the smallest branch. In this example, an alternative would be to determine the sum of the cross-sectional areas of the two stems measured about 12 inches (30 cm) above the crotch. Then average the sum of the two branch areas and the smallest cross-sectional area below the branches. This may give a better estimate of tree size. Record the height of measurement (X) and the reason the height or those heights were chosen.

---

**ABACUS**

"Where Every Detail Counts"

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Auburn, CA 95603
Phone & Fax (530) 889-0553
Email: km@abacus-tree.com
www.abacus-tree.com

**Tree SIZE Expressed by Trunk Diameter**

<table>
<thead>
<tr>
<th>Scale NT</th>
<th>Drawings TSE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Disclosure, Assumptions and Disclaimer

1) I, Nicole Harrison, ISA Certified Arborist WE-6500AM, with “ABACUS”, did personally inspect the site and investigated the tree(s) as mentioned in this report and I performed all aspects of this report unless noted otherwise in the report.

2) We have neither financial interest in the tree work that may or may not be done, nor financial interest in the property where the tree(s) is (are) located unless noted within the report.

3) All opinions and recommendations expressed herein this report are ours solely. We have used our specialized education, knowledge, training and experience to examine the tree(s) and to make our opinions and recommendations to enhance the beauty, health and longevity, with an attempt to reduce the risk of who and/or what is near these trees. We cannot guarantee or warranty that a tree will not be healthy or safe under all circumstances, nor for a specific period of time or that problems may not arise in the future.

4) Our report with its opinions and recommendations are limited to the tree(s) inspected.

5) We attempt to be cognizant of the whole scope of a project, but many matters are beyond the scope of our professional consulting arborist services such as: exact property boundaries, property ownership, site lines, easements, codes, covenants & restrictions (CC&Rs), disputed between neighbors, and other issues.

6) We rely on the information disclosed to us and assume the information to be complete, true, and accurate.

7) The inspection is limited to visual examination of accessible items of the tree(s), from the ground unless otherwise noted, without excavation, probing, boring, or dissection, unless noted otherwise. Only information covered in this report was examined, and reflects the condition of those inspected items at that specific time.

8) Clients may choose to accept or disregard these opinions and recommendations of the arborist or to seek additional advice.

9) This report is copyrighted. Any modification or partial use shall nullify the whole report. Do not copy without written permission. This report is for the client and the client's assignees.

10) Sketches, diagrams, graphs, drawings, and photographs within this report are intended as visual aids and are not necessarily to scale, and should not be construed as engineering or architectural detail, reports or surveys.

11) We shall not attend or give a deposition and/or attend court by reason of this report unless fees are contracted for in advance, according to our standard fee schedule, adjusted yearly, for such services as described.

Signed: [Signature]
March 18, 2019

Brian Kesler
Cyrus Land Investments, LLC
Jacqueline M. Seeno Construction Co., Inc.
4021 Port Chicago Highway
Concord, CA 94520
925-766-5769 | bkesler@seenohomes.com

Re: Design Level Arborist Report for Myrtle Drive & Ayers Road, Concord

Dear Brian,

This arborist report addresses the proposed Myrtle Creeks Subdivision project at Myrtle Drive & Ayers Road (APN 117-050-008). Per the City of Concord’s Tree Preservation and Protection Ordinance Chapter 18.310, the scope of work includes:

- Note Abacus tag numbers on site survey. Note species of trees omitted from the Abacus preliminary report. Review tree condition for changes since the Abacus site visit.
- Assess proposed improvements for potential encroachment.
- Based on proposed encroachment, tree health, structure, and species susceptibility, make recommendations for preservation.
- Identify the difference in removals between the preliminary report and the updated review.
- Quantify removal of trees that were omitted from the preliminary report, including eucalyptus and other exempt trees.
- Assess non-protected trees in the existing drainage swale along Ayers Road. Make recommendations for clearing brush or declining trees to improve health of swale.

![Image of a landscape with trees]

Figure 1. The property is currently undeveloped, consisting of open space dotted primarily with walnuts and eucalyptuses. The trees in the background are growing in the existing drainage swales.
Assumptions & Limitations
This report is based on my site visit on 2/20/19, the proposed grading & improvement plan set provided by Bellecci & Associates, Inc. dated 2/14/19 (updated grading plan 3/15/19), and the Abacus Consulting Arborists preliminary report dated 6/20/17. I assumed that the proposed improvements and trees were accurately surveyed. A significant number of individual trees were not surveyed, so I approximately located them as best as I could. I reused the Abacus tree tag numbers, as well as their diameter measurements since only ~2 years had passed.

The health and structure of the trees were assessed visually from ground level. No drilling, root excavation, or aerial inspections were performed. Internal or non-detectable defects may exist and could lead to part or whole tree failures. Due to the dynamic nature of trees and their environment, it is not possible for arborists to guarantee that trees will not fail in the future.

Project History & Summary
The site is a relatively flat, apparently undeveloped lot east of the Myrtle Drive & Ayers Road intersection, across from Ayers Elementary School. Existing asphalt and small structures indicate that this site was previously developed. An existing drainage swale runs the entire length of Myrtle Drive & Ayers Road, which is where the majority of the on-site trees are located. The remaining trees include scattered walnuts, eucalyptuses, oaks, and other non-native species. The proposed project includes 7 subdivided lots, a new court/road, frontage improvements, and grading throughout the entire Myrtle Drive drainage swale.

A preliminary arborist report for the project was completed by Abacus Consulting Arborists in 2017, which included an inventory of 120 trees. This report was submitted with the Tentative Map & Design Review application for the Myrtle Creek Estates Subdivision. The Planning Commission Resolution #18-09 PC (dated 7/27/18) granted approval to remove 35 trees based on the preliminary report. However, upon review, I found a few discrepancies that underreported the total number of recommended removals.

In the Executive Summary table, the total for trees “Proposed for Removal for Development” is 35, but the numbers in the column above the total add up to 45. However, if the individual trees are counted in “Chart C – Trees Proposed for Removal”, they actually add up to 46. Finally, Chart C doesn’t include all the trees recommended for removal in Chart B (Inventory of Trees), which are primarily declining or dead trees. If all these trees are added, the preliminary report actually recommends removal of 57 trees. (The Executive Summary table also notes 15 protected trees, but summing the numbers in the column above gives 16, which is accurate.)

I loosely based my work on the preliminary report, since the project has already gone through City review. Since I do not know exactly which 35 trees were approved for removal, I instead compared my recommendations to the comprehensive recommendations in the preliminary report – not just the numbers discussed in the Executive Summary table.

It is my opinion that a total of ninety-four (94) trees will need to be removed to accommodate the proposed project, ten (10) of which are considered protected trees. Thirty-five (35) of these trees were already approved for removal with the Tentative Map. Compared to the preliminary report, I am recommending removal of 37 or 59 additional trees – the former count is based on the entire preliminary report, while the latter count is based only on the Executive Summary table. Five (5) of those trees can be saved if proposed grading is adjusted to reduce encroachment per my recommendations. The remaining twenty-five (25) trees can be retained given that the protection measures within this report are followed.
Discussion
Grading is proposed throughout the entire site, though some areas will remain native along Ayers Road & Holly Drive. The entire existing drainage swale along Myrtle Drive will also be regraded, with portions becoming the new road, sidewalk, or curb. The tree density in the swale is extremely high. Since the trees have grown together as a grove for so long, individual trees generally have poor taper & asymmetrical canopies. Such trees are more likely to fail when surrounding trees are removed, as environmental stresses begin to act on them in ways to which they have not adjusted. For this reason, I recommend removing all trees in and on the banks of the swale.

