

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: February 8, 2017

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of an appeal of the Community Development Director's decision to approve a Significant Tree Removal Permit to remove a 48-inch dbh (diameter at breast height), Monterey Cypress tree pursuant to Section 12,028 of San Mateo County Ordinance Code, on property located at 150 Wienke Way in the unincorporated Moss Beach area of San Mateo County.

County File Number: PLN 2016-00357 (Love)

PROPOSAL

The appellant has appealed staff's decision to approve a Significant Tree Removal Permit to remove a 48-inch dbh Monterey Cypress tree located in the front yard of an 8,730 sq. ft. property, which, according to the property owner, presents a hazard to the existing residential development on the property. The appellant contends that the tree removal does not meet San Mateo County General Plan and Local Coastal Program Policies, the tree could be trimmed away from utility lines, and that an arborist report should be required for the tree.

RECOMMENDATION

Deny the appeal and uphold the decision of the Community Development Director to approve the removal of the 48-inch dbh Monterey Cypress tree, County File Number PLN 2016-00357, by making the findings for approval and imposing the conditions of approval included in Attachment A of the staff report.

SUMMARY

On November 3, 2016, the Community Development Director approved the Significant Tree Removal Permit, finding that the existing utility lines that run directly through the branches of the subject tree could be substantially damaged if the tree were to fall. Additionally, if the tree were to fall it could cause substantial damage to adjacent private property, and adversely affect the general health and safety of the public. The appellant submitted an appeal letter in opposition to the Community Development Director's decision to approve the Significant Tree Removal Permit, PLN 2016-00357. The letter

states that the appellant disagrees with the decision to allow removal of the significant tree based on the following concerns summarized below. The response by staff follows the appellant's statement.

The appellant states that the tree removal is inconsistent with General Plan Policy 4.29(a) and Local Coastal Program Policy 8.9, that the tree can be pruned to remove the branches near the utility lines and house, and that an arborist report should be required to evaluate the health of the tree.

Staff's response to the appellant's statements are as follows: General Plan Policy 4.29 is applicable to rural site planning as specified by the heading, "Rural Areas and Rural Site Planning" in the San Mateo County General Plan. The project site is located in the urbanized Midcoast in the community of Moss Beach, and as such, the Significant Tree Removal Permit is not subject to Policy 4.29. However, Policy 4.29 does permit the removal of trees for safety reasons. The subject tree proposed to be removed has had limb drop in the past and the power lines for the house at the property run through the middle of the tree.

LCP Policy 8.9 is comprised of seven statements regarding goals and requirements for trees in the coastal zone, including review against the Significant Tree Ordinance, protection of trees specifically selected for their visual prominence and importance scenic or scientific qualities, and allowing the removal of trees which are a threat to public health, safety, and welfare. The findings of the Significant Tree Removal decision letter for this project was reviewed against these regulations and findings in support of the tree removal were made, the tree has not been identified by the County to have unique qualities, and the tree possess a potential safety hazard due to the location of utility lines located in the branches of the tree.

Power distribution lines are located above the tree. The phone line, cable line and local power line for the house are within the canopy of the tree. The power line connection to the house would potentially require substantial branch removal, as the line is woven between a number of branches.

While the applicant stated that the health of the tree was poor, the public notice describing the Significant Tree Removal Permit and the decision made by the San Mateo County Planning Department did not address the health of the tree, instead focusing on the utility lines that run through the branches of the tree and the potential safety hazard they pose. Therefore, staff has determined that an arborist report is not required. In addition, in review of a study published regarding structural failures for Monterey Cypress trees, the majority of failures are branch failures, which is consistent with conditions described by the property owner at 150 Wienke Way regarding the subject tree.

RB:pac - RJBAA0720_WPU.DOCX

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: February 8, 2017

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County File Number: PLN 2016-00357 (Love)

PROPOSAL

The appellant has appealed staff's decision to approve a Significant Tree Removal Permit to remove a 48-inch dbh Monterey Cypress tree located in the front yard of an 8,730 sq. ft. property, which, according to the property owner, presents a hazard to the existing residential development on the property. The appellant contends that the tree removal does not meet San Mateo County General Plan and Local Coastal Program Policies, the tree could be trimmed away from utility lines, and that an arborist report should be required for the tree.

RECOMMENDATION

Deny the appeal and uphold the decision of the Community Development Director to approve the removal of the 48-inch dbh Monterey Cypress tree, County File Number PLN 2016-00357, by making the findings for approval and imposing the conditions of approval included in Attachment A of the staff report.

BACKGROUND

Report Prepared By: Rob Bartoli, Project Planner; Telephone 650/363-1857

Appellant: Lennie Roberts, Committee for Green Foothills

Applicant/Owner: Edward Love

Location: 150 Wienke Way, Moss Beach

APN: 037-094-180

Size: 8,730 sq. ft.

