

**DIABLO MUNICIPAL ADVISORY COUNCIL
BOARD OF DIRECTORS
SPECIAL MEETING AGENDA
TELECONFERENCE VIA THE APPLICATION ZOOM
MONDAY, JULY 13, 2020 6:00 p.m.**

CORONAVIRUS DISEASE (COVID-19) ADVISORY AND MEETING PROCEDURE

On March 19, 2020 the Governor issued Executive Order N-33-20, ordering all residents in the State of California to shelter at their place of residence, with the exception of those who may leave to provide or receive critical services, as defined in Order N-33-20.

Under the Governor's Executive Order N-29-20, Diablo Community Services District may utilize teleconferencing for their meetings, as a precaution to protect the health and safety of staff, officials, and the general public. Board members will be participating via teleconference. As such, there will be no physical location for members of the public to participate in this meeting.

All members of the public seeking to observe and/or address the Board may participate in the meeting in the manner described below.

This meeting can be viewed on the web-video communication platform Zoom.

ZOOM WEBSITE: <https://zoom.us/j/4680449859>
MEETING ID: **468 044 9859**

Listen to the meeting live by calling Zoom.

CALL IN (AUDIO) PHONE NUMBER: Call **(346) 248-7799** or **(669) 900-9128** and enter the Meeting ID# 468 044 9859 followed by the pound (#) key. More numbers can be found at <https://zoom.us/uabb4GNs5xM> if the line is busy.

To submit public comments on an agenda item before the meeting, please email your comments to generalmanager@diablocsd.org. In the body of the email, include the agenda item number and title as well as your comments. All comments must be received before 12:00 PM the day of the meeting to be included. If you would like your emailed comment to be read aloud at the meeting (not to exceed 3 minutes at staff's cadence) prominently write "Read Aloud at Meeting" at the top of the email. During the meeting, the Board President or designee will announce the opportunity to make public comments and the procedure for doing so. Emailed comments received after the close of the public comment period will be added to the record after the meeting.

CALL TO ORDER: President: **Ray Brant**
ROLL CALL: Secretary: **Jeff Eorio**
 Brant, Urbelis, Becker, Eorio, Isom

- 1. PUBLIC COMMENTS:** *Public comments will be taken only on items listed on the special meeting agenda. Public comments on non-agendized items should be raised at a regular board meeting. Public comments are limited to 3 minutes per person when speaking in English, and 6 minutes per person when using a translator. Comments by the audience are not intended to result in a dialogue between members of the audience or between the audience and the Board. Please note that under Brown Act regulations, no member of the Board may engage in any discussion, other than a brief comment or request for clarification, of any item raised by any member of the audience unless that item is included as an agenda item.*

2. ACTION ITEM:

- a. Contra Costa County Department of Conservation and Development has asked DMAC to comment on a tree removal permit and a water detention basin permit on the Scarpelli property located at the corner of La Cadena, Avenida Nueva and Calle Los Callados in advance of the July 20th Zoning Administration Hearing. The Board will discuss the developer's response to DMAC's questions in Exhibit A, and instruct the General Manager to prepare DMAC's comments to the County prior to the July 17th deadline.
3. **CALL OF NEXT MEETING/ADJOURNMENT:** The next DMAC Regular Board meeting is scheduled for August 11, 2020 at 7:30 p.m. Location will be posted on the DCSD website www.diablocsd.org.

Diablo Community Services District by
Kathy Torru, General Manager
generalmanager@diablocsd.org

DCSD Board Meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting; or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet, or other writings that may be distributed at the meeting should contact the General Manager at least one working day before the meeting at (925) 683-4956 or generalmanager@diablocsd.org. Notification in advance of the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Public records that relate to any item on the open session agenda are available for public inspection by contacting the General Manager and on the District's website <http://diablocsd.org>.



DIAMOND

July 10, 2020

EXHIBIT A

Kathy Torru
DCSD General Manager
generalmanager@diablocsd.org
PO Box 321, Diablo, CA 94528

Re: DCSD Question Regarding Drainage/Tree Removal MS 21-93

Dear Kathy, DCSD, DMAC, DAC and General Community Members.

