

From: [Lisa-Marie Daley](#)
To: [Dean](#)
Cc: [Sally Bentz](#); [Robert Ovadia](#); [Bill Widmer](#); [Jeff Taylor](#); [Anthony Suber](#); [City Attorney Mona Ebrahimi](#); [Diana Hawkins-Manuelian](#)
Subject: RE: 175 Ravenswood Ave right of way Dangerous Oak- N&O
Date: Tuesday, March 12, 2024 2:08:00 PM

Hello Mr. Foster,

This Code Enforcement case was closed as of December 26, 2023, when the violation was confirmed as being abated (removed) by the Town. I apologize for not responding sooner with this information. Code Enforcement is not involved in the appeal process; inquiries about the status of the appeal can be directed to the Town Clerk's office (650) 752-0500.

I cannot respond to the maintenance concern you have raised regarding the right-of-way easement in front of the houses on Ravenswood. Currently, they are the responsibility of the adjacent property owner to maintain, not the Town of Atherton. Please direct any questions or comments regarding the Town's ownership of easements and the responsibility of the right-of-way to the Town Clerk's office - they not within the purview of the Code Enforcement Division. I can assist with general questions about the AMC.

Respectfully,

Lisa-Marie Daley

Town of Atherton | Department of Police | Code Enforcement
80 Fair Oaks Lane, Atherton, CA 94027
Tel. (650) 752-0553 | Cell. (650) 743-3107 | Fax (650) 323-1804
ldaley@ci.atherton.ca.us | <http://www.ci.atherton.ca.us/>

From: Dean <houses@gmail.com>
Sent: Tuesday, March 12, 2024 9:53 AM
To: Lisa-Marie Daley <ldaley@ci.atherton.ca.us>; Diana Hawkins-Manuelian <dhawkins-manuelian@ci.atherton.ca.us>
Cc: Sally Bentz <sbentz@ci.atherton.ca.us>; Robert Ovadia <rovadia@ci.atherton.ca.us>; Bill Widmer <bwidmer@ci.atherton.ca.us>; Jeff Taylor <jtaylor@ci.atherton.ca.us>
Subject: Re: 175 Ravenswood Ave right of way Dangerous Oak- N&O

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Dear Lisa Marie Daley,

Re: Appeal for Town of Atherton to remove Oak tree at their expense at 175 Ravenswood Ave.

I am looking through the email chain here and the last correspondence from you was Nov 22,

2023 when you mentioned" Currently, the case is on hold pending the appeal. There will be no further Code Enforcement action, pending direction from Town Administration/Council regarding the appeal. I hope you and your family have a Happy Thanksgiving."

I never heard a word since Nov 22 and the tree was removed in December by Atherton.

I assume the case is closed as I have no correspondence otherwise?

However the greater issue is going forward will Atherton maintain their land which is the 20 ft right of way in front of 3 homes on the thoroughfare of Ravenswood Ave? Atherton maintains their land on Middlefield so hopefully we can conclude that Ravenswood will be included as a major thoroughfare as it has The Major right of way for much of Atherton's utilities and is very expensive and unfair for these three homes to pay for Atherton's major utility maintenance on The tTown of Atherton's land.

Thank you,
Dean Foster

On Wed, Nov 22, 2023 at 2:20 PM Lisa-Marie Daley <ldaley@ci.atherton.ca.us> wrote:

Mr. Foster,

Thank you for your replies. I am the Code Enforcement officer who issued the Notice & Order to Abate (N&O), at the direction of the Town Arborist Sally Bentz. Written in the N&O you will see the section for appeal (8.20.090 – appeal of notice). It directs you to “appeal to the city council within 10 days of the notice and order”. This section does not specify *how* to appeal. Generally, the appeal is made in writing to the council. I am not certain if the appeal can be made via email or written on paper and submitted. I will look into this process further upon my return to the office after the holiday. In the meantime, this email will serve as a time stamp that staff has been notified of your request to appeal the N&O within the 10 days of service. Please note, per the Atherton Municipal Code (AMC), a certified copy and regular copy were sent to your mailing address of record per the tax assessor’s office, and to the property address where the tree is located. The email copy of the N&O was sent as a

courtesy, but not required by the AMC. Please do not be alarmed by the physical copies that you receive in the mail, as it is our procedure to sent them.

Sally and I do not have the authority to change code or amend code at staff level. I hear your frustration regarding the responsibility of certain trees relative to their physical location in Atherton, but this is not a topic of conversation that Sally nor I can engage in. It is a topic better suited for staff with a certain level of expertise in that area, and the council members. Mr. Widmer and Mr. Ovadia are the appropriate individuals to discuss this topic further with and provide you direction going forward. Questions specific to the tree and its health can be answered by Sally, and I am happy to assist with procedural questions regarding the notice and order and the AMC.

Currently, the case is on hold pending the appeal. There will be no further Code Enforcement action, pending direction from Town Administration/Council regarding the appeal. I hope you and your family have a Happy Thanksgiving.

Respectfully,

Lisa-Marie Daley

Town of Atherton | Department of Police | Code Enforcement

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Tel. (650) 752-0553 | Cell. (650) 743-3107 | Fax (650) 323-1804

ldaley@ci.atherton.ca.us | <http://www.ci.atherton.ca.us/>

From: Sally Bentz <sbentz@ci.atherton.ca.us>

Sent: Wednesday, November 22, 2023 1:46 PM

To: Dean <houses@gmail.com>; Robert Ovadia <rovadia@ci.atherton.ca.us>

Cc: Bill Widmer <bwidmer@ci.atherton.ca.us>; Lisa-Marie Daley

<ldaley@ci.atherton.ca.us>

Subject: RE: 175 Ravenswood Ave right of way Dangerous Oak- N&O

Robert will receive this email when he is back in the office. In my 9 years with the Town Ravenswood was not a street the Town took responsibility for the right of way.

