

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

DATE: April 8, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of an appeal of a Tree Removal Permit for the Community Development Director's decision to approve removal of 10 trees and to deny removal of 4 trees, pursuant to Section 12.000 of the San Mateo County Ordinance Code and Policy 8.9 of the Local Coastal Program, on the property located at 466 El Granada Boulevard in the unincorporated El Granada area of San Mateo County.

County File Number: PLN 2014-00419 (Padway and Kuza)

PROPOSAL

The appellants appeal the denial of permission to remove four eucalyptus trees included in a tree removal permit for 14 trees on their property. The appellants stated justification for tree removal was to reduce fire danger on the property and clear areas for a future entrance walkway and patio.

Ten trees were approved by the Community Development Director for removal based on findings that the trees were too close to existing structures and were a substantial fire hazard. Four trees were found to not pose a substantial fire hazard since they are a distance equal to or greater than 15 feet from the residence. Additionally, two of the four trees not approved for removal were in conflict with tree removal policies found in the Local Coastal Program (LCP).

The appellants contend that the remaining four trees pose a danger of fire and prevent the desired development of their property.

RECOMMENDATION

Deny the appeal and uphold the decision by the Community Development Director to approve the removal of ten trees (eight eucalyptus trees, a pine, and a cypress) and denial of four eucalyptus trees, by making the findings and imposing the conditions of approval in Attachment A.

Should the Planning Commission uphold the appeal, the required finding for approval of the tree removal permit for all 14 trees is provided in Attachment B.

SUMMARY

The appellants submitted a tree removal permit for the removal of 14 trees including 12 eucalyptuses, a pine, and a cypress tree and requested a waiver from the replacement policy on a residential property located in the coastal zone. The appellants' primary reason for requesting removal of the trees is to adhere to Cal Fire's Defensible Space Regulation. Three trees are sought to be removed to accommodate future development on the property.

The decision on the permit by the Community Development Director was to approve the removal of ten trees, to deny removal of four eucalyptus trees which were determined not to pose a high fire hazard since they were greater than 15 feet from the residence, and to replace four trees. Analysis of the tree removal application included consideration of three regulations: the San Mateo County Significant Tree Ordinance, the Local Coastal Program, and Cal Fire's Defensible Space Regulation.

Ten trees were approved for removal based on findings from the Significant Tree Ordinance that 10 trees presented a substantial fire hazard to the residence, and from Local Coastal Program (LCP) Policy 8.9.g that allows removal of trees that are too closely located to existing structures. The denial of one tree was based on the availability for alternative locations for a patio on the property where tree removal was not required, and conflict with LCP Policy 8.9.f which prohibits the removal of living trees in the coastal Zone with a trunk circumference of more than 55 inches measured at 4.5 feet above the average surface of the ground, except in cases of danger to life or property. In addition, denial for all four eucalyptus trees was based in part on the fact that they were 15 feet or more from the residence and did not pose the same high fire hazard as the other trees which were closer to the residence and approved for removal.

Staff recommends that the appeal be denied, and the decision of the Community Development Director be upheld, since the decision was reached by considering all of the policies and regulations impacting the application.

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

DATE: April 8, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of an appeal of a decision on a Tree Removal Permit by the Community Development Director to approve removal of ten trees and deny removal of four trees, pursuant to Section 12.00 of San Mateo County Ordinance Code and Section 8.9 of the Local Coastal Program, on property located at 466 El Granada Boulevard in the unincorporated El Granada area of San Mateo County.

County File Number: PLN 2014-00419 (Padway and Kuza)

PROPOSAL

The appellants' appeal the portion of their permit application pertaining to four eucalyptus trees, measuring 15, 16, 21, and 56 inches. The four trees are a distance of 15 feet or more from the single-family residence with branches that are not in close proximity to the residence. Staff determined that these four trees did not pose a substantial fire hazard to the residence. Removal of two of the trees would conflict with the visual character of the property which benefits from the preservation of some mature trees.

RECOMMENDATION

Deny the appeal and uphold the decision of the Community Development Director to approve the removal of 10 trees (8 eucalyptus trees, a pine, and cypress) and deny removal of four eucalyptus trees, County File Number PLN 2014-00419, by making the findings for approval and imposing the conditions of approval included in Attachment A.

Should the Planning Commission uphold the appeal, the required findings for approval of removal of the four eucalyptus trees and recommended conditions of approval are provided in Attachment B.

BACKGROUND

Report Prepared By: Erica Adams, Project Planner

Appellant: Robert Padway and Kathy Kuza

Applicant: Robert Padway and Kathy Kuza

Owner: Robert Padway and Kathy Kuza

Location: 466 El Granada Boulevard, El Granada

APN: 047-182-420

Size: 8,346 sq. ft.

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

General Plan Designation: Medium Density Residential Urban

Sphere-of-Influence: Half Moon Bay

Existing Land Use: Single-Family Residential

Water Supply: Coastside County Water District

Sewage Disposal: Granada Sanitary District

Flood Zone: Zone "X" (Area of Minimal Flooding); Panel printed 06081C0140E

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 removal of a tree.

Setting: The subject parcel is located in the coastal residential community of El Granada. The parcel is developed with a single-family residence with an attached garage. The parcel is on a hillside and has a mild slope downward from east to west. There is a view of the ocean from the west side of the parcel.

Chronology:

<u>Date</u>	<u>Action</u>
October 27, 2014	- Application submitted
November 5, 2014	- Staff makes site visit
December 1, 2014	- Staff requests additional information to address the request to remove the 14 trees
December 11, 2014	- Decision letter sent to the applicant

DISCUSSION

A. KEY ISSUES OF THE APPEAL

On October 27, 2014 the applicants submitted a tree removal permit application requesting approval to remove 14 trees on their 8,346 sq. ft. parcel located at 466 El Granada Boulevard in El Granada, a coastal community. The applicants' justification for removal is principally Cal Fire's Defensible Space Policy, as well as the trees dropping debris and branches. The applicants state that the eucalyptuses are too close to the house and a fire hazard, the pine tree in the front yard drops sap on vehicles of their guests, and the Cypress tree is the footprint of a future, front new entry.

Cal Fire's 100-foot Defensible Space Policy requires property owners with a Local Area of Responsibility (LRA) or State Area of Responsibility (SRA) designation to follow the ordinance's guidelines for clearing vegetation near structures on a property. The first level of vegetation clearance calls for property owners to clear an area 30 feet immediately surrounding a structure, in addition to reduction of other flammable vegetation. The level of clearance for the remaining 70 feet involves spacing of plants far enough apart both horizontally and vertically to prevent the accumulation of fuel for fires.

Tree removal permits are subject to the San Mateo County Tree Ordinance and are processed with the overarching goal to prevent certain trees from being needlessly removed from property in San Mateo County. Since most residential districts in the county have parcels which are 50 feet in width, strict adherence to the Defensible Space Policy would result in clear cutting most of the hillside and coastal communities. Most of the requests for tree removal based on the Defensible Space Policy have not been for removal of all of the trees on a property. Typically, only the trees which pose the greatest potential threat of fire, due to their proximity or species, are sought to be removed.

This application was processed with consideration of balancing the Defensible Space Policy with the tree removal policies found in both the Significant Tree Ordinance and the Local Coastal Program (LCP). Staff consulted with a representative of Cal Fire, Deputy Fire Marshall, Marc Colbert, to discuss the application request to remove 14 trees with respect to the Defensible Space Policy. While acknowledging that eucalyptus trees are particularly flammable, when reviewing the photographs of the site, Marshall Colbert commented that the tree limbs of the trees near the residence were relatively high and not in close proximity to the roof. He also noted that the fire hazard had been reduced since the ground was cleared of debris.

