



Please reply to: **Tia Peña**
(650) 363-1850

January 18, 2006

PROJECT FILE

Tom Mahon
P.O. Box 204
Moss Beach, CA 94038

ENVIRONMENTAL SERVICES AGENCY

Dear Mr. Mahon:

Agricultural
Commissioner/ Sealer of
Weights & Measures

Subject: File Number PLN2003-00690
Location: 801 June Hollow Road, Montara
APN: 037-044-040

Animal Control

On January 11, 2006, the San Mateo County Planning Commission considered a Coastal Development and Resource Management District Permit, pursuant to Sections 6328.4 and 6903 of the San Mateo County Zoning Regulations to remove 27 diseased Monterey Pines located at 801 June Hollow Road, in the unincorporated Montara area of San Mateo County. (Appeal of the Community Development Director's decision for approval.)

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

Based on information provided by staff and evidence presented at the hearing the Planning Commission denied the appeal, upheld the decision of the Community Development Director, approved the project, made the findings, and adopt conditions of approval with modifications as attached.

Commissioners:

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at 7:00 p.m. on January 31, 2006.

David Bomberger

Steve Dworetzky

Ralph Nobles

Jon Silver

A Board of Supervisors' approval [or denial when applicable] is appealable to the California Coastal Commission. Any aggrieved person who has exhausted local appeals may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the Board decision. Please contact the Coastal Commission's North Central Coast District Office at (415) 904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one

William Wong

PLANNING COMMISSION

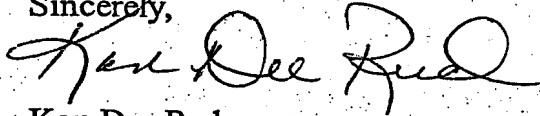
455 County Center, 2nd Floor • Redwood City, CA 94063 • Phone (650) 363-4161 • FAX (650) 363-4849

Thomas Mahon
January 18, 2006
Page 2

month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

If you have questions regarding this matter, please contact the Project Planner listed on page one.

Sincerely,



Kan Dee Rud
Planning Commission Secretary
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cc: Department of Public Works
Building Inspection
Environmental Health
CDF
Assessor
Sara Bassler and Mark Haynes
Mark Stegmaier, Sierra West Builders
Karen Wilson, Midcoast Community Council
Chuck Kozak, Midcoast Community Council
Richard Newcomb
Thomas Mahon, Jr.

County of San Mateo
Environmental Services Agency
Planning and Building Division

FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN PLN2003-00690

Hearing Date: January 11, 2006

Prepared By: Tiara Pafia

Adopted By: Planning Commission

FINDINGS

For the Environmental Review, found that:

1. The project is categorically exempt under Section 15304, Class 4, of the California Environmental Quality Act (CEQA), as a minor alteration to land which does not involve the removal of healthy mature trees.

For the Coastal Development Permit, found that:

2. This project, as described in the application and accompanying materials required by Section 6328.7 and, as conditioned in accordance with Section 6328.14 conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
3. The project conforms to specific findings required by the policies of the San Mateo County Local Coastal Program.

For the Resource Management/Coastal Zone District Permit, found that:

4. The proposed removal of twenty seven (27) diseased Monterey pine trees has been reviewed and found to be in compliance with the Development Review Criteria stipulated in Chapter 36.A.2 of the San Mateo County Zoning Regulations.

CONDITIONS OF APPROVAL

1. The twenty seven (27) diseased Monterey pine trees indicated on the application form dated December 11, 2003 may be removed. A separate Tree Removal Permit or Resource Management Permit and Coastal Development Permit shall be required for the removal or trimming of any additional trees.
2. The applicant shall clear all tree removal debris from the public right-of-way.
3. 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.
4. Tree removal shall commence within one year beginning with half of the trees being removed and replaced within the first year. Tree removal for the second half of the trees shall commence within the second year to be completed and replaced within three years of the Planning Commission's approval date.

The applicant shall plant on-site one tree of an indigenous species using twenty four (24) inch box trees, for each tree approved for removal. The total of twenty seven (27) trees shall be replanted.