First of all, I appreciate the opportunity to respond to the questions posed. My name is Jeff Stone and I am a second generation, Lafayette-based, contractor and developer. My father Keith Stone started Diamond Construction in 1985 and we only work between Diablo-Orinda. Our most recent Diablo project was 1918 Calle Arroyo, where we built a home on the 18th green for the Nicholson family. We take great pride in our reputation, quality of our work, and relationship with the community as thoughtful and balanced planners.

Per the request of multiple Diablo community members, and at the collated direction of Kathy Torru, the DCSD General Manager, below are both the questions inquired, and the answers thereafter. I contacted Easton Mcallister of Debolt Civil Engineering and Bob Peralta of Brightview, who both revisited the site and compiled their own responses.

At a 35,000 foot view, we have spent a little over a year attempting to solve for drainage issues, which have been created over time, and have detrimented a few parcels. We have explored all available civil engineered drainage solutions, met and spoke with affected down-stream neighbors, collaborated and responded to multiple rounds of Public Works comments, and generally driven to how to solve the drainage problem. As such, we believe, as does Public Works, that this is the best long-term solution for our particular property, as well as the surrounding and down-stream property owners.

Below, are the questions posed, and our answers:

1. Why 9 Valley Oak trees are recommended for removal when only 3 Valley Oaks are within the proposed detention basin. From review of the maps it appears that the storm drain proposed on the applicant's property can be constructed without removal of the other 6 trees.

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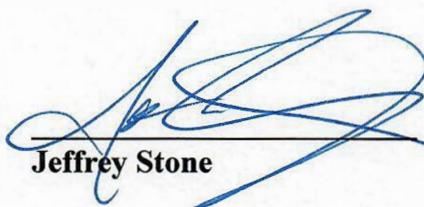
If not, for every oak tree removed a permit condition that a replacement oak tree of at least 30 gallons is planted on the property.

- a. *"Thank you for meeting me out at the site of the proposed Subdivision – MS-21-93. I have worked with you and the Civil Engineers to preserve as many of the 129 trees on site as possible. I looked at the (9) trees in the Bio-Retention area, and as we all know this is required for drainage and leaves little room to navigate around all the trees. I have attached the trees and tags listed for removal below. I do stand by my original report that the trees in that area do need to be removed in order to meet the requirements for the Bio-retention.*
As we discussed I can be on site during excavation and it may be possible to try and save some of the (9) trees. There is a possibility during excavation I can be onsite to monitor the excavation, and if we can limit damage to the root zone of trees 4452, 4457, 4458, 4459, 1282 and 1282 it may be possible to save some or all (6) trees. Trees 4464, 4465 and 4468 will need to be removed. Two of these trees have heavy leans and the other large tree that is a risk to the homeowner next door. This is a very large tree with several weak attachments and I did recommend these trees to be removed for safety. This is a sound project preserving most of the trees. Bio Retention zones are required and is always difficult to work around every tree without any impact. Note: I would use topo map to find trees, some of the tags have grown into the trees and others the Squirrels have used the tags to sharpen their teeth." Bob Peralta- Brightview- Arborist
 - b. Our development goal to mitigate tree removal is aligned with the community as we cherish the value of the mature landscaping. As stated above, we are committed to preserve any of the 6 trees not posing liability and able to withstand trenching and grading within their driplines. Our arborist, Bob Peralta, has advised on several of the surrounding properties and works within the Diablo community often. Bob has cataloged 129 total trees on this site noting that little to no tree maintenance has been done on this property in years. Other smaller trees are impeding the healthy growth of larger trees nearby. We will likely not be removing these trees for the construction of the drainage facility, but because of the arborist recommendation, we do need to address these trees at some point and we felt it better to provide notice now, and not ask for a revision of permitting into an already approved process.
 - c. We are willing to make the arborists presence a condition of approval during the excavation of facilities to determine if there is a route to preserve those trees. With that said, we will follow his recommendations and make health and safety, for our property and the neighbors property a priority as the arborist sufficiently raised concerns of the health of certain trees.
2. The detention water basin on the applicant's property connects to a privately owned concrete swale (storm drain system) that runs through the adjacent properties downstream. Has the applicant obtained written permission from the adjacent property owners to divert water through their privately held storm drain system?
 - a. **Project runoff from the site will be detained to below existing flow rates and discharged to an underground pipe system. Easton of Debolt**