Trees in the level “interior” part of the property mostly consist of declining walnuts and unmaintained eucalyptuses. Neither species is compatible with development for different reasons. Walnuts are notoriously sensitive to construction, due to their intolerance for root loss, soil compaction, or excessive pruning. Only walnuts in good condition would be considered worthy of re-design efforts, and none of the walnuts on the site are in particularly good condition. Walnut #148 may come close, but it may not be possible to provide enough space to sufficiently reduce encroachment. Eucalyptuses are prone to limb failure, and thus not desirable next to homes or high traffic areas.

Of all the trees on the site, I identified five trees that may be preserved with grading adjustment. Saving Peruvian pepper #40 seems fairly straightforward, since it’s located on flat ground with minimal grading around it. If necessary, the grading could be done by hand to reduce encroachment, though it may be easiest to daylight grading outside its crip line. The other four include oaks #145, 146, 149 & 150). The flexibility of grading here is less certain due to proposed swale regarding, but I provided recommendations in case the adjustments are feasible.

Nearly all trees along Ayers Road can be saved. The condition of the swale can be improved by removing eucalyptuses and dead or declining trees.

Mitigation
The City of Concord’s mitigation ratio is 3:1 for protected tree removals. Ten (10) protected trees will need to be removed for the proposed project, which requires mitigation plantings of thirty (30) trees.

Exempt trees
The City of Concord exempts palms and eucalyptuses from their protected tree definition, so they were not discussed in the preliminary report. I counted approximately 17 palms, starting at 4’ tall, and approximately 100 eucalyptuses ranging from 2” to 72” in diameter. The number of eucalyptuses is only approximate, as it was not always clear whether smaller trunks were completely separate trees as opposed to being root sprouts.

As expected of unmanaged eucalyptuses, I observed branch and tree failures all over the property. Dense eucalyptus debris collects beneath these trees, and the flammability of the bark and foliage can increase fire hazard. That, along with their tendency to break limbs, renders them incompatible with development. I recommend removing all eucalyptuses on site.
Recommendations (to be printed on site plans)
Ayers Road drainage swale
- Remove all eucalyptuses.
- Remove dead & mostly dead trees (to be reviewed after spring), as well as eucalyptus bark, failed limbs, and other surface debris.
- Remove fractured limbs of tree #51.

Pre-construction
- Adjust grading to daylight outside dripline of tree #40 in order to save tree.
- If feasible, adjust grading to provide the following radii of undisturbed grade to save additional trees: 12’ for #145, 6’ for #146, and 8’ for trees #149 & 150. Tree #148 may also be saved with 15’ undisturbed grade, but this seems less likely than the others.
  - Seven trees (#65, 66, 74, 75, 86, 145 & 159) are considered protected.
- Remove all palms in the Myrtle drainage swale (~10) and all eucalyptuses (~100) on the property, including those in the Ayers Rd drainage swale.
- Mulch from tree removals may be spread out under the driplines of trees that will be retained, keeping at least 12” away from the trunks.
- Prior to construction or grading, contractor shall install fencing to construct a temporary Tree Protection Zone (TPZ) around each tree or grove of trees as indicated on the tree protection plan. 6’ tall chain-link fencing shall be used if specifically noted on the plan; otherwise fencing can consist of heavy-duty orange poly fencing attached to metal stakes no further than 6’ apart.
- TPZ fencing shall remain in an upright sturdy manner from the start of grading until the completion of construction. Fencing shall not be adjusted or removed without consulting the project arborist (PA).

Foundation, Grading, and Construction Phase
- Project arborist (PA) shall be on-site during grading within dripline of tree #85.
- Reduction pruning of trees #84 & 85 shall be coordinated through PA and shall be performed by personnel certified by the International Society of Arboriculture (ISA). All pruning shall adhere to ISA and American National Standards Institute (ANSI) Standards and Best Management Practices.
- Should TPZ encroachment be necessary, the contractor shall contact the PA for consultation and recommendations.
- Contractor shall keep TPZs free of all construction-related materials, debris, fill soil, equipment, etc. The only acceptable material is mulch spread out beneath the trees.
- Should any damage to the trees occur, the contractor shall promptly notify the PA to appropriately mitigate the damage.

Landscaping Phase (if applicable)
- Contractor shall avoid trenching and grade changes within oak driplines.
- All planting and irrigation shall be kept a minimum of 10’ away from native oaks. All irrigation within the driplines shall be targeted at specific plants, such as drip emitters or bubblers. No overhead irrigation shall occur within the driplines of native oaks.
- All planting within oak driplines shall be compatible with oaks, consisting of plant material that requires little to no water after two years’ establishment. A list of oak-compatible plants can be found in a publication from the California Oak Foundation, available at: http://californioaksoaks.org/wp-content/uploads/2016/04/CompatiblePlantsUnderAroundOaks.pcf

Jennifer Tso, Certified Arborist
Thank you for the opportunity to provide this report, and please do not hesitate to contact me if there are any questions or concerns.

Refer to tree inventory table below for information on individual trees, and tree protection plan for locations & recommendations.

Sincerely,

[Signature]

Jennifer Tso
Certified Arborist #WE-10270A
Tree Risk Assessor Qualified
Tree Inventory & Assessment Table
#s: Each tree was given a numerical tag from #37-159 (missing #82, 90, 97). These numbers correspond to the Abacus acorn-shaped tree tags. Where the tags had fallen off, I affixed a temporary tag with orange flagging tape. Their locations are given in the tree protection plan.

DBH (Diameter at Breast Height): Trunk diameters in inches were calculated from the circumference measured at 4.5' above average grade.

Health & Structural Condition Rating
Dead: Dead or declining past chance of recovery.
Poor (P): Stunted or declining canopy, poor foliar color, possible disease or insect issues. Severe structural defects that may or may not be correctable. Usually not a reliable specimen for preservation.
Fair (F): Fair to moderate vigor. Minor structural defects that can be corrected. More susceptible to construction impacts than a tree in good condition.
Good (G): Good vigor and color, with no obvious problems or defects. Generally more resilient to impacts.
Very Good (VG): Exceptional specimen with excellent vigor and structure. Unusually nice.

Age
Young (Y): Within the first 20% of expected life span. High resiliency to encroachment.
Mature (M): Between 20% - 80% of expected life span. Moderate resiliency to encroachment.
Overmature (OM): In >80% of expected life span. Low resiliency to encroachment.

DE: Dripline Encroachment (X indicates encroachment)
CI: Anticipated Construction Impact (L = Low, M = Moderate, H = High)
PT: Protected tree per city ordinance, noted by X
Note: Protected trees recommended for removal are noted by bold typeface.

Action: Recommendation to remove or save trees based on anticipated encroachment, including adjustments to save additional worthy trees & tree protection during construction.