In the meantime, I will forward your request for appeal to Lisa-Marie Daley the Code Enforcement Officer.

Thank you

Sally Bentz-Dalton

Town Arborist

ISA Certified Arborist WE-9238AM

Town of Atherton

(650) 752-0526

sbentz@ci.atherton.ca.us

<http://www.ci.atherton.ca.us/index.aspx?nid=155> (Arborist services & Tree Protection)

“The best time to plant a tree was 20 years ago. The second best time is now.”

From: Dean <houses@gmail.com>

Sent: Wednesday, November 22, 2023 1:41 PM

To: Sally Bentz <sbentz@ci.atherton.ca.us>; Robert Ovadia <rovadia@ci.atherton.ca.us>

Cc: Bill Widmer <bwidmer@ci.atherton.ca.us>

Subject: Re: 175 Ravenswood Ave right of way Dangerous Oak- N&O

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Dear Sally, Mr Ovadia is not working this week as I await a decision to include Ravenswood Ave as a thoroughfare street like Middlefield. Middlefield right of way is maintained by Atherton so please include Ravenswood in that mix. Making a resident responsible for 200 feet of frontage not owned by the resident is an extreme burden for the resident while other residents with no right of way frontage pay zero.

I am therefore appealing here, the request to have me remove the tree. Also I am appealing a 15 day request. Hopefully iAtherton will agree to remove it, you will also see then that there are no Tree services available for at least a month.

I have also asked Mr Widmer by phone yesterday for help as well since Mr Ovadia is out.

Thank you for your help, Dean Foster 175 Ravenswood Ave, Atherton 650-906-7640

On Tue, Nov 21, 2023 at 9:17 AM Sally Bentz <sbentz@ci.atherton.ca.us> wrote:

Good morning

Ravenswood is not a street the Town has taken maintenance responsibility over.

Thank you

Sally Bentz-Dalton

Town Arborist

ISA Certified Arborist WE-9238AM

Town of Atherton

(650) 752-0526

sbentz@ci.atherton.ca.us

<http://www.ci.atherton.ca.us/index.aspx?nid=155> (Arborist services & Tree Protection)

“The best time to plant a tree was 20 years ago. The second best time is now.”

From: Dean <houses@gmail.com>

Sent: Tuesday, November 21, 2023 9:15 AM

To: Sally Bentz <sbentz@ci.atherton.ca.us>; Robert Ovadia <rovadia@ci.atherton.ca.us>

Subject: Re: 175 Ravenswood Ave right of way Dangerous Oak- N&O

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hello Sally and Robert, 175 Ravenswood Ave tree.

From the minutes of the council meeting,

The Town currently only maintains trees in the Town Center, the Park, and selected areas of the Town (i.e., medians, ECR, Middlefield Road, etc.) where the Town has taken over responsibility for tree maintenance along major thoroughfares. Most of the lot frontages throughout Town remain the responsibility of the adjacent property owners.

I would say Ravenswood Ave is a major thoroughfare like Middlefield Rd and should be

maintained by Atherton correct?

Please advise. Dean Foster 650-906-7640

On Tue, Nov 21, 2023 at 8:51 AM Sally Bentz <sbentz@ci.atherton.ca.us> wrote:

Good morning

I apologize for the delay.

The tree is in the Town's Public Right of Way. In the Town of Atherton trees located in the Public Right of Way are the adjacent property owner's responsibility.

12.06.020 Purpose and intent.

It is the intent of the encroachment regulations to preserve the rural nature of the town and to leave the lot frontage strip portion of the public right-of-way safe, clear of obstacles and impervious surfaces, for drainage, parking, access and other similar uses. It is the intent of this chapter to clarify that it is the responsibility of adjoining property owners to maintain such areas. (Ord. 503 § 1 (part), 1999)

I have seen the tree and have confirmed it is dangerous.

Below is the Notice & Order for the tree to be removed. The tree must be removed within 15 days of the notice, by December 8th, 2023. You have 10 days to appeal the Notice. Please see notice for more information.

I have also attached the Tree Removal application and Tree Companies list of companies that work in Town.

Thank you

I'm using Adobe Acrobat.

You can view and comment on "CE-23-433 - 175 Ravenswood NO.pdf" at:

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:174835d2-d5ef-4c71-8cf0-58ddecc1c10f>

Sally Bentz-Dalton
Town Arborist

ISA Certified Arborist WE-9238AM

Town of Atherton

(650) 752-0526

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<http://www.ci.atherton.ca.us/index.aspx?nid=155> (Arborist services & Tree Protection)

“The best time to plant a tree was 20 years ago. The second best time is now.”

From: Dean Foster <houses@gmail.com>

Sent: Thursday, November 16, 2023 5:15 PM

To: Sally Bentz <sbentz@ci.atherton.ca.us>

Cc: Mira Foster <mirasfoster@gmail.com>

Subject: 175 Ravenswood Ave right of way Dangerous Oak

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hello Sally. I left you a voicemail about this tree on Atherton town property that should be removed asap. It is hanging over Ravenswood Ave over the bike lane where Menlo Atherton High School students come and go daily. It is hollow at the base and could go any day.

Please let me know. Dean Foster. 6509067640









Dean Foster
Foster Investments