

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

DATE: November 29, 2023

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of an appeal of the Community Development Director's decision to deny a Significant Tree Removal Permit to remove a 24.3-inch diameter at breast height (dbh) Coast redwood tree, pursuant to Section 12,000 of the San Mateo County Ordinance Code, on a property located at 531 San Benito Avenue in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2022-00045 (McLeod/Wilhelm)

PROPOSAL

The property owner, Ronald McLeod, and the neighboring property owner, Candance Wilhelm, have appealed the Community Development Director's denial of a permit to remove one 24.3-inch dbh Coast redwood tree located in the right-side yard area of the subject parcel, which according to the appellants, presents a hazard to the existing residential development on the property. Staff determined that the hazards noted by the applicant were mitigated with previous work and that the tree did not exhibit any specific risk to the adjacent residences. The appellants contend that the tree does present a hazard and mitigation measures such as trimming would not address these risks.

RECOMMENDATION

That the Planning Commission deny the appeal and uphold the decision of the Community Development Director to deny the removal of the 24.3-inch dbh Coast redwood tree, County file number, PLN 2022-00045.

BACKGROUND

Report Prepared By: Angela Chavez, Senior Planner

Appellants: Ronald McLeod and Candace Wilhelm

Applicant: S.P. McClenahan

Owners: Ronald and Lauren McLeod

Public Notification: Ten (10) day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing posted in a newspaper (San Mateo Times) of general public circulation.

Location: 531 San Benito Avenue, North Fair Oaks

APN: 060-161-040

Size: 8,900 sq. ft.

Existing Zoning: R-1/S-93 (One-Family Residential/10,000 sq. ft. Minimum Parcel Size)

General Plan Designation: Single-Family Residential (15 to 24 dwelling units/acre)

Sphere-of-Influence: City of Redwood City

Existing Land Use: Single-Family Residential Development

Water Supply: The property currently has municipal water service connection provided by California Water Service Company. The project does not impact this connection.

Sewage Disposal: The property currently has a municipal sewer service connection provided by the Fair Oaks Sewer Maintenance District. The project does not impact this connection.

Flood Zone: The project parcel has a designated flood zone designation of Zone X (areas of minimal flood hazard), FEMA Panel No. 06081C0302E, Effective Date: October 16, 2012.

Environmental Evaluation: Per California Environmental Quality Act (CEQA) Guidelines Section 15270, CEQA does not apply to projects which a public agency disapproves.

Setting: The project parcel is a flat lot located approximately .21 of a mile from Middlefield Road in an established residential neighborhood. The parcel is currently developed with a two-story residence, attached garage, and pool. The property is well landscaped and aside from the proposed removal of the Coast redwood tree no other development is currently proposed.

Project Background: The applicant, Chris Regan of S.P. McClenahan Company, submitted a Tree Removal Permit application to remove a 24.3-inch dbh Coast redwood tree citing that the subject tree was in good health, but that removal is being sought due to the tree's proximity to the house and utility services. As part of the permit processing, notice of the application was mailed to all neighbors located within 100 feet of the property and site posters were placed on-site for 10 days. During the 10-day comment period Staff received correspondence from 11 neighbors in opposition and one in support of the proposed removal of the subject Coast redwood tree. The correspondence in opposition to the removal cited the concern over the loss of a healthy tree, the benefit of large significant trees to the environment and neighborhood

aesthetic, and the overall loss of significant trees in the neighborhood. The correspondence in support of the removal expressed concern about the drought impacts on the health of the tree, the size of the tree, and the potential to damage structures both on the subject property and the neighboring property. Staff reviewed the project application materials along with all submitted comments and was ultimately unable to make the required findings to approve the application. A denial of the application was issued on April 19, 2023. The property owner and neighboring property owner filed appeals on May 1, 2023, and May 3, 2023, respectively.

DISCUSSION

A. KEY ISSUES

The appellants each submitted an appeal of the Community Director's decision to deny the Significant Tree Removal Permit, PLN 2022-00045. The appeals raised the following concerns.

From Ronald Mcleod, Property Owner:

- 1. That the homeowner requested a copy of the County Arborist's report and had not received one.**

Staff Response: The applicant was advised the County Arborist does not complete an arborist report as part of their review. The County Arborist conducts a peer review of the reports submitted as part of the permit application but does not complete a separate report. The County Arborist did review the submitted arborist report and determined that the subject tree and related circumstances did not justify making the findings required to issue the permit. Specifically, that the previous disruption to the walkway, foundation, and gas line were mitigated through root removal and repairs. In addition, while the submitted arborist report noted that the tree is growing into the power and communication lines to the home, the County Arborist did not find the proximity of the tree and utility lines to be an outright hazardous condition, noting that the provided images showed low branches touching communication lines and that the power line appears to be separated from the trunk of the Coast redwood tree. It was the County Arborist's opinion that clearance from the communication lines could be achieved through pruning.

