

Celia Scott, A.I.C.P. .

ATTORNEY AT LAW

1520 Escalona Drive

Santa Cruz, California 95060

(408) 429-6166

831

ATTACHMENT

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0229

January 21, 2000

Zoning Administrator
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Re: Application 98-0426, APN 057-061-16
Single-Family dwelling, near Ano Nuevo
State Park

Dear Zoning Administrator?

Please consider the following comments on the above-referenced application for a 14,766 square foot single-family dwelling on the north coast of the County near Ano Nuevo State Park.

The revised Negative Declaration states (pp.11,18,19.) that only one acre will be used for construction of the proposed huge dwelling and associated structures, thereby avoiding resource conflicts and general plan policy conflicts. However, - there does not appear to be any permanent restriction, or even permit condition, which limits the construction to one acre, or even references a building envelope which cannot be modified without a permit modification in the future. There is also no condition prohibiting disturbance of sensitive biological resources.

Similarly, the Negative Declaration claims that the project is not growth inducing because the parcel cannot be subdivided because of the 40 acre Least Disturbed Watershed designation. However, there is also no permanent restriction prohibiting future land division, or a request for a General Plan application to eliminate the LDW designation. With every new large house constructed in this small watershed the likelihood of it remaining "least disturbed" is diminished.

The Initial Study also indicated that this parcel is subject to a special designation of "Future Parks (General Plan Futures)". However, there is no discussion in the environmental analysis of the significance, relevance, or meaning of this designation.

The staff report states (p. 17) under Coastal Permit Finding No. 5 that "the development permit has been conditioned to maintain a density of one dwelling per parcel and to maintain the prime agricultural portion of the property." I was unable to locate any permit condition which explicitly stated this restriction. Similarly, there is no explicit condition which states that this enormous house with 15 bedrooms, large enough for a motel or bed and breakfast inn, cannot be used for any such commercial purposes.

The Negative Declaration maintains that the visual impacts of the proposed residence are "negligible" due to various mitigations. That is a matter of opinion on which reasonable people may differ.

47

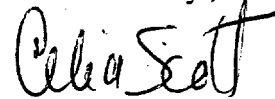


The enormity of this house in a remote area of the undeveloped north coast of the County, on a site designated commercial agriculture, least disturbed watershed, and future parks calls out for further review by the County Planning Commission, to which it should be referred.

130

Thank you for consideration of these comments.

Yours truly,



Celia Scott

For Friends of the
North Coast

Zoning Administrator

ATTACHMENT

4

January 21, 2000

9231

Dear Planning Commission,

We are writing concerning the proposed house on the Hinman property in Northern Santa Cruz County. We have lived on the coastside for 10 years, and often spend time at Año Nuevo State Reserve. We object to the proposed building for the following reasons:

1) This large building is visible from many areas in the coastal corridor, specifically at Año Nuevo. We do not believe that the long term visual impact has been sufficiently explored. Although the builders plan to paint the house green, we know from experience that depending on the angle of sunlight, even a green house can stand out from the forest. One of the beauties of being at the reserve is being able to look back at the coast and see no habitations other than those that have been there for over 100 years. Allowing just one house forever ruins this view. This is your chance to preserve one of the last such remaining areas on the coast.

2) The degradation of the viewshed from the public land is not mitigated in the proposal. Trees as buffers do not work in the short or long-term. Many trees do not grow well or do not survive. All will die at some point. No long-term mitigation results from tree buffers. Homeowners who are opposed to using screening in the first place because it will block their view, have no incentive to maintain these trees. In fact, several areas along the coast where screening was required as mitigation for visible buildings, remain in full view of the highway years after they were constructed. There does not seem to be any accountability built into the screening mitigation requirements.

3) Santa Cruz County cannot continue to work in isolation without looking at the developments occurring in neighboring San Mateo County. Parallel issues exist for both counties, and planning commissions need to assess new development proposals in light of existing coastal creep.

4) This house represents only one of several proposed buildings in the area. If this 14,000+ square foot house is allowed to be built in view of the coastal corridor, it sets a precedent for a wave of similar buildings in the area, which would forever destroy the rural nature of the coast.

Thank you for considering this letter,

Sincerely,

Erika Perloff and Paul Keel

New Year's Creek Rd.

Pescadero, CA

94060

January 21, 2000

tn reference to: Proposed Hinman-"Año Nuevo" House

0232

Santa Cruz County Planning Commission
701 Ocean Streef
Santa Cruz, CA 95060

Dear Santa Cruz County Planning Commission,

This letter is written in opposition to Brian Hinman's proposal to, build a 14,000 plus square foot mansion on the pristine hillside between Año Nuevo State Reserve and Big Basin Redwoods State Park. It is time for the Commission to look toward preserving the coastal **viewshed** of one of the last remaining jewels of the California coastline. When voters established the California Coastal Act in 1976, it was with the idea of preserving the unique character of California's coastline for future generations. The Hinman House will violate the intent of Californian's desire to preserve unique coastal areas such as Año Nuevo as a treasure for future generations.

California's population is expected to rise by an additional 43 million people in the next 40 years. Planning commission staff must begin to look out for the long-term interests of the people of California, rather than the short-term interests of one vacation homeowner. The proposed house's site location, on an undeveloped agricultural parcel above Año Nuevo State Reserve will be impossible to hide from the park properties surrounding the reserve. Requested height variances, and square-footage variance increases magnify the problem and should not be permitted at this site.

Mitigation measures proposed to screen the house of this size can not possibly protect the visual character of this area. As an example, a small home built on the hillside above Año Nuevo is now clearly visible, as the homeowner has removed trees screening the home. The home's earth-tone roof color and paint do little to hide the structure. Another large commercial coastal development north of Año Nuevo sticks out like a "sore-thumb", despite mitigation measures. It is hard to hide an elephant, no matter what kind of paint, glass, roof color, or landscaping are attempted.

Santa Cruz County has a unique jewel at its doorstep, with the coastal area around Año Nuevo State Reserve. It is the unique character of this area that made the people of California set aside both Año Nuevo State Reserve and Big Basin Redwoods State Parks. The **viewshed** of this area of the Santa Cruz County north coast remains much the same as it has for the past 100 years, which is unique given California's rapid population growth in the nearby Bay Area. Californian's are losing their ability to escape to wild areas, especially

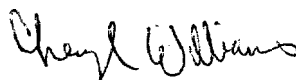
January 21, 2000

those so close to urban areas. I want to preserve this area for my children, and their children.

33

In closing, I urge the Commission to deny the proposed Hinman House's permit. I would like to see the size of the house restricted to the existing codes for height and size, and the location moved to an area that will be invisible from the surrounding coastal area and state park lands. The property size is such, that alternative sites are available for construction of the home. Please do not allow the destruction of one of the last "wild" areas of Bay Area coastline for future generations. The owners can still enjoy their views by walking up to view points from their property.

Sincerely,



Cheryl Williams

3201 Mulberry Drive
Soquel, CA 95073

From SANTACRU- -HWSMP
To: PLN716

Date and time 01/21/00 08:04:03

Subject: RE: 2621-3

Cathleen Carr:

Dear Cathleen:

Thank you for returning my call and providing the means for adding to the public commentary about the housing development near Ano Nuevo which was written up in the Sentinel edition on Wednesday, January the 19th.

My husband and I would like to add our voice to those who are proposing additional review of the design and development, I'm a longtime resident of California and Santa Cruz, and worked as docent at Ano 'Nuevo State Park, many years ago. Preserving this area for its natural views is very important to the region and the state, and it is the reason folks come to this area to vacation and visit. Note: We support the rights of a property owner to develop, but we strongly believe design and size considerations are essential, especially in such a treasured area as we all live in. It takes time to get it right sometimes.

I have an example to suggest for why taking the time is so important. It is not always clear till building is underway how significant the impact a project will have, and this is of course, is past the design and size approval phase. You might take a look at, from several parts of town, the housing development on the westside (I believe this is called

Hope Lane? above our house on Escalona). Several houses have been constructed over the last few years, and two are currently being put up. The earlier houses were wonderfully designed to blend in carefully with the character of the surrounding area, and are not even noticeable.