The following table summarizes the justification for removal submitted by the applicants and the Community Development Director's basis of the decision on the permit:

Plan Number	Species	DBH	Health	Location	Reason for Removal	Approved for Removal	Findings Associated with Removal
1	Eucalyptus	34	Good	Front	Proximity to residence, concerns regarding fire hazard, and debris	Yes	Substantial fire hazard / branches and debris
2	Eucalyptus	40	Good	Front	Proximity to residence, concerns regarding fire hazard, and debris	No	Substantial fire hazard / branches and debris
3	Pine	15	Good	Front	Proximity to residence, concerns regarding fire hazard, and debris on vehicles	Yes	In pathway of a future entrance to house and damage to private property
4	Sargent Cypress	14	Good	Front	Tree is in footprint of proposed pathway to house and proximity to residence, concerns regarding fire hazard, and debris on vehicles	Yes	In pathway of a future entrance to house
5	Eucalyptus	25	Good	Front	Tree is in footprint of proposed pathway to house and proximity to residence, concerns regarding fire hazard, and debris on vehicles	Yes	In pathway of future entrance to house
6	Eucalyptus	36	Good	Front	Proximity to residence, concerns regarding fire hazard, and debris on vehicles	Yes	Substantial fire hazard / branches and debris
7	Eucalyptus	21	Good	Back	Proximity to residence, concerns regarding fire hazard and in location where a patio is proposed	No	Not a high fire hazard
8	Eucalyptus	15	Good	Back	Proximity to residence, concerns regarding fire hazard and in location where a patio is proposed	Yes	Substantial fire hazard / branches and debris
9	Eucalyptus	52	Good	Back	Proximity to residence, concerns regarding fire hazard, and debris	No	Far away from house enough and has no low level limbs, so fire hazard is reduced
10	Eucalyptus	16	Good	Side	Proximity to residence, concerns	No	Substantial fire hazard /

Plan Number	Species	DBH	Health	Location	Reason for Removal	Approved for Removal	Findings Associated with Removal
					regarding fire hazard, and debris		branches and debris
11	Eucalyptus	14	Good	Side	Proximity to residence, concerns regarding fire hazard, and debris	Yes	Substantial fire hazard / branches and debris
12	Eucalyptus	23	Good	Side	Proximity to residence, concerns regarding fire hazard, and debris	Yes	Substantial fire hazard / branches and debris
13	Eucalyptus	22	Good	Side	Proximity to residence, concerns regarding fire hazard, and debris	Yes	Substantial fire hazard / branches and debris
14	Eucalyptus	56	Good	Side	Proximity to residence, concerns regarding fire hazard, and debris	No - Not supported by LCP due to size (exceeds 55" in diameter)	Substantial fire hazard / branches and debris

The applicants were denied permission to remove trees due to their being 15 feet, or greater, from the residence and thereby determined not to create a substantial fire hazard. In addition, Tree #14, a 56-inch eucalyptus tree, does not comply with LCP Policy 8.9.f which prohibits the removal of living trees in the Coastal Zone with a trunk circumference of more than 55 inches for reasons other than danger to life or property, and Tree #10, a mature tree in the front side yard, does not comply with LCP Policy 8.9.d to protect trees identified for their visual prominence and their important scenic qualities.

The applicants' appeal letter (Attachment F) reiterates their initial statements regarding high fire hazard concerns from eucalyptus trees and the existing roof material in support of tree removal, and rebuts the justifications for denial. One of the key points made with respect to rebuttal to the County's decision was the introduction of a separate section of the Defensible Space Policy which directs property owners to create a 10-foot minimum space between tree branches. The appeal letter also relays the applicants' personal experience with fire from eucalyptus trees (and contains an erroneous reference to a county timber harvesting policy which is not applicable for this application).

The appeal letter amends the initial concern of fire hazard created by Tree #7, a 21" diameter, 90-foot tall eucalyptus, which is 16 feet from the residence, by stating that the Defensible Space Policy includes a requirement of a 10-foot minimum spacing distance between trees. A pine tree is approximately 7 feet away from Tree #7, and the applicants state that there would not be 10 feet of clearance between these trees. The same concern about separation is also mentioned with respect to Tree #9, a 52" diameter eucalyptus, and the pine tree.

The denial of the request to remove Tree #7 was based on the tree's distance from the residence. The owners state that the trees maintain less than 10-foot separation at ground level. The pine tree in question is approximately 10 feet tall; however, the branches of the two trees are a distance which far exceeds a separation of 10 feet. Therefore, the branches do not create a high risk of fire hazard.

The original application stated that Tree #7 needed to be removed to accommodate a future patio. Staff visited the site and noted that the tree's removal would allow for a much better view of the ocean, and that there are other locations which would accommodate a patio area where tree removal is not necessary. Supplemental statements from the applicants stated that the patio was not drawn to full size (approximately 10' x 12'), and that this was the only location in the yard which would accommodate a patio, and other locations would require a raised deck or other structure due to the slope of the lot in the front.

In addition to the justifications mentioned above, in the case of Tree #14, the applicants erroneously stated that there is a finding for denial that removal would require a development permit or permit under the Timber Harvesting Ordinance. There is no reference to additional permits in the denial for Tree #14.

In the initial application, the applicants requested a waiver of the tree replanting requirement. The Community Development Director required four 5-gallon replacement trees to be located on-site. Should the Planning Commission grant approval to remove all 14 trees, staff recommends that six replacement trees be required.

CONFORMANCE WITH THE LOCAL COASTAL PROGRAM

Section 8.9 of the LCP states that the County shall prohibit the removal of living trees in the Coastal Zone with a trunk circumference of more than 55 inches measured 4 1/2 feet above the average surface of the ground, except as may be permitted for development under the regulations of the LCP, or for reason of danger to life or property. The section also states that the County shall allow the removal of trees which are a threat to public health, safety, and welfare.

The ten trees were approved for removal due to a determination that they are a substantial fire hazard. The decision to deny the request to remove the remaining four trees is based on the fact that the trees are 15 feet or greater from the residence, and therefore they do not create a substantial fire hazard.

CONFORMANCE WITH THE SIGNIFICANT TREE ORDINANCE

Section 12,023 (*Criteria for Permit Approval*) states that the Planning 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 for several reasons, one of which is that the tree is a substantial fire hazard.

As discussed previously, staff found and concurred with the owners' statement that the 10 trees were too close to the house and present a substantial fire hazard. Therefore, all trees located within a 15-foot radius of the residence were approved for removal.

B. ALTERNATIVES

The Planning Commission may find that removal of any one, or all of the trees, is necessary when that tree is a substantial fire hazard, and simultaneously, thereby also make the findings for removal found in LCP Policy 8.9 of threat to life or property, effectively permitting removal of that tree and directing a number of replacement trees as provided by ordinance.

ATTACHMENTS

- A. Findings and Conditions of Approval
- B. Finding for Denial
- C. General Location/Vicinity Map
- D. Decision Letter dated December 11, 2014
- E. Initial Application Request for Removal of Trees
- F. Subsequent Correspondence regarding Tree Removal
- G. Appeal Application and Supporting Documents
- H. Site Photos

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING AND CONDITIONS OF DENIAL OF THE APPEAL

Permit or Project File Number: PLN 2014-00419

Hearing Date: April 8, 2015

Prepared By: Erica Adams
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING

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.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The Trees #1 through #6, #8, and #11 through #13 indicated on the application form dated November 27, 2014, may be removed after the end of the appeal period, assuming no appeal is timely filed. Trees #7, #9, #10, and #14 are not approved for removal.
2. This Tree Removal Permit approval letter 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 four trees using at least 5-gallon size stock. 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.
9. 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, particularly with regard to the planting and photo verification of the replacement trees. Upon fulfillment of these conditions, as determined by the Community Development Director, the subsequent parcel tag shall be lifted.