- 2. That the tree is too close to existing development. The applicant notes that the subject tree is located 5-feet from the high-pressure gas line that serves the house, 6-feet from the foundation of the residence, and 1-foot from the pool equipment shed's foundation.**

Staff's Response: While Staff understands the applicant's concern and the potential issues noted, the proximity of the tree to the referenced structures is not actively presenting issues justifying issuance of the permit. While the subject Coast redwood tree is a large tree located in the side yard, there is

no evidence that the subject Coast redwood tree is currently damaging any adjacent structures or improvements. The previous disruption to the walkway, foundation and gas line were mitigated through the noted root removal, gas line relocation, and replacement of the walkway.

From Candace Wilhelm, Neighboring Property Owner of 539 San Benito Avenue:

3. **First, the tree removal should be allowed as the tree is a threat to public health, safety and welfare. The Coast redwood tree is close to the front walkways of the homes at 531 and 539 San Benito Avenue, as well as the driveway at 531, and the tree is within approximately 20 feet of the street. Several large 8-10-foot branches have already fallen from the tree, which could have caused personal injury. If the tree continues to grow and mature, the branches will become much larger and create greater risks of personal injury and property damage, particularly given the tree's location close to front walkways, the street and homes. I've observed 15+ foot branches fall from redwood trees on neighboring properties. During strong winds and storms recently, several large redwood branches broke off of neighboring redwoods and flew 20-25 feet onto my property. Even large branches can travel a distance during strong winds, creating safety risks to the public because of the proximity of the tree to the front walkways of 531 and 539, the street and homes.**

Staff's Response: The County's Significant Tree Ordinance was adopted in acknowledgement of the valuable and distinctive natural resource that the existing and future trees and tree communities located within the County of San Mateo provide. Acknowledging this, the ordinance provides a list of application requirements including an arborist report (Section 12,021 *Permit Applications*) and provides required findings (Section 12,023 *Criteria For Permit Approval*) necessary for approval of an application. The tree cover in this neighborhood is substantial with many trees being located adjacent to walkways, the street, and homes. Following the appellant's argument, most of the neighborhood trees would be suitable for removal, which would be inconsistent with the objectives of the County's tree regulations. The ordinance seeks to evaluate each individual tree and its unique conditions to determine whether or not the tree removal findings can be made. In this case, that would include the subject tree's current condition not what it may or may not do in the future. Regarding this tree, the provided arborist report noted that the subject redwood tree is in good health. The report made no mention of, nor was there any evidence of visible broken branches and the report confirms that the issues with root intrusion were mitigated via previous actions.

4. **Second, the tree should be removed because of the risk of substantial property damage. The County has already noted that the homeowners at 531 incurred expenses to fix property damage caused by the tree and 531's arborist noted that future property damage is likely. In**

addition, my home experienced significant property damage from large redwood branches that broke off of another redwood tree, resulting in significant damage to my roof, attic, and bedroom. The 531 tree is in similar proximity to my home as the redwood that caused damage to my home. The tree is growing rapidly, and the tree's branches are growing around a power line and the tree's roots are growing close to a gas line, which could result in a fire and property damage. Also, the tree could have a diminished root system due to its proximity to the home and driveway at 531, and their arborist noted that some roots were already cut. The tree could be further weakened by California's drought conditions, and these factors could lead to the tree falling down, which could cause substantial damage to my home and other homes.

Staff's Response: See discussion under A.3 above.

- 5. Third, the tree is located too close to existing structures. The 531 homeowner and arborist outlined that the tree is close to 531 's foundation, home, shed and power and gas lines. While my home is approximately 20 feet from the tree, my home is at risk because of the size that tree will grow to, which will result in large branches over my property and an expansive root system under my property.**

Staff's Response: The Significant Tree Ordinance does not include a specific finding that addresses a tree's proximity to structures for non-coastal zone areas. The submitted arborist report notes that previous root intrusion was mitigated, and damages were repaired. There is no discussion included in the arborist report regarding the subject tree's impact on the neighboring property nor was it part of reasoning included in applicant's request to remove the tree.

- 6. Fourth, the tree could impact utility services because it is growing close to gas and power lines. The proximity of the tree to these utility services creates greater risk of interference with services, property damage and fire risk.**

Staff's Response: See discussion under A.1.and A.3 above.

- 7. Fifth, as noted above, the tree's branches are growing over and around the power line. As the tree continues to grow, a large falling branch could down the power line, potentially causing a fire that spreads to neighboring homes.**

Also, the tree is growing into an Oak tree at the front of 531 San Benito Avenue, which is detrimental to the growth of the Oak tree, and these trees are competing for limited water resources. To preserve the health of the Oak tree, it would be beneficial to remove the tree.

Staff's Response: See discussion under A.1.and A.3 above.

Staff is unable to substantiate the potential impacts to the adjacent Oak tree as the arborist report did not include any assessment of the Oak tree nor was it included as rationale for the removal of the subject Coast redwood tree. Furthermore, while the Oak tree and the Coast redwood tree have canopies which are growing into each other visually the Oak tree appears to be in good health.

B. ENVIRONMENTAL REVIEW

Pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves. If the Planning Commission overturns the Community Development Director's decision, CEQA may apply to a subsequent decision to approve the removal of the subject redwood tree.