- b. We have met with Mr. Hamilton and Todd Vitzthum, beginning over a year ago to discuss the best possible drainage solution for all the properties. All required drainage rights and easements are not only secured, but recorded to the properties benefit. Mr. Burman was not included in these discussions as the easement is solely on Mr. Hamilton's property, and the new drainage system significantly address and redress problems experienced prior to our involvement. Mr. Burmans property receives significant benefit and we agree to install a berm along his property line.
- 3. Has the existing storm drain system that runs between the applicant's property and the East Branch of Green Valley Creek been videoed to determine the capacity and integrity of the drainage system to ensure that the storm drain system can withstand the additional water flow from the applicant's property? (DMAC can recommend a company to video. DCSD just videoed all of the culverts under the streets this spring)
 - a. **"Hydrology report has been prepared by a licensed civil engineer and reviewed and approved by County engineering staff. No increased flow is being created due to the proposed detention basin." Easton of Debolt**
 - b. **I spent considerable time understanding and evaluating multiple drainage solutions for this exact issue. We were very concerned with the down-stream neighbors, as we spoke to the most-affected, and our plan took those concerns into consideration and as a design criteria.**
- 4. Who will be responsible for any downstream failure of the existing storm drain system in the future? Should a maintenance agreement be put in place?
 - a. **"Maintenance of the existing system falls to the owners of the existing system. This project does not trigger the need for any agreements not already in place." Easton of Debolt**
 - b. **This is standard in Civil Engineering. We can not be held responsible for everyone's downstream property, we will be responsible, and the future owners who purchase the property, to maintain our facilities, including those over Mr. Hamilton's property. We are not able to warranty all properties down stream.**
- 5. Will the water detention basin on the applicant's property be designed to meet current GSI standards?
 - a. **"The detention basin has been designed in accordance with the County's Detention Basin Design Guidelines. County engineering staff has reviewed and approved the design as in compliance with their standards." Easton of Debolt**
- 6. Who is responsible for the maintenance of the water detention basin? If it is solely the responsibility of parcel owner A, what County oversight will exist to ensure that the water detention basin is properly maintained to avoid basin failure and/or the creation of a mosquito breeding ground? County Vector control? County Flood control?
 - a. **"Owner of Parcel A will be required to maintain the basin with oversight by the County should failure occur." Easton of Debolt**
 - b. **With respect to any mosquito concerns, these detention basins are not designed to hold water and will be drained shortly after any weather event. County will from time**

to time inspect for all maintenance issues, please contact Public Works for further clarification.

7. The plan identifies Calle Los Callados as the construction access point. That section of Calle Los Callados is very narrow and handles most all of the Diablo Country Club delivery truck activity, traffic heading to and from the USPS facility in Diablo, and a large number of cars entering and leaving Diablo from Avenida Nueva. We recommend that La Cadena be identified as the construction access point. La Cadena is a wider road and will cause less disruption to the residents and guests of Diablo and Diablo Country Club.
 - a. **"The erosion control plan shown in the project drawings is a baseline starting point for the contractor. The contractor will be required to maintain and update the erosion control plan and features and may adjust as appropriate." Easton of Debolt**
 - b. **For these improvements that is not a problem, I will create a construction logistics plan and speak to all subcontractors. My family has been building in the area for 35 years, and we are very sensitive to the neighborhoods tolerance of construction activity, and will do everything possible to reduce negative impacts to all neighbors.**
8. Add a berm along the back of parcel C to direct the water away from the Burman property.
 - a. **In the ZA hearing dated July 6, 2020, I agreed to this stipulation as a Condition of Approval. We want to protect Mr, Burman's property and will do everything possible to do so, including adding a berm to prevent water from intruding into his property.**



Jeffrey Stone

7/10/2020