

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #TP17-0033; GIL GIBSON (APPLICANT & OWNER);

I. FINDINGS

Required Factors for Granting Permit. The 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:

- The arborist report indicates that the subject trees are in poor health and cannot be saved, and
- The issuance of a permit will not negatively affect the sustainability of the resource.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #TP17-0033

1. General - The application for Tree Removal to remove three code protected redwood trees ranging in diameter size from 20" to 40" in addition to five previously removed code protected redwood and oak trees ranging in size from 15-gallon trees to 24" in diameter based on the following documents:

- Application materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on July 25, 2017;
- Arborist report for the project prepared by Tim Hendricks, a certified arborist, received July 25, 2017; and
- Arborist report for the project prepared for Bob Peralta, a certified arborist, received on October 12, 2017.

This permit shall be valid for a period of **six months** and may be renewed for one additional period by the Director upon request by the applicant.

2. Required Restitution for Approved Tree Removal - The following measures are intended to provide restitution for the trees that have been approved for removal.

A. Tree Restitution Planting/Irrigation Plan – ***Within 30-days of the effective date of this approval or prior to any tree removal***, whichever occurs first, 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 Community Development Division (CDD). The plan shall provide for the planting of at least **eight trees, minimum 15-gallons** in size, species native to Contra Costa County and drought tolerant. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County Ordinance, if one is adopted. The plan shall be accompanied by an estimate prepared by a licensed landscape architect or arborist of the materials and labor costs to complete the improvements on the plan.

The eight trees required for replanting shall consist of the following:

- 1) Four of the trees to be planted will be placed within reasonable distance of the southeastern property line adjacent to parcel number 188-311-002.
- 2) Two of the trees to be replanted will be placed within a reasonable distance of the southwest property line adjacent to parcel number 188-311-010.

- B. Required Security to Assure the Completion of Plan Improvements - ***Within 30-days of the effective date of this approval or prior to any tree removal, whichever occurs first***, the applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to the CDD. The bond shall include the amount of the approved cost estimate, ***plus*** a 20% inflation surcharge. Until evidence is submitted that the applicant has satisfactorily installed the required improvements, the County may hold the security for up to two years following the exercise of this permit.
- C. Initial Fee Deposit for Processing a Security - The County ordinance requires that the applicant pay fees for all time and material costs of staff for processing a landscape improvement security (Code S-060B). At time of submittal of the security, the applicant shall pay an initial deposit of \$100.
- D. Duration of Security – ***No later than 30 days after the tree removal is complete***, the consulting arborist shall verify that the replacement trees and landscape plan have been properly implemented; and when verified, notify the CDD in writing. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of the written verification of the installation. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the replacement trees and prepare a report on the trees' health. In the event that the CDD determines that the replanted

tree(s) have been damaged or have died, and determines that the applicant has not been diligent in providing a replacement, then the CDD may require that all or part of the security be used to provide for replacement of the dead or damaged tree(s).

Arborist Expense

- 3. Arborist Expense - The expenses associated with all required arborist services shall be borne by the developer and/or property owner.

Fees

- 4. This application is subject to an initial application deposit of \$500.00, which as paid with the application submittal, plus time, and material costs in the application review expense exceeds 100% of the initial deposit. **Any additional costs due must be paid prior to issuance of a building permit, commencement of tree alteration work, or 60 days of the effective date of this permit whichever occurs first.** The fees include costs through permit issuance plus five working days for file preparation. The applicant or owner 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.

CONSTRUCTION PERIOD RESTRICTIONS AND REQUIREMENTS

- 5. The applicant shall comply with the following restrictions and requirements:
 - A. 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)
- Lincoln’s Birthday (state)
- President’s Day (state and federal)
- Cesar Chavez Day (state)
- Memorial Day (state and federal)
- Independence Day (state and federal)
- Labor Day (state and federal)
- Columbus Day (state and federal)
- Veterans Day (state and federal)

Thanksgiving Day (state and federal)
Day after Thanksgiving (state)
Christmas Day (state and federal)

For information on the calendar dates that these holidays occur, please visit the following websites:

Federal Holidays:

http://www.opm.gov/Operating_Status_Schedules/fedhol/2018.asp

California Holidays:

http://www.edd.ca.gov/payroll_taxes/State_Holidays.htm

- B. Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
- C. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows.
- D. All internal combustion engines shall be fitted with mufflers that are in good condition and stationary noise-generating equipment such as air compressors shall be located as far away from existing residences as possible.
- E. Construction equipment and materials shall be stored onsite.
- F. The construction site shall be maintained in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be disposed of as necessary.
- G. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacle.

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 OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.