ATTACHMENTS

- A. Recommended Finding for Denial
- B. Location Map
- C. Original Tree Removal Application and Arborist Report
- D. Letter of Decision Denying the Application
- E. Property Owner's Appeal
- F. Neighboring Property Owner's Appeal

2023_11_16_PLN 2022-00045_PCSR_WPC_FINAL

County of San Mateo
Planning and Building Department

RECOMMENDED FINDING FOR DENIAL

Permit or Project File Number: PLN 2022-00045 Hearing Date: November 29, 2023

Prepared By: Angela Chavez, Senior Planner For Adoption By: Planning Commission

RECOMMENDED FINDING

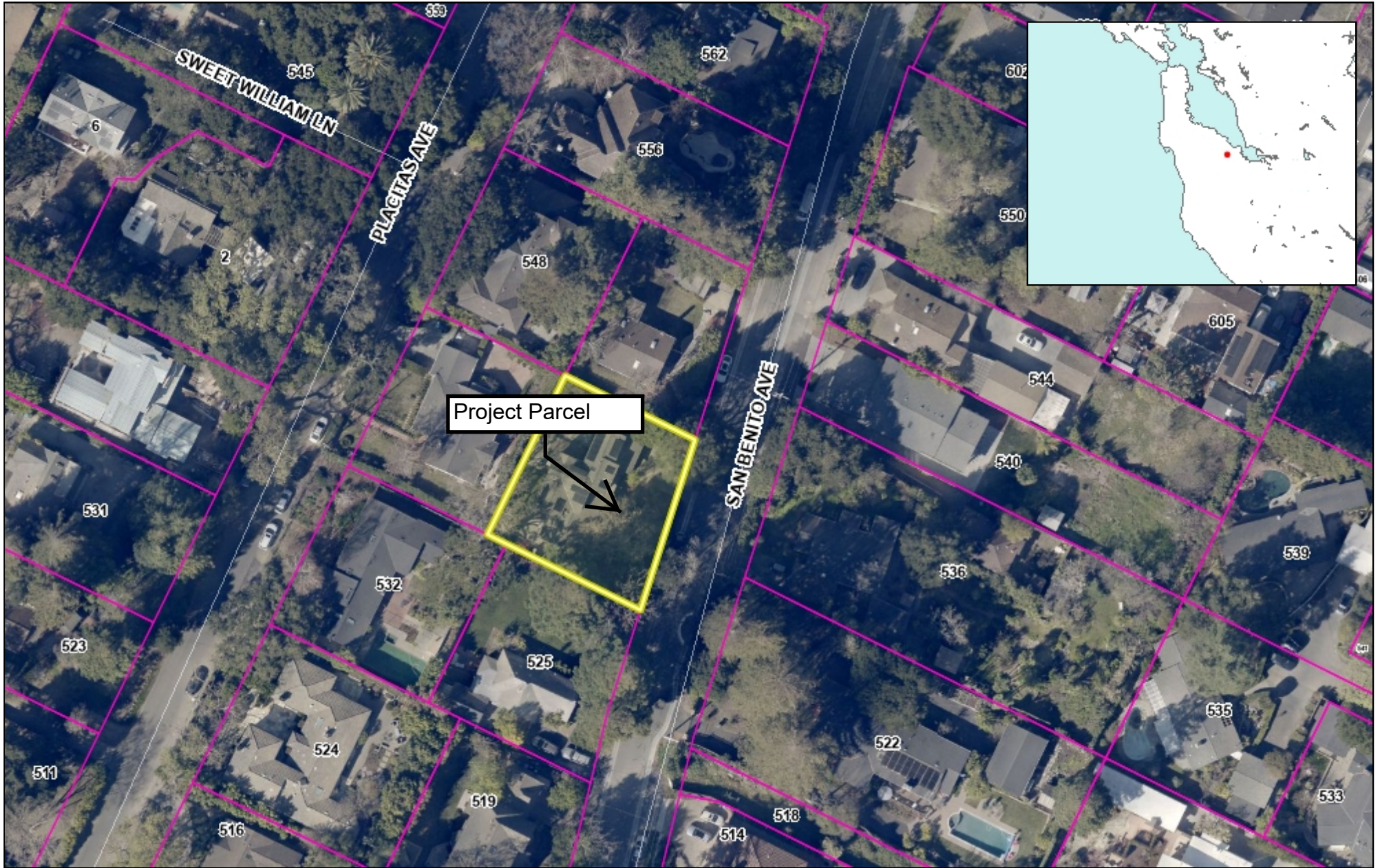
That based on the submitted application materials and review by County Arborist the proposed removal of the subject Coast redwood tree does not meet the required findings specified in County Ordinance Code Section 12,023. Specifically, that there was no evidence provided to show that the Coast redwood tree is diseased or in danger of falling. In addition, that in its current state the Coast redwood tree is not creating substantial damage to public or private property and is not adversely affecting the general health and safety of the public.

