



# CALIFORNIA ENVIRONMENTAL QUALITY ACT Notice of Exemption

To:  Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

From: Contra Costa County  
Department of Conservation and  
Development  
30 Muir Road  
Martinez, CA 94553

County Clerk, County of Contra Costa

**Project Title:** County-initiated Zoning Text Amendment of the Tree Obstruction of Views Combining District (-TOV) Ordinance, County File #CDZT24-00002

**Project Applicant:** Contra Costa County, Department of Conservation and Development, 30 Muir Road, Martinez, CA 94553, 925-655-2705

**Project Location:** The unincorporated area of Kensington, CA

**Lead Agency:** Department of Conservation and Development, 30 Muir Road, Martinez, CA 94553

**Contact Person:** Syd Sotoodeh (925) 655-2877 [syd.sotoodeh@dcd.cccounty.us](mailto:syd.sotoodeh@dcd.cccounty.us)

**Description of Nature, Purpose, and Beneficiaries of Project:** This is a County-initiated Zoning Text Amendment to amend County Ordinance Code chapter 816-2, the Tree Obstruction of Views Combining District (-TOV) ordinance, to provide a method for private property owners to gain restoration of views and sunlight lost due to tree growth by another private property owner. The proposed zoning text amendment would authorize the Board of Supervisors to establish one or more tree arbitration boards that would, at the request of the parties, hear view claim disputes and issue either binding or advisory decisions.

**Name of Public Agency Approving Project:** Contra Costa County Board of Supervisors

**Exempt Status:**

- Ministerial Project (Sec. 21080[b][1]; 15268)
- Declared Emergency (Sec. 21080[b][3]; 15269[a])
- Emergency Project (Sec. 21080[b][4]; 15269[b][c])
- Categorical Exemption (Sec. 15301(b))
- General Rule of Applicability (Sec. 15061[b][3])
- Other Statutory Exemption (Sec. )

**Reasons why project is exempt:** The proposed zoning text amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt when it is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. The proposed actions would establish a property owner's right to seek the restoration of views and sunlight that existed when the property owner purchased their property. The proposed actions would establish a process by which the property owner may seek the restoration of these views through ongoing tree maintenance. No specific project or restorative action is approved with this Zoning Text Amendment. Any future projects or restorative actions would each be separately reviewed under their own subsequent CEQA analysis. Thus, it can be seen with certainty that there is no possibility that the proposed actions could have a significant effect on the environment.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: Syd Sotoodeh Title: Senior Planner Date: Nov. 14, 2024

**Contra Costa County Department of Conservation and Development**

- Signed by Lead Agency
- Signed by Applicant

**AFFIDAVIT OF FILING AND POSTING**

I declare that on \_\_\_\_\_ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**Applicant**

Contra Costa County, Dept. of Conservation & Development  
30 Muir Road  
Martinez, CA 94553  
(925) 655-2705

**Department of Fish and Wildlife Fees Due**

De Minimis Finding - \$0

County Clerk - \$50

Conservation and Development - \$25

Total Due: \_\_\_\_\_ Receipt #: \_\_\_\_\_