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING AND CONDITIONS OF APPROVAL OF THE APPEAL

Permit or Project File Number: PLN 2014-00419

Hearing Date: April 8, 2015

Prepared By: Erica Adams
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING FOR APPROVAL

Regarding the Tree Removal Permit, Find:

1. That the trees indicated in this application are consistent with the finding from Section 12,023.(a) of the Significant Tree Ordinance, that there is a substantial fire hazard, and simultaneously, consistent with findings for removal found in LCP Policy 8.9 of threat to life or property.

RECOMMENDED CONDITIONS OF APPROVAL

1. Trees #____ through #_____ (to be determined by the Planning Commission) indicated on the application form dated November 27, 2014, may be removed after the end of the appeal period, assuming no appeal is filed as stipulated in this letter. Trees #____ through #_____ (to be determined by the Planning Commission) are not approved for removal.
2. The applicant shall plant on-site a total of six trees using at least 5-gallon size stock for the trees 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).

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**SELECTED
PROPERTY**

Situs: 466 El Granada Blvd, El Granada
Owner: Padway Robert A, P O Box 489, El Granada, CA, 94018-0489
APN: 047182420



San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



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

December 11, 2014

Robert Padway and Kathy Kvea
466 El Granada Boulevard
El Granada, CA 94038

Dear Mr. Padway and Ms. Kvea:

SUBJECT: Coastside Tree Removal Permit
466 El Granada Boulevard
APN 047-182-420; County File No. PLN 2014-00419

Your application for a Tree Removal Permit to remove fourteen trees in total located around the perimeter of the property, including twelve significant Eucalyptus trees ranging in size from 15 inches to 56 inches in diameter, one 15-inch in diameter pine tree, and a 14-inch in diameter Sargent Cypress tree, has been reviewed and a split decision has been reached. All trees will be referenced in accordance to the map (not to scale) and the legend submitted by the applicant which numbers the Trees #1 through #14 (see attached). Removal of ten of the trees (Trees #1 through #6; including a 34", 40", 25", and a 36" d.b.h. Eucalyptus, a 15" d.b.h. pine, and a 14" d.b.h. Sargent Cypress, and Trees #8 and #11 through #13, a 15", 14", 23", and 22" d.b.h. Eucalyptus), on the subject property are hereby **approved**, pursuant to Section 12,000 of the San Mateo County Ordinance Code. Trees #7, #9, #10, and #14, consisting of four Eucalyptus trees 15", 16", 21" and 56" d.b.h., have **been denied** for removal pursuant to the findings below. Public notification was sent out on October 27, 2014. The posting period began on October 27, 2014 and ended on November 6, 2014. The site was visited during the required 10-day posting period. An email and phone call in support of the proposal were received from the property owner of the adjacent vacant lot.

The applicant has referenced Cal-Fire's defensible space policy as the overarching justification for the proposed removal of 14 significant trees on the subject property. Generally, the policy asks owners to reduce vegetation fuel within 100 feet of a residence and a clearance of grasses and brush within 30 feet of a residence, and trees trimmed within 10 feet of a chimney. The policy specifically states that large trees do not have to be removed within 100 feet of a residence as long as all of the plants beneath them are removed. Further, the policy states that trees within 30 feet of a residence may be maintained when branches are trimmed to be a minimum of 10 feet from other trees. The goal is to protect a home while providing a safe area for firefighters. After reviewing the application, visiting the site, a discussion with Marc Colbert, Deputy Fire Marshall for Cal-Fire, and review of additional supporting statements from the applicant, approval will be granted for the removal of ten of the 14 trees proposed for removal.

Staff discussed the potential fire hazard at the property with Mr. Colbert, specifically that the policy is not intended to support the clearing of all trees from residential properties. Instead, the policy focuses on the removal of tree limbs directly over residences and clearance of debris and brush in ground areas. Mr. Colbert reviewed photos of the site and observed that the trees on

Attachment D

the site have been properly maintained to keep limbs away from the residence. However, due to the highly-flammable nature of Eucalyptus trees, Mr. Colbert supported the removal of the trees when removal complied with the defensible space policy.

Eight of the trees approved for removal are Eucalyptus and are located within the 30-foot defensible space radius, approximately 15 feet from the house. The two other approved trees are a pine and a cypress which are less flammable but are located close to the house, and produce debris which is both flammable and falls on cars parked in front of the house.

The four remaining trees, Trees #7, #9, #10, and #14, which are not approved for removal, are the furthest away from the residence. Tree #7 is identified by the owner as in an area where a future patio and view preservation are desired. The applicant stated that the location of the future patio to alternate locations on the site would require construction of a deck structure due to site topography and would reduce the ability to use the remainder of the yard. Tree removal for economic or other enjoyment of the property, including view preservation, is not a finding that can be used as the basis for tree removal in the coastal zone. In addition, there are alternative locations for a patio in the rear yard which are relatively flat and do not require tree removal.

The applicant has requested a waiver of the replanting requirement as most of the replanted trees would be in the 30-foot defensible space. However, in a supporting statement, the applicant indicated that landscaping of the front yard, associated with a proposed walkway, would include trees. Condition No. 3 requires the applicant to plant four, 5-gallon size trees, fewer trees than the standard one for one replacement of the owner's choosing.

Based on the foregoing, a permit for the removal of 10 trees is hereby approved subject to the following findings and conditions of approval:

FINDINGS FOR APPROVAL

Staff found for Trees #1 to #6, #8, and #11 to #13:

1. The trees are a substantial fire hazard.
2. The trees are too closely located to existing structures consistent with San Mateo County Local Coastal Program Policy 8.9(a).

FINDINGS FOR DENIAL

Regarding Eucalyptus Trees #7, #9, #10, and #14:

1. The trees are a distance of 15 feet or greater from the residence and do not pose a substantial fire hazard.

Regarding Tree #14:

2. The tree is located 16 feet from the residence.

3. The proposed removal does not comply with LCP Policy 8.9.f which prohibits the removal of living trees in the Coastal Zone with a trunk circumference of more than 55 inches measured 4 1/2 feet above the average surface of the ground, except as may be permitted for development under the regulations of the LCP, or permitted under the Timber Harvesting Ordinance, or for reason of danger to life or property.

Regarding Tree #10:

4. The proposed removal does not comply with LCP policy 8.9.d to protect trees identified for their visual prominence and their important scenic qualities. This tree is visible from the public right-of-way and provides a scenic benefit due to its size.

CONDITIONS OF APPROVAL

1. The Trees #1 through #6, #8, and #11 through #13 indicated on the application form dated November 27, 2014, may be removed after the end of the appeal period, assuming no appeal is filed as stipulated in this letter. Trees #7, #9, #10, and #14 are not approved for removal.
2. This Tree Removal Permit approval letter 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 four trees using at least 5-gallon size stock, for the trees 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, particularly with regard to the planting and photo verification of the replacement trees. Upon fulfillment of these conditions, as determined by the Community Development Director, the subsequent parcel tag shall be lifted.

