

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDTP24-00064,
CARLOS RAMIREZ, ARBORTECH TREE CARE INC. (APPLICANT) AND BRUCE & GRACE
GINN (OWNERS)**

FINDINGS

A. Tree Permit Findings

The County Zoning Administrator is satisfied that the following factors, as provided by County Code Section 816-6.8010 for granting a tree permit, have been satisfied:

1. *Reasonable development of the property would require the alteration or removal of the trees and this development could not be reasonably accommodated on another area of the lot.*

Finding: The three trees located on the subject property are part of a natural stand of four or more mature oak trees whose species are included in the County's list of indigenous trees (County Code Section 816-6.6004(1)(A)). Removal of the three code-protected oak trees is necessary for the installation and normal operation of the ground-mounted solar/PV panels for residential use, which the property owner has stated is being installed to offset the rising costs of electricity. The coast live oak and blue oak trees are within the footprint of the ground-mounted solar/PV panels and the valley oak tree is located just west of the PV panels where it would block sunlight during the afternoon and reduce the panels' ability to produce electricity. Due to existing improvements and large mature redwood trees in the southern area of or adjacent to the subject property, the solar/PV panels could not be reasonably accommodated elsewhere on the lot. In addition, the property owner has indicated that they could not feasibly install solar panels on the roof of the residence without first needing to make costly structural improvements to the residence.

B. California Environmental Quality Act (CEQA) Findings

The project is exempt under CEQA Guidelines, Section 15303(e), regarding new construction of an accessory structure. The project involves the installation of a residential ground-mounted solar/PV system and a 6-foot-tall wooden fence surrounding the PV system which are accessory to the primary residential use of the property. Therefore, pursuant to Section 15303(e) of the CEQA Guidelines, the project to install a residential ground-mount solar/PV system and wooden fence is exempt.

CONDITIONS OF APPROVAL

Permit Approval

1. **Tree Permit approval** is granted to allow the removal of three (3) code-protected trees: one (1) 14" valley oak, one (1) 10" blue oak, and one (1) 11" coast live oak, for the installation of ground-mounted solar/photovoltaic (PV) panels on the subject property, based on and as generally shown on the application materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on September 26, 2024, and revised site plan received on March 10, 2025.

Application Costs

2. The Tree Permit application was subject to an initial deposit of \$750.00. Applications are subject to time and material costs if the application review expenses exceed the initial deposit. **Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first.** The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

General Provisions

3. Approval of this permit does not constitute a building permit. Building or grading permits from the County shall be obtained, as necessary, for any development approved as part of this permit.

Tree Removal/Alteration

4. Prior to removing the subject oak trees, the applicant shall obtain the necessary building permit(s) for installation of the solar/PV panels on the subject property.
5. Any tree alteration, removal, or encroachment within a dripline of a code-protected tree or trees not identified in this permit may require submittal of a separate Tree Permit application.

Restitution for Tree Removal

6. The following measures are intended to provide restitution for the removal of code-protected trees:

- a. Planting and Irrigation Plan: **Prior to CDD stamp approval of plans for the issuance of a building permit**, the applicant shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of the Department of Conservation and Development, Community Development Division (CDD). The plan shall provide for the planting of **three (3) trees**, minimum 15-gallon size, **that are drought-tolerant and of a species that is native to the region**. The plan shall comply with the County's Water Efficient Landscapes Ordinance (Chapter 82-26) and verification of such shall accompany the plan. **The plan shall be implemented prior to final building inspection.**
- b. Required Security to Assure Completion of Plan Improvements: A security shall be provided to ensure that the approved planting and irrigation plan is implemented. **Prior to CDD stamp approval of plans for the issuance of a building permit**, the applicant shall submit an estimate prepared by a licensed landscape architect, arborist, or landscape contractor for the materials and labor costs to complete the improvements (accounting for purchase and installation of trees and any necessary irrigation). Upon approval of the estimate by the CDD, the applicant shall submit a security in the amount of the approved cost estimate *plus* a 20% inflation surcharge.
- c. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$200.
- d. Duration of Security: When the replacement trees and irrigation have been installed and prior to final inspection, the applicant shall submit a letter to the CDD, composed by a licensed arborist, landscape architect, or landscape contractor, verifying that the installation has been done in accordance with the approved planting and irrigation plan. The security shall be retained by the County for a minimum of 12 months and up to 24 months beyond the date of receipt of this letter.

As a prerequisite to releasing the security **between 12- and 24-months following the receipt of the letter**, the applicant shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on

the trees' health. The report shall be submitted for the review of the CDD and shall include any additional measures necessary for preserving the health of the trees. Any replacement tree that dies within the first year of being planted shall be replaced by another tree of the same species and size. If the CDD determines that the applicant has not been diligent in ensuring the health of the replacement trees, then all or part of the security may be used by the County to ensure that the approved restitution plan is successfully implemented.

Arborist Expense

7. The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

Construction Period Restrictions and Requirements

8. The applicant shall comply with the following restrictions and requirements. **These restrictions shall be included on the construction drawings:**
 - a. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows and to minimize project-related disruptions to adjacent properties.
 - b. Transporting heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 AM and 4:00 PM and prohibited on federal and state holidays.
 - c. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Presidents' Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Day (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)

Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For information on the actual days and dates that these holidays occur, please visit the following websites:

Federal Holidays: <https://www.federalreserve.gov/aboutthefed/k8.htm>

California Holidays: <https://www.sos.ca.gov/state-holidays>

- d. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
- e. The site shall be maintained in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be disposed of as necessary. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.
- f. The applicant shall immediately notify the CDD of any damage that occurs to any trees during the construction process. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of construction or grading shall be replaced with a tree or trees of equivalent size and of a species as approved by the CDD to be reasonably appropriate for the particular situation.
- g. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.
- h. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities are indicated on the improvement plans approved by the CDD. If any of the activities listed above occur within the drip line of a tree to be preserved, an arborist may be required to be present. The arborist shall have the authority to require implementation of measures to protect the tree.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

- A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et. seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety-day (90) period after the project is approved.

The 90-day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the CDD within 90 days of the approval date of this permit.

- B. Additional requirements may be imposed by the following agencies:

- Department of Conservation and Development, Building Inspection Division
- San Ramon Valley Fire Protection District (SRVFPD)
- Central Contra Costa Sanitary District (Central San)
- East Bay Municipal Utility District (EBMUD)
- Contra Costa County Environmental Health Division

Prior to applying for a building permit, the applicant is strongly encouraged to contact these agencies.