Existing Zoning: R-1/S-17/DR/CD

General Plan Designation: Medium Density Residential Urban

Existing Land Use: Single-Family Residential

Water Supply: Montara Water and Sanitary District

Sewage Disposal: Montara Water and Sanitary District

Flood Zone: Zone "X" (Area of Minimal Flooding); Panel No. 06081C0119E, effective date October 16, 2012.

Environmental Evaluation: This project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines, Section 15304 (Minor Alterations to Land). This class exempts minor public and private alterations in the condition of land, water and/or vegetation, such as a removal of a tree.

Setting: The subject parcel is located in the residential community of Moss Beach. There is no proposed construction on the subject property at this time.

Chronology:

| <u>Date</u> | <u>Action</u> |
|--------------------|--|
| August 19, 2016 | - Application submitted to remove the subject 48-inch Monterey Cypress tree along with pictures of the tree and utility lines. Public noticing period on hold until applicant can pick up Tree Removal poster. |
| September 2, 2016 | - Public noticing sent out. Public comment period opens. Applicant submitted additional information regarding the proposed tree removal. Tree Removal poster given to applicant. |
| September 15, 2016 | - Public comment closed. Two comments were received by Planning staff. |
| October 7, 2016 | - Planning staff requests additional information including a replanting plan. |
| October 28, 2016 | - Applicant submits replanting plan. |

- November 3, 2016 - Decision letter sent to the applicant and the two parties who had comments on the project.
- November 18, 2016 - Appeal filed.
- February 8, 2017 - Planning Commission hearing.

DISCUSSION

A. KEY ISSUES

The appellant submitted an appeal letter in opposition to the Community Development Director's decision to approve the Significant Tree Removal Permit, PLN 2016-00357. The letter states that the appellant disagrees with the decision to allow removal of the significant tree based on the following concerns.

1. The tree removal is "inconsistent with General Plan Policy 4.29(a): 'preserve trees except where removal is required for approved development or safety.' "

Staff Response: General Plan Policy 4.29 is applicable to rural site planning as specified by the heading *Rural Areas and Rural Site Planning* in the San Mateo County General Plan. The project site, 150 Wienke Way, is located in the urbanized Midcoast in the community of Moss Beach, and as such, the Significant Tree Removal Permit is not subject to Policy 4.29. It should be noted that Policy 4.29 does permit the removal of trees for safety reasons. The applicant wishes to remove the 48-inch dbh Monterey Cypress tree because the tree has dropped limbs in the past and the powerlines for the house run through the middle of the tree, creating potential safety impacts for the subject parcel and surrounding properties.

2. The appellant states that the tree removal is "inconsistent with Local Coastal Program (LCP) Policy 8.9: which requires minimization of tree removal to preserve visual resources in the coastal zone."

Staff Response: LCP Policy 8.9 is comprised of seven statements regarding goals and requirements for trees in the coastal zone. Policy 8.9(b) requires that the regulations contained in the Significant Tree Ordinance be utilized when reviewing tree removal permits in Design Review Districts. The reasons and evidence for removal of this tree were reviewed against these regulations and staff determined that there was sufficient evidence to make the findings for approval as contained in the decision letter.

Policy 8.9(d) "protects trees specifically selected for their visual prominence and important scenic or scientific qualities." The tree that is the subject of

this permit has not been identified by the County as having unique qualities regarding visual prominence, or important scenic or scientific qualities. There are several Monterey Cypress trees located along Wienke Way and better representatives of this species can be found throughout the coastal area of San Mateo County.

Policy 8.9(g) “allows the removal of trees which are a threat to public health, safety, and welfare.” Based on past evidence of limb drop from the tree and the potential safety hazard due to the location of the utility lines within the canopy of the tree, staff made the appropriate findings to remove the tree.

3. The appellant states that the branches that extend over the house or are close to utility lines for the house that run directly through the branches could be judiciously pruned and the tree shaped to remediate the disfiguration caused by past pruning.

Staff Response: In reviewing the pictures submitted by the applicant and the site visit conducted by staff, the utility lines that run through the branches of the tree include a phone line, cable line, and local power line for the house at 150 Wienke Way. There are also distribution power lines located above the tree. The area around these distribution lines have been cleared of branches, leaving the tree with a Y-shaped canopy. The phone line, cable line, and local power line are within the canopy of the tree. The power line connection to the house would potentially require substantial branch removal, as the line is woven between a number of branches.

The applicant has stated that the tree has become top heavy due to the trimming for the overhead power distribution lines. The applicant has also stated that branches from the tree have split off and fallen, hitting the house on the property. Power, cable, and phone service has been disrupted in the past due to braches pushing against the utility lines. The applicant has also stated that the utility lines connecting the house have been replaced in the past.

PG&E’s planting guide for tree planting around distribution lines recommends planting trees that have a mature height of less than 25 feet. Monterey Cypress trees can and generally do grow much taller, as is the case with the subject tree.