The decisions 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 must be submitted by **5:00 p.m., December 26, 2014**. 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, Erica Adams, at 650/ 363-1828 or by email at eadams@smcgov.org.

FOR STEVE MONOWITZ
ACTING COMMUNITY DEVELOPMENT DIRECTOR, By:



Camille Leung, Senior Planner

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Attachment: Map submitted by the applicant

cc: Kathryn Schoendorf (Neighbor)

Simultaneous Development Application (if any): _____

PLN#

2014 - 00419

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: ROBERT PADWAY & KATHY KURA

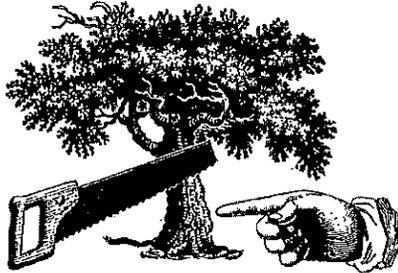
Address: 466 EL GRANADA BLVD.

EL GRANADA, CA Telephone: 415-675-3428

Applicant (if different): _____

Address: _____

Telephone: _____



Date of Application: 10/27/2014

10 Day Period of Posted Notice
From: 10/27/2014
To: 11/6/2014

Address and parcel number where tree(s) located: 466 EL GRANADA BLVD., EL GRANADA

A.P.N. 047-182-420

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>SEE ATTACHED</u>				

REMOVAL PLAN:

1. Method of removal: By Owner
 By Tree Removal Service.
Name: EC Tree Service Phone: 650-368-2044

2. 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.

Robert Padway 10/27/2014
Applicant's Signature

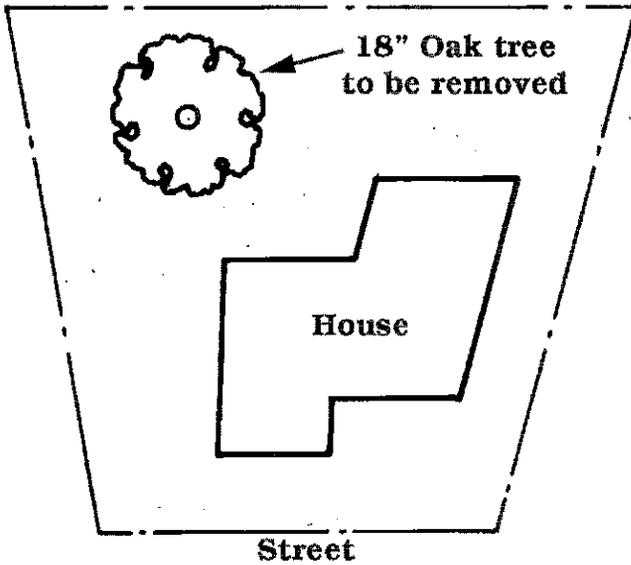
Public Notification of this application request will be sent to all property owners within 100 feet of the project site and in addition, to the Mid-Coast Community Council if your project site is located in the Mid-Coast.

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

REMOVAL PLAN: (SEE ATTACHED)

Sketch site plan (aerial view) of location of tree(s) and their drip-line(s) showing approximate property lines, nearby building locations, roads, other trees, and any proposed improvements or additions which necessitate tree removal/trimming. Please CIRCLE or LABEL tree(s) to be removed. (Attach extra Site Plan if necessary).

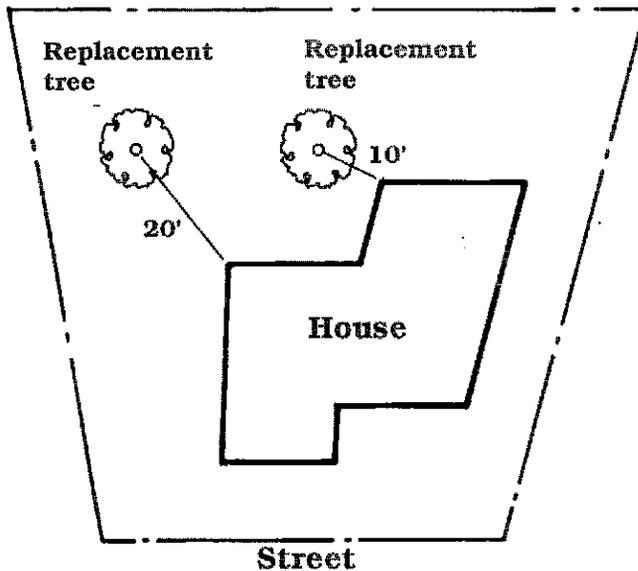
EXAMPLE:



REPLANTING PLAN:

The replanting plan shall show the location (including approximate distance to house), type, size (i.e. 15 gal., 10 gal., etc.) of proposed trees. In Bayside Design Review (DR) Zoning Districts, a 2:1 15 gallon replacement or 1:1 24 inch box ratio is required. Please sketch the site plan indicating location, size and species of new tree(s) to replace tree(s) removed. Tree replacement must be completed within one (1) year of the permit's final approval.

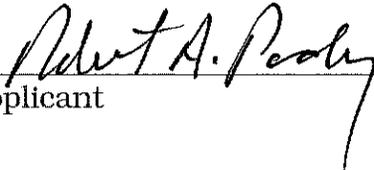
EXAMPLE:



Note: Acceptance of this application by Planning Staff...

- **Does not guarantee the approval of the proposed tree removal(s).**
Planning staff will grant a tree removal permit only if staff is able to make one or more of the findings listed in Section 12,023 of the "Regulation of Removal of Significant Trees". A copy of this ordinance can be obtained at the Planning counter or at www.co.sanmateo.ca.us. The decision to make these findings takes into consideration public comment, recommendation(s) of reviewing agencies, the reason for removal and documentation of the tree's health or hazard as indicated by an arborist (if required, see below).
- **Does not imply that the application is "complete".** Other items, such as a report from a certified arborist, may be requested in order to complete your application (Section 12,021) For example, an arborist report may be required in order to confirm or refute a property owner's claim that a tree is diseased or a hazard to safety or property.

Applicant to sign below, in acknowledgment of the above information.



Applicant

See last page for Tree Replacement Requirements

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*	Jelescote 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*	Jelescote 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*	

466 El Granada Blvd., El Granada

Front

1. 34" diameter Eucalyptus, 75' high. This tree is 6' from the residence and presents an extreme fire hazard, particularly since the branches which extend approximately 18' overhang the wood shake roof. Branches and debris fall on the roof in high wind.
2. 40" diameter Eucalyptus, 90' high. This tree is 10' from the residence and presents an extreme fire hazard, particularly since the branches which extend approximately 18' overhang the wood shake roof. Branches and debris fall on the roof in high wind.
3. 15" diameter Pine, 90' high. This tree is 25' from the residence, within the critical 30' fire zone. The branches extend over the street, dropping sap on our cars and our visitors' cars.
4. 14" diameter Sargent Cypress, 60' high. This tree is in the path of a ground-level walk we plan to install from the front entrance to the sidewalk, which will provide level access to the house with 3-4 stairs rather than current access which requires a two-story climb up the driveway and up a flight of stairs. I have a heart condition and my wife has a knee problem for which we need to make the entry more accessible. This tree also is within the critical 30' fire zone, and its branches also extend over the street and drop debris on parked cars.
5. 25" diameter Eucalyptus, 90' high. This tree is in the path of a ground-level walk we plan to install from the front entrance to the sidewalk, which will provide level access to the house with 3-4 stairs rather than current access which requires a two-story climb up the driveway and up a flight of stairs. I have a heart condition and my wife has a knee problem for which we need to make the entry more accessible. This tree also is within the critical 30' fire zone, and its branches extend approximately 35' over both the wood shake roof and parked cars.
6. 36" diameter Eucalyptus, 90' high. This tree is 12' from the residence and presents an extreme fire hazard. Its branches extend approximately 35' over both the wood shake roof and parked cars. Branches and debris fall on the roof in high wind.