However, the two houses currently under construction are designed with much greater height, and loom large; they are visible from many many parts of town, and very much change the character of the area by their visibility. I would like to suggest that in an area as important for its

views as Ano Nuevo, additional consideration of design impact would be very much needed.

Thank you for your consideration of this commentary

Karen Mkrzycki
1624 Escalona Drive
Santa Cruz, CA 95060
831-423-1548

From MABRAUDE - - HWSMFP
To: PLN716

Date and time 01/20/00

ATTACHMENT 4
22:01:55

Subject: 98-0426 Hinman House
To Whom It May Concern,

15

I am writing you regarding project 98-0426, the proposed Brian Hinman development (anything that is over 14,000 square feet can no longer be called a house) near Ano Nuevo State Reserve. I am strongly opposed to this development for a couple of reasons.

As volunteer docent naturalists at Ano Nuevo, my fellow docents and I have the opportunity to share an incredibly beautiful portion of our state with hundreds of thousands of visitors from around the world. It would be a shame for these visitors to have the joy of the natural world engendered by Ano Nuevo compromised by a massive development on the hillside adjacent to the Reserve. Any argument that trees would block the house from view is specious. 'Current trees could become diseased (as many are in the area) necessitating their removal or simply be removed for other reasons once the property is occupied. New trees would take years, perhaps generations, to become tall enough to provide any screening.

Even a smaller development in this location would be unacceptable. With increased pressure for housing in the Silicon Valley area, this relatively undeveloped portion of the coast becomes more and more attractive, particularly to "dot com" millionaires who no longer have to worry about commuting and those that telecommute. Any development in this area would contribute to erosion problems (due to landscaping and the building of roads and driveways among other things) and pollution problems (from landscaping fertilizers). Such problems would undoubtedly have an adverse effect on the incredible diversity of wildlife found in the area which includes federally threatened and endangered species (the California Red-Legged Frog and the San Francisco Garter Snake respectively).

I understand the desire to live in a natural setting. There are, however, already several established communities in the Santa Cruz Mountains. This development should not be allowed to become the beginnings of another. For this reason and those detailed above, I urge you not to approve this development.

Sincerely,

Michael Braude
2031 Ashton Avenue
Menlo Park, CA 94025
mabraude@aol.com

EDWARD J. DAVIDSON

0236

January 20, 2000

Santa Cruz County
Zoning Administrator,
701 Ocean St., Rm 400
Santa Cruz, CA 95060

200 BUTTON STREET #15
SANTA CRUZ, CA 95060
TEL/FAX: 831 423-9294

Subject: Steele Ranch residence

To whom it may concern:

The attached letter to the Bailey/Steltenpohl Davenport' project was included in the administrative record of the Coastal Commission on that case. I understand the applicants' will be suing the Commission and I wanted my concerns to be included in any future deliberations.

The Coastal Commission's actions had the effect of nullifying the County's Findings regarding the project's Coastal Permit and Variances. I think the Board of Supervisors were in a better position than the Coastal Commission in determining the intent of the certified LCP. I see the key issues as community character; depressing the parking lot (nowhere near the Bluffs): and a concept not in the Coastal Act of "public view access".

I believe the Commission's decision was outside the intent of the Legislative Findings of Chapter 1 of the Coastal Act of 1976. In other words, the Commission wanted to deny the project and had to justify the denial on some Coastal Act policy: I believe they failed to make their case. Of greater concern is the Commission acting on some agenda other than the one for which they were appointed.

I fear that these same erroneous interpretations of Coastal Act §30251 "to protect views to and along the ocean and scenic coastal areas", and, "to be subordinate to the character of its setting" will become the issues in the Steele Ranch project. Note the height, bulk, number of bedrooms, etc. are not relevant to Coastal Act considerations.

I hope to appear at the various hearings on this project, mostly to reiterate the issues of this letter. Will you kindly also include a copy of these letters in the Bailey/Steltenpohl file.

Thank you for your consideration,



Edward J. Davidson

200 **BUTTON STREET #15**
SANTA CRUZ, CA 95060
TEL/FAX: 831 423-9294

January 6, 2000

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Subject: **Bailey/Steltenpohl** Mixed Use Davenport Project
Appeal number A-3-SCO-98-101
Comments on Revised Findings Sustaining the Appeal

Dear Commissioners,

I attended the May Commission Public Meeting in Santa Rosa to testify on the SNG Development Company resort hotel in Sand City. I was concerned that despite a 55 page Staff Report on a-variety of issues, no attention was given to Coastal Act §30213 that, "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided."

I have noticed the proliferation of exclusively high-end resort hotels from Half Moon Bay to **Carmel** which, along with rising hotel prices', serve to frustrate the intent of §30213. This provision was included in the Coastal Act of 1976 at the insistence of inland legislators to assure their constituents would be able to afford to enjoy the coast: that it not become a gilded coastal resort for the rich.

I will admit that my comments were intended to set the stage for the Santa Cruz City's upcoming LCP Amendments for the Beach Area/South of Laurel Area Plan. That Plan emphasizes new high-end hotels and is silent on the issue of preserving/protecting existing lower cost visitor facilities, despite my efforts throughout the public hearing process. The Coastal Commission should address this issue.

It was by chance that I was at the Santa Rosa Meeting when the **Bailey/Steltenpohl** Substantial Issue Hearing was scheduled. Although the item was continued, a number of Commissioners offered comments, mostly negative, on the proposal. I was somewhat surprised that any Coastal Permit approved by the Santa Cruz County Board of Supervisors would violate Coastal Act policies.

I can recall some of the Commissioners' statements including one questioning the capability of silt and grease filters to prevent pollution from a half acre parking lot.- One **Commissioner** stated she did not want to see the entire coast paved over. My comments on the lower cost visitor facilities included a rejoinder that when inland Californians come to the coast, they will have to park somewhere.

I was surprised that the Commission heard the **Appeal** and then sustained it despite the Staff recommendation to approve the project with additional conditions. I obtained a copy of the Appeal Staff Report Revised Findings presented at the December **1999** Meeting in San Rafael and I offer the following analysis on those Findings. (Note: In the analysis section, quotations from the Revised Findings Staff Report are underlined. Also, the aerial photo of Exhibit E. may be useful as a reference.)

Coastal Act Considerations

ATTACHMENT 4

0238

The Commission at the September 15, 1999 Public Hearing voted 8 to 3 to deny the project. The Commission determined that the project would result in a major change to the character of the unique Davenport community . . . would significantly block and alter coastal views at this site inconsistent with both LCP and Coastal Act policies protecting public view access. (p.3)

The Coastal Act Sections referred to are §30253(5) to protect special communities that are popular visitor destination points, and §30251 to protect views to and along the ocean and scenic coastal areas, to be visually compatible with the character of surrounding areas, and be subordinate to the character of its setting.'

The certified Santa Cruz County LCP includes a number of specific policies to implement the Coastal Act policies (see pp.10-13). By its approval of a Coastal Permit for the project, the County Board of Supervisors were able to make Findings of consistency with the Coastal Act and certified LCP.

Community Character

Variances at this location (height and setback) are inconsistent with LCP policies for this unique site that dictate limiting development to protect views and community character. (p.19) In this case, the variances include reducing the required front setback from 30' to zero and increasing the height from 28' to 30'.

A portion of the existing building encroaches 7' into the Hwy 1 R/W. The redeveloped building would eliminate this encroachment on approximately the same footprint. The 100' Hwy 1 R/W (1930's?) came after the building was built. Retaining the current footprint is consistent with policies to protect beach viewsheds.

Highway 1 is mostly two-lane (see §30254) with-a center turn lane nearby. That leaves a 30' to 35' unused right-of-way on each side of the travel surface with no future plans for widening by CALTRANS. By granting the Variance, the County found that an adequate visual buffer was maintained.

The height variance from 28' to 30' was based on the building pad location from 2' to 12' below road grade. The roofline will appear to be 28' to 18' in height. The time to travel past the building is 3 seconds @45 MPH. Concerns about the "skyprint"(p.17) are insignificant.