Change from 2017: Explains the difference in recommendations between the two arborist reports. For this, I used the total recommended removals between Chart C (Removals) and Chart B (Inventory) in the 2017 preliminary report – there are discrepancies between the two, and Chart C omits some declining/dead trees noted as removals in Chart B. I also recommend saving additional trees.
<table>
<thead>
<tr>
<th>#</th>
<th>Species</th>
<th>DBH</th>
<th>Health</th>
<th>Structure</th>
<th>Dripline Radius (ft)</th>
<th>DE</th>
<th>CI</th>
<th>PT</th>
<th>Comments</th>
<th>Action</th>
<th>Change from 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>Almond (Prunus dulcis)</td>
<td>5</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Tree not found.</td>
<td>N/A</td>
<td>Not found.</td>
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<td>38</td>
<td>Almond</td>
<td>6, 6</td>
<td>F-P</td>
<td>F</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td>Not surveyed. Co-dominant trunks. stem prostrate to N, other stem leans over road. Overhead power lines.</td>
<td>None.</td>
<td></td>
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<tr>
<td>39</td>
<td>Almond</td>
<td>4, 1</td>
<td>F</td>
<td>F</td>
<td>8</td>
<td>L</td>
<td></td>
<td></td>
<td>Trunk leans to S. Crossing branches.</td>
<td>None.</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>California black walnut (Juglans hindall)</td>
<td>5</td>
<td>F</td>
<td>F-P</td>
<td>14</td>
<td>L</td>
<td></td>
<td></td>
<td>Epicormic growth at base. Proposed limit of grading 25’ from tree.</td>
<td>Install temporary protection fencing.</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>California black walnut</td>
<td>4</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead.</td>
<td>Remove.</td>
<td></td>
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<tr>
<td>44</td>
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<td>4</td>
<td>F</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>L</td>
<td></td>
<td>Imbalanced canopy to E with elongated branches. 10’ from proposed limit of grading.</td>
<td>Install temporary protection fencing.</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Almond</td>
<td>3, 5, 3</td>
<td>F</td>
<td>F</td>
<td>8</td>
<td>L</td>
<td></td>
<td></td>
<td>3 co-dominant trunks.</td>
<td>Install temporary protection fencing.</td>
<td></td>
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<tr>
<td>47</td>
<td>Chinese pistache</td>
<td>5</td>
<td>F</td>
<td>G-F</td>
<td>15</td>
<td>L</td>
<td></td>
<td></td>
<td>On slope. imbalanced canopy to W.</td>
<td>Install temporary protection fencing.</td>
<td></td>
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<tr>
<td>48</td>
<td>Chinese pistache</td>
<td>5, 3</td>
<td>G</td>
<td>F</td>
<td>12</td>
<td>L</td>
<td></td>
<td></td>
<td>On slope. imbalanced canopy to W.</td>
<td>Save.</td>
<td></td>
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<tr>
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<td>Almond</td>
<td>5, 2</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. Tag falling off.</td>
<td>Remove.</td>
<td></td>
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<tr>
<td>50</td>
<td>Almond</td>
<td>4, 2, 2, 2</td>
<td>F-P</td>
<td>F</td>
<td>7</td>
<td>L</td>
<td></td>
<td></td>
<td>On slope. Co-dominant trunks. Imbalanced canopy to W.</td>
<td>Save.</td>
<td></td>
</tr>
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Jennifer Tso, Certified Arborist
<table>
<thead>
<tr>
<th>#</th>
<th>Species</th>
<th>DBH</th>
<th>Health</th>
<th>Structure</th>
<th>Driveline Radius (ft)</th>
<th>DE</th>
<th>CI</th>
<th>PT</th>
<th>Comments</th>
<th>Action</th>
<th>Change from 2017</th>
</tr>
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<tbody>
<tr>
<td>53</td>
<td>Almond</td>
<td>5, 3</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Almond</td>
<td>5, 4, 4</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead.</td>
<td>Remove.</td>
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</tr>
<tr>
<td>55</td>
<td>Almond</td>
<td>6, 4</td>
<td>F</td>
<td>F-P</td>
<td>6</td>
<td>L</td>
<td></td>
<td></td>
<td>Co-dominant trunks. Main stem dead with strong sprouts. Can provide minor screening.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>Almond</td>
<td>8 at 1'</td>
<td>P</td>
<td>F</td>
<td>6</td>
<td>L</td>
<td></td>
<td></td>
<td>Co-dominant stems at 2'. Top dead but sprouting back.</td>
<td>Remove dead top (optional).</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Almond</td>
<td>4</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Almond</td>
<td>4, 1</td>
<td>F</td>
<td>F</td>
<td>0</td>
<td>L</td>
<td></td>
<td></td>
<td>On slope. dead tree at base. Imbalanced canopy to SW.</td>
<td>Save.</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Valley oak</td>
<td>9</td>
<td>G</td>
<td>G-F</td>
<td>12</td>
<td>L</td>
<td></td>
<td></td>
<td>On slope. leans to E away from power lines, over road.</td>
<td>Save.</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Valley oak</td>
<td>3, 2, 2, 1, 1</td>
<td>F</td>
<td>P</td>
<td>10</td>
<td>L</td>
<td>X</td>
<td></td>
<td>On slope. Essentially stump sprouts. Understory.</td>
<td>Save.</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Almond</td>
<td>5, 6</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. 6' from proposed swale grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Peruvian pepper</td>
<td>8, 4</td>
<td>F</td>
<td>F-P</td>
<td>15</td>
<td>L</td>
<td></td>
<td></td>
<td>Co-dominant trunks; large stem leans to NW over concrete wall. Heartwood decay.</td>
<td>Raise canopy.</td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Peruvian pepper</td>
<td>5, 4</td>
<td>P</td>
<td>F</td>
<td>9</td>
<td>L</td>
<td></td>
<td></td>
<td>Co-dominant stems at 2'. Sparse canopy.</td>
<td>Raise canopy.</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>California black</td>
<td>4, 4, 6, 7, 3</td>
<td>F</td>
<td>P</td>
<td>10</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Multiple co-dominant stems at 1'. Low growing canopy. 17' from proposed limit of grading.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>67</td>
<td>California black</td>