4. The appellant states that a consulting arborist report is required to evaluate the health of the tree as the applicant stated that the health of the tree is “poor.”

Staff’s Response: While the applicant stated that the health of the tree is poor, the public notice describing the Significant Tree Removal Permit and the decision made by the San Mateo County Planning Department did not

address the health of the tree, instead focusing on the utility lines that run through the branches of the tree and the potential safety hazard they pose as described above.

In review of study regarding structural failures of Monterey Cypress trees published in *Western Arborist*, the vast majority of structural failures for Monterey Cypress trees were branch failures (Costello and Jones).¹ These branch failures are most likely to occur during high wind event and during wet conditions. This data and research is reflective of the information that the owner at 150 Wienke Way has provided regarding the subject Monterey Cypress tree. In past storm events, the tree has experienced limb drop which has impacted utility serve to the property.

B. CONFORMANCE WITH THE GENERAL PLAN

San Mateo General Policy 1.25 requires development to protect vegetative resources and ensure that development will: (1) minimize the removal of vegetative resources and/or; (2) protect vegetation which enhances microclimate, stabilizes slopes or reduces surface water runoff, erosion or sedimentation; and/or (3) protect historic and scenic trees.

The Significant Tree Removal Application/Permit is an evaluative process which seeks to ensure that tree removal is minimized and is necessary to utilize a property in its intended manner. No new development is proposed on the subject property. The tree proposed for removal is located under utility lines. Based on past evidence of limb drop from the tree, there is a potential safety hazard due to the location of the utility lines within the canopy of the tree. The tree does not have qualities of historic or scenic trees. There are several Monterey Cypress trees located along Wienke Way and better representatives of this species can be found throughout the coastal area of San Mateo County. The tree that is the subject of this permit has not been identified by the County as having unique qualities regarding visual prominence. As stated in Section A.1 and Section C of this report, the review of this application complies with the Significant Tree Regulations which implements this General Plan Policy.

C. CONFORMANCE WITH THE SIGNIFICANT TREE ORDINANCE

Section 12,023 of the Significant Tree Ordinance states that the Community Development Director or any other person or body charged with determining whether to grant, conditionally grant or deny a tree cutting or trimming permit may approve a permit based on the following criteria:

- (a) The tree: (1) is diseased; (2) could adversely affect the general health and safety; (3) could cause substantial damage; (4) is a public nuisance; (5) is in

¹ Costello , L. R. and K. S. Jones, "Structural failure profile: Monterey Cypress", *Western Arborist* Fall 2014 Pg. 50

danger of falling; (6) is too closely located to existing or proposed structures consistent with LCP Policy 8.9(a); (7) meets standards for tree removal of Chapter 28.1 (Design Review District) of the San Mateo County Zoning Regulations; (8) substantially detracts from the value of the property; (9) interferes with utility services consistent with the San Mateo County Local Coastal Program (LCP) Policy 8.9(a); (10) acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite; (11) is a substantial fire hazard; or (12) will be replaced by plantings approved by the Community Development Director or Design Review Administrator, unless special conditions indicate otherwise.

The Significant Tree Removal Permit was granted based staff's assessment that criteria (2), (3), (9), and (12) were applicable. As described in detail in Section A of this report, the utility lines for the subject house and surrounding properties run through the branches of the Monterey Cypress tree, which creates potential hazards. The significant tree regulations support removal of a specimen which has been determined to interfere with utility service and that could adversely affect the general health and safety. The one Monterey Cypress tree would be replaced with two 15 gallon trees as required by Condition of Approval No. 3.

D. CONFORMANCE WITH THE LOCAL COASTAL PROGRAM

LCP Policy 8.9 is comprised of seven statements regarding goals and requirements for trees in the coastal zone. As stated in Section A.2 and Section C of this report, the review of this application complies with the Significant Tree Regulations (LCP Policy 8.9(b)). The application also complies with LCP Policy 8.9(d) and 8.9 (g) as noted above in Section A.1.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. General Location/Vicinity Map
- C. Significant Tree Removal Permit Application
- D. Correspondence from Interested Members of the Public
- E. Decision Letter, dated November 3, 2016
- F. Appeal Application and Supporting Documents.
- G. Site Photos

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2016-00357 Hearing Date: February 8, 2017

Prepared By: Robert Bartoli
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304 (Minor Alterations to Land). This class exempts minor public or private alterations in the condition of land, water and/or vegetation, such as the removal of a tree.

Regarding the Significant Tree Removal Permit, Find:

2. That the subject 48-inch Monterey Cypress tree meets the criteria for removal found in Section 12,023 of San Mateo County Ordinance Code. After reviewing the subject application and supporting materials and visiting the site, staff determined that this tree permit meets the criteria for removal which include (1) that the tree could cause substantial damage to public or private property, (2) adversely affect the general health and safety of the public, and (3) interferes with utility services.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The tree indicated on the application form dated August 19, 2016, may be removed after the end of the appeal period, assuming no appeal is filed as stipulated in this letter. A separate Tree Removal Permit shall be required for the removal of any additional trees.
2. This Significant Tree Removal Permit shall be on the site and available at all times during the tree removal operation and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street.