Public Views to the Ocean

The proposed project would grade a 5 foot deep hole in the coastal bluff and insert parked vehicles directly in the path of the public view from Highway One. Such disruption would forever alter this view to the detriment of the public and cannot be found consistent with the LCP's view protection policies.(p.23) There are several flaws in this Finding which mischaracterize the §30251 policies.

¶ The "5 foot deep hole" is the wedge-shaped grading intended to depress the parking below the line of sight for passing cars (4½ seconds @ 45 MPH). This is in response to the special development standards on pp. 12-13, "Depress and landscape the parking area to limit its visibility from Highway One and to minimize unobstructed coastal views."

¶ The bluff is several hundred feet seaward (see aerial Photo) Here, and on pp. 22 & 35, is an attempt to apply the policies of §30 253(2) regarding alteration of natural landforms along bluffs and cliffs (for shoreline protective devices.) There is a cut between the site and the bluffs used for whale watching.

¶ Vehicles currently park on subject and the upcoast properties as well as the excess Hwy 1 R/W. The appellants petition opposes excluding public from established parking areas. Random parking on the dirt/grass field currently blocks ocean views more than a depressed parking lot will.

Public Access

The Findings attempt to apply the Public Access policies of Sec. 30210 and 211 to "public view access" (p.45). Those policies are for physical access (vertical and lateral) only. In fact, a new restaurant and deck with ocean views enhances public viewing access. There are precedents when private views from public accommodations were given some special protections. Under the Davenport Special Community Program 8.8(a) is "Emphasis on the area's whaling history and whale viewing opportunities" (p.12).

Discussion of a "partial blufftop trail" (p.43, last ¶) makes no sense for a property without a bluff. Connectivity of vertical and lateral access to the beach cannot be granted along the RR R/W.

On p.44, ¶ 2 is a statement that due to the zero setback, "lateral access along the Highway would be blocked by the project." The highway right-of-way is public property for which the owner cannot and need not provide lateral access.

Water and Sewer Service

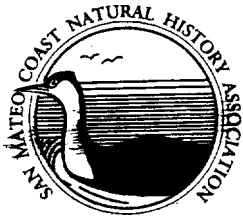
The proposed project does not include written commitment to serve for both water and wastewater services prior to issuance of building permits as required by the LCP. (p.50) The property is currently served with water and sewer. During the juicery operation, twice the water needed by the proposed uses was provided. Written proof of service is not needed. This is just another red herring as are concerns about erosion hazards at the cut slopes for the depressed parking.

Conclusion

When the Board of Supervisors made Findings to approve the Coastal Zone Permit, Development Permit (with 17 pages of conditions) and the Variances, they were able to find consistency with their own LCP and the Coastal Act policies. As parties to the establishment of those LCP policies, they should have the best view as to their compliance. It seems to me that the Commission is listening more to the anti-development extremist than Legislative mandates in Chapter 1 of the Coastal Act. I urge all Commissioners to reread that chapter.

Respectfully submitted,

Edward J. Davidson
Edward J. Davidson



SAN MATEO COAST
Natural History Association

PO BOX 3245
HALF MOON BAY
CALIFORNIA 94019

January 18, 2000

Board of Supervisors
Attention: Zoning Administrator
County Government Center
701 Ocean Street
Santa Cruz, CA 95060

Dear Zoning Administrator and Board of Supervisors:

On behalf of the Board of Directors of a nonprofit organization which provides interpretive activities and funding to the State Parks and beaches along our coast, I'd like to register our concern over a housing project: 98-0426 APN(S) 057-061-16.

The proposal to build a three-story, gothic architecture, home and associated buildings is alarming to us for a number of reasons. As you know, the coast from Santa Cruz to Half Moon Bay is one of the few remaining places near a major metropolitan area where open space has been preserved. Education and interpretation of the natural features and history of the area is conducted in a number of locations near the proposed property. At Ano Nuevo State Reserve alone, there are more than 200,000 visitors annually that learn about the animals, birds, plants and natural features that comprise this pristine part of the coast. When these visitors, and over 5,000 students that participate in Outdoor Education, return from Ano Nuevo Point, they see open space and a rare coastal landscape, one worthy of the designation as a State Reserve and National Natural Historic Landmark. The height of the proposed structure will create a visual scar on the landscape, changing an area where we are currently able to observe the coastal mountains without obstruction.

While I cannot speak for all of the more than 300 volunteers from the Santa Cruz and San Mateo Counties that comprise our organization, I do believe that I speak for the majority in opposing the proposed project.

Please accept our opposition in the constructive spirit with which it is intended, and do what you are able in order to stop the 'development.

Sincerely,

Dennis J. Long
Board of Directors, President

482 Ninth Avenue
Menlo Park, CA 94025
January 17, 2000

0241

Cathleen Carr
Santa Cruz County Planning Department
Government Center
701 Ocean Street
Santa Cruz, CA 95060

RE: Negative Declaration #98-02426/APN 57-061-16

Dear Ms. Carr:

As a resident of San Mateo County and California, I am opposed to the building of such an immense house on the California coast across from Ano Nuevo State Reserve and Big Basin State Park. Such a house impinges on the public's rights and may further destroy endangered native plant and animal life.

According to the staff report, the house and auxiliary buildings total 18,000 square feet: 14,766 square foot house, two 100-foot changing rooms, 277 square foot generator house, 1700 square feet for the basement and garage, 850 square feet of porches, a swimming pool. An even larger area will be graded and changed in the process of creating the building pad, the buildings, and the road surfaces. Such a large three-story building complex will permanently alter the natural surroundings as follows:

1. The house will be visible from commonly used trails at Ano Nuevo State Reserve. During tests conducted by the planning department, the state reserve staff have seen orange construction fencing where the house is planned. Furthermore I am concerned that existing trees that serve to screen the house from the public's view may die and not be replaced – increasing the view of the house in the future.
2. The household structures, construction processes, and new roadways will eliminate the endangered Monterey Pine tree individuals as well as native grasses. The staff report shows that 40 large trees will be removed including 5 Monterey pine trees and 1 Ano Nuevo pine.
3. An existing freshwater-pond on the property is the potential breeding and rearing habitat for five Federal and State species of Special Concern: the red-legged frog, the San Francisco garter snake, the southwestern turtle, the California Tiger salamander, and the yellow warbler. The staff report does not show that adequate care will be taken to protect this freshwater pond, with its potentially very precious residents. The road on top of the dam is dangerously close to the pond. Additionally, the second page of the staff report indicates that plans exist to drain the pond.
4. The house may be visible from highway 1 – which is prohibited by the Santa Cruz County's 1994 Plan for Visual Resources which promises protection of public vistas from scenic roads. Such a large house could easily be visible should anything happen to the existing eucalyptus trees in San Mateo county or existing tree screens in Santa Cruz county.

Thank you for considering my comments. Please provide me written notice of any further action or public hearings on this project.

Yours truly,



Karen Maki

GAIL RICHARD
509 Matheson Street
Healdsburg, CA 95448

0242

January 11, 2000

Zoning Administrator
Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060

Re: 98-0426 APN (S) 057-061-16

To Whom It May Concern:


I would like to register my protest of the proposal to construct a three-story, 14,766 square foot house on the east side of an unnamed 50 foot right-of-way approximately $\frac{3}{4}$ mile east from Highway 1 (at sign 2074). This right-of-way intersects the east side of Highway 1 about a mile north of the entrance to Ano Nuevo State Reserve.

I have been a volunteer docent at Ano Nuevo for twelve years. Over those years I have shared with visitors to the Reserve my feeling that it is a very special place. What makes it special? Not just that the elephant seals haul out there. Not just that there are many more birds to be seen there than I could ever identify. Not just that there are relics of 6,000 years of Native American culture there. *One of the most beautiful and singular things about the Reserve is that it is a place isolated from the extremely fast-paced lives we find ourselves living nowadays.*

Ano Nuevo State Reserve is simply *not* a place from which an oversized reminder of the Bay Area's economic boom should be clearly visible from trails walked by hundreds of visitors every day. (According to the land-use planner, Richard Beale, part of the roof line and chimneys would be visible from the Docent's Roost and the "Lawrence of Arabia" dune.)