2023_11_XX_PLN 2022-00045_PCSR_WPC_FINAL




COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B



0.04 0 0.02 0.04 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1 : 1,128 

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

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: Ronald McLeod

Mailing Address: 531 San Benito Ave

Menlo Park ZIP code: CA 94025

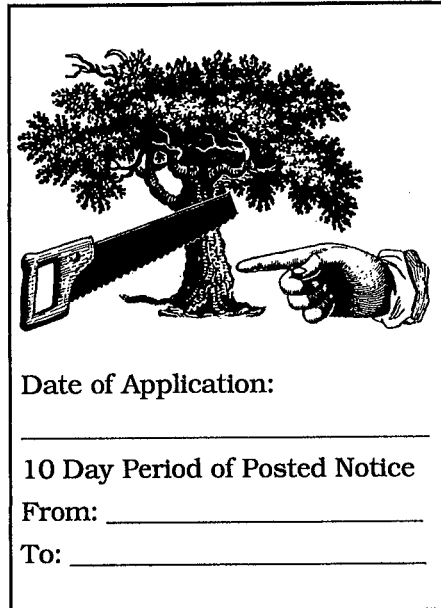
Telephone: 650-369-0290 Email: ron@mcleodhome.net

Applicant (if different): _____

Mailing Address: 1 Arastradero Road

Portola Valley ZIP code: CA 940258

Telephone: 650-326-8781 Email: chris@spmcclenahan.com



Address where tree(s) located: _____ Parcel Number: _____

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
24.3" DBH	Redwood	No	Good	Proximity to house and services

REMOVAL PLAN:

1. Method of removal: By Owner
 By Tree Removal Service.
 Name: S.P McClenahan Phone: 650-326-8781

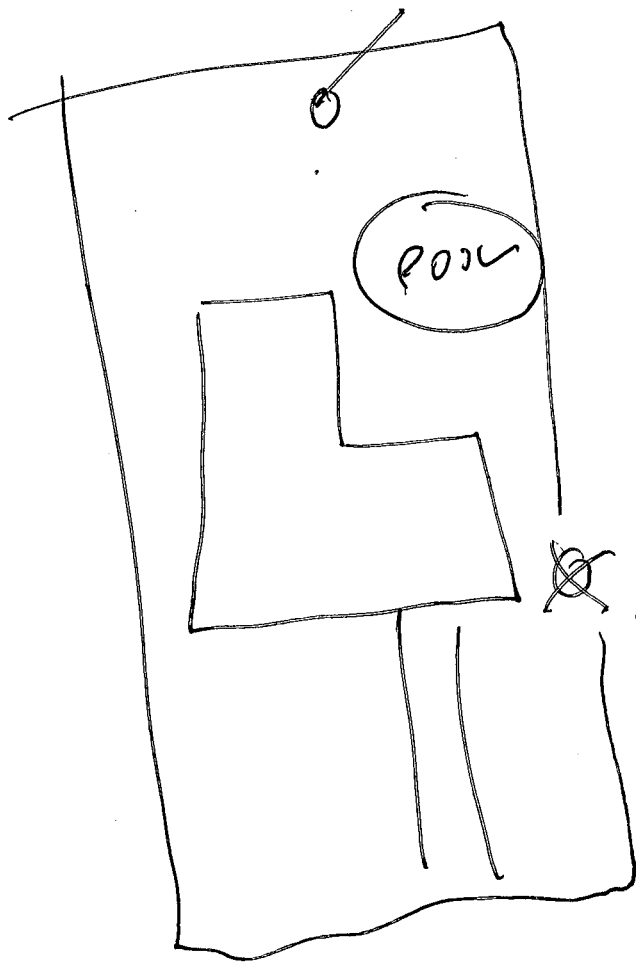
2. Disposal of tree debris: All debris to be removed from site by Tree Removal Service
 All/some debris to remain on site; Purpose: _____

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.

Ronald B McLeod
 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.

Replacement 15 gallon
or 24 inch box
flowering pear




Redwood
Remove

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

November 9, 2022

County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor

Redwood City, CA 94063

November 9, 2022

Coast Redwood Removal – 531 San Benito Ave, Menlo Park – PLN2022-00045

The 24.3-inch diameter Coast Redwood (*Sequoia sempervirens*) is located at the right side fence adjacent to the garage.

The tree is in good health. Application to remove the tree is for three reasons.

First, the tree has grown to a size that it is now in conflict with all of the overhead utility wires that enter the side of the house. This will become more problematic as the tree expands and places additional pressure against these wires. Of particular concern is the possibility of fire as the electrical wires rub against the trunk.

The second reason is due to conflict with the path, gas line and house foundation. The old path was removed due to damage caused by the roots lifting the path. Directly across from the tree is the gas line and gas utility box on the side of the house. Some roots were cut in this area to prune them away from the gasline and foundation when the path was replaced. However with the rapid growth rate of this species it is just a matter of time before they are back. These could cause damage to the gas line and also get under the foundation of the garage. As well as break the path again.

The last reason for removal is that the species is just too big for the location. While the intent of planting this tree was good there is just not enough available space. As the tree gets bigger the fence will need to be cut out to make space to try to avoid it being pushed over. The adjacent shed with pool equipment will be damaged as the roots expand, and as suggested above the roots will continue to cause havoc with the path, gas line and the house foundation.

I recommend tree and stump removal is recommended along with a suitable replacement tree.