Back

7. 21" diameter Eucalyptus, 90' high. This tree is 16' from the residence and presents an extreme fire hazard. It is in a rear corner of the lot where we would like to put a 10-12 foot square foot ground-level patio.
8. 15" diameter Eucalyptus, 90' high. This tree is 12' from the residence and presents an extreme fire hazard. The branches extend approximately 20', over the wood shake roof. The tree is in a rear corner of the lot where we would like to put in a 10-12 square foot ground-level patio.
9. 52" diameter Eucalyptus (double trunk), 90' high. This tree is 15' from the residence and presents an extreme fire hazard. The branches extend approximately 25', over the wood shake roof. Branches and debris fall on the roof in high wind.

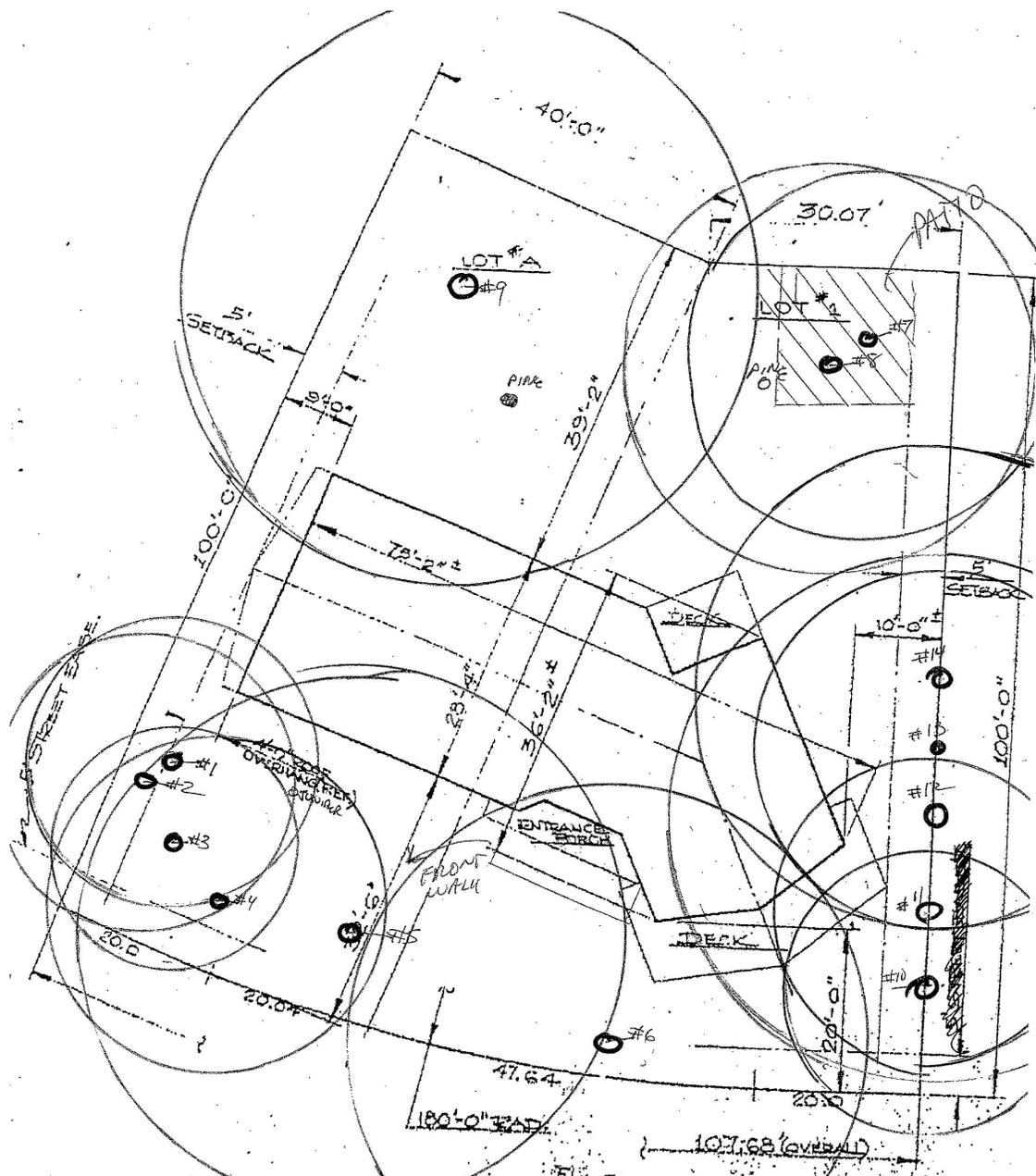
Side

10. 16" diameter Eucalyptus, 75' high. This tree is 15' from the residence and presents an extreme fire hazard. The branches extend approximately 30', over the wood shake roof. Branches and debris fall on the roof in high wind.

11. 14" diameter Eucalyptus, 75' high. This tree is 9' from the residence and presents an extreme fire hazard. The branches extend approximately 20', over the wood shake roof. Branches and debris fall on the roof in high wind.
12. 23" diameter Eucalyptus, 100' high. This tree is 10' from the residence and presents an extreme fire hazard. The branches extend approximately 30', over the wood shake roof. Branches and debris fall on the roof in high wind.
13. 22" diameter Eucalyptus, 90' high. This tree is 13' from the residence and presents an extreme fire hazard. The branches extend approximately 20', over the wood shake roof. Branches and debris fall on the roof in high wind.
14. 56" diameter Eucalyptus (double trunk). This tree is 16' from the residence and presents an extreme fire hazard. The branches extend approximately 25', over the wood shake roof. Branches and debris fall on the roof in high wind.

~~Reed~~

I REQUEST WAIVER OF REPLANTING REQUIREMENT —
WOULD LARGELY DEFEAT THE PURPOSE OF THE APPLICATION.



PLOT PLAN
 SCALE 1/4" = 10'-0"
466 EL GRANADA BLVD.

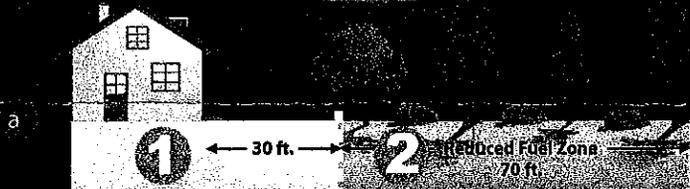
San Mateo County Planning Commission Meeting

Owner/Applicant:

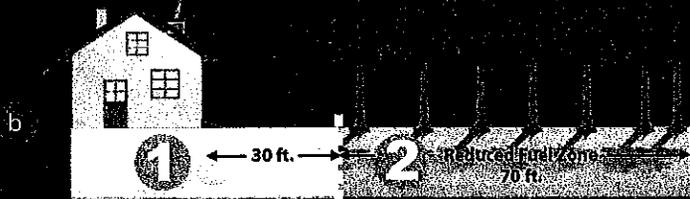
Attachment:

File Numbers:

100' DEFENSIBLE SPACE Make Your Home FIRE SAFE



or



Contact your local CAL FIRE office, fire department,
or Fire Safe Council for tips and assistance.
www.fire.ca.gov

Why 100 Feet?