Please take into consideration the impact this proposed development will have on one of the few remaining untouched sections of coastline in central California.

Sincerely,



Gail Richard

Section 11000, San Mateo County Ordinance:

Regulation of the Removal of Heritage Trees

Document Number 23040-00

Planning and Building Division

455 County Center, Second Floor

Redwood City, California 94063

(650) 363-4161

FAX (650) 363-4849

COUNTY OF SAN MATEO
PLANNING AND BUILDING DIVISION
(Excerpt from the San Mateo County Ordinance Code)

0244

REGULATION OF THE REMOVAL AND TRIMMING OF HERITAGE TREES
ON PUBLIC AND PRIVATE PROPERTY
(Ordinance No. 2427 - April 5, 1977)

CHAPTER 1. PURPOSE. FINDINGS, INTENT, AND POLICY

SECTION 11.000. The Board of Supervisors finds and declares that the County of San Mateo is an area of great natural beauty and that its outstanding heritage tree population has been and continued to be an invaluable asset in contributing to the economic, environmental, and aesthetic stability of the County and the welfare of its people and of future generations. The County is a highly desirable residential, business, and recreational area because of its great scenic beauty, its forests, trees and beaches, mountains, proximity to the San Francisco Bay and the Pacific Ocean, its equable climate, its parks and recreational areas, and other natural characteristics. Irresponsible, wanton, and wholesale destruction of heritage trees could, among other things, diminish such beauty, scientific and historical values, adversely affect the environment, reduce property values, detract from scenic highways, and destroy the County's recreational economy.

SECTION 11.001. The Board of Supervisors further finds and declares that it has already passed legislation to regulate the commercial harvesting of forest products in this County and that it does not intend by this enactment to affect that ordinance, but that it is the intention of the Board to control and supervise in a reasonable manner the cutting of heritage trees within the unincorporated area of the County as herein prescribed.

SECTION 11.002. It is further found and declared that, for the above reasons and in order to protect and preserve heritage trees in San Mateo County on both public and private property and to enhance the environment, the economy, and promote the general welfare and prosperity of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private

property to the fullest possible extent, consistent with the public interest, convenience, and necessity, it is necessary to enact this ordinance and regulate the removal of heritage trees in the unincorporated area of San Mateo County. Designation of a heritage tree does not give or intend to give the public access to, or use or enjoyment of, private property.

CHAPTER 2. PRESERVATION OF TREES ON PRIVATE PROPERTY

SECTION 11.050. DEFINITIONS. For the purposes of this part, the following words shall have the meaning ascribed to them in this section:

- (a) "Person" means individuals, firms, associations and corporations, and agents, employees or representatives thereof.
- (b) "County" means the County of San Mateo acting by and through its authorized representatives.
- (c) "Tree" means a woody plant which has the inherent capacity of producing naturally one main erect axis of at least 12 feet, continuing to grow for a number of years more vigorously than the lateral axes.
- (d) "D.B.H." means diameter outside bark, 4 1/2 feet above average ground level.
- (e) "Basal area" means the cross-sectional area.
- (f) "Exotic Tree" means any tree introduced into areas of the County where such trees are not native as a part of their natural distribution.
- (g) "Heritage Tree" means any of the following:

Class 1 shall include any tree or grove of trees so designated after Board inspection, advertised public hearing and resolution by the Board of Supervisors. The affected property owners shall be given proper written notice between 14 and 30 days prior to inspection and/or hearing

by the Board.

7-26

Class 2 shall include any of the following trees, healthy and generally free from disease, with diameter equal to or greater than the sizes listed:

- (1) Acer macrophyllum - Bigleaf Maple of more than 36 inches in d.b.h. west of Skyline Boulevard or 28 inches east of Skyline Boulevard..**
- (2) Arbutus menziesii - Madrone with a single stem or multiple stems touching each other 4 1/2 feet above the ground of more than 48 inches in d.b.h., or clumps visibly connected above ground with a basal area greater than 20 square feet measured 4 1/2 feet above average ground level.**
- (3) Chrysolepis chrysophylla - Golden Chinquapin of more than 20 inches in d.b.h.**
- (4) Cuoressus abramsiana - All Santa Cruz Cypress trees.**
- (5) Fraxinus latifolia - Oregon Ash of more than 12 inches in d.b.h.**
- (6) Lithocarpus densiflorus - Tan Oak of more than 48 inches in d.b.h.**
- (7) Pseudotsuga menziesii - Douglas Fir of more than 60 inches in d.b.h. east of Skyline Boulevard and north of Highway 92.**
- (8) Quercus agrifolia - Coast Live Oak of more than 48 inches in d.b.h.**
- (9) Quercus chrysolepis - Canyon Live Oak of more than 40 inches in d.b.h.**
- (10) Quercus garryana - All Oregon White Oak trees.**

0247

- (11) Quercus kelloggii - Black Oak of more than 32 inches in d.b.h.
- (12) Quercus wislizenii - Interior Live Oak of more than 40 inches in d.b.h.
- (13) Quercus lobata - Valley Oak of more than 48 inches in d.b.h.
- (14) Quercus douglasii - Blue Oak of more than 30 inches in d.b.h.
- (15) Umbellularia californica - California Bay or Laurel with a single stem or multiple stems touching each other 4 1/2 feet above the ground of more than 48 inches in d.b.h., or clumps visibly connected above ground with a basal area of 20 square feet measured 4 1/2 feet above average ground level.
- (16) Torreya californica - California Nutmeg of more than 30 inches in d.b.h.
- (17) Sequoia sempervirens - Redwood of more than 84 inches in d.b.h. west of Skyline Boulevard or 72 inches d.b.h. east of Skyline Boulevard.
- (h) "Protected Tree" means a tree specially listed as endangered by either the California Native Plant Society's List as amended or the Federal Register or any tree species designated protected by the Board of Supervisors.
- (i) "Private Property" means all property not owned by the County of San Mateo or any other public agency.
- (j) "Public Property" means all property owned by a public entity which is controlled or regulated by San Mateo County.

- (k) "Trim" means the cutting of or removal of any limbs, branches or roots of trees which will not seriously impair the health of trees.

218

SECTION 11.051. PERMIT REQUIRED TO REMOVE, DESTROY, OR TRIM TREES. It shall be unlawful for any person to cut down, destroy, move or trim any heritage tree growing on any public or private property within the unincorporated area of San Mateo County without first obtaining a permit from the San Mateo County Planning Department except as herein provided. The Planning Director may require that a permit for trimming of a heritage tree in an area defined by the General Plan as urbanized be carried out only by a licensed tree surgeon. A minimal charge shall be made for permits required by this ordinance.

Any area to which a valid Timber Harvesting Permit applies is exempt from this Ordinance.

SECTION 11.052. APPLICATION FOR AND GRANTING OF PERMITS. Any person desiring to cut down, destroy, move or trim one or more heritage trees on public or private property must apply to the San Mateo County Planning Department for a Heritage Tree Removal/Trimming Permit form provided by the Planning Department. Said application shall identify the species, contain the number, size and location of the trees or trees involved, contain a brief statement of the reason for the requested action, and describe any other pertinent information the Planning Director may require. Within 20 working days of receipt of the application, the Planning Director or his authorized representative shall inspect the premises and trees and shall ascertain which trees may be trimmed, cut down, destroyed, moved, or removed; provided however, the Planning Director may upon receipt of the application and such information, maps, sketches and/or photographs as he deems sufficient, make a determination without an inspection; provided further, failure to act within 20 days shall not be deemed approval. If trimming is to be performed by a licensed tree surgeon, the tree surgeon's inspection and decision may be accepted by the Planning Director for purposes of compliance with this section.