Should you have any questions, or if we may be of further assistance, kindly contact our office at any time.

Very truly yours,



Chris Regan

ISA Certified Arborist WE-6897A

Qualified Tree Risk Assessor

cregan@bartlett.com

OVERHEAD WIRE CONFLICT



CLOSE PROXIMITY TO GAS LINE AND FOUNDATION







COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT D

April 19, 2023

Chris Regan
The F.A. Bartlett Tree Expert Company
1 Arastradero Road
Portola Valley, CA 94025

Dear Chris Regan:

SUBJECT: Bayside Tree Removal Permit
531 San Benito Avenue, North Fair Oaks
APN 060-161-040; County File No. PLN 2022-00045

Your application for a Tree Removal Permit, to remove one 24.3-inch diameter at breast height (dbh) Coast redwood tree located in the front yard on the subject property, is hereby **denied**, pursuant to Section 12,000 of the San Mateo County Ordinance Code. Public notification was sent out on December 12, 2022. The posting period began on December 12, 2022 and ended on December 22, 2022. Comments and objections were received.

The application states that the subject Coast redwood tree is in good health, but that removal is being sought due to the tree's proximity to the house and services.

As part of the permit application an arborist report completed by Chris Regan, of The F.A. Bartlett Tree Expert Company, dated November 9, 2022, was submitted. The arborist report confirms that Coast redwood tree is in good health. The report cites three reasons for the proposed removal (1) interference with overhead utility lines; (2) conflicts with walking path, gas line, and house foundation; and (3) species of tree is too big for the location in which it is planted. More specifically the arborist notes that portions of the tree canopy are interfering with the overhead utility lines that run from the street to the right side of the house. The report notes that as the tree grows it could place additional pressure on these wires and could result in a fire risk. The report notes that a previous walking path in the right-side yard was replaced due to root damage. At that time, the roots were cut to address the potential for root intrusion to the adjacent foundation, gas line, and new walkway. The arborist states that the subject tree has a rapid growth rate and therefore recommends its removal to prevent the potential for future damage. Finally, the report notes that the subject tree is too large for the location in which it is planted and concludes that damage to the property line fence, shed, pool equipment, and other structures will occur as the tree grows.



Staff received correspondence from 11 neighbors in opposition and one in support of the proposed removal of the subject Coast redwood tree. The correspondence in opposition to the removal cited the concern over the loss of a healthy tree, the benefit of large significant trees to the environment and neighborhood aesthetic, and the overall loss of significant trees in the neighborhood. The correspondence in support of the removal expressed concern about the drought impacts on the health of the tree, the size of the tree, and the potential to damage structures both on the subject property and the neighboring property.

Staff and the County Arborist reviewed the application along with all supporting material. While Staff understands the applicant's concern and potential issues raised by the arborist none of the stated issues is actively present. While the subject Coast redwood tree is a large tree located in the side yard, there is no evidence that the subject Coast redwood is currently damaging any adjacent structures or improvements. The previous disruption to the walkway, foundation and gas line were mitigated through the noted root removal and replacement of the walkway. Further, the applicant's arborist comments that the tree is growing into the power and communication lines to the home. Staff found that this condition is not necessarily unreasonable. The provided images show low branches touching communication lines and the power line appears to be separated from the trunk of the redwood. Staff found that clearance from the communication lines could be achieved through pruning. Given the location of the tree and its' species future removal may be warranted but, Staff along with the County Arborist's review found that the current status of the tree does not currently meet the required findings necessary for removal.

Based on the foregoing, your application is hereby **denied**.

The denial of this Tree Removal Permit may be appealed within ten (10) working days of the date of this letter. An appeal form accompanied by the applicable filing fee of \$616.35 must be submitted by **5:00 p.m., May 3, 2023**. If at the end of that period no appeal has been filed, the subject tree(s) 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, Angela Chavez, at 650/599-7217 or by email at achavez@smcgov.org

To provide feedback, please visit the Department's Customer Survey at the following link:
<https://www.smcgov.org/planning/webforms/san-mateo-county-planning-and-building-engagement-survey>

FOR STEVE MONOWITZ
COMMUNITY DEVELOPMENT DIRECTOR, By:



Lisa Aozasa, Deputy Community Development Director

LAA:ACC:mda – ACCHH0118_WMN.DOCX

cc: Ronald McLeod
Interested Parties



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT E

Application for Appeal

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

Name: Ron Mcleod

Address: 531 SAN BENITO AVE

Phone, W: _____ H: 650.465.472

Zip: 94025

Permit Numbers involved:

PLN 2022-00045

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:

Ronald B Mcleod

Date: 4/30/2023

made on April 19 2023, to approve/deny the above-listed permit applications.

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?

I am appealing the denial of my tree removal permit request which I don't believe follows Section 12,024 of the ordinance

and subjects my family and neighbor to significant danger. I have asked several times for a copy of the county arborists

report and have not received it and doubt that the arborist visited the site. The tree is 5 ft from the high pressure gas

line to my house, 6 ft from my house foundation, and 1 ft from my pool equipment shed foundation. These are clearly dangerous

hazards as well as being too close to existing structures which are both conditions to grant approval. The denial acknowledge

the risk in stating "Given the location of the tree and it's species, future removal may be warranted My

preference is to remove the tree BEFORE damage occurs. I would point out that during the 30 years I have lived here,

I have planted and cared for 20 trees on and in front of my property. This includes the 3 oak trees that are now quite large.