3. The applicant shall plant on-site a total of two (2) 15-gallon size stock red maple trees per the tree replanting plan submitted by the applicant on October 28, 2016, for the tree removed. Replacement planting shall occur within one year of the Significant Tree Removal Permit approval date (Section 12,024 of the San Mateo County Ordinance Code).
4. The applicant shall submit photo verification to the Planning Department of the planted replacement trees required in Condition of Approval No. 3. Photos shall either be submitted in person to the Planning Department, or via email to plngbldg@smcgov.org with reference to the Planning Application PLN Number, as identified in the subject line of this letter.
5. If work authorized by an approved permit is not commenced within the period of one year from the date of approval, the permit shall be considered void.
6. During the tree removal phase, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site by:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
 - b. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
 - d. Using filtration or other measures to remove sediment from dewatering effluent.
 - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.
7. Prior to the removal of any trees located within the public right-of-way, the applicant shall obtain an encroachment permit from the Department of Public Works. Additionally, prior to planting any trees within the public right-of-way, the applicant shall obtain a landscaping/encroachment permit from the Department of Public Works.
8. The applicant shall clear all debris from the public right-of-way.

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San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____

ATTACHMENT C

Simultaneous Development Application (if any): _____ PLN# 2016-00357

San Mateo County Planning & Building Department • 455 County Center, 2nd Floor Redwood City • CA • 94063
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

Application for Permit to Remove Tree(s)

Sections 11,000 et seq and 12,000 et seq of the San Mateo County Ordinance Code.

HERITAGE TREE(S) SIGNIFICANT TREE(S)

Property Owner: EDWARD C. & BOBBE SUE LOVE

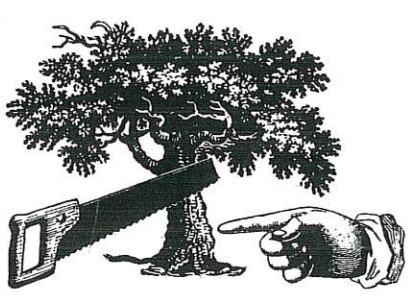
Address: 150 WHEATIE WAY

MOSS BEACH 94038 Telephone: 650-728-7615

Applicant (if different): _____

Address: _____

Telephone: _____



Date of Application: 8/19/16

10 Day Period of Posted Notice
From: 9/2/16
To: 9/15/16

Address and parcel number where tree(s) located: 150 WHEATIE WAY
APN 037-094-180

| Tree(s) Diameter or Circumference (at 4½ ft. height) | Kind of tree(s) | Heritage Tree? (Yes / No) | Health of tree(s) | Reason for Removal/Trimming |
|--|----------------------|---------------------------|-------------------|--------------------------------|
| <u>4' Ø</u> | <u>MONTEREY CYP.</u> | <u>NO</u> | <u>POOR</u> | <u>INTERFERES WITH UTILITY</u> |
| | | | | |
| | | | | |
| | | | | |

REMOVAL PLAN:

- Method of removal: By Owner
 By Tree Removal Service.
Name: T.B.D. Phone: _____
- Disposal of tree debris: All debris to be removed from site by Tree Removal Service
 All/some debris to remain on site; Purpose: _____

The information contained in the application is accurate and true to the best of my knowledge. I understand that an approved permit is conditional. Further, the decision on this application may be appealed to the San Mateo County Planning Commission. Authority to remove or trim a tree is effective only after the approval appeal period has expired.

Edward C. Love 8/19/16
Applicant's Signature

Public Notification of this application request will be sent to all property owners within 100 feet of the project site and in addition, to the Mid-Coast Community Council if your project site is located in the Mid-Coast.

NOTE: All Tree Removal Applications must be submitted in person.

Tree Removal at 150 Wienke Way

Edward Love

Fri 9/2/2016 4:47 PM

To: Rob J. Bartoli <RBartoli@smcgov.org>;

Hello Rob,

The Monterey Cypress , for which we are requesting a Tree Removal Permit, existed in our front yard when we bought the house in 1995. Unfortunately, as you can see, the tree was planted DIRECTLY below the utility lines serving our house and the other houses on Wienke Way.

Over the years, the tree has grown, become top heavy and completely engulfed the utility lines. Branches have split off and fallen, hitting our house and falling into the street. A photo of a fallen branch in the street was included with the Application.

In the past, our power, Cable TV and phone service has been disrupted by branches pushing against the various utility lines, especially during storms. The lines feeding our house have been replaced over time.

PG & E occasionally sends their tree trimmers to attempt to keep the lines clear of the unpredictable branches. This trimming has resulted in the tree having a gigantic Y shape, leaving only branches leaning toward the house and over the street.