Following these simple steps can dramatically increase the chance of your home surviving a wildfire!

A Defensible Space of 100 feet around your home is required by law.¹ The goal is to protect your home while providing a safe area for firefighters.

1 "Lean, Clean and Green Zone"

– Clearing an area of 30 feet immediately surrounding your home is critical. This area requires the greatest reduction in flammable vegetation.

2 "Reduced Fuel Zone"

– The fuel reduction zone in the remaining 70 feet (or to property line) will depend on the steepness of your property and the vegetation.

Spacing between plants improves the chance of stopping a wildfire before it destroys your home. You have two options in this area:

- a Create horizontal and vertical spacing between plants. The amount of space will depend on how steep the slope is and the size of the plants.
- b Large trees do not have to be cut and removed as long as all of the plants beneath them are removed. This eliminates a vertical "fire ladder."

When clearing vegetation, use care when operating equipment such as lawnmowers. One small spark may start a fire; a string trimmer is much safer.

Remove all build-up of needles and leaves from your roof and gutters. Keep tree limbs trimmed at least 10 feet from any chimneys and remove dead limbs that hang over your home or garage. The law also requires a screen over your chimney outlet of not more than 1/2 inch mesh.

1. These regulations affect most of the grass, brush, and timber-covered private lands in the State. Some fire department jurisdictions may have additional requirements. Some activities may require permits for tree removal. Also, some activities may require special procedures for, 1) threatened and endangered species, 2) avoiding erosion, and 3) protection of water quality. Check with local officials if in doubt. Current regulations allow an insurance company to require additional clearance. The area to be treated does not extend beyond your property. The State Board of Forestry and Fire Protection has approved Guidelines to assist you in complying with the new law. Contact your local CAL FIRE office for more details.



July 2007

Erica Adams - Tree Permit Application PLN2014-00419

From: "Padway, Robert" <Robert.Padway@bryancave.com>
To: eadams@smcgov.org
Date: 11/21/2014 9:51 AM
Subject: Tree Permit Application PLN2014-00419

Hi Erica, this will respond to your voicemail regarding the request for waiver of replanting, the location of the front walk, and the location of the rear patio.

1. Replacement trees – virtually all of the lot is within the critical 30' fire zone surrounding the house. The fire hazard is compounded by the facts that the trees are mostly Eucalyptus ranging from 75 to 90 feet high, and the roof is wood shake. When we bought the house in 2012 we could not get our insurer of 40 years – Safeco – to issue a fire insurance policy, nor would several other insurers – including the previous owner's company, State Farm – issue fire insurance. Finally we got a policy from Farmers. Planting replacement trees would largely defeat the purposes of the application, to reduce the extreme fire hazard and to stop tree branches (up to 6-8') and debris from falling on the roof in high winds. There are additional reasons specific to each area:

Front yard -- We plan to have a landscape architect prepare a plan for the front yard. It will certainly provide for plantings which are attractive and proportionate to the height of the house, which is a one-story ranch house, extending on the West side over the garage and driveway. Without knowing exactly what will be planted, we believe that ground level plantings and some bushes and possibly a small tree will be more appropriate and look much better than planting replacements for the trees being removed.

In regard to the application, trees #1 and 2 are very large and only 6-10 feet from the house. They are also intertwined among the electric, phone and cable wires running to the East end of the house. Tree #3 also is within the 30' critical fire zone, among the utility wires, and also extends over the street and drops sap over our cars and visitors' cars. This area at the East end of the front lot would not be appropriate for planting replacement trees. Trees 4 and 5 are in the path of our planned front walk (discussed below), are within the 30' critical fire zone, and also extend over the street and drop debris on parked cars. Tree #5 not only extends over the house, but its roots are pushing out the retaining wall at the front sidewalk. We would not want to plant a replacement in the same area, or closer to the house. This area of the front yard is where the front walk will go, and is not suitable for planting replacement trees. Tree #6 is at the front West corner of the lot, and its roots are pushing out the retaining wall at the front sidewalk. It is only 12' from the front residence, and the smaller (due to the house and deck configuration on the lot) West area of the front yard is not appropriate for planting a replacement tree.

Rear yard – There will be two pine trees remaining in the rear yard, which give coverage to most of the yard. We do not want to plant replacements closer to the house than the trees which are being removed, and a tree at the rear East of the yard would block the satellite dish while a tree at the rear West of the yard would duplicate the existing pine and interfere with the planned patio.

Side yard – Replacement trees for trees #10 and 11 would have to be closer to the house, and would have to be planted over the main gas line. Replacement trees for #12, 13 and 14 would be closer to the house than existing trees and would interfere with access to the rear yard.

2. Front sidewalk path – we request that the permit issue for removal of trees #4 and 5 for the reasons stated in the application and above. This area is the most level out from the front porch and best suited for access. If the walk were moved further to the Eastern, high end of the property it would

Attachment F

Erica Adams - Tree Permit Application PLN2014-00419

From: "Padway, Robert" <Robert.Padway@bryancave.com>
To: eadams@smcgov.org
Date: 11/21/2014 9:51 AM
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Front yard -- We plan to have a landscape architect prepare a plan for the front yard. It will certainly provide for plantings which are attractive and proportionate to the height of the house, which is a one-story ranch house, extending on the West side over the garage and driveway. Without knowing exactly what will be planted, we believe that ground level plantings and some bushes and possibly a small tree will be more appropriate and look much better than planting replacements for the trees being removed.

In regard to the application, trees #1 and 2 are very large and only 6-10 feet from the house. They are also intertwined among the electric, phone and cable wires running to the East end of the house. Tree #3 also is within the 30' critical fire zone, among the utility wires, and also extends over the street and drops sap over our cars and visitors' cars. This area at the East end of the front lot would not be appropriate for planting replacement trees. Trees 4 and 5 are in the path of our planned front walk (discussed below), are within the 30' critical fire zone, and also extend over the street and drop debris on parked cars. Tree #5 not only extends over the house, but its roots are pushing out the retaining wall at the front sidewalk. We would not want to plant a replacement in the same area, or closer to the house. This area of the front yard is where the front walk will go, and is not suitable for planting replacement trees. Tree #6 is at the front West corner of the lot, and its roots are pushing out the retaining wall at the front sidewalk. It is only 12' from the front residence, and the smaller (due to the house and deck configuration on the lot) West area of the front yard is not appropriate for planting a replacement tree.

Rear yard – There will be two pine trees remaining in the rear yard, which give coverage to most of the yard. We do not want to plant replacements closer to the house than the trees which are being removed, and a tree at the rear East of the yard would block the satellite dish while a tree at the rear West of the yard would duplicate the existing pine and interfere with the planned patio.

Side yard – Replacement trees for trees #10 and 11 would have to be closer to the house, and would have to be planted over the main gas line. Replacement trees for #12, 13 and 14 would be closer to the house than existing trees and would interfere with access to the rear yard.

2. Front sidewalk path – we request that the permit issue for removal of trees #4 and 5 for the reasons stated in the application and above. This area is the most level out from the front porch and best suited for access. If the walk were moved further to the Eastern, high end of the property it would

Attachment F

be higher and a longer walk. In addition, there would be a longer walk up the sidewalk to the walk for cars parked in front of the house. If the walk were moved further to the Western, low end of the property we would need more stairs and defeat the aim of providing a level walkway.