One of which is now being crowded by the redwood. I was part of FOBA 30 years ago and contributed my time and money

to help plant hundreds of trees in the neighborhood. Unfortunately when I planted the redwood I didn't realize it is not

suitable to this climate and would grow to be a hazard. I plan to replace it with a more suitable species in better location.

From: C W wilhelmcandace@gmail.com
Subject: Fwd: Redwood Tree at 531 San Benito Ave, Menlo Park, CA
Date: April 28, 2023 at 2:44 PM
To: ron@mcleodhome.net



----- Forwarded message -----

From: C W <wilhelmcandace@gmail.com>
Date: Tue, Apr 11, 2023 at 8:10 PM
Subject: Re: Redwood Tree at 531 San Benito Ave, Menlo Park, CA
To: <achavez@smcgov.org>

Dear Ms. Chavez:

I wanted to follow up on my prior email and check on the status of the application to remove the redwood tree at 531 San Benito Ave, Menlo Park, CA. I strongly support the removal of this tree. I live next door to the tree at 539 San Benito Ave, so my home is directly impacted by the tree.

I am writing to you because I wanted to give a recent example of the damage that is caused by the redwood trees around my home. During the severe storm in March, my home experienced significant damage from branches that broke off from a back neighbor's redwood tree due to the strong winds. One of the redwood branches went through my roof, causing significant damage to my roof, attic and bedroom and destroying furniture. In addition, other branches broke off from the redwood tree and damaged another structure on my property. At least six large redwood branches broke off from neighbors' redwood trees during the February and March storms.

The damage to my home was caused by a redwood tree that is older than the redwood tree at 531 San Benito. However, if the redwood tree at 531 San Benito continues to grow and mature, the branches will become much larger and heavier and can break during strong winds and storms. The redwood tree at 531 San Benito is in similar proximity to my home as the redwood tree that recently damaged my home, which puts my home at greater risk for future damage, as well as the McLeod family's home at 531 San Benito, if the tree is not removed.

In addition, the close proximity of the tree to the power and gas lines creates safety risks. A falling branch could cause personal injury or start a fire if it caused the power line to come down. I strongly support removal of the tree. Thank you for your consideration.

Sincerely,

Candace Wilhelm
539 San Benito Ave.
Menlo Park, CA

On Wed, Feb 1, 2023 at 3:02 PM C W <wilhelmcandace@gmail.com> wrote:

Dear Ms. Chavez:

I strongly support the removal of the redwood tree at 531 San Benito Ave. Menlo Park.

CA. I live next door to the tree at 539 San Benito Ave, so my home is directly impacted by the redwood tree. The tree grows over my property and its roots grow under the ground on my side of the property line.

First and most importantly, the tree is growing around a power line and over my neighbor's gas line. The close proximity of the tree to the power and gas lines creates safety risks. If a falling tree branch caused the power line to come down, this could lead to a fire or personal injury. In addition, tree roots growing over a gas line create a safety risk because they can damage the gas line and cause a leak.

Also, the tree roots are growing on and under my property towards my home, which is within approximately 20 feet of the tree. Redwood roots can grow over 50 feet in every direction and damage a home's foundation. I am concerned with property damage from the roots if the tree continues to grow and mature.

Given California's limited rain and drought conditions, the tree will likely suffer stress, a diminished root system and overall decline, leading to falling branches and potentially the tree falling. I've observed the severe effects of California's drought on another neighbor's redwood trees, which has resulted in large, 13+ foot branches falling off the tree and onto my property and the overall decline in the health of the trees. In addition, the tree is growing into an oak tree at 531 San Benito Ave., which is detrimental to the growth of the oak tree, and the trees are competing for limited water resources.

I strongly support removal of the tree. If you have any questions or would like to discuss, please let me know. Thank you for your consideration.

Sincerely,

Candace Wilhelm
539 San Benito Ave.
Menlo Park, CA

November 9, 2022

County of San Mateo
Planning & Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063

November 9, 2022

Coast Redwood Removal – 531 San Benito Ave, Menlo Park – PLN2022-00045

The 24.3-inch diameter Coast Redwood (*Sequoia sempervirens*) is located at the right side fence adjacent to the garage.

The tree is in good health. Application to remove the tree is for three reasons.

First, the tree has grown to a size that it is now in conflict with all of the overhead utility wires that enter the side of the house. This will become more problematic as the tree expands and places additional pressure against these wires. Of particular concern is the possibility of fire as the electrical wires rub against the trunk.

The second reason is due to conflict with the path, gas line and house foundation. The old path was removed due to damage caused by the roots lifting the path. Directly across from the tree is the gas line and gas utility box on the side of the house. Some roots were cut in this area to prune them away from the gasline and foundation when the path was replaced. However with the rapid growth rate of this species it is just a matter of time before they are back. These could cause damage to the gas line and also get under the foundation of the garage. As well as break the path again.