In summary, the tree is a danger to people who park, drive and walk on Wienke Way, AND a danger to our house and us, the inhabitants. Therefore, the request to remove the tree.

Thanks for your consideration,

Ed

--
Edward C. Love Architect
720 Mill Street
Half Moon Bay, CA 94019
(650) 728-7615
edwardclovearch@gmail.com



(N) RED MAPLE →
15 GAL

REMOVE (E)
MONTEREY
CYPRESS

REPLACE WITH
2 RED MAPLES

(N) RED MAPLE
15 GAL

150 Wienke Way

RECEIVED

OCT 28 2015

Sant Mateo County
Planning and Building Department

Google Earth

feet
meters

100
30



Google Earth

150 WIENKE WAY, MOSS BEACH



Google Earth

© 2016 Google
© 2016 Google

Google Earth

feet
meters

10
3



RECOMMENDED SPECIES OF REPLACEMENT TREES:

Trees on this list are either native* to California, or are appropriate for San Mateo County climate zone 14-17 as designated in the Sunset Western Garden Book. Any native species removed must be replaced with a native species.

Tree replacement ratios to trees removed shall be as noted below, unless where adjusted by the Community Development Director.

To determine which species is best suited for your property or for planning instructions, contact a local nursery or a certified arborist.

1. Bayside Design Review Districts

2:1 replacement required; 15 gallon size trees (minimum)

24 inch box = 1:1 replacement

| | | |
|---------------------|---------------------------|-------------------|
| Austrian black pine | Flowering cherries, plums | Maidenhair tree* |
| Bishop pine* | Holly oak | Olive (fruitless) |
| Blue oak* | Incense cedar* | Red maple* |
| California bay | Indian longleaf pine | Red oak* |
| Canary island pine* | Israeli oak | Scotch pine |
| Coast live oak* | Italian stone pine | Shumard oak* |
| Cork oak* | Japanese black pine | Silk tree |
| Coulter pine* | Jelecote pine | Valley oak* |
| Deodar cedar* | London plane* | Western red cedar |

2. Bayside Non-Design Review Districts

1:1 replacement required; 15 gallon size tree (minimum)

| | | |
|---------------------|---------------------------|-------------------|
| Austrian black pine | Flowering cherries, plums | Maidenhair tree* |
| Bishop pine* | Holly oak | Olive (fruitless) |
| Blue oak* | Incense cedar* | Red maple* |
| California bay | Indian longleaf pine | Red oak* |
| Canary Island pine* | Israeli oak | Scotch pine |
| Coast live oak* | Italian stone pine | Shumard oak* |
| Cork oak* | Japanese black pine | Silk tree |
| Coulter pine* | Jelecote pine | Valley oak* |
| Deodar cedar* | London plane* | Western red cedar |

3. Skyline, La Honda / Rural

1:1 replacement required; 15 gallon (minimum)

Big leaf maple*
Black oak
California bay laurel*

4. Coastside

2:1 replacement required; 15 gallon size (minimum)

| | | |
|---------------------|------------------|---|
| Blackwood acacia | Deodar cedar* | Norfolk Island pine |
| Bushy youte | London plane* | Peppermint willow |
| Cajeput | Maidenhair tree | Red maple |
| California buckeye* | Monterey cypress | |
| Coulter pine* | Monterey pine* | |



Disclaimer: Information displayed here is for reference. For precise boundary data or information, consult official records. Printed Fri Aug 19 2016 09:24:21 AM





