

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

DATE: January 13, 2016

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of an appeal of the Community Development Director's decision to approve a Heritage Tree Removal Permit to remove a 49-inch d.b.h. (diameter at breast height), Valley Oak tree, pursuant to Section 11,051 of San Mateo County Ordinance Code, on property located at 671 Menlo Oaks Drive in the unincorporated Menlo Oaks area of San Mateo County.

County File Number: PLN 2015-00131 (Chase)

PROPOSAL

The appellant has appealed the decision to approve a heritage tree removal permit to remove a 49-inch d.b.h. Valley Oak tree located in the rear yard of a 23,454 sq. ft. property, which, according to the property owner's arborist, presents a hazard to the residential development on the property. The appellant contends that the tree can be preserved, and that the required replanting of two, 15-gallon trees is not an adequate replacement for the oak tree. The tree is located on Parcel A of the subdivision (PLN 2014-00107) approved by the Zoning Hearing Officer on July 2, 2014, within 12 feet of a house under construction.

RECOMMENDATION

Deny the appeal and uphold the decision of the Community Development Director to approve the removal of a 49-inch d.b.h. Valley Oak, County File Number PLN 2015-00131, by making the findings for approval and imposing the conditions of approval included in Attachment A of the staff report.

Should the Planning Commission uphold the appeal, and thereby deny the removal of the 49-inch d.b.h. Valley Oak, alternate findings for denial are included in Attachment B of the staff report.

SUMMARY

On June 3, 2015, the Community Development Director approved the heritage tree removal permit, finding that the tree's health was failing and the tree prevented

reasonable enjoyment of the property. The appellant submitted an appeal letter in opposition to the Community Development Director's decision to approve the tree removal permit, PLN 2015-00131. The letter states that the appellant disagrees with the decision to allow removal of the heritage tree based on the following concerns summarized below. The response by staff follows the appellant's statement.

1. The appellant states that the tree "could probably be saved with proper care."

Staff's Response: The applicant has provided two arborist reports, a report prepared by Kielty Arborist Services, LLC, dated April 2, 2015 (revised May 12, 2015), and a report prepared by McClenahan Consulting, LLC, dated August 16, 2015, to the County for the subject tree. Both reports indicate that limb failure is likely in the future and that removal and replacement is the only method that will eliminate overall liability presented by keeping the tree. No arborist report was submitted to support the appellant's statement.

2. The appellant states that the developer has not adhered to his "promise" not to remove trees and the condition of approval for the Minor Subdivision (PLN 2014-00107) requiring protection of existing trees.

Staff Response: While the subdivision application did not include the removal of significant or heritage trees, it does not prevent the applicant from applying for future tree removal permits. The appellant suggests that, based on her review of aerial photos, site vegetation including trees have been removed. No trees were authorized for removal in conjunction with the approval of the subdivision of the property.

Subsequent to the subdivision application, building permits were submitted which required the removal of two trees which were less than 12 inches in diameter, and a cluster of either small trees or bushes identified by the surveyor as "M" type (multi-trunk). Therefore, no permit from the County was required for the removal of these trees.

In addition to this vegetation clearance, there was a 59-inch d.b.h. Valley Oak tree removed on Parcel B, the adjacent parcel, at 699 Menlo Oaks Drive, with an approved Heritage Tree Removal Permit from the County, PLN 2014-00267. This tree was replaced with a 24-inch box oak tree.

3. The appellant states that the condition for replacement of the subject heritage tree with two, 15-gallon oak trees is inadequate, as the developer has removed several trees on the property. The appellant recommends replacement with four 48-inch box oak trees.

Staff's Response: As stated previously, the applicant has removed three trees that did not require a permit or any replacement. For the removed heritage tree,

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County File Number: PLN 2015-00131 (Chase)

PROPOSAL

The appellant has appealed the decision to approve a heritage tree removal permit to remove a 49-inch d.b.h. Valley Oak tree located in the rear yard of a 23,454 sq. ft. property, which, according to the property owner's arborist, presents a hazard to the residential development on the property. The appellant contends that the tree can be preserved, and that the required replanting of two, 15-gallon trees is not an adequate replacement for the oak tree. The tree is located on Parcel A of the subdivision (PLN 2014-00107) approved by the Zoning Hearing Officer on July 2, 2014, within 12 feet of a house under construction.