The last reason for removal is that the species is just too big for the location. While the intent of planting this tree was good there is just not enough available space. As the tree gets bigger the fence will need to be cut out to make space to try to avoid it being pushed over. The adjacent shed with pool equipment will be damaged as the roots expand, and as suggested above the roots will continue to cause havoc with the path, gas line and the house foundation.

I recommend tree and stump removal is recommended along with a suitable replacement tree.

Should you have any questions, or if we may be of further assistance, kindly contact our office at any time.

Very truly yours,

Chris Regan

Chris Regan

ISA Certified Arborist WE-6897A

Qualified Tree Risk Assessor

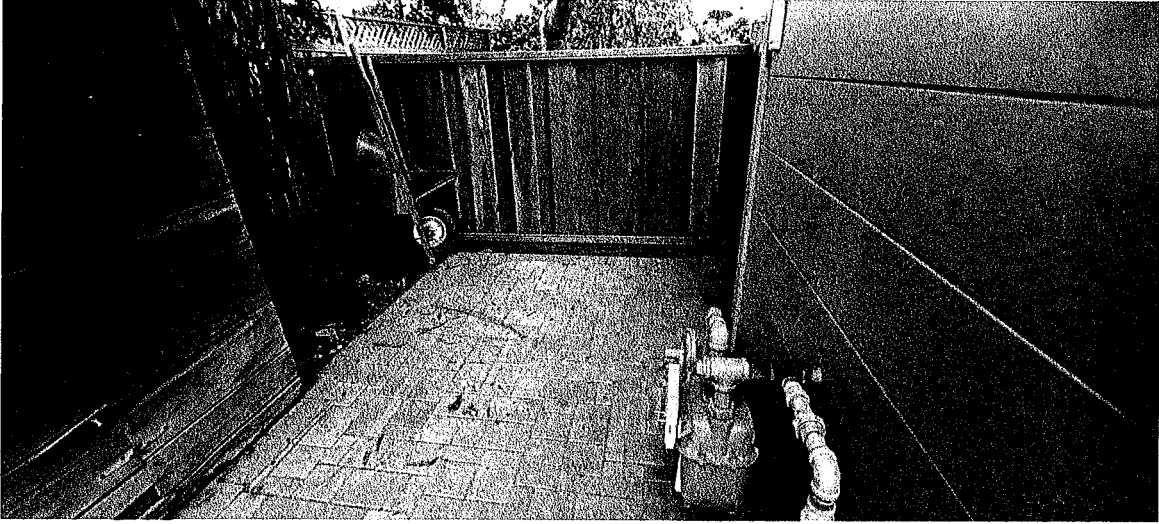
cregan@bartlett.com

OVERHEAD WIRE CONFLICT



CLOSE PROXIMITY TO GAS LINE AND FOUNDATION







COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT F

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

Name: Candace Wilhelm

wilhelmcandace@gmail.com

Phone, W: H: 650 9063252

Address: 539 San Benito Ave

Menlo Park

Zip: 94025

Permit Numbers involved:

PLN 2022-00045

I hereby appeal the decision of the:

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

made on April 19 2023, 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:

Candace Wilhelm

Date: May 3, 2023

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 my attached letter.

In addition, please see the letter of support for the tree's removal from the homeowner at 536 San Benito Ave., which is within 100 feet of the subject tree. The neighbor at 556 Placitas Ave., which is within approximately 120 feet of the subject tree, sent an email to Ms. Angela Chavez on May 2, 2023 supporting the tree's removal.

Thank you for your consideration.

May 3, 2023

Planning and Building Department
San Mateo County
County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: PLN 2022-00045

To Whom It May Concern:

I am writing to appeal San Mateo County's denial of the permit for the removal of the redwood tree at 531 San Benito Ave, Menlo Park ("531"). I am the homeowner at 539 San Benito Ave, Menlo Park ("539"). I have standing to appeal the decision, because my property is immediately next to the tree and is directly impacted by the tree, as the tree grows over my property and its roots grow under my property.

The tree likely meets the county's requirements for removal, because the tree (1) could adversely affect general health and safety, (2) could cause substantial damage, (3) is located too closely to existing structures, (4) could interfere with utility services and (5) creates a potential fire hazard. In fact, the county's letter dated April 19, 2023 acknowledges that "Given the location of the tree and its' species future removal may be warranted . . ." The county is asking for us to wait – wait for further property damage, wait until someone is injured. The time to take action is now, before further property damage occurs and someone is injured.

First, the tree removal should be allowed as the tree is a threat to public health, safety and welfare. The redwood tree is close to the front walkways of the homes at 531 and 539 San Benito Avenue, as well as the driveway at 531, and the tree is within approximately 20 feet of the street. Several large 8-10 foot branches have already fallen from the tree, which could have caused personal injury. If the tree continues to grow and mature, the branches will become much larger and create greater risks of personal injury and property damage, particularly given the tree's location close to front walkways, the street and homes. I've observed 15+ foot branches fall from redwood trees on neighboring properties. During strong winds and storms recently, several large redwood branches broke off of neighboring redwoods and flew 20-25 feet onto my property. Even large branches can travel a distance during strong winds, creating safety risks to the public because of the proximity of the tree to the front walkways of 531 and 539, the street and homes.

