

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDTP21-00031;
PATRICK VAUCHERET (APPLICANT) & MANGALPAL TAKHAR AND SONYA SACHDEVA
(PROPERTY OWNERS):**

I. FINDINGS

- A. Required Factors for Granting Permit.** The County Board of Supervisors is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a Tree Permit have been satisfied as follows:
- Development to construct a new single-family residence and driveway on a vacant lot requires work to be done in the dripline of eleven code-protected trees, and this development could not be reasonably accommodated on another area of the lot.
- B. Required Factors for Denying a Tree Permit.** The County Board of Supervisors is satisfied that none of the factors as provided by County Code Section 816-6.8010 for denying (or modifying) a tree permit application apply to the subject property.
- C. California Environmental Quality Act (CEQA).** The project is exempt under CEQA: Categorical Exemption – Class 3: CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, (a) One single-family residence. Given that the project is to build a new single-family residence with associated grading and to retain the site's existing trees, granting of an exemption to CEQA is appropriate for the project as proposed.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #CDTP21-00031:

Project Approval

1. This application for a Tree Permit to allow work within the dripline of 11 code protected trees—ten Pine trees of sizes ranging between 8”–16” in diameter, and one Oak tree of 10” in diameter—on a vacant lot for the construction of a new single-family residence, including grading of 190 cubic yards of cut, and 270 cubic yards of fill, is hereby APPROVED.
2. This application for a Tree Permit is approved based on the following documents:
 - Application documents submitted on May 27, 2021;
 - Updated Site Plan received on July 15, 2021.

3. Any changes to the approved plans stated above must be submitted for review and approval by CDD and may require the filing of a new application.
4. Code-protected trees that are not included under this permit shall not be removed or altered. Proposed removal or alteration of a tree or trees not identified in this permit may require the submittal of a Tree Permit application for review and consideration by CDD.

Payment of Fees

5. This Tree Permit application was subject to an initial deposit of \$2,000.00. The application is subject to time and material costs if the application review expenses exceed the initial deposit. **Any additional fee due must be paid prior to submittal of a 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.

Park Impact Fee

6. Prior to the issuance of building permits, the applicant shall pay a fee of \$8,292.00 for construction of a single-family detached on a vacant parcel for park and recreation improvements in the area as established by the Board of Supervisors; however, the actual fee amount collected shall be that which is applicable at the time of building permit issuance.

Security for Possible Damage to Tree Intended for Preservation:

7. Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity damages trees that are to be preserved, the applicant shall provide the County with a security to allow for replacement of trees that are significantly damaged or destroyed by construction activity. **Prior to submitting for building permits**, the applicant shall provide a cash or surety bond that is acceptable to the CDD.

A. Amount of Security: The security shall be an amount sufficient to cover:

1. Preparation of a landscaping and irrigation plan by a licensed landscape architect, arborist, or landscape contractor for the review and approval of the CDD. The plan shall provide for planting of up to **11** trees of a native indigenous species, of 15-gallons in size. The plan shall comply with the State's Model Water Efficient Landscape Ordinance, and verification of such shall accompany the plan. **If deemed necessary by the CDD, the plan shall be implemented prior to final building inspection.**
 2. The estimated materials and labor costs to complete the improvements shown on the approved planting and irrigation plan (accounting for supply, delivery, and installation of trees and irrigation).
 3. The bond shall include the amount of the approved cost estimate, plus a 20% inflation surcharge.
- B. 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 \$200.00.
- C. Duration of Security: The security shall be retained by the County for a minimum of 12 months and up to 24 months beyond the completion of the tree alteration improvements (i.e., date of final inspection). After the final inspection has been completed, the applicant shall submit a letter to the CDD, composed by a consulting arborist, describing any construction impacts to trees intended for preservation. As a prerequisite of releasing the bond between 12- and 24-months, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. The report shall be submitted to the CDD for review, and it shall include any additional measures necessary for preserving the health of the trees.

Arborist Expense

8. The expenses associated with all required arborist services shall be borne by the applicant and/or property owner.

Drainage Improvement

9. Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an

adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.

10. **Prior to issuance of a Building Permit**, the applicant shall provide to the Public Works Department, the finalized plans addressing the drainage measures.
11. Applicant shall comply with the special provisions as established in Drainage Permit #DP 402-21.

Construction Period Requirements and Restrictions

12. Site Preparation: Prior to the start of construction or any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on site with the trees to be preserved, the Applicant shall install protective fencing at or beyond the drip lines of the trees to be preserved and along the boundaries of all other protected trees within the vicinity of construction. The fencing shall remain in place for the duration of construction activities. Prior to grading or issuance of any permits, the fences may be inspected, and the location thereof approved by the Building Inspection Division or Community Development Division staff. *Construction plans shall stipulate on their face where temporary fencing is to be placed. The required fencing shall be installed prior to the commencement of any construction activity and left in place until construction activities have been resumed.*

Archeology

13. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.
14. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make

recommendations to the landowner for treatment and disposition of the ancestor's remains. The landowner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

Landscaping

15. If any landscaping is proposed to be installed during construction of the approved project that equals 2,500 square-feet or more, prior to issuance of a building permit a Compliance Review application shall be submitted and approved that shows compliancy with the State's Model Water Efficient Landscape Ordinance (WELO).

Construction Period Restrictions and Requirements Best Management Practices (BMPs)

The following Best Management Practices shall be implemented during project construction and **shall be present on the site plan for building permit(s) as construction notes:**

16. The applicant shall comply with the following restrictions and requirements:

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

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

State: <http://www.sos.ca.gov/holidays.htm>

17. The project sponsor 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 and concrete pumps as far away from sensitive receptors as possible.
18. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows.
19. Transporting of heavy equipment and trucks shall be limited to the hours of 9:00 A.M. to 4:00 P.M., Monday through Friday, and is prohibited on state and federal holidays.
20. Unnecessary idling of internal combustion engines is prohibited.
21. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all debris shall be removed from the site.
22. 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.
23. 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.
24. 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 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.

- B. Additional requirements may be imposed by the following agencies:
- Contra Costa County Building Inspection Division
 - Contra Costa County Grading Division
 - Contra Costa County Public Works Division
 - Contra Costa County Fire Protection District
 - Central Contra Costa Sanitary District
 - East Bay Municipal Utility District