5. If work authorized by an approved permit is not commenced within the period of one year from the date of approval and as outlined in condition Number 4 above, the permit shall be considered void.
 6. During the tree removal phase, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site by:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
 - b. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
-
- c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.

- d. Using filtration or other measures to remove sediment from dewatering effluent.
 - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing application of pesticides and fertilizer to avoid polluting runoff.
7. For pines infected with Pitch Canker, disposal of diseased material should be done so as not to spread the disease to uninfested areas. The applicant shall comply with the California Forest Pest Council recommendations regarding proper disposal of diseased tree material. The Council recommends limbs and small pieces of wood to be chipped for use as mulch deposited on site. Also, wood removed from the site should be tightly covered with a tarp during transit and taken to the nearest landfill or designated disposal facility for prompt burial, chipping and composting.

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San Mateo County Environmental Services Agency

Application for Appeal

Planning and Building Division
County Government Center - 455 County Center, 2nd Floor
Redwood City - CA - 94063 - Mail Drop PLN 122
Phone: 650 - 363 - 4167 Fax: 650 - 363 - 4849

To the Planning Commission

To the Board of Supervisors

1. Appellant Information

Name: Coastside Neighbors Alliance

Address: Box 2384 El Granada, Ca

Phone. W: (650) 472-3699 H:

Zip: 94018

2. Appeal Information

Permit Numbers involved:

GIN 2003-00690

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:

[Signature]

Date: 1-31-06

made on Jan. 11 2006 to approve/deny the above-listed permit applications.

3. Basis for Appeal

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

See Attached sheets

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JAN 31 2006

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TOTAL P. 01

COASTSIDE NEIGHBORS ALLIANCE

PLN2003-00690

Basis for Appeal :

- 1.) Planning Commissioners were given incorrect information from staff at the Planning Commission hearing regarding existing attempts at parcel development & the clear potential for creating opportunity for further intensification of development by this project.
- 2.) Planning Commissioners were not informed by County Counsel or staff as to existence of a notice of determination by the Executive Director of the Coastal Commission ordering San Mateo County to Merge the lots in the parcel in question.
- 3.) Planning Commission did not properly evaluate the effect of removal of these trees in the context of heightened potential for development.
- 4.) Staff did not disclose to the Commissioners the existing conflict between the Coastal Commission and the County regarding this parcel.
- 5.) Staff incorrectly informed the Commission that this project was not appealable to the Coastal Commission.
- 6.) No disclosure was made of the Conflict of Interest existing by course of the Owner being the same person that County Staff relies upon for reviewing tree removal applications.
- 7.) A proper CEQA Review was not conducted.

ELABORATION

1 - Commissioners were told that any attempt at subdivision would require review by them. This is not correct, as the parcel is ALREADY subdivided, and the county has already stated that the existing lots within the parcel CAN be developed.

Furthermore, any proposal for development would simply be a matter of Aesthetic Design concerns, and addressing standard technical & statutory requirements under Health & Coastal Development Permitting.

The fact that no higher standard of review would be necessary, would therefore create an 'end-run' around these stricter standards.

The only obstacle to development posed on these lots, has been the siting of a septic field -- this has been constrained by the location of the trees which are now coincidentally being requested to be removed.

Replacement of these trees could be performed in such a manner as to make a septic field possible.

The Planning Commission would not, in fact, review such a proposal for development, as they directly inquired of Staff at the Commission hearing. The fact that they inquired this, demonstrates their concern for this. The incorrect response falsely left with them the impression that they had no cause for concern about this.

2 - This determination by the Executive Director of the Coastal Commission was supported unanimously by the Commissioners. It is an extraordinary act of the Commission, and demonstrates their strong concern for the potential of the negative effects the impact of any development would have on Coastal Resources. Disclosure of this is critical to any body making a decision on development of this parcel.

3 - One of the factors not evaluated, is that of additional straining of coastal resources by development made possible by the removal of these trees. The Coastal Act requires that any development that is growth-inducing, be subject to a higher degree of scrutiny against potential damaging impacts to coastal resources. This was not done.

4 - Such a revelation would have thrust this project in a new light, and given the Commissioners better criteria upon which to make a fully informed decision. As greater and more complex issues exist regarding this parcel, the Commissioners would have had an opportunity to evaluate the interdependent effects.