Second, the tree should be removed because of the risk of substantial property damage. The county has already noted that the homeowners at 531 incurred expenses to fix property damage caused by the tree and 531's arborist noted that future property damage is likely. In addition, my home experienced significant property damage from large redwood branches that broke off of another redwood tree, resulting in significant damage to my roof, attic, and bedroom. The 531 tree is in similar proximity to my home as the redwood that caused damage to my home. The tree is growing rapidly, and the tree's branches are growing around a power line and the tree's roots are growing close to a gas line, which could result in a fire and property damage. Also, the tree could have a diminished root system due to its proximity to the home and driveway at 531, and their arborist noted that some roots were already cut. The tree could be further weakened by California's drought conditions, and these factors could lead to the tree falling down, which could cause substantial damage to my home and other homes.

Third, the tree is located too close to existing structures. The 531 homeowner and arborist outlined that the tree is close to 531's foundation, home, shed and power and gas lines. While my home is approximately 20 feet from the tree, my home is at risk because of the size that tree will grow to, which will result in large branches over my property and an expansive root system under my property.

Fourth, the tree could impact utility services because it is growing close to gas and power lines. The proximity of the tree to these utility services creates greater risk of interference with services, property damage and fire risk.

Fifth, as noted above, the tree's branches are growing over and around the power line. As the tree continues to grow, a large falling branch could down the power line, potentially causing a fire that spreads to neighboring homes.

Also, the tree is growing into an oak tree at the front of 531 San Benito Ave., which is detrimental to the growth of the oak tree, and these trees are competing for limited water resources. To preserve the health of the oak tree, it would be beneficial to remove the tree.

The county's letter noted that 11 neighbors opposed the removal of the tree, but these neighbors are not directly impacted by the tree as my home is. They noted the loss of a healthy tree, the benefit of large trees to the environment and neighborhood aesthetic, but they are unlikely to fully appreciate or even have knowledge of the hazards posed by this particular tree given its close proximity to gas and power lines. I also challenge the impact on the environment and neighborhood aesthetic – the loss of one redwood tree is simply not going to have an impact on the environment nor negatively affect the neighborhood aesthetic, particularly given the large number of redwoods, oak trees and other significant trees throughout the neighborhood. For example, the property at 556 Placitas (within approximately 120 feet of the subject tree) has 13 redwoods, 548 Placitas (within 100 feet) has 4 redwoods, 522 San Benito (across the street) has 4 redwoods, and 501 San Benito Avenue has 3 redwoods, not to mention numerous other redwoods, oak trees and other significant trees on San Benito Avenue and neighboring streets. Finally, the real hazards posed by this tree, risk of personal injury and significant property damage should greatly outweigh vague notions of environmental and aesthetic concerns, especially given the large number of trees on San Benito Avenue and the surrounding neighborhood.

Given the unique hazards posed by this tree, including its close proximity to power and gas lines, its location and size, all of which create greater safety risks to the general public and neighboring homes and the potential for substantial property damage, I strongly support the removal of the tree and request the county grant the permit to remove the tree. Thank you for your consideration.

Sincerely,



Candace Wilhelm
539 San Benito Ave.
Menlo Park, CA 94025

May 3, 2023

Planning and Building Department
San Mateo County
County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: PLN 2022-00045

To Whom It May Concern:

I am writing in support of the removal of the redwood tree at 531 San Benito Ave, Menlo Park, CA. I understand that San Mateo County initially rejected the tree removal permit and the homeowners at 531 and 539 San Benito Avenue are appealing the decision.

I am the homeowner at 536 San Benito Ave, Menlo Park. My property is directly across the street from 531 San Benito Ave and less than 100 feet from the subject tree.

The tree creates safety risks and greater risk of damage to neighboring properties, including my property, due to its close proximity to utility services and other homes. The tree is growing rapidly, and the tree's branches are growing around a power line and the tree's roots are growing close to a gas line. A falling tree branch could cause the power line to come down and could result in a fire that spreads to neighboring properties. The tree's roots could damage the gas line. During the major storms the Bay area experience in February and March, we observed large branches falling from redwood trees, resulting in property damage to neighboring properties. As a result, my property and neighboring properties could be at risk.

Also, the tree could have a diminished root system due to its proximity to the home and driveway at 531 San Benito Ave, as well as be weakened by California's drought conditions. These factors could lead to the tree falling down, which could cause substantial damage to neighboring properties, including my property.

The tree is growing into an oak tree at the front of 531 San Benito Ave., which is detrimental to the growth of the oak tree, and these trees are competing for limited water resources. We would like to see the health of the oak tree preserved, so it would be beneficial to remove the redwood tree to avoid interference with the growth of the oak tree.

Given the close proximity of the tree to utility services and other homes, which creates safety risks and increased risks of property damage, I support the removal of the tree.

Thank you for your consideration.

Sincerely,



Daniel Dieguez
536 San Benito Ave., Menlo Park, CA 94025