<td>7, 7, 5</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. In proposed building pad.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Species</td>
<td>DBH</td>
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<td>PT</td>
<td>Comments</td>
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<tr>
<td>68</td>
<td>California black walnut</td>
<td>8</td>
<td>F</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Not surveyed. Imbalanced canopy to N; minor lean. Co-dominant stems at 4'. In proposed building pad.</td>
<td>Remove</td>
<td>Remove.</td>
</tr>
<tr>
<td>69</td>
<td>California black walnut</td>
<td>9, 9, 8, 5</td>
<td>F</td>
<td>F-P</td>
<td>16</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>3 co-dominant trunks. Low growing canopy. Minor mistletoe. In proposed building pad.</td>
<td>Remove</td>
<td>Remove.</td>
</tr>
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<td>70</td>
<td>California black walnut</td>
<td>10, 11,11</td>
<td>F-P</td>
<td>F</td>
<td>18</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Co-dominant stems at multiple levels. Low growing canopy. Moderate mistletoe. In proposed grading.</td>
<td>Remove</td>
<td>Remove.</td>
</tr>
<tr>
<td>72</td>
<td>Almond</td>
<td>5, 5, 4, 3</td>
<td>G</td>
<td>F-P</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Co-dominant stems at 1'. In proposed grading.</td>
<td>Remove</td>
<td>Remove.</td>
</tr>
<tr>
<td>74</td>
<td>Valley oak</td>
<td>26</td>
<td>G</td>
<td>F</td>
<td>25</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Co-dominant stems at 5', included bark, all canopy to S due to adjacent dead tree. 8' from proposed driveway, In proposed grading.</td>
<td>Remove</td>
<td>Remove.</td>
</tr>
<tr>
<td>75</td>
<td>California black walnut</td>
<td>4, 4, 4, 4, 5, 4, 3</td>
<td>F</td>
<td>P</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Stump sprouts. Tops died and regrew. In proposed driveway.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>California black walnut</td>
<td>4, 3, 3, 2, 2, 2</td>
<td>P</td>
<td>P</td>
<td>10</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Stump sprouts. In proposed grading.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>Almond</td>
<td>4, 4</td>
<td>Dead</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. In proposed grading/building pad.</td>
<td>Remove</td>
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<tr>
<td>78</td>
<td>California black walnut</td>
<td>3, 1, 1, 2, 2, 2, 2, 3, 3</td>
<td>P</td>
<td>P</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Stump sprouts. In proposed grading/building pad.</td>
<td>Remove</td>
<td>Remove.</td>
</tr>
<tr>
<td>80</td>
<td>Peruvian pepper</td>
<td>4, 4</td>
<td>F</td>
<td>F</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Co-dominant stems at 3'. Sparse canopy. In proposed swale grading.</td>
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<tr>
<td>#</td>
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<td>Structure</td>
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<td>DE</td>
<td>CI</td>
<td>PT</td>
<td>Comments</td>
<td>Action</td>
<td>Change from 2017</td>
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<tr>
<td>81</td>
<td>Almond</td>
<td>3</td>
<td>G</td>
<td>G</td>
<td>5</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In proposed sidewalk.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>Italian stone pine (Pinus pinea)</td>
<td>8</td>
<td>G-F</td>
<td>G-F</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Lower trunk prostrate. One stem removed at 1' above grade. Tips of needles browning. In proposed street.</td>
<td>Remove.</td>
<td></td>
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<tr>
<td>84</td>
<td>Valley oak</td>
<td>36</td>
<td>G</td>
<td>F-P</td>
<td>45</td>
<td>X</td>
<td>L-M</td>
<td>X</td>
<td>Power lines above. Lean towards channel. Multiple stems at 12'-15' above grade. Large scaffold branches. Horizontal line in bark on opposite side of lean at 10', ~25' from proposed grading.</td>
<td>Install temporary protection fencing. Reduce elongated branches.</td>
<td>Save.</td>
</tr>
<tr>
<td>87</td>
<td>Valley oak</td>
<td>8</td>
<td>G-F</td>
<td>G-F</td>
<td>14</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Imbalanced canopy to S. In proposed swale grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>Almond</td>
<td>2, 2, 2</td>
<td>F</td>
<td>P</td>
<td>6</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Co-dominant trunks. Suppressed by other trees. In proposed road.</td>
<td>Remove.</td>
<td></td>
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<tr>
<td>89</td>
<td>Almond</td>
<td>8, 3, 4, 3</td>
<td>F-P</td>
<td>F</td>
<td>7</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Trunk prostrate, severe lean to W. Stunted growth. In proposed road.</td>
<td>Remove.</td>
<td></td>
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<tr>
<td>91</td>
<td>Valley oak</td>
<td>6</td>
<td>F</td>
<td>F</td>
<td>5</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Diameter measured at base. Top of trunk bowed. In proposed swale grading.</td>
<td>Remove.</td>
<td></td>
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<tr>
<td>93</td>
<td>Almond</td>
<td>5, 3, 3, 2, 3</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. In proposed swale grading.</td>
<td>Removed.</td>
<td></td>
</tr>
<tr>
<td>94</td>
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<td>5</td>
<td>F</td>
<td>G-F</td>
<td>7</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Canopy imbalanced to S. In proposed swale grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>95</td>
<td>Willow (Salix sp.)</td>
<td>10</td>
<td>G-F</td>
<td>G</td>
<td>11</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In water. In proposed driveway.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>96</td>
<td>Willow</td>
<td>12</td>
<td>G</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In water. Co-dominant stems at 5'. In proposed driveway.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>98</td>
<td>Almond</td>
<td>2, 2, 2, 2</td>
<td>F</td>
<td>F</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Co-dominant trunks. Imbalanced canopy to N. In proposed driveway.</td>
<td>Remove.</td>
<td></td>
</tr>
</tbody>
</table>