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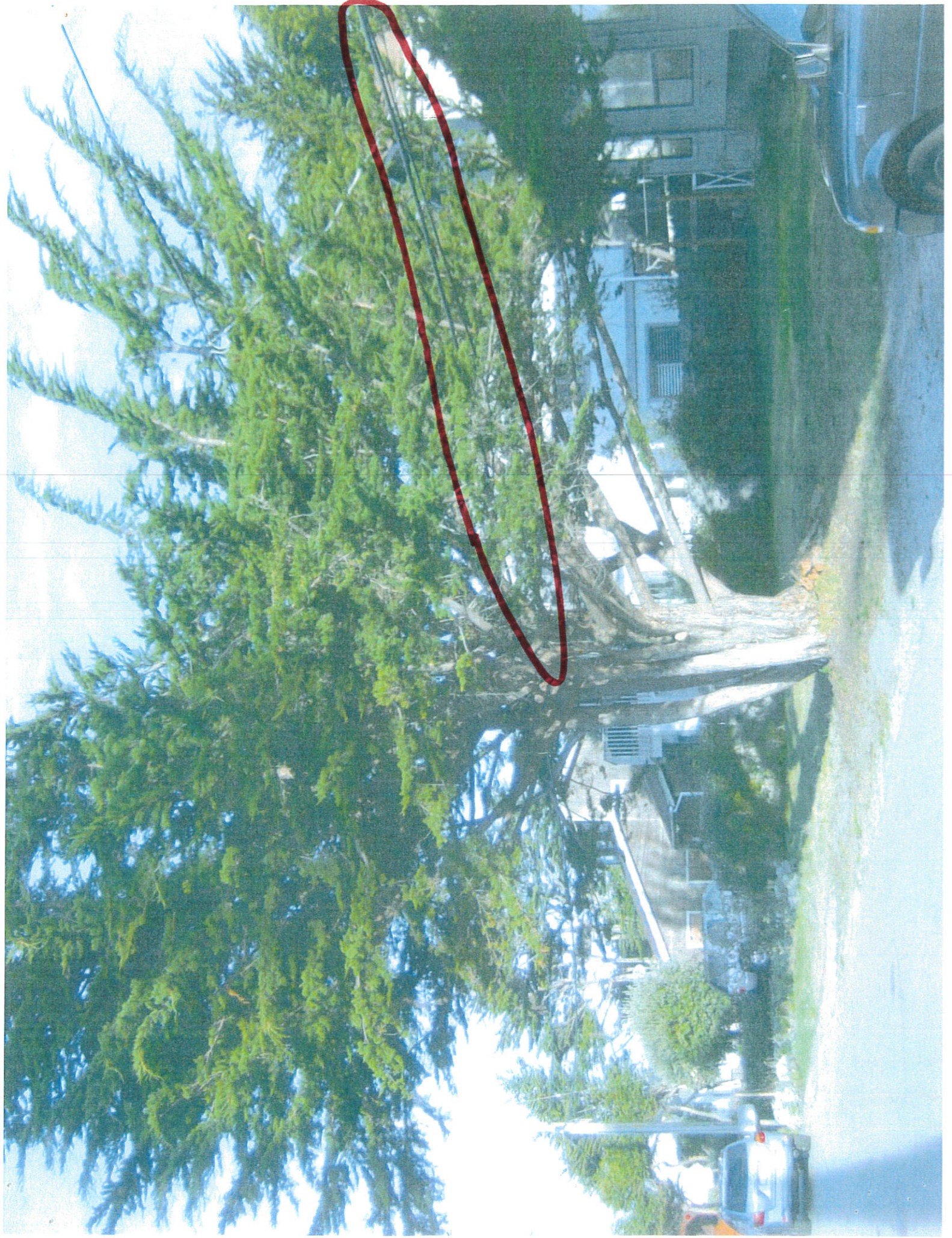
Google earth PL

© 2015 Google
© 2016 Google

Google earth

feet
meters





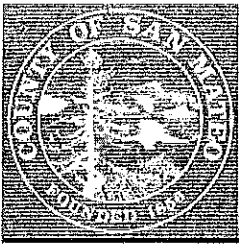




TOP

TOP





County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

NOTICE OF TREE REMOVAL PERMIT APPLICATION

MAILING DATE: 09/02/2016
DATE FILED: 08/19/2016
PLANNING CASE NO.: PLN2016-00357
OWNER: LOVE EDWARD C
PROJECT TITLE: TREE REMOVAL
PROJECT LOCATION: 150 WIENKE WAY
APN: 037094180

PROJECT DESCRIPTION:

Tree Removal permit for a 48" diameter Monterey Cypress tree located in the front yard due to utility lines running through the branches of the tree.

It is the policy of the Planning and Building Department to inform all property owners within 100 feet of a project when an application for tree removal or tree trimming has submitted.

This office will act on the above application on or after September 12, 2016.

If you would like to comment on this project or have any questions regarding this matter, please contact:

Roberto Bartoli, Project Planner
Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063

Telephone: (650) 363-1857
Email: rbartoli@smcgov.org

By contacting the above Planner you may also ask to receive a copy of our decision on this project when it is issued and information about appeal procedures.

ATTACHMENT D

Rob J. Bartoli

From: Lisa Ketcham <lisa.ketcham@comcast.net>
Sent: Friday, September 02, 2016 1:51 PM
To: Rob J. Bartoli
Cc: MCC
Subject: Re: Tree Removal Permit Notice for PLN2016-00357

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Rob,
Thank you for the referral which proposes to remove a 48-inch-diameter cypress tree in front yard of 150 Wienke Way due to utility lines running through the branches.

I visited the site today and observed an apparently healthy tree with no other issues than some slightly disfiguring past pruning to keep branches clear of the power lines. Only the two lower communications cables twine through the tree, as they do through all the cypress trees along this side of the street. This should not be a reason to allow removal of this significant tree.

Sincerely,
Lisa Ketcham, Vice Chair
Midcoast Community Council



On Sep 1, 2016, at 4:29 PM, Rob J. Bartoli <RBartoli@smcgov.org> wrote:

To whom it may concern,

Attached is a copy of a Tree Removal Permit (PLN2016-00357) for one Monterey Cypress tree located at 150 Wienke Way, Moss Beach. The tree is proposed to be removed as utility lines run through the branches of the tree. Please let me know if you have any comments.