3. Rear patio – the planned rear patio is not drawn to scale on the plot plan. It would be about 10 to 12 feet wide by 10 to 12 feet in length, at ground level. We would like to put a patio in that corner of the lot because it has the best view of the ocean and the harbor from the whole property. If the patio were located to the East, without removal of trees #7 and 8, the view would be obstructed by the 2 Eucalyptus trees and the pine tree, as well as the existing rear deck which is approximately 8' above grade at that point. If the patio were located to the North, closer to the street, the sloping grade would require a structure which would be far more visible, more costly, and which would interfere with access to the rear yard.

Please let me know if you would like further information. I hope with this explanation that the permit may issue as requested. I would be happy to discuss.

Regards, Bob

Robert A. Padway
560 Mission Street, 25th Floor
San Francisco, CA 94105
Phone: (415) 675-3428
Fax: (415) 675-3628
email: robert.padway@bryancave.com



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bcllp2014

Erica Adams - Permit application PLN2014-00419

From: "Padway, Robert" <Robert.Padway@bryancave.com>
To: "eadams@smcgov.org" <eadams@smcgov.org>
Date: 12/2/2014 3:08 PM
Subject: Permit application PLN2014-00419

Erica, thank you for giving me your comments on the pending application. I understand that there is concern about the three Eucalyptus trees in the back yard -- ##s 7, 8 and 9 -- for which a removal permit is requested.

From our discussion and review of the illustration submitted with the application, I need to clarify that the illustration is not to scale and that the accurate measurements are the actual measurements in the text of the application.

Tree #9 is a very large tree -- a 52" in diameter double trunk Eucalyptus which by actual measurement is 15' from the residence. The branches extend approximately 25' and do extend significantly over the roof and drop branches and debris on the roof and on the skylights over the master bedroom. For this reason I request that the application be approved as to tree #9, and note that there is already an existing pine tree on this East side of the rear yard.

For trees #7 and 8, again the illustration is not drawn to scale but the actual measurements are found in the application. Tree #7 is 16' from the residence and tree #8 is 12' from the residence. As stated in the application, the branches of tree #8 do extend approximately 20', significantly over the roof although this does not appear from the illustration. Trees 7 and 8 also are near to the existing pine tree on this West side of the rear yard. For these reasons I request that the application be approved as to trees 7 and 8. If the application is approved as to these Eucalyptus trees we would be willing to plant replacements of a different type in a better location.

I do not have plans for the patio, and did not think that a permit or plans would be required for a ground-level patio; however, if trees 7 and 8 were not removed and the patio were moved North, toward the street, it would run over a slope and require a significant structure, as well as obstructing access to the rear yard and rendering the West rear corner of the yard unusable as a practical matter. For these reasons, I suggest that the best solution is approval of the application as to trees 7 and 8 with planting replacement trees.

If any replacement trees are required, I request that in any event no replacements be required on account of the trees at the side of the house along the property line -- ##s 10, 11, 12, 13 and 14. Replacing ##s 10 and 11 by moving them closer to the house would put replacement trees right over the main gas line. Replacing ##s 12, 13 and 14 by moving them closer to the house would present a severe fire hazard and would obstruct access to the back yard. None of these trees along the property line could be moved West, farther from the house, because it would be on the neighboring property.

I would be happy to discuss the application further, or to meet at your office if you would like.

Regards, Bob

Robert A. Padway
560 Mission Street, 25th Floor
San Francisco, CA 94105
Phone: (415) 675-3428
Fax: (415) 675-3628
email: robert.padway@bryancave.com

Attachment F



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bc1lp2014

Attachment F

Erica Adams - PLN 2014-00419

From: "Padway, Robert" <Robert.Padway@bryancave.com>
To: "eadams@smcgov.org" <eadams@smcgov.org>
Date: 12/8/2014 8:56 AM
Subject: PLN 2014-00419
Attachments: IMG_6236.JPG

Hi Erica,

Attached is a photo of tree #9 taken from the rear of the house. Trees #7 and 8 also show at the left of the picture. As noted in the application, these trees are 15', 16' and 12', respectively, from the house by actual measurement. The picture shows the impact of these trees, which are approximately 90' high, in presenting an extreme fire hazard and in dropping branches and debris on the roof. With this and the information previously provided I request that approval be granted to remove these trees, as well as the others listed in the application.

Regards, Bob

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bcllp2014

Attachment F



Erica Adams - RE: PLN 2014-00419

From: "Padway, Robert" <Robert.Padway@bryancave.com>
To: Erica Adams <eadams@smcgov.org>
Date: 12/15/2014 6:11 PM
Subject: RE: PLN 2014-00419

Hi Erica,

I have reviewed the letter and request that a clarification be made, which affects Tree #10 and conditions 7 and 8.

At the time I submitted the application, the planner who took the application noted that the copy of the plot plan attached showed a public right of way on the right hand side. However, there is no public right of way, and the planner went to the parcel maps and confirmed that there is in fact no public right of way. I blacked out this erroneous notation on my copy of the plot plan; however, it apparently was not corrected on the copy submitted as part of the application. This affects the decision as follows:

1. The denial regarding Tree #10 notes that the proposed removal does not comply with LCP policy 8.9.d because the tree "is visible from the public right-of-way and provides a scenic benefit due to its size." Because there is no public right-of-way I request that this finding #4 be deleted.
2. Condition 7 refers to the requirement of an encroachment permit prior to the removal of any trees located within a public right of way. Because there is no public right-of-way I request that this condition of approval be deleted.
3. Condition 8 states that the applicant shall "clear all debris from the public right-of-way". Because there is no public right-of way I request that this condition of approval be deleted.

Finally, Finding 1 for denial regarding Trees #7, 9, 10 and 14 states that the trees are 15 feet or greater from the residence and do not pose a substantial fire hazard. I request that this finding be reconsidered as to Trees 9 and 10.

Both trees measure exactly 15' from the residence. The branches of both Tree #9 and Tree #10 extend significantly over the wood shake roof, and in high wind branches and debris from these highly-flammable Eucalyptus trees (which are approximately 90' and 75' tall, respectively) do fall on the roof and thereby create an extreme fire hazard and danger of property damage from falling branches, particularly from the branches of Tree #10 which extend over the skylights of the master bedroom as shown in the photo. This falls specifically within the defensible space policy discussed with Deputy Fire Marshall Colbert, which "focuses on the removal of tree limbs directly over residences" Accordingly, I request reconsideration as to Trees # 9 and 10, and inclusion of these trees with the other trees approved rather than the trees denied. Finding 1 re denial could refer to trees at a distance of 16 feet (instead of 15 feet) or greater. I will call you to discuss whether the letter may be revised to remove the finding and conditions which refer to a public right-of-way, and whether the application may be reconsidered to include Trees 9 and 10 among those approved for removal.

Regards, Bob

From: Erica Adams [eadams@smcgov.org]
Sent: Monday, December 15, 2014 7:59 PM
To: Padway, Robert
Subject: RE: PLN 2014-00419

Attachment F

This should be it.

>>> "Padway, Robert" <Robert.Padway@bryancave.com> 12/15/2014 4:58 PM >>>
Erica, when I try to open the attachment I get the photo I sent to you, not the letter.

Regards, Bob

From: Erica Adams [eadams@smcgov.org]
Sent: Monday, December 15, 2014 7:46 PM
To: Padway, Robert
Subject: Re: PLN 2014-00419

Here is the letter.