Jennifer Tso, Certified Arborist
<table>
<thead>
<tr>
<th>#</th>
<th>Species</th>
<th>DBH</th>
<th>Health</th>
<th>Structure</th>
<th>Driveline Radius (ft)</th>
<th>DE</th>
<th>CI</th>
<th>PT</th>
<th>Comments</th>
<th>Action</th>
<th>Change from 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>99</td>
<td>California black walnut</td>
<td>7, 4, 3, 1</td>
<td>Dead</td>
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<td></td>
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<td>Dead. In proposed driveway.</td>
<td>Remove</td>
<td></td>
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<tr>
<td>100</td>
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<td>F</td>
<td>F</td>
<td>10</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Not surveyed. Trunk leans to N with imbalanced canopy. In proposed driveway.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>101</td>
<td>Unknown</td>
<td>6</td>
<td>F-P</td>
<td>G</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Not surveyed. Imbalanced canopy to S. May be plum. In proposed driveway.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>102</td>
<td>Almond</td>
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<td>F</td>
<td>F-P</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In proposed sidewalk.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>103</td>
<td>Almond</td>
<td>5, 3, 3</td>
<td>F-P</td>
<td>F</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Stump sprouts. Stunted growth &amp; lopsided canopy. In proposed grading.</td>
<td>Remove</td>
<td></td>
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<tr>
<td>104</td>
<td>Valley oak</td>
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<td>F</td>
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<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Co-dominant stems at 2`. In proposed grading.</td>
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<td></td>
</tr>
<tr>
<td>105</td>
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<td>8</td>
<td>F</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Suppressed by eucalyptuses. Growing into sign. In proposed road.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td>Fremont cottonwood (Populus fremontii)</td>
<td>6</td>
<td>G-F</td>
<td>F</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Trunk at base curves, canopy corrected. Over road. In proposed sidewalk.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>108</td>
<td>Fremont cottonwood</td>
<td>5, 6, 4</td>
<td>G</td>
<td>F-P</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Multiple co-dominant trunks. In proposed sidewalk.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>109</td>
<td>Fremont cottonwood</td>
<td>5</td>
<td>G</td>
<td>G-F</td>
<td>10</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope, imbalanced canopy to S, leans over road. In proposed road.</td>
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<td></td>
</tr>
<tr>
<td>110</td>
<td>Fremont cottonwood</td>
<td>4</td>
<td>G</td>
<td>F</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope, imbalanced canopy to S. In proposed sidewalk.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>111</td>
<td>Fremont cottonwood</td>
<td>5</td>
<td>F</td>
<td>F</td>
<td>0</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Top broken out at 20`. In proposed sidewalk.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>112</td>
<td>Fremont cottonwood</td>
<td>12</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. In proposed sidewalk.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>113</td>
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<td>16</td>
<td>F-P</td>
<td>P</td>
<td>0</td>
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<td>H</td>
<td></td>
<td>Top regrew foliage. In proposed sidewalk.</td>
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<tr>
<td>114</td>
<td>Valley oak</td>
<td>9</td>
<td>G</td>
<td>G</td>
<td>11</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Root collar buried. Trunk has corrected lean to NE. In proposed curb.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>#</td>
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<td>DBH</td>
<td>Health</td>
<td>Structure</td>
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<td>DE</td>
<td>CI</td>
<td>PT</td>
<td>Comments</td>
<td>Action</td>
<td>Change from 2017</td>
</tr>
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<td>--------------------------------------------------------------------------</td>
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<tr>
<td>116</td>
<td>Fremont cottonwood</td>
<td>5</td>
<td>F-P</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Top dieback. In proposed grading.</td>
<td>Remove.</td>
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<td>F</td>
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<td>X</td>
<td>H</td>
<td></td>
<td>In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
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<tr>
<td>119</td>
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<td>F</td>
<td>F-P</td>
<td>16</td>
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<td>H</td>
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<td>Minor lean. In proposed grading.</td>
<td>Remove.</td>
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<td>Imbalanced canopy to NE. In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
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<tr>
<td>121</td>
<td>Willow</td>
<td>9, 4</td>
<td>F</td>
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<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Understory tree, imbalanced canopy to SSE. In proposed grading.</td>
<td>Remove.</td>
<td></td>
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<td>122</td>
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<td></td>
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<td>Dead. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>123</td>
<td>Fremont cottonwood</td>
<td>7</td>
<td>VP</td>
<td>P</td>
<td>6</td>
<td>X</td>
<td>H</td>
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<td>Essentially dead. In proposed grading.</td>
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<td>X</td>
<td>H</td>
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<td>Imbalanced canopy to S. In proposed grading.</td>
<td>Remove.</td>
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<td>P</td>
<td>6</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In proposed grading.</td>
<td>Remove.</td>
<td></td>
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<td>F</td>
<td>15</td>
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<td>H</td>
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<td>Imbalanced canopy to S. In proposed grading.</td>
<td>Remove.</td>
<td></td>
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<tr>
<td>127</td>
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<td>F</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>H</td>
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<td>Imbalanced canopy to NNE. In proposed grading.</td>
<td>Remove.</td>
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<td>F</td>
<td>F</td>
<td>10</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Imbalanced canopy to NW. One stem dead. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>129</td>
<td>Almond</td>
<td>4, 5</td>
<td>F</td>
<td>F</td>
<td>9</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Understory tree. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>130</td>
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<td>F</td>
<td>F</td>
<td>7</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>#</td>
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<td>Health</td>
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<td>Cl</td>
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<tr>
<td>131</td>
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<td>F</td>
<td>F</td>
<td>9</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Kinked trunk at 5'. In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>132</td>
<td>Fremont cottonwood</td>
<td>8</td>
<td>F</td>
<td>F-P</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. One stem mostly dead. In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>133</td>
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<td>5</td>
<td>G</td>
<td>F-P</td>
<td>4</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Poor taper. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>134</td>
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<td>G</td>
<td>F-P</td>
<td>6</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Poor taper. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>135</td>
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<td>G</td>
<td>F</td>
<td>6</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Poor taper. In proposed sidewalk.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>136</td>
<td>Fremont cottonwood</td>
<td>10</td>
<td>G</td>
<td>G</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Well tapered. In proposed sidewalk.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>137</td>
<td>Fremont cottonwood</td>
<td>19</td>
<td>F-P</td>
<td>P</td>
<td>18</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Imbalanced canopy to SSE. Top dieback. In proposed sidewalk.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>138</td>
<td>Fremont cottonwood</td>
<td>16</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>139</td>
<td>Fremont cottonwood</td>
<td>14</td>
<td>F</td>
<td>F</td>
<td>13</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Top dead. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>140</td>
<td>California black walnut</td>
<td>7 stems at 2&quot;-3&quot; diameter</td>
<td>F</td>
<td>P</td>
<td>9</td>
<td>X</td>
<td>H</td>
<td>Re-sprouted. Topped at 2'. In proposed building pad.</td>
<td>Remove.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>141</td>
<td>California black walnut</td>
<td>4, 4</td>
<td>P</td>
<td>F</td>
<td>5</td>
<td>X</td>
<td>H</td>
<td>Main stem topped with decay. In proposed grading.</td>
<td>Remove.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>142</td>
<td>California black walnut</td>
<td>4, 4, 4, 4, 3, 3</td>
<td>F</td>
<td>F-P</td>
<td>0</td>
<td>X</td>
<td>H</td>
<td>Main stem topped with decay. In proposed grading.</td>
<td>Remove.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>143</td>
<td>California black walnut</td>
<td>14</td>
<td>F-P</td>
<td>F</td>
<td>14</td>
<td>X</td>
<td>H</td>
<td>DBH doesn't include small sprouts. Moderate mistletoe. 5' from proposed grading limit; walnuts sensitive to root impacts.</td>
<td>Remove.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>144</td>
<td>California black walnut</td>
<td>6, 5, 4</td>
<td>P</td>
<td>F</td>
<td>6</td>
<td>L</td>
<td>Multiple trunks. Remove based on condition, tree likely to recover/thrive.</td>
<td>Remove.</td>
<td>Remove.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>145</td>
<td>Valley oak</td>
<td>12</td>
<td>G</td>
<td>G-F</td>
<td>18</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In proposed grading.</td>
<td>Remove.</td>
<td>To save, provide 12’ radius undisturbed grade.</td>
</tr>
<tr>
<td>#</td>
<td>Species</td>
<td>DBH</td>
<td>Health</td>
<td>Structure</td>
<td>Dripline Radius (ft)</td>
<td>DE</td>
<td>CI</td>
<td>PT</td>
<td>Comments</td>
<td>Action</td>
<td>Change from 2017</td>
</tr>
<tr>
<td>----</td>
<td>-----------------------------</td>
<td>-----</td>
<td>--------</td>
<td>-----------</td>
<td>----------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>--------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>146</td>
<td>Valley oak</td>
<td>4</td>
<td>G</td>
<td>G</td>
<td>6</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Good tree.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>147</td>
<td>California black walnut</td>
<td>10, 9</td>
<td>P</td>
<td>P</td>
<td>17</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Wire fence around base of tree; embedded in trunk. Stunted growth.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>148</td>
<td>California black walnut</td>
<td>14</td>
<td>F</td>
<td>F</td>
<td>20</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In proposed grading. Highly sensitive to root encroachment.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>149</td>
<td>Valley oak</td>
<td>5</td>
<td>G</td>
<td>G-F</td>
<td>7</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>150</td>
<td>Valley oak</td>
<td>5</td>
<td>G</td>
<td>G</td>
<td>10</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>153</td>
<td>Myoporum (Myoporum laetum)</td>
<td>10, 6, 6, 5, 9, 10, 10, 9</td>
<td>P</td>
<td>F-P</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Top dieback. Myoporum thrips. Many prostrate limbs, low growing canopy. Concrete structure and pipes near base. In proposed building pad.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>154</td>
<td>California black walnut</td>
<td>12, 24 @ 2'</td>
<td>F</td>
<td>P</td>
<td>35</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Elongated lower limbs. Significant mistletoe. 7' from proposed building pad. Walnuts highly sensitive to root impact.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>155</td>
<td>Peruvian pepper</td>
<td>8, 8, 7</td>
<td>G-F</td>
<td>F-P</td>
<td>14</td>
<td>L</td>
<td></td>
<td></td>
<td>Thin canopy. Clear of construction.</td>
<td>Install temporary protection fencing.</td>
<td></td>
</tr>
<tr>
<td>157</td>
<td>California black walnut</td>
<td>6, 4, 6, 3</td>
<td>F-P</td>
<td>F-P</td>
<td>14</td>
<td>L</td>
<td></td>
<td></td>
<td>Clear of construction.</td>
<td>Install temporary protection fencing.</td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>Valley oak</td>
<td>12</td>
<td>G</td>
<td>F-P</td>
<td>15</td>
<td>L</td>
<td>X</td>
<td></td>
<td>Co-dominant stems at 7' with included bark. Within 1' of existing fence. Clear of construction.</td>
<td>Install temporary protection fencing.</td>
<td></td>
</tr>
</tbody>
</table>

