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CONTRA COSTA COUNTY
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APPLICATION & PERMIT
CENTER

January 14, 2025

Via Email (nai.saephan@dcd.cccounty.us)

Department of Conservation and Development
Attn: Nai Saephan
Attn: Jennifer R. Cruz, Deputy Zone Administrator
30 Muir Rd.
Martinez, CA 94553

Subject: Appeal of Decision to Permit Removal of Protected Heritage Trees for Solar Farm Development (File #CDTP24-00064)

Dear Members of the Board,

On Friday, January 10th, I received notification of the Department's Notice of Tentative Approval of a Tree Permit. I am writing to formally appeal the decision to allow the removal of multiple protected trees (one valley oak, one blue oak, and one coast live oak) to accommodate the development of a solar farm in our neighborhood. This decision raises serious concerns about the environmental, structural, and community impacts that have not been fully considered.

The purpose of the Tree Preservation section of the code is to preserve trees in the unincorporated area of the county on "private property in the interest of the public health, safety and welfare and to *preserve scenic beauty*." Further the section states, "(t)rees provide soil stability, improve drainage conditions, provide habitat for wildlife and provide aesthetic beauty....."(Section 816-6.2004(1-2))

It Tentative Approval doesn't indicate whether a site visit was conducted or not by the Director. In this particular case, considering the open nature of the community that mirrors the look at feel of Contra Costa County, a site visit is definitely needed. Additionally, the Open Space Element restricts development on open hillsides and landmarks. Many residents regard the beautiful entrance to our neighborhood, where the trees are located, as a landmark, and this project would irreparably harm its integrity and significance.

The Open Space Element is a critical part of Contra Costa County's comprehensive land use plan, outlining strategies for preserving and managing areas of undeveloped land for public health and safety, outdoor recreation, natural resource conservation, and scenic beauty. Essentially, it serves as a blueprint for protecting open spaces within the community by identifying which lands should be preserved as open space and how they will be used.

While Mr. Ginn does own most of the hill, taking down three unprotected trees unnecessarily completely contradicts the fundamental purpose of the Open Space Element—natural resource conservation and scenic beauty. Our neighborhood is home to diverse wildlife that relies on this open space for habitat and freedom to roam. Removing the tree and installing a solar farm would detract from that freedom and disrupt the ecological balance. While we acknowledge that our development

initially encroached on their space, we have coexisted for over 30 years, and it is unnecessary to worsen the situation now.

For over three decades, our community has worked diligently to preserve and maintain the protected trees that define our neighborhood's character and natural beauty. These trees are more than landmarks; they are integral to the stability of the hill's slope, and their removal risks undermining the hill's structural integrity, potentially leading to erosion or other long-term environmental issues. Specifically in reference to Code Section 814-2.206 (a) 5-7, the hill with the trees provides the "prominent natural features that enhance the character of a particular area of the county", and maintaining "open hillsides and significant ridgelines in as near a natural state as is feasible as an important community value."

Moreover, the ground-mounted solar farm in question could be installed in alternative locations that would not require the destruction of these irreplaceable trees. There are many alternatives that Mr. Ginn could implement; however, it would mean that he would need to make modifications to his currently fenced backyard which would be far better than causing irreparable damage to the open space. He would rather invoke his land ownership rights over the beautification of Contra Costa and the surrounding neighbors.

In addition to the environmental concerns, this project poses significant aesthetic and community impacts. Installing a ground-mounted

solar farm at the entrance to our neighborhood is unsightly and inconsistent with the open-space appearance that residents have long assumed would be preserved. The sudden transformation of this area will undoubtedly come as a shock to over 300 residents who were not given notice or the opportunity to weigh in on this drastic change. These residents deserve the chance to voice their opinions not only about the destruction of protected trees but also about the broader implications for the neighborhood's design and identity.

We respectfully request that this appeal be granted to allow for a thorough investigation into these concerns and to ensure that proper community engagement takes place. While a public hearing may not necessarily change the outcome of Mr. Ginn's rights regarding the trees, it is imperative to hear and consider the perspectives of those directly impacted by this decision.

Thank you for your time and consideration of this important matter. We trust that you will act in the best interest of our community, the environment, and the long-term sustainability of our neighborhood.

Sincerely,



Robert J. Eisele

CC: John Kopchik, Director (john.kopchik@dcd.cccounty.us)
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