Thank you,
Rob

Rob Bartoli
Planner II
County of San Mateo
455 County Center, 2nd Floor, Redwood City, CA 94063
Direct Tel: (650) 363-1857
Main Tel: (650) 363-4161
Email: rbartoli@smcgov.org

<Tree Removal Notice for PLN2016-00357.pdf>

Rob J. Bartoli

From: Lennie Roberts <lennie@darwin.ptvy.ca.us>
Sent: Thursday, September 15, 2016 12:51 PM
To: Rob J. Bartoli
Cc: Lisa Ketcham
Subject: PLN2016-00357

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Rob, Lisa Ketcham shared her comments with me on the proposed removal of the 48 in diameter Monterey Cypress at 150 Wienke Way, Moss Beach.

I heartily concur that this tree should not be removed. As you know, CGF is increasingly concerned about the removal of significant and heritage trees, particularly native oaks on the Bayside. On the coast, Monterey Cypress (although not native to our geographic area of the coast) have significant ecological, aesthetic and economic value to the community.

Can you let me know of any decision(s) you make on this permit?

Thanks,

Lennie Roberts

ATTACHMENT E

COUNTY OF SAN MATEO PLANNING AND BUILDING

County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063
650-363-4161 T
650-363-4849 F
www.planning.smcgov.org

November 3, 2016

Edward Love
150 Wienke Way
Moss Beach, CA 94038

PROJECT FILE

Dear Edward Love:

SUBJECT: Coastside Tree Removal Permit
150 Wienke Way, Moss Beach
APN 037-094-180; County File No. PLN 2016-00357

Your application for a Tree Removal Permit, to remove one Monterey Cypress tree (48" in diameter) located in the front side yard on the subject property, is hereby approved, pursuant to Section 12,000 of the San Mateo County Ordinance Code. Public notification was sent out on September 2, 2016. The posting period began on September 2, 2016, and ended on September 15, 2016. Two comments from the public were received, both in opposition to the removal of the tree.

The applicant is requesting removal of one Monterey Cypress tree that is in poor condition and interferes with existing utility lines on the property. The applicant has stated that the overhead utility lines for the house run directly through the branches of the existing tree. The applicant has also stated that the tree has dropped limbs onto the utility lines and onto the existing house on the property. The tree has the potential to pose safety concerns to the property owners and to the house on the property due to the dropping branches and the location of the tree in relation to the utility lines. Upon evaluation of the information provided by the applicant and staff's review of the property, staff has determined that, due to the safety concerns posed by the Monterey Cypress tree and the impact the tree is having on overhead utility lines, the request is granted. The applicant will be required to replant two 15-gallon trees within one year of approval of this permit (PLN 2016-00357).

Based on the foregoing, your application is hereby approved subject to the following findings and conditions of approval:

FINDINGS

Staff found that:

1. The tree could cause substantial damage to public or private property.
2. The tree could adversely affect the general health and safety of the public.



3. The tree interferes with utility services.
4. The tree will be replaced by plantings approved by the Community Development Director, unless special conditions indicate otherwise.

CONDITIONS OF APPROVAL

1. The tree indicated on the application form dated August 19, 2016, may be removed after the end of the appeal period, assuming no appeal is filed as stipulated in this letter. A separate Tree Removal Permit shall be required for the removal of any additional trees.
2. This Tree Removal Permit approval shall be on the site and available at all times during the tree removal operation and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street.
3. The applicant shall plant on-site a total of two (2) trees using at least 15-gallon size stock, for the tree removed. Replacement planting shall occur within one year of the Tree Removal Permit approval date (Section 12,024 of the San Mateo County Ordinance Code).
4. The applicant shall submit photo verification to the Planning Department of the planted replacement trees required in Condition of Approval No. 3. Photos shall either be submitted in person to the Planning Department, or via email to plngbldg@smcgov.org with reference to the Planning Application PLN Number, as identified in the subject line of this letter.
5. If work authorized by an approved permit is not commenced within the period of one year from the date of approval, the permit shall be considered void.
6. During the tree removal phase, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site by:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
 - b. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
 - d. Using filtration or other measures to remove sediment from dewatering effluent.

- e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.
7. Prior to the removal of any trees located within the public right-of-way, the applicant shall obtain an encroachment permit from the Department of Public Works. Additionally, prior to planting any trees within the public right-of-way, the applicant shall obtain a landscaping/encroachment permit from the Department of Public Works.
8. The applicant shall clear all debris from the public right-of-way.

To ensure compliance with the above conditions, a "Parcel Tag" will be placed on this parcel which shall restrict future development until these conditions are met. Upon fulfillment of these conditions, as determined by the Community Development Director, the subsequent parcel tag shall be lifted.