Jennifer Tso, Certified Arborist
<table>
<thead>
<tr>
<th>#</th>
<th>Species</th>
<th>DBH</th>
<th>Health</th>
<th>Structure</th>
<th>Dripline Radius (ft)</th>
<th>DE</th>
<th>CI</th>
<th>PT</th>
<th>Comments</th>
<th>Action</th>
<th>Change from 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>159</td>
<td>California black walnut</td>
<td>13, 13</td>
<td>Dead</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>Not surveyed. Very dead.</td>
<td>Remove</td>
<td></td>
</tr>
</tbody>
</table>

Not found: #37

Trees that will need to be removed: #43, 49, 52-55, 57, 61, 65-81, 83, 86-89, 91-96, 98-154, 159 (94 trees)
(Protected trees to be removed: 65, 66, 69-71, 74, 75, 145, 153, 154; 10 trees)

Trees to be saved that will be subjected to dripline encroachment: #40, 44, 84, 85 (4 trees)

Trees to be saved that will not be encroached: #38, 39, 41, 42, 45-48, 50, 51, 56, 58-60, 62-64, 155-158 (21 trees)
**Recommendations**

- Avera Field drainage route
  - Remove all access roads.
  - Remove all dead trees. (Trees 1 through 201, 206, and 207).
  - Remove all dead trees. (Trees 208 through 211).
  - Remove all dead trees. (Trees 212 through 215).
  - Remove all dead trees. (Trees 216 through 219).
  - Remove all dead trees. (Trees 220 through 223).
  - Remove all dead trees. (Trees 224 through 227).
  - Remove all dead trees. (Trees 228 through 231).
  - Remove all dead trees. (Trees 232 through 235).
  - Remove all dead trees. (Trees 236 through 239).
  - Remove all dead trees. (Trees 240 through 243).
  - Remove all dead trees. (Trees 244 through 247).
  - Remove all dead trees. (Trees 248 through 251).
  - Remove all dead trees. (Trees 252 through 255).
  - Remove all dead trees. (Trees 256 through 259).
  - Remove all dead trees. (Trees 260 through 263).
  - Remove all dead trees. (Trees 264 through 267).
  - Remove all dead trees. (Trees 268 through 271).
  - Remove all dead trees. (Trees 272 through 275).
  - Remove all dead trees. (Trees 276 through 279).
  - Remove all dead trees. (Trees 280 through 283).
  - Remove all dead trees. (Trees 284 through 287).
  - Remove all dead trees. (Trees 288 through 291).
  - Remove all dead trees. (Trees 292 through 295).
  - Remove all dead trees. (Trees 296 through 299).
  - Remove all dead trees. (Trees 300 through 303).
  - Remove all dead trees. (Trees 304 through 307).
  - Remove all dead trees. (Trees 308 through 309).
  - Remove all dead trees. (Trees 310 through 311).
  - Remove all dead trees. (Trees 312 through 313).
  - Remove all dead trees. (Trees 314 through 315).
  - Remove all dead trees. (Trees 316 through 317).
  - Remove all dead trees. (Trees 318 through 319).
  - Remove all dead trees. (Trees 320 through 321).
  - Remove all dead trees. (Trees 322 through 323).
  - Remove all dead trees. (Trees 324 through 325).
  - Remove all dead trees. (Trees 326 through 327).
  - Remove all dead trees. (Trees 328 through 329).
  - Remove all dead trees. (Trees 330 through 331).
  - Remove all dead trees. (Trees 332 through 333).
  - Remove all dead trees. (Trees 334 through 335).
  - Remove all dead trees. (Trees 336 through 337).
  - Remove all dead trees. (Trees 338 through 339).
  - Remove all dead trees. (Trees 340 through 341).
  - Remove all dead trees. (Trees 342 through 343).
  - Remove all dead trees. (Trees 344 through 345).
  - Remove all dead trees. (Trees 346 through 347).
  - Remove all dead trees. (Trees 348 through 349).
  - Remove all dead trees. (Trees 350 through 351).

**Pre-construction**

- All trees (except those noted below) shall be removed during grading within 10 ft of the site.
- All trees (except those noted below) shall be removed during grading within 20 ft of the site.
- All trees (except those noted below) shall be removed during grading within 30 ft of the site.
- All trees (except those noted below) shall be removed during grading within 40 ft of the site.
- All trees (except those noted below) shall be removed during grading within 50 ft of the site.
- All trees (except those noted below) shall be removed during grading within 60 ft of the site.
- All trees (except those noted below) shall be removed during grading within 70 ft of the site.
- All trees (except those noted below) shall be removed during grading within 80 ft of the site.
- All trees (except those noted below) shall be removed during grading within 90 ft of the site.
- All trees (except those noted below) shall be removed during grading within 100 ft of the site.
- All trees (except those noted below) shall be removed during grading within 110 ft of the site.
- All trees (except those noted below) shall be removed during grading within 120 ft of the site.
- All trees (except those noted below) shall be removed during grading within 130 ft of the site.
- All trees (except those noted below) shall be removed during grading within 140 ft of the site.
- All trees (except those noted below) shall be removed during grading within 150 ft of the site.
- All trees (except those noted below) shall be removed during grading within 160 ft of the site.
- All trees (except those noted below) shall be removed during grading within 170 ft of the site.
- All trees (except those noted below) shall be removed during grading within 180 ft of the site.
- All trees (except those noted below) shall be removed during grading within 190 ft of the site.
- All trees (except those noted below) shall be removed during grading within 200 ft of the site.

**Foundation, Grading, and Construction Phase**

- Project area (PA) shall be in place during grading within 10 ft of the site.
- All trees (except those noted below) shall be removed during grading within 20 ft of the site.
- All trees (except those noted below) shall be removed during grading within 30 ft of the site.
- All trees (except those noted below) shall be removed during grading within 40 ft of the site.
- All trees (except those noted below) shall be removed during grading within 50 ft of the site.
- All trees (except those noted below) shall be removed during grading within 60 ft of the site.
- All trees (except those noted below) shall be removed during grading within 70 ft of the site.
- All trees (except those noted below) shall be removed during grading within 80 ft of the site.
- All trees (except those noted below) shall be removed during grading within 90 ft of the site.
- All trees (except those noted below) shall be removed during grading within 100 ft of the site.
- All trees (except those noted below) shall be removed during grading within 110 ft of the site.
- All trees (except those noted below) shall be removed during grading within 120 ft of the site.
- All trees (except those noted below) shall be removed during grading within 130 ft of the site.
- All trees (except those noted below) shall be removed during grading within 140 ft of the site.
- All trees (except those noted below) shall be removed during grading within 150 ft of the site.
- All trees (except those noted below) shall be removed during grading within 160 ft of the site.
- All trees (except those noted below) shall be removed during grading within 170 ft of the site.
- All trees (except those noted below) shall be removed during grading within 180 ft of the site.
- All trees (except those noted below) shall be removed during grading within 190 ft of the site.
- All trees (except those noted below) shall be removed during grading within 200 ft of the site.