If no action on the approved permit is taken within a period of one year from the date of approval, the permit shall be considered void. The determination of the Planning Director in granting or denying the permit or in affixing conditions shall be based upon the following criteria:

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- (a) The general health of the tree;
- (b) The anticipated longevity of the tree;
- (c) Whether the tree is a public nuisance;
- (d) Proximity to existing or proposed structures and interference with utility services;
- (e) The necessity of the required action to construct improvements or otherwise allow economic or other enjoyment of the property;
- (f) The number, species, size and location of existing trees in the area;
- (g) The effect of the requested action in terms of historic values;
- (h) The topography of the land and effect of the requested action on erosion, soil retention, water retention, and diversion or increased flow of surface waters.

The Planning Director may refer the application to another department, committee, or person for report and recommendation.

In granting a Heritage Tree Removal/Trimming Permit, the Planning Director may attach reasonable conditions to insure compliance with the content and purpose of this ordinance, such as, but not limited to, requiring replacement of trees removed with plantings acceptable to the Planning Director. If a permit is denied or conditions attached, the Planning Director shall provide the applicant with a written statement of the reasons for said denial or conditions

based upon the above standards.

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The Planning Director shall give priority to those applications based upon imminent hazard.

SECTION 11.053. EMERGENCIES. If an emergency develops which requires immediate response for the safety of life or property, action may be taken by seeking oral permission of the Planning Director, notwithstanding other provisions contained in this chapter. If the Planning Director is not available and action must be taken, the Planning Director shall be notified within a reasonable time thereafter. Such emergencies shall be exempt from Heritage Tree/Trimming Permit procedures.

SECTION 11.054. PRESERVATION AND MAINTENANCE OF EXISTING TREES.

- (1) When proposed structures or developments encroach into the dripline area of any heritage tree, special construction to allow irrigation and aeration of roots, as determined by the Planning Director, may be required with respect to any application for a building permit.
- (2) The existing ground surface within the dripline of the heritage tree shall not be cut, filled, compacted, or paved without having first obtained permission of the Planning Director. Tree wells or other techniques may be used where advisable. Excavation adjacent to such trees, where material damage to the root system will result, shall be allowed only after obtaining a permit as provided under Sections 11,051 and 11,052.
- (3) All applications for building permits, use permits, variances and other applicable permit applications shall be accompanied by a scaled plot plan indicating the location, size and species of heritage trees as defined in this Ordinance, which may be impacted upon by said permit execution.

SECTION 11.055. BUILDING PERMITS. When any building permit is applied for pursuant to the San Mateo County Ordinance Code and a proposed structure would require the cutting down, destruction, moving, removal, or trimming of one or more heritage trees, the Building Inspection Section of the Building Construction and General Services Department shall refer the matter to the Planning Director who shall take into consideration the provisions of this Ordinance before signing the building permit.

CHAPTER 3. PRESERVATION OF HERITAGE TREES - ENFORCEMENT.

SECTION 11.100. NOTIFICATION. Any person who owns or controls a heritage tree shall give 60 days notice to the County of San Mateo of intent to sell lands upon which those trees are growing if such lands are contiguous to an existing County park.

SECTION 11.101. CUTTING, STRIPPING AND KINDRED ACTIONS FORBIDDEN. Any person who willfully strips off bark from trunks, cuts burls, branches or leaves from defaces or gouges any part, or destroys by fire any Heritage Tree located in the unincorporated area of San Mateo County without having first received authority under the provisions of the County Timber Harvesting Ordinance or under provisions of this Part is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the County jail for not less than 25 nor more than 150 days, or by both such fine and imprisonment.

CHAPTER 4. APPEALS.

SECTION 11.150. APPEALS. The applicant, or any other person, who is aggrieved by the issuance or non-issuance of the permit or any conditions thereof may appeal as set forth below. A statement by the appellant shall be required indicating how he is aggrieved or adversely affected by the decision. At the time the appeal is heard, the Planning Commission shall rule upon the appellant's standing as an aggrieved party. If the Planning Commission rules that the appellant is not aggrieved, all further proceedings shall be stayed

except that the appellant may appeal the Planning Commission decision on standing to the Board of Supervisors as herein provided.

- (1) Permits considered and acted upon by the Planning Director may be appealed to the Planning Commission by filing a written Protest with the Secretary of the Planning Commission within ten (10) days of issuance or denial of said permit. The Planning Commission shall render a decision on the appeal within fifteen (15) days of public hearing. The Planning Director shall notify the affected parties of said action in writing.
- (2) Permits considered and acted upon by the Planning Commission may be appealed to the Board of Supervisors by filing a written protest with the Secretary of the Planning Commission within (10) days from issuance or denial of said permit. The Board of Supervisors shall hear such appeal within sixty (60) days, and render a decision within fifteen (15) days following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the Board of Supervisors shall be reported to the affected parties in writing.

RXGA0455.ACR(revised)
TREEORD7(RXG) .
03/22/91

Section 12000, San Mateo County Ordinance:

Regulation of Removal of Significant Trees .

Document Number 2304 I

County Government Center

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Redwood City, California 94063

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County of San Mateo
Planning and Building Division

0056

**THE SIGNIFICANT TREE ORDINANCE
OF SAN MATEO COUNTY**

(Part Three of Division VIII of the San Mateo County Ordinance Code)

CHAPTER 1. FINDINGS, INTENT AND PURPOSE

SECTION 12.000. FINDINGS. The Board of Supervisors finds and declares that the existing and future trees and tree communities located within the County of San Mateo are a valuable and distinctive natural resource. The trees and tree communities of the County augment the economic base through provision of resources for forest products, encouragement of tourism and enhancement of the living environment. These resources are a major component of both the highly-localized and area-wide environment. The following environmental consequences are among those which could result from the indiscriminate removal or destruction of trees and tree communities in San Mateo County:

- (a) Modification of microclimates.
- (b) Change or elimination of animal habitat, possibly including habitats of endangered species.
- (c) Change in soil conditions, resulting in modified biological activity and erosion of soils.
- (d) Creation of increased susceptibility of flood hazards.
- (e) Increased risk of landslides.
- (f) Increased cost of construction and maintenance of drainage system through increased flow and diversion of surface waters.
- (g) Degradation of the human habitat.
- (h) Loss of environmental benefits of trees in neighborhoods, such as noise reduction, oxygen replacement, carbon dioxide reduction, interception of particulates, aesthetic qualities.
- (i) Potential for irreparable wind damage to adjacent trees.

SECTION 12.001. INTENT. The Board of Supervisors further finds and declares that it has already passed legislation to regulate the commercial harvesting of forest products in this County and that it does not intend by this enactment to affect those other ordinances regulating tree cutting, but that it is the intent of this Board to control and supervise in a reasonable manner the cutting of significant trees and tree communities within the unincorporated area of the County as herein described. It is further found and declared that the preservation and replacement of significant tree communities on private and public property is necessary to protect the natural beauty of the area, protect property values, and prevent undesirable changes in the environment.

SECTION 12.002. PURPOSE. The Board of Supervisors further finds and declares that it is necessary to enact this ordinance for the above reasons and to promote the public health, safety, general welfare and prosperity of the County, while respecting and recognizing individual rights to develop, maintain and enjoy private property to the fullest possible extent, consistent with the public interest, convenience and necessity. 0025

SECTION 12.003. TITLE. This ordinance shall be known as the "Significant Tree Ordinance."

CHAPTER 2. DEFINITIONS

For the purposes of this part, the following words shall have the meaning ascribed to them in this chapter.

SECTION 12.010. "PERSON" shall mean an individual, public agency, including the County and its departments, firm association and corporation, and their employees, agents or representatives.

SECTION 12.011. "COUNTY" shall mean the County of San Mateo acting by and through its authorized representatives.

12.012. SECTION 12.012. "SIGNIFICANT TREE" shall mean any live woody plant rising above the ground with a single stem or trunk of a circumference of thirty-eight inches (38") or more measured at four and one half feet (4 1/2') vertically above the ground or immediately below the lowest branch, whichever is lower, and having the inherent capacity of naturally producing one main axis continuing to grow more vigorously than the lateral axes.

SECTION 12.012.1. In the RH/DR Zone Districts the definition of significant tree shall include all trees in excess of nineteen inches (19") in circumference.

SECTION 12.013. "PRIVATE PROPERTY" shall mean all property not owned by the County of San Mateo or any other public agency.