5 - Staff has previously considered numerous applications for this parcel, and is aware that the Coastal Commission has drafted an Executive Order requiring that the Parcels be Merged. Because the county has not done so, the Project is considered by the Commission to be appealable to them. It is also appealable due to the size of the project. Large-scale removals have in the past, by county policy, been considered appealable to the Coastal Commission.

6 - The process of tree removal review that County Planning Staff relies upon is for review of each application for tree removals to be evaluated by the Midcoast Community Council, which forwards a written report and recommendation for conditions of approval and/or denial to County Staff. Staff then conditions the application accordingly.

Although staff does not have a statutory requirement to accept these recommendations, they are nevertheless incorporated into the permit conditions with near unanimity, and carry very great weight. If an applicant has an objection to a condition, they are advised by staff to discuss it with the Midcoast Community Council, and suggested to negotiate with them, thus effectively granting the Council ultimate de-facto authority upon such a permit.

This process was established as a policy by the Planning Director in 1999 for tree removals. The owner/Applicant is the Chairwoman of the Midcoast Community Council and sits in direct review of all applications for tree removals, and is signatory and author for their recommendations.

In the Council's very own official letter of recommendation for approval in this application, they indicated that in this "very unusual" case Staff should approve this application, and that although this was something that would be viewed in disfavor, in this "special circumstance" they should make an exception.

There should be a higher standard of review for projects that are being reviewed and recommended for approval by individuals who are the subject of such approval.

None of this was disclosed to the Commissioners.

7 - No proper CEQA review was conducted. If appropriate, a Negative Declaration should have been issued, presuming an Initial Study checklist revealed the basis for that. However, an Initial Study may have been the best method for identifying many of the potential resource impacts.

METHODS OF CURING THIS FLAWED APPLICATION:

- We request that the lots located within this Parcel be legally merged as a condition of approval, as required by the Coastal Commission, prior to ANY development. Large-scale removal of trees is considered development by both the Coastal Act, as well as the San Mateo County LCP.
- That a biological and species impact report be performed, and recommendations including "no project" and alternatives to the project as submitted, be evaluated.
- That a proper CEQA review be conducted.
- That an alternative and equal method of community review be created to avoid the conflicts outlined herein.

November 20, 2003

George Vaughan
 landscape contractor & certified arborist
 appraisal & consulting services

Sierra West Builders
 P. O. Box 371473
 Montara, CA 94037

RECEIVED

DEC 11 2003

**San Mateo County
 Planning Division**

Att:: Mark Stegmaier

Re: Monterey Pines
 801 June Hollow Road
 Montara, CA

Dear Mr. Stegmaier,

Per your request, I have inspected the small grove of *Pinus radiata* (Monterey Pine) on the property at 801 June Hollow Road in Montara.

There are forty pines located around the property of various sizes. (see attached map) Almost all of the pines are in poor condition and several have large co-dominant trunks with weak branch attachments, which are not structurally sound. Even worse, twenty-seven of the trees have branch tip die back from a disease known as Pine Pitch Canker. This is a serious disease causing tree failure and is usually more severe where the Monterey Pines have been densely planted, which is the case at this property. In addition, there are many dead and infected Pines on surrounding properties. This disease has been spreading quite rapidly in our immediate area.

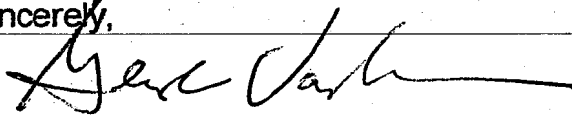
At this time Pine Pitch Canker cannot be eradicated. I would recommend removing the trees before they become hazardous to people and property. This will require a permit from the County of San Mateo.

Upon removal of these trees, the following steps should be taken:

1. Avoid transportation of infected trees or firewood from the property.
2. Be sure pruning tools have been sterilized with bleach before and after removal of operations.
3. Chip and spread or burn infected material.
4. Develop a replanting program, avoiding the use of any pines or Douglas Fir.

I would be happy to assist you in replacement and tree selection. If I can be of further assistance, please do not hesitate to call.

Sincerely,



George Vaughan
 ISA Certified Arborist #1457