**Tree Protection Plan**

- By Jennifer Tso
- Certified Arborist #WE-10270A
- Travo Tree Service, Inc.
- March 16, 2019

Tree protection plan:

- Drawn on proposed grading plan, overlaid on survey.

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**PRELIMINARY**
AGREEMENT AND COVENANTS FOR SHARED MAINTENANCE
OF PRIVATE ACCESS AND RELATED IMPROVEMENTS, LANDSCAPING
AND STORMWATER IMPROVEMENTS

MYRTLE CREEK ESTATES, SUBDIVISION 9508,
CONCORD, CALIFORNIA

THIS AGREEMENT AND COVENANTS FOR SHARED MAINTENANCE OF PRIVATE
ACCESS AND RELATED IMPROVEMENTS, LANDSCAPING AND STORMWATER
IMPROVEMENTS ("Agreement") is made this __________ day of ________________, 2019,
by the undersigned record title owner of the real property over which the private access and
related improvements, landscaping and Stormwater Improvements located or adjacent to as set
forth herein, as legally described in Exhibit "A" attached hereto and as delineated on the Map of
Myrtle Creek Estates, Subdivision 9508, recorded ________________, 2019, in Map Book
____________ at Page __________, Contra Costa County Records, California ("Map")
(collectively the "Property" or "Lots" and singularly referred to as a Lot or as "Lot 1", "Lot 2", "Lot
3", "Lot 4", "Lot 5", "Lot 6" and/or "Lot 7"). The Property shall be subject to the following
provisions as to joint responsibility for and sharing of costs for maintenance, upkeep, repair
and/or replacement of the private access and related improvements, landscaping and
Stormwater Improvements on or adjacent to the Property. Each lot owner also has obligations
pertaining to maintenance, repair, replacement, inspection, monitoring and reporting
requirements of the Stormwater Improvements located within the Property as set forth herein.
Those obligations are referred to below and are more fully set forth in the

recorded on __________, 20__, as Document No. ________________,
Contra Costa County Records ("Stormwater Agreement"). The obligations for maintenance,
upkeep, repair and/or replacement of the private access and related improvements and
landscaping and sharing of costs therefor and for maintenance, upkeep, repair, replacement,
inspection, monitoring and reporting requirements of the Stormwater Improvements and sharing
of costs therefor shall be binding on the successor owners of record of each Lot comprising the
Property.

NOW, THEREFORE, the following covenants shall burden and are intended to be
covenants running with the Property, and shall be binding upon each owner of a Lot within the
Property, their heirs, successors-in-interest, and assigns. It is the intent hereto that this
instrument be recorded and that any subsequent transfer of title to a Lot or the Property, or any
part thereof, by acceptance of or delivery of a deed and/or a conveyance of a Lot, or any part
thereof, shall be deemed to have consented to and become bound by these terms:

Myrtle Creek Estates
1. **Private Access and Easement:**

   A. The area on the Map marked "Myrtle Court" is not dedicated for use by the general public, but is for, but not limited to, the private use for access for ingress and egress, and public utility easements (P.U.E.), where applicable, by the owners of the Lots. Myrtle Court is a non-exclusive easement to be used by all owners of the Lots described above and bounded thereon for ingress and egress of vehicles of all kinds, pedestrians, drainage, and utilities, including water, sewer, storm drain, power, telecommunication, and other facilities and utilities, together with the necessary conduits or supporting facilities. As hereinafter used with respect to maintenance, upkeep, repair, replacement and cost sharing obligations, the term "Myrtle Court/Drive Improvements" shall include the paved surface of Myrtle Court and adjacent concrete curbs, gutters and sidewalks, the street lighting located within Myrtle Court, the street lights located at the Myrtle Drive subdivision frontage and the irrigation and landscaping within the public right-of-way along the Myrtle Drive frontage. It is hereby declared that the owners of the Lots shall bear an equal share of any and all costs required for the maintenance, upkeep, repair and/or replacement of the Myrtle Court/Drive Improvements.

   B. The right of way created by said Myrtle Court private access easement shall be maintained in good, passable, and safe condition at all times under all traffic and weather conditions and passable at all times for access by emergency vehicles. No gate or other obstruction may be placed or installed in or across any portion of Myrtle Court.

   C. An Irrigation line for the landscaping to be installed within the public right-of-way along the Myrtle Drive frontage will be installed by Declarant and tied into the individual water service of Lot 1 and Lot 7. With the exception of irrigation water charges that will be included in water service bills to the respective owners of Lot 1 and Lot 7 and paid by each of said lot owners without cost sharing, all other costs and expenses for the maintenance, upkeep or replacement of the irrigation line and the landscaping along the Myrtle Drive frontage shall be shared by all Lot owners as referred to below with respect to cost sharing of "Myrtle Court/Drive Improvements.

   D. Maintenance, upkeep, repair or replacement of Myrtle Court/Drive Improvements, or portions thereof, shall be required when a majority of the Lot owners reach an agreement, in writing, that such maintenance, upkeep, repairs or replacement are needed, or when notified by the City of Concord ("City") or the Contra Costa County Fire Protection District ("District") of necessary repairs or replacement. The Lot owners shall promptly obtain three (3) bids from licensed contractors and shall mutually agree to accept the lowest of said bids and shall then initiate the maintenance, upkeep, repair or replacement of Myrtle Court/Drive Improvements, or portion(s) thereof, with each Lot owner bearing a one-seventh (1/7th) pro rata share of the costs and expenses thereof. Owners shall commence such maintenance, upkeep, repairs or replacement within thirty (30) days after notice from City or District, and diligently pursue such maintenance, upkeep, repairs or replacement to completion. Repair or replacement of any portion of Myrtle Court/Drive Improvements shall result in a finished condition equal to or better than that which existed prior to commencement of repair or replacement.