SECTION 12.014. "PUBLIC PROPERTY" shall mean all property owned by the County of San Mateo, any other city, county, city and county, special district or other public agency in the unincorporated area of San Mateo County.

SECTION 12.015. "PLANNING DIRECTOR" shall mean the Planning Director of the County of San Mateo, including his authorized or appointed representatives. For the purpose of this ordinance, the Planning Director shall authorize or appoint a representative qualified in the field of forestry, ornamental horti-

culture, or tree ecology to provide the necessary technical assistance in the administration hereof.

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SECTION 12.016. "COMMUNITY OF TREES" shall mean a group of trees of any size which are ecologically or aesthetically related to each other such that loss of several of them would cause a significant ecological, aesthetic, or environmental impact in the immediate area.

SECTION 12.017. "INDIGENOUS TREE" shall mean a tree known to be a native San Mateo County tree. The term may be narrowed in its meaning to include only those trees known to occur naturally in a certain portion of the County. In the Emerald Lake Hills Community Plan area, indigenous tree shall include the following species of trees: *Salix coulteri*, *Salix lasiolepis*, *Salix lasiandra* (all native willows); *Acer negundo californica* (box elder); *Aesculus californica* (buckeye); *Arbutus menziesii* (madrone); *Quercus agrifolia* (coast live oak); *Quercus lobata* (valley oak); *Quercus douglasii* (blue oak); and *Umbellularia californica* (California bay laurel). This list may be amended to include indigenous trees not currently known to occur naturally upon confirmation by a reputable authority on native trees of San Mateo County'.

SECTION 12.018. "EXOTIC TREE" shall mean any tree known not to be a native indigenous tree, hence any tree which has been planted or has escaped from cultivation.

SECTION 12.019. "TRIM" means the cutting of or removal of any limbs or branches of trees which will not seriously impair the health of trees. For the purposes of this Part, the definition of trim shall not apply to any tree being grown as an orchard tree or other fruit or non-indigenous ornamental tree for which trimming and pruning are considered ordinary horticultural practices.

CHAPTER 3. PERMITS, CONDITIONS OF APPROVAL, POSTING, EMERGENCIES, APPEALS

SECTION 12.020. PERMIT REQUIRED. Except as provided in Section 12,020.1, below, a permit shall be required under this Part for the cutting down, removing, poisoning or otherwise killing or destroying or causing to be removed any significant tree or community of trees, whether indigenous or exotic, on any private property..

SECTION 12,020.1. EXEMPTIONS. No permits shall be required under this Part in the following circumstances:

- (a) Tree cutting carried out under the provisions of Parts One (Timber Harvesting Regulations) and Two (Regulation of the Cutting of Heritage Trees) of Division VIII of the San Mateo County Ordinance Code.

- (b) Tree cutting in the Resource Management (RM or RM/CZ), Timberland Production Zone (TPZ or TPZ/CZ), and Planned Agricultural (PAD) districts, except within 100 feet of any County or State scenic road or highway, as identified in the San Mateo County General Plan, provided that any tree cutting in the RM, RM/CZ or PAD districts shall be subject to Section 12,020.3.
- (c) Tree cutting to remove a hazard to life and personal property as determined by the Planning Director, Director of Public Works, or Officer of the California Department of Forestry and Fire Protection.
- (d) Tree cutting where there is a unique area with a tree management program.
- (e) Tree cutting which has been authorized by the Planning Commission, Design Review Committee, or Planning Director as part of a permit approval process in which the provisions of this Part have been considered and applied.

SECTION 12.020.2. TRIMMING IN THE RH/DR DISTRICT. A permit shall be required in the RH/DR district for the trimming of significant indigenous trees where the cut results in the removal of a branch or cutting of the trunk which is 19 inches or greater in circumference at the point of the cut. Exempt from the provisions of this paragraph are instances where, as determined by the Planning Director, "limb break" or other natural occurrences cause the loss of the crown or limb of a tree and such loss requires additional corrective cutting. Under such circumstances, appropriate tree surgery may be required, but no permit is needed.

SECTION 12.020.3. TREE CUTTING IN THE RM, RM/CZ, AND PAD DISTRICTS.

- (a) Within the Resource Management (RM or RM/CZ) district, the criteria of Sections 6324 through 6326.4 shall apply and any permit issued for such area shall constitute a Certificate of Compliance as required by Section 6461 of the San Mateo County Zoning Regulations.
- (b) Within the Planned Agricultural (PAD) district, the criteria of Sections 6324 through 6326.4 shall apply, in addition to the requirements, if any, of a Coastal Development Permit.

SECTION 12.021. . PERMIT APPLICATIONS. Any person desiring to cut down, remove, destroy or cause to be removed any tree regulated herein shall apply to the San Mateo County Planning Division for a Tree Cutting Permit on forms provided. Said application shall be accompanied by such drawings, written material, photographs and other information as are necessary to provide data concerning trees within the affected area, which shall include:

- (a) The diameter and height of the tree.
- (b) The type of trees (e.g., coniferous, evergreen hardwood and deciduous hardwood).

- (c) A map or accurate sketch of location and trees proposed to be cut (show other significant trees, shrubs, buildings or proposed buildings within 25 feet of any trees proposed to be cut including any off the parcel; photographs may be used to show the area). 0258
- (d) Method for marking the tree proposed to be trimmed, cut down, removed or destroyed.
- (e) Description of method to be used in removing or trimming the tree.
- (f) Description of tree planting or replacement program including detailed plans for an irrigation program if required.
- (g) Reasons for proposing removal or trimming of the tree.
- (h) Street address where tree is located.
- (i) General health of tree to be trimmed, cut down or removed, as documented by a licensed tree surgeon or arborist.
- (j) Other pertinent information which the Planning Director may require.

SECTION 12,021.1. FEES. The application for a tree cutting permit shall be accompanied by a fee as set by resolution of the Board of Supervisors.

SECTION 12,021.2. POSTING NOTICE OF APPLICATION. The applicant shall cause a notice of application on a form provided by the San Mateo County Planning Division to be posted on each tree for which a permit is required and in at least two conspicuous locations clearly visible to the public, preferably on the roadside at eye level, on or close to the property affected indicating the date, a brief description of the application, the identification of the subject property, the address to which comments may be directed and from which further information may be obtained, and the final date for receipt of comments. The applicant shall indicate on the application his or her affidavit that this notice will be posted for at least ten (10) calendar days after the submission of the completed application.

SECTION 12,022. ACTION ON PERMIT. The Planning Director shall review the application and, if necessary, inspect the site and shall determine on the basis of the information provided, the site inspection and the criteria contained herein whether to grant, grant with conditions, or deny the permit. Whenever any action is taken on a permit, the Planning Director shall provide the applicant with a written statement indicating said action, and conditions imposed and the findings made in taking such action.

SECTION 12,022.1. SCENIC CORRIDORS. Any permits which involve substantial alteration of vegetation within a scenic corridor shall be acted upon by the Planning Commission. The Planning Commission may approve, conditionally approve, or deny the permit.

SECTION 12.023. CRITERIA FOR PERMIT APPROVAL. 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 only if one or more of the following findings are made:

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- (a) The tree: (1) is diseased; (2) could adversely affect the general health and safety; (3) could cause substantial damage; (4) is a public nuisance; (5) is in danger of falling; (6) is too closely located to existing or proposed structures consistent with LCP Policy 8.9(a); (7) meets standards for tree removal of Chapter 28.1 (Design Review District) of the San Mateo County zoning regulations; (8) substantially detracts from the value of the property; (9) interferes with utility services consistent with San Mateo County Local Coastal Program (LCP) Policy 8.9(a); (10) acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite; (11) is a substantial fire hazard; or (12) will be replaced by plantings approved by the Planning Director or Design Review Administrator, unless special conditions indicate otherwise.
- (b) The required action is necessary (1) to utilize the property in a manner which is of greater public value than any environmental degradation caused by the action; or (2) to allow reasonable economic or other enjoyment of the property. These findings cannot be made for any property in the Coastal Zone.