Erica D. Adams, Planner III
Planning and Building Department
455 County Center, Second Floor
Redwood City, CA 94063
Phone: (650) 363-1828
Fax: (650) 363-4849

>>> "Padway, Robert" <Robert.Padway@bryancave.com> 12/8/2014 8:56 AM >>>
Hi Erica,

Attached is a photo of tree #9 taken from the rear of the house. Trees #7 and 8 also show at the left of the picture. As noted in the application, these trees are 15', 16' and 12', respectively, from the house by actual measurement. The picture shows the impact of these trees, which are approximately 90' high, in presenting an extreme fire hazard and in dropping branches and debris on the roof. With this and the information previously provided I request that approval be granted to remove these trees, as well as the others listed in the application.

Regards, Bob

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bc1lp2014

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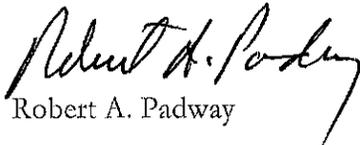
P.O. Box 489
El Granada, CA 94018
December 22, 2014

2014 DEC 23 P 3:51
SAN MATEO COUNTY
PLANNING & BUILDING DEPARTMENT
San Mateo County Planning & Building Department
County Office Building
455 County Center, 2nd Floor
Redwood City, California 94063

PLN 2014-00419

Enclosed is an Application for Appeal, together with a check for the appeal fee of \$639.83. Please note that correspondence regarding this matter should be sent to P.O. Box 489, El Granada 94018 and not the street address – we do not get mail delivery to the street address. Any questions please contact me at the phone numbers provided in the application.

Regards,


Robert A. Padway

Application for Appeal

- To the Planning Commission
- To the Board of Supervisors

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

Name: ROBERT PADWAY
KATHY KUZA
 Phone, W: 415 675-3428 H: 415 793-1731

Address: P.O. Box 489
EL GRANADA, CA
 Zip: 94018

Permit Numbers involved:
PLN 2014-00419
PROPERTY ADDRESS 466 EL GRANADA BLVD.

I hereby appeal the decision of the:

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

made on December 11 2014, to approve/deny the above-listed permit applications.

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

- yes
- no

Appellant's Signature:

Robert Padway Kathy Kuza
 Date: December 22, 2014

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

Attachment to Application for Appeal from Part of Decision on Permit Application PLN 2014-00419

Kathy and I are the owners of the property at 466 El Granada Blvd., El Granada, which is the subject of the application requesting a permit to remove 14 trees, consisting of 12 Eucalyptus trees, one pine tree and one Sargent cypress tree.

No objection to the application was filed, and it was approved as to trees # 1-6, 8, and 11-13 (as the trees are numbered in the application). The findings as to these trees are that: (1) the trees are a substantial fire hazard; and (2) the trees are too closely located to existing structures consistent with San Mateo County Local Coastal Program Policy 8.9(a).

We appeal from the decision to deny a permit for removal of four trees, all Eucalyptus -- trees #7 and 9 in the back yard, and trees #10 and 14 at the side of the house. We would be happy to meet to try to resolve this appeal informally. The basis for appeal as to each of the affected trees is as follows:

1. Tree #7 is a 21" diameter Eucalyptus which is 90' high. This tree is only 16' from the residence and presents an extreme fire hazard. The finding for denial as to this tree is that: the tree[] [is] a distance of 15 feet or greater from the residence and do[es] not pose a substantial fire hazard. Our application cited the Cal-Fire defensible space policy, which states in part that: "clearing an area of 30 feet immediately surrounding your home is critical." The decision letter notes that Eucalyptus trees are "highly flammable", but states that the Cal-Fire defensible space policy does not require removal of trees within 30 feet of a residence when branches are trimmed to be a minimum of 10 feet from other trees. We were not aware of the 10 foot minimum spacing aspect of the policy when submitting our application, so did not submit measurement of the distances between trees. We now provide the additional information that tree #7 is only 6 ½ feet by actual measurement from the existing pine tree on the West side of the rear yard, and does come within the terms of the Defensible Space Policy. Therefore, the finding for denial should be reconsidered and removal of tree #7 approved.
2. Tree #9 is a 52" diameter Eucalyptus (double trunk) which is 90' high. A photo of tree #9 is attached. The finding for denial as to this tree, which is only 15' from the residence, is the same as for denial as to tree #7. The decision letter states that the fire hazard policy "focuses on the removal of tree limbs directly over residences . . ." As noted in the application, the branches of this tree do extend directly over the residence, over the wood shake roof and skylights. Branches up to 6-8 feet or more and debris do fall on the roof during high wind. As a resident of Piedmont at the time of the East Bay fire I can attest that this tree, which towers over the residence, is an extreme fire hazard. At that time, large chunks of burning Eucalyptus landed on our roof and in our yard, which was three blocks away from the nearest Eucalyptus on the other side of Moraga Avenue.

In addition, tree #9 also runs afoul of the 10 foot spacing requirement, because it is just shy of 10 feet by actual measurement from the existing pine tree on the East side of the rear yard. If the branches between the trees were cut off, each tree would be denuded on their common side.

The San Mateo Local Coastal Program Policy also "Allow[s] the removal of trees which are a threat to public health, safety and welfare." 8.9.g. In addition to the extreme fire hazard, this tree is a threat to our health, safety and welfare due to the falling branches and debris.

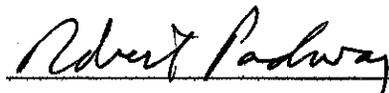
The decision letter also finds that: "The proposed removal [of tree #10] does not comply with LCP Policy 8.9.d to protect trees identified for their visual prominence and their important scenic qualities. This tree is visible from the public right-of-way and provides a scenic benefit due to its size." However, this tree is behind the house and provides no unique scenic benefit. The house immediately to the East has 7 Eucalyptus and pine trees that are as large or larger than tree #10, and much more visible. The two vacant lots immediately to the West have a few dozen Eucalyptus trees that are the same size or larger, which are much more visible. There is a forest of Eucalyptus trees in the POST open space behind our house and the houses on this side of El Granada Boulevard, and there are dozens of equally sizable Eucalyptus trees behind the houses on the other side of the street. There is no especially visually prominent or importantly scenic quality of this particular tree.

Therefore, the findings for denial should be reconsidered and removal of tree #9 approved.

3. Tree #10 is a 16" diameter Eucalyptus which is 75' high. The finding for denial as to this tree is the same as for tree #7, that it is more than 15' from the residence and does not pose a substantial fire standard. This tree, the same as tree #7, is 16 feet from the house -- well within the 30' critical fire zone. It does pose a substantial fire hazard. The branches extend over the wood shake roof, and branches and debris fall on the roof in high wind. For these reasons, the finding for denial should be reconsidered and removal of tree #10 approved.

4. Tree #14 is a 56" diameter Eucalyptus which is approximately 80' high. It also is 16' from the residence. As noted in the application, the branches extend approximately 25', over the wood shake roof and branches and debris fall on the roof in high wind. For these reasons, this tree does in fact pose a substantial fire hazard and the finding to the contrary should be reconsidered. There is an additional finding for denial, that removal would require a development permit or permit under the Timber Harvesting Ordinance, or by reason of danger to life or property. This tree does pose a danger to life and property, and the finding to the contrary should be reconsidered and removal of tree #14 approved.

December 21, 2014





P.O. Box 489
El Granada, CA 94018

466 El Granada Blvd.

Trees 1 through 5



Trees 6, 10, 11, and 12



466 El Granada Blvd.

Trees 1 through 6



Trees 5 and 6



466 El Granada Blvd.

Tree 6



Rear yard



466 El Granada Blvd.

Trees 7 and 8



Tree 9



466 El Granada Blvd.

Trees number 12, 13 and 14



Trees 10 through 13