The approval of this Tree Removal Permit and any conditions of the approval may be appealed within ten (10) working days of the date of this letter. An appeal form accompanied by the applicable filing fee of \$639.83 must be submitted by 5:00 p.m., November 18, 2016. If at the end of that period no appeal has been filed, the subject trees may be removed (Section 12,028 of the San Mateo County Ordinance Code).

You will be notified if an appeal is made.

If you have any questions, please call the project planner, Rob Bartoli, at 650/363-1857 or by email at rbartoli@smcgov.org.

To provide feedback, please visit the Department's Customer Survey at the following link: <http://planning.smcgov.org/survey>.

FOR STEVE MONOWITZ
COMMUNITY DEVELOPMENT DIRECTOR, By:



Michael Schaller, Senior Planner

MS:RB:pac - RJBAA0622_WPN.DOCX

Application for Appeal

Planning and Building Department

County Government Center • 455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

To the Planning Commission

To the Board of Supervisors

1. Appellant Information

Name: Lennie Roberts ^{on behalf of}

Address: 339 La Cuesta Dr.

Committee for Green Foothills

Portola Valley

Phone, W: 650-854-0499 sam

Zip: 94028

2. Appeal Information

Permit Numbers involved:

PLN 2016-00357

I have read and understood the attached information regarding appeal process and alternatives.

yes no

I hereby appeal the decision of the:

- Staff or Planning Director
- Zoning Hearing Officer
- Design Review Committee
- Planning Commission

Appellant's Signature:

Lennie Roberts

Date: 11/18/16

made on 11/3 2016 to approve/deny the above-listed permit applications.

3. Basis for Appeal

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

Please see attached

RECEIVED
NOV 18 2016

San Mateo County
Planning and Building Department

Appeal of Coastside Tree Removal Permit, 150 Wienke Way, Moss Beach

County File Number PLN 2016-00357

The proposed removal of this large, well foliated Monterey cypress is inconsistent with:

General Plan Policy 4.29 a.: "preserve trees except where removal is required for approved development or safety", as well as relevant sections of LCP Policy 8.9 which require minimization of tree removal to preserve visual resources in the coastal zone.

Tree branches that extend over the house or are close to utility lines for the house that run directly through the branches could be judiciously pruned and the tree shaped to remediate the disfiguration caused by past pruning.

The applicant stated the tree health is "poor". There has been no Arborist Report regarding this tree. An evaluation of tree health should be done by a consulting arborist, selected by the County, whose services do not include tree removal or pruning.

RECEIVED

NOV 18 2016

San Mateo County
Planning and Building Department

ATTACHMENT F

Rob J. Bartoli

From: Lennie Roberts <lennieroberts339@gmail.com>
Sent: Monday, January 09, 2017 6:44 AM
To: Rob J. Bartoli
Subject: Additional comments Appeal of PLN 2016-00357
Attachments: CGF Appeal 150 Wienke Way.docx

Hi Rob,

Please see additional comments in support of the appeal by Committee for Green Foothills of the tree removal permit at 150 Wienke Way, Moss Beach (PLN 2016-00357).

Please let me know if you have any question.

Thanks,

Lennie Roberts

RECEIVED

JAN 09 2017

San Mateo County
Planning Division

January 8, 2016

To: Rob Bartoli, Project Planner
From: Lennie Roberts, Committee for Green Foothills

Please accept these additional comments in support of Committee for Green Foothills appeal of PLN 2016-00357: Tree Removal Permit for Monterey cypress at 150 Wienke Way, Moss Beach

CGF respectfully disagrees with the Findings in the Staff Report, and urges that this significant tree be retained.

The Staff Report states the tree is in “poor” condition, yet there is no arborist report to support this conclusion.

Staff’s recommended Findings that (1) the tree could cause substantial damage to public or private property and (2) the tree could adversely affect the general health and safety of the public are not substantiated by evidence in the record. There is a feasible alternative to removing the tree. Thinning and pruning of branches can address the issues of damage to property and public health and safety.

The Finding that the tree interferes with utility services can also be addressed by thinning and pruning.

Known only from the California coast at Cypress Point and Point Lobos in Carmel, Monterey cypress are exceptionally well suited for Moss Beach’s fog-dominated climate. Their robust and intricate growth habit makes them highly adaptable to pruning.

As noted by Donald Culross Peattie in The Natural History of Western Trees, “untold numbers of these trees are now grown in Europe, Australia, New Zealand, and South America, as well as up and down the coast of California”.

The Monterey cypress trees of Moss Beach give the community its unique ambience and character. They should be preserved to the greatest degree possible. Preservation of trees in the urban Midcoast is supported by LCP Policy 8.9 b., and e. and General Plan Policy 4.29 a.

Please see attached examples of other Monterey cypress trees in Moss Beach that have been judiciously pruned and shaped to avoid interference with utility lines.







San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:



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Attachment:

File Numbers:



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San Mateo County Planning Commission Meeting

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