   E. Any owner of the Lots described above who shall in any manner cause or allow Myrtle Court to be used, traversed, or modified by vehicular traffic or otherwise, thereby causing damage to the surface thereof, as may be determined by the owners of Lots bounding thereon, shall bear full responsibility for all costs and expense of repairing said damage.
2. **Holly Drive Landscaping and Irrigation:** Declarant is required by City to install trees, shrubs and irrigation along Holly Drive within an area approximately ten feet (10') in width between the property line and the rear yard fencing of Lot 4, Lot 5 and Lot 6 ("Holly Drive Landscaping"). Each owner of Lot 4, Lot 5 and Lot 6 acknowledge this landscaping area is located within the legal boundary of their respective lot but is to be used strictly for landscaping as required by the City. An Irrigation line for the Holly Drive Landscaping will be installed by Declarant and tied into the individual water service of Lot 4, Lot 5 and Lot 6. With the exception of irrigation water charges that will be included in water service bills to the respective owners of Lot 4, Lot 5 and Lot 6 and paid by each of said lot owners without cost sharing, The owners of Lot 4, Lot 5 and Lot 6 shall be responsible for the maintenance, upkeep and replacement of the Holly Drive Landscaping and it is hereby declared that the owners of Lot 4, Lot 5 and Lot 6 shall bear an equal share of any and all costs for such maintenance, upkeep and replacement. Maintenance, upkeep or replacement of the Holly Drive Landscaping, or portion thereof, shall be required when a majority of the owners of Lot 4, Lot 5 and Lot 6 reach an agreement, in writing, that such maintenance, upkeep or replacement is needed, or when notified by the City of Concord of necessary maintenance, upkeep or replacement. The owners of Lot 4, Lot 5 and Lot 6 shall promptly obtain three (3) bids from licensed landscapers and shall mutually agree to accept the lowest of said bids and shall then initiate the maintenance, upkeep or replacement of the Holly Drive Landscaping with each owner of Lot 4, Lot 5 and Lot 6 bearing a one-third (1/3rd) pro rata share of the costs and expenses thereof. Such lot owners shall commence maintenance, upkeep or replacement within thirty (30) days after majority determination that maintenance, upkeep or replacement is necessary or after notice from City, and shall diligently pursue such maintenance, upkeep or replacement to completion.

3. **Stormwater Drainage Improvements and Private Storm Drain Easement ("P.S.D.E."):**

A. The Property has been designed and constructed with numerous improvements which are intended to function as a stormwater drainage and water quality system serving the Property and which include, but are not limited to, a bioretention basin installed and located on Lot 7 as shown on the Map and designed "PSDE" (private storm drain easement). (collectively "Stormwater Improvements"). Each owner of a Lot in the Property has certain obligations pertaining to maintenance, repair, replacement, inspection, monitoring and reporting requirements of the Stormwater Improvements. Those obligations are set forth in: i) the Declaration of Covenants, Conditions and Restrictions of Myrtle Creek Estates recorded on _______20_____, as Document No. _______________; Contra Costa County Records ("CC&R's"), and ii) the Stormwater Treatment Systems Operation and Maintenance Agreement recorded on _________________, 20_____, as Document No. ___________________; Contra Costa County Records ("Stormwater Agreement"). Each owner's obligations with respect to the Stormwater Improvements include but are not limited to the following:

A. Regularly clearing all Stormwater Improvements, including but not limited to storm drainage inlets and catch basins, located within each owner's Lot and at each Owner's sole cost and expense,

B. Maintaining all Stormwater Improvements situated on each owner's Lot at all times, at each Owner's sole cost and expense, in compliance with all applicable provisions of
the Stormwater Agreement so that the Stormwater Improvements function as they were designed to function,

C. Promptly restoring any Stormwater Improvements located within that owner’s Lot that are damaged by fire or other casualty so that the Stormwater Improvements are in substantially the same condition in which existed prior to the damage,

D. Ensuring that all Stormwater Improvements located within each owner’s Lot are in good working order at all times and clear of any blockage,

E. Ensuring that all Stormwater Improvements located within each owner’s Lot are operated and maintained in strict accordance with the provisions of the Stormwater Agreement,

F. Cooperating with other owners of Lots comprising the Property so that all maintenance, repair, replacement, monitoring, inspection and reporting requirements of the Stormwater Improvements can be fulfilled. The owner of Lot 7 shall be responsible for complying with all inspection and reporting requirements of the Stormwater Agreement.

G. Sharing in the costs of maintenance, repair or replacement of the bioretention basin and related Stormwater Improvements located on Lot 7 and the costs for inspection, monitoring and reporting of all Stormwater Improvements in accordance with the provisions of the CC&R’s and the Stormwater Agreement.

H. Maintenance, repair or replacement of the Stormwater Improvements shall be required when: (i) a majority of the owners of the Lots reach an agreement, in writing, that such maintenance, repairs or replacement are needed with respect to the bioretention basin and related Stormwater Improvements located on Lot 7, (ii) the owner of Lot 7 determines that such maintenance, repairs or replacement are needed with respect to the bioretention basin and/or Stormwater Improvements, or (iii) when one or more of the owners of the Lots are notified by the City that maintenance, repairs or replacement are required. One or more of the owners of the Lots shall promptly obtain three (3) bids from licensed contractors with respect to the Stormwater Improvements and shall mutually agree to accept the lowest of said bids and shall then initiate the repairs of said Stormwater Improvements, or portion thereof, with each owner of a Lot bearing a one-seventh (1/7th) pro rata share of the costs and expenses thereof. Owners shall commence such maintenance, repairs or replacement within thirty (30) days after notice from City and diligently pursue such maintenance, repairs or replacement to completion. Repair or replacement of any portion of the Stormwater Improvements shall result in a finished condition equal to or better than that which existed prior to commencement of repair or replacement.

4. Collection of Prorata Share of Costs Regarding Myrtle Court/Drive Improvements, Holly Drive Trees and Stormwater Improvements. If a dissenting Lot owner does not pay its required share of costs and expenses pertaining to the Myrtle Court/Drive Improvements, Holly Drive Landscaping and/or Stormwater Improvements as set forth herein immediately upon receiving a bill for the same, the remaining Lot owners shall be entitled, without further notice, to institute legal action for the collection of the funds advanced, including interest thereon at the current prime rate of interest until paid, all costs and disbursements of such action, including such sum or sums as the court may fix as reasonable attorney’s fees. In
addition, any legal action may create a personal judgment obligation, not a lien, on the lot owned by the dissenting Lot owner.

5. Third Party Beneficiaries. City, District and utility companies are each a third party beneficiary of this Agreement, and each is entitled, but not obligated, to (a) enter onto the Property, or portions thereof, for inspection purposes, and (b) enforce any and/or all provision(s) of this Agreement in any manner provided by law, in equity, and/or by this Agreement. No enforcement activity by City, District or a utility company against any party/ies to or bound by this Agreement (including any Lot owner or the undersigned) is intended or shall be construed to create or imply any obligation of City, District or a Utility Company to enforce the same or any other provision(s) of this Agreement against another party/ies hereto or bound hereby.

6. Civil Code Section 845. The provisions of California Civil Code Section 845 shall apply in all circumstances with respect to this document and procedures, unless otherwise stated herein.

7. Successors and Assigns. The covenants and restrictions set forth herein shall be binding on all persons or entities having or acquiring any right, title or interest in the Property, or any part thereof, their successors and assigns.

IN WITNESS WHEREOF, this Agreement is executed on the date first above written.

CYRUS LAND INVESTMENTS, LLC,
a California limited liability company

By: ______________________________
Name: Jacqueline M. Seeno
Lts: Manager
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )
COUNTY OF CONTRA COSTA )ss.

On _____________, 20____, before me, __________________________, a Notary Public, personally appeared JACQUELINE M. SEENO, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

__________________________
NOTARY PUBLIC
EXHIBIT "A"

The land referred to in the foregoing instrument is situated in the County of Contra Costa, City of Concord, State of California, and is described as follows:

   Lots 1 through 7, inclusive, as shown on Map of Myrtle Creek Estates, Subdivision 9508, recorded ________________, 2019, in Map Book ______________ at Page __________, Contra Costa County Records.

(Include reservations for common non-exclusive easements, if needed.)

APN's: ____________________________________________________________