SECTION 12.024. CONDITIONS OF APPROVAL. In granting any permit as provided herein, the Planning Director, Planning Commission, or Board of Supervisors may attach reasonable conditions to insure compliance with the intent and purpose of this ordinance including, but not limited to:

- (a) Outside of the RH/DR district, replacement of trees removed shall be with plantings of trees acceptable to the Planning Director.
- (b) In the RH/DR district, replacement shall be in a manner and quantity prescribed by the Design Review Committee but shall not exceed the following specifications:
 - (1) For each loss of a significant indigenous tree in the RH/DR district there shall be a replacement with three (3) or more trees, as determined by the Planning Director, of the same species using at least five (5) gallon size stock.
 - (2) For each loss of a significant exotic tree in the RH/DR district there shall be a replacement with three (3) or more trees, as determined by the Planning Director, from a list maintained by the Planning Director. Substitutes for trees listed by the Planning Director may be considered but only when good reason and data are provided which show that the substitute tree can survive and flourish in the regional climatic conditions.
 - (3) Replacement trees for trees removed in the RH/DR district shall require a surety deposit for both performance (installation of tree, staking, and providing an irrigation system) and maintenance.

Maintenance shall be required for no less than two (2) and no more than five (5) years as determined by the Planning Director.

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- (4) Loss of any particular replacement prior to the termination of the maintenance period shall require the landowner at his/her expense to replace the lost tree or trees. Under such circumstances, the maintenance period will be automatically extended for a period of two (2) additional years.
 - (5) Release of either the performance or maintenance surety shall only be allowed upon the satisfactory installation or maintenance and upon inspection by the County.
 - (6) Where a tree or trees have been removed on undeveloped lands in the RH/DR district and no existing water system is available on the parcel, the replacement tree or trees, if required to be installed, shall be of sufficient size that watering need not be done by automatic means. Under such circumstances, water can be imported by tank or some other suitable method which would ensure tree survival in accordance with subparagraphs (4) and (5), above.
 - (7) Postponing the planting of replacement trees can be done if approved by the Design Review Administrator.
- (c) Use of measures to effect erosion control, soil and water retention and diversion or control of increased flow of surface waters.
 - (d) Use of measures to insure that the contemplated action will not have adverse environmental effects relating to shade, noise buffers, protection from wind, air pollution and historic features.
 - (e) Removal of posting following all tree cutting activity and inspection by the County.

SECTION 12.025. PERMIT ON SITE. The approved Tree Cutting Permit shall be posted on the site at all times during the tree cutting 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.

SECTION 12.026. EXPIRATION OF PERMIT. If work authorized by an approved permit is not commenced within a period of one year from the date of approval, the permit shall be considered void.

SECTION 12.027. EMERGENCIES. In case of emergency, caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, such necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other provisions of this Part, except that the person responsible for the cutting or removal of the trees shall report such action to the Planning Director within five (5) working days thereafter, and the provisions regarding replacement trees in accordance with Section 12,024 of this Part shall be required.

SECTION 12.028. APPEALS. The applicant or any other person who is aggrieved by the issuance or non-issuance of the permit or any conditions thereof, or by any other action taken by the Planning Director as authorized by this Part, may appeal in the manner set forth below. A statement by the appellant shall be required indicating how the appellant is aggrieved or adversely affected by the decision. At the time the appeal is heard, the Planning Commission shall rule upon the appellant's standing as an aggrieved party. If the Planning Commission rules that the appellant is not aggrieved, all further proceedings shall be stayed except that the appellant may appeal the Planning Commission decision on standing to the Board of Supervisors as herein provided.

- (a) Any action under this Part taken by the Planning Director may be appealed to the Planning Commission by filing a written notice of appeal with the Secretary of the Planning Commission within ten (10) days of the issuance or denial of said permit. The Planning Commission shall hear such appeal within thirty (30) days of the date of filing of the written protest. The Planning Commission shall render a decision on the appeal within fifteen (15) days of public hearing. The Planning Director shall notify the affected parties of said action as provided for in Section 12,022.
- (b) Any action under this Part taken by the Planning Commission may be appealed to the Board of Supervisors by filing a written notice of appeal with the Secretary of the Planning Commission within (10) days from the decision of the Planning Commission. The Board of Supervisors shall hear such appeal within sixty (60) days and render a decision within fifteen (15) days following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the Board of Supervisors shall be reported to the affected parties as provided for in Section 12,022 herein.

CHAPTER 4. INSPECTIONS. VIOLATIONS

SECTION 12.030. PERMISSION TO ENTER PROPOSED PERMIT AREA. Filing of an application for a Tree Cutting Permit shall constitute a grant of permission for County personnel concerned with administering this Part to enter the subject permit area during normal working hours from the date of application to the completion of any approved action for the purpose of inspecting said area for compliance with these rules and applicable law. Such right of entry shall be granted by the landowner through the duration of any requirements to maintain replacement trees as conditions to the permit.

SECTION 12.031. INSPECTION. The Planning Department may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this part and the requirements of any applicable law. Upon completion of any inspection, the permittee shall be given a written notice of any violations observed at the time of inspection for correction thereof.

SECTION 12.032. VIOLATIONS: CEASE AND DESIST: REMEDIATION OF UNLAWFUL TREE CUTTING. If the Chief Building Official or Planning Director or their designated representative, or any officer of the San Mateo County Sheriff's

Department, or any other peace officer finds any tree cutting activity for which a permit under this Part is required but not issued, or the posting as required in this Part has not been properly performed, or the tree cutting is not in substantial compliance with an issued permit or the plans and specifications relating thereto, or a valid tree cutting permit is not immediately present at the job site, an order to cease work may be issued. No further tree cutting may be done except upon approval of the Planning Director. Conditions may be imposed as necessary to protect the health, safety and welfare of the public, including the condition that corrective work be done within a designated time in accordance with the provisions of this Part, or as may be provided by law in Division VI (Zoning Regulations), San Mateo County Ordinance Code. In the event that the Planning Director determines that one or more significant trees have been cut without the required permit or permits, the following additional requirements shall be imposed:

- (a) A stop work notice may be issued on all construction of any kind on the property to remain in effect until the remaining requirements of this section are satisfied.
- (b) The owner of the affected property shall be required to obtain a permit in accordance with Chapter 3 of this Part, and shall pay all fees and satisfy all conditions in connection therewith.
- (c) The stop work notice shall remain in effect, and no construction shall be allowed on the affected property, until the expiration of such period of time as may be prescribed by the Planning Director for the maintenance of the replacement trees in accordance with Section 12,024, as set forth hereinabove.

SECTION 12,032.2. VIOLATIONS: CITATION FOR INFRACTION. A citation, as described in Chapter 2.5 of Division I of the San Mateo County Ordinance Code, may also be issued. Any person to whom a citation is issued under the provisions of this Part shall be subject to a fine, as follows: Upon a first violation, by a fine not exceeding One Hundred Dollars (\$100); for a second violation within a period of one (1) year, by a fine not exceeding Two Hundred Dollars (\$200); and for any additional violation within a period of one (1) year, by a fine not exceeding Five Hundred Dollars (\$500), in accordance with Section 25132 of the Government Code. If personal service of a citation is made on a tree cutting operator, a second citation for the same infraction may be personally served on the record owner of the property. For the purposes of this Section each single tree being cut without benefit of a permit shall constitute a separate infraction, the fine being cumulative.

SECTION 12,032.3. VIOLATIONS: CUMULATIVE REMEDIES. The remedies for violations set forth in Sections 12,032 and 12,032.2 can be enforced separately or cumulatively. In addition to the penalties provided for in this Chapter, any violations may be addressed by civil action.

SECTION 12,032.4. VIOLATIONS: RECORDATION OF NOTICE OF VIOLATION. A notice of violation may be recorded in the office of the County Recorder for non-compliance with the provisions of this Part. The Planning Director shall notify by certified mail the owner of the affected real property and any other

known party responsible for the violation of the recordation. If the property owner or other responsible party disagrees with the County's determination that the tree cutting violates this Part, proof may be submitted to the Planning Director, including documentation and professional tree surgeon or arborist reports that a tree cutting permit is not required. If the Planning Director determines that a tree cutting permit is required, the property owner and/or party responsible for the tree cutting work shall apply for the necessary tree cutting permit within a specified time period set by the Planning Director.

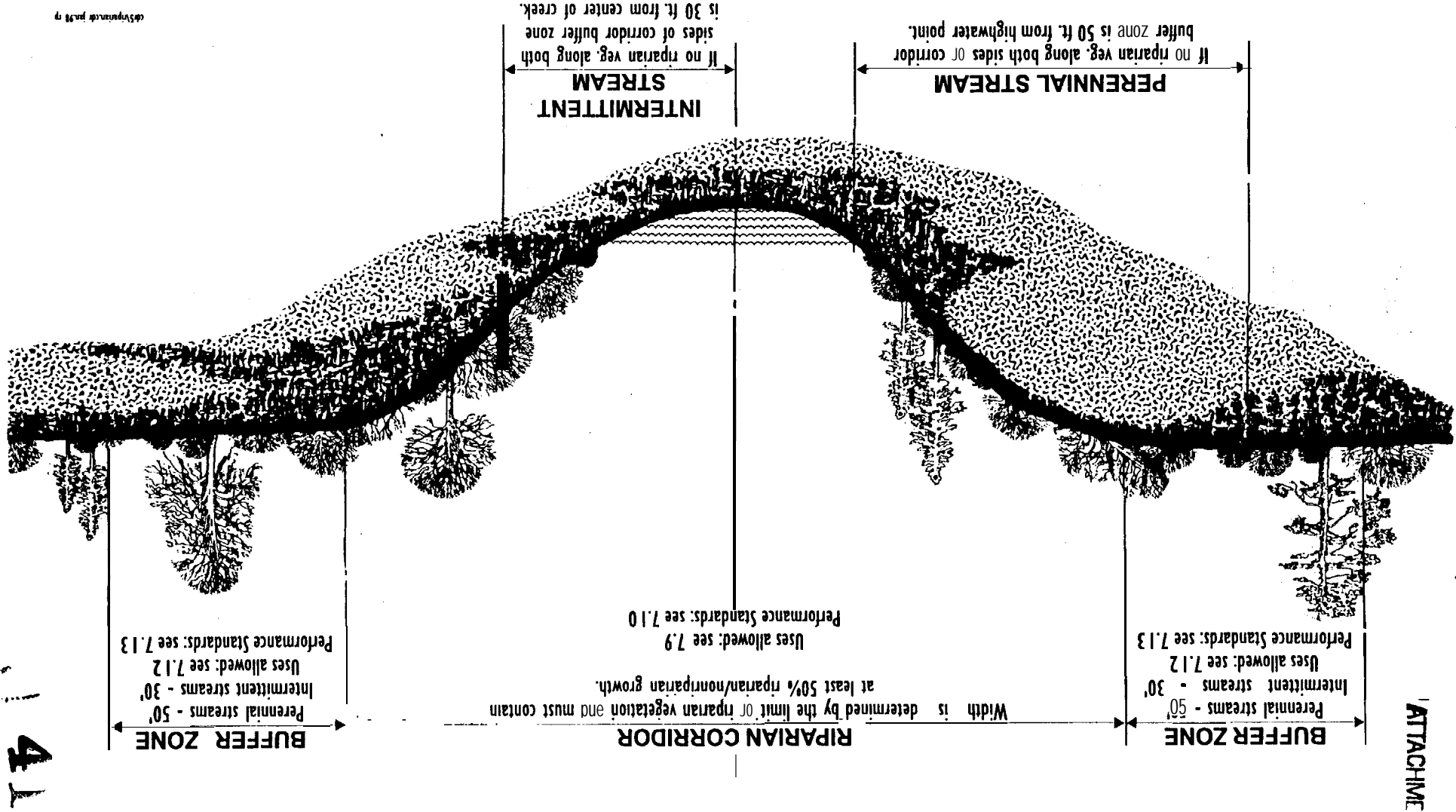
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SECTION 12,032.5. NOTICE OF EXPUNGEMENT. A notice of expungement of the notice of violation shall be recorded with the office of the County Recorder when:

- (a) The Planning Director or other appellate authority determines that a tree cutting permit is not required; or
- (b) All permit conditions have been met including those conditions imposed as part of project review under any other provisions of the San Mateo County Ordinance Code for the parcel affected by the notice of violation. The meeting of any long term conditions, such as maintenance of replacement plantings is to be guaranteed by a surety deposit to run with the land and the term for which shall not be imposed as a demand for meeting these requirements for the expungement.

This Ordinance was adopted in its entirety on May 15, 1990 as Ordinance No. 3229. This action repealed and added Part Three of Division VIII, San Mateo County Ordinance Code.

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(Revised 6/11/90)





Excerpts from the San Mateo County Local Coastal Program Riparian Corridor Policies

Definitions, Permitted Uses, and Performance Standards:

7.7 Definition of Riparkn Corridors

Define riparian corridors by the "limit of riparian vegetation" (i.e., a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater: red alder, ~~jaumea~~, pickleweed, big leaf maple, narrow-leaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cotton-wood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.

7.9 Permitted Uses in Riparian Corridors

- a. Within corridors, permit only the following uses: (1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish and wildlife management activities, (4) trails and scenic overlooks on public land(s), and (5) necessary water supply projects.
- b. When no feasible or practicable alternative exists, permit the following uses: (1) stream dependent aquaculture, provided that non-stream dependent facilities locate outside of corridor, (2) flood control projects, including selective removal of riparian vegetation, where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, (3) bridges when supports are not in significant conflict with corridor resources, (4) pipelines, (5) repair or maintenance of roadways or road crossings, (6) logging operations which are limited to temporary skid trails, stream crossings, roads and landings in accordance with State and County timber harvesting regulations, and (7) agricultural uses, provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels.

7.10 Performance Standards in Riparian Corridors

Require development permitted in corridors to: (1) minimize removal of vegetation, (2) minimize land exposure during construction and use temporary vegetation or mulching to protect critical areas, (3) minimize erosion, sedimentation, and runoff by appropriately grading and replanting modified areas, (4) use only adapted native or non-invasive exotic plant species when replanting, (5) provide sufficient passage for native and anadromous fish as specified by the State Department of Fish and Game, (6) minimize adverse effects of waste water discharges and entrainment, (7) prevent depletion of groundwater supplies and substantial interference with surface and subsurface waterflows, (8) encourage waste water reclamation, (9) maintain natural vegetation buffer areas that protect riparian habitats, and (10) minimize alteration of natural streams.

7.11 Establishment of Buffer Zones

- a. On both sides of riparian corridors, from the "limit of riparian vegetation" extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams.
- b. Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50 feet from the predictable high water point for perennial streams and 30 feet from the midpoint of intermittent streams.
- c. Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point except for man-made ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.

7.12 Permitted Uses in Buffer Zones

Within buffer zones, permit only the following uses: (1) uses permitted in riparian corridors, (2) residential uses on existing legal building sites, setback 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if no other building site on the parcel exists, (3) in Planned Agricultural, Resource Management and Timber Preserve Districts, residential structures or impervious surfaces only if no feasible alternative exists, (4) crop growing and grazing consistent with Policy 7.9, (5) timbering in "streamside corridors" as defined and controlled by State and County regulations for timber harvesting, and (6) no new residential parcels shall be created whose only building site is in the buffer area.

7.13 Performance Standards in Buffer Zones

Require uses permitted in buffer zones to: (1) minimize removal of vegetation, (2) conform to natural topography to minimize erosion potential, (3) make provisions to (i.e., catch basins) to keep runoff and sedimentation from exceeding pm-development levels, (4) replant where appropriate with native and non-invasive exotics, (5) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor, (6) remove vegetation in or adjacent to man-made agricultural ponds if the life of the pond is endangered, (7) allow dredging in or adjacent to man-made ponds if the San Mateo County Resource Conservation District certified that siltation imper-
its continued use of the pond for agricultural water storage and supply, and (8) require motorized machinery to be kept to less than 45 dBA at any wetland boundary except for farm machinery and motorboats.