RECOMMENDATION

Deny the appeal and uphold the decision of the Community Development Director to approve the removal of a 49-inch d.b.h. Valley Oak, County File Number PLN 2015-00131, by making the findings for approval and imposing the conditions of approval included in Attachment A of the staff report.

Should the Planning Commission uphold the appeal, and thereby deny the removal of the 49-inch d.b.h. Valley Oak, alternate findings for denial are included in Attachment B of the staff report.

BACKGROUND

Report Prepared By: Erica Adams, Project Planner; Telephone 650/363-1828

Appellant: Judy Horst

Applicant: Jeff Chase, Chase Arnold Custom Building

Owner: Pacific Excel 2, LLC

Location: 671 Menlo Oaks, Menlo Park

APN: 062-140-390

Size: 23,454 sq. ft.

Existing Zoning: R-1/S-100

General Plan Designation: Low Density Residential Urban

Sphere-of-Influence: Menlo Park

Existing Land Use: Under Construction, Single-Family Residential

Water Supply: California Water Service Company

Sewage Disposal: West Bay Sanitary

Flood Zone: Zone "X" (Area of Minimal Flooding); Panel No. 06081C0308E, effective date October 16, 2012.

Environmental Evaluation: This project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines, Section 15304 (Minor Alterations to Land). This class exempts minor public and private alterations in the condition of land, water and/or vegetation, such as a removal of a tree.

Setting: The subject parcel is located in the residential community of Menlo Oaks. The parcel was created by a minor subdivision, recorded November 19, 2014. Demolition of a residence which was on both parcels has occurred, and currently both of the subject parcels are being developed with single-family residences and second unit guest houses.

Chronology:

<u>Date</u>	<u>Action</u>
July 2, 2014	- Minor subdivision is approved by the Zoning Hearing Officer for creation of two parcels (PLN 2014-00107).

- August 14, 2014 - Tree removal permit for 59-inch Valley Oak is approved on Parcel B (PLN 2014-00494).
- April 2, 2015 - Application submitted to remove the subject 49-inch Valley Oak tree along with arborist report prepared by Kielty Arborist Services.
- April 16, 2015 - Staff makes site visit for subject application.
- April 24, 2015 - Staff requests additional information and clarifications on the arborist report to respond to concerns expressed by members of the public.
- May 12, 2015 - Applicant submits revised arborist report.
- June 3, 2015 - Decision letter sent to the applicant and neighbors.
- June 17, 2015 - Appeal filed.
- August 16, 2015 - Applicant submitted arborist report prepared by McClenahan Consulting, LLC.
- November 12, 2015 - Staff visits the site and verifies existing trees on the site for Parcel A and Parcel B in response to appeal letter.
- January 13, 2016 - Planning Commission hearing.

DISCUSSION

A. KEY ISSUES OF THE APPEAL

The appellant submitted an appeal letter in opposition to the Community Development Director's decision to approve tree removal permit, PLN 2015-00131. The letter states that the appellant disagrees with the decision to allow removal of the heritage tree based on the following concerns.

1. The appeal letter states that with proper care the tree could have been preserved.

Staff Response

On April 2, 2015, the applicant, Jeff Chase of Pacific Excel 2, LLC, submitted an application to remove a 49-inch diameter Valley Oak on a parcel where construction for a single-family residence and guest house is occurring. The applicant provided an arborist report from Kielty Arborist Services, LLC, dated April 2, 2015, and revised May 12, 2015. In response

to the appeal, a second report by McClenahan Consulting, LLC, report dated August 16, 2015, was submitted. Both reports indicate that the tree is likely to drop more limbs in the future and that there is no arborist-recommended plan for trimming that will reduce the overall liability presented by keeping the tree in its current location.

The arborist report prepared by Kielty Arborist Services, LLC, dated April 2, 2015, states, "The large oak has a number of form flaws making the tree an immediate hazard. Recent failed limb failures are a result of the form flaws and future failed limbs are likely. The decay at the base and the large cavity on the southern trunk may lead to total tree failure. As the lot is developed and the target becomes heavily used, the chances of damage or injury will increase."

The report also states, "The canopy of the oak is heavy to the south and is over extended with decay at several locations on the scaffolds limbs. A large 28-inch wide cavity is present on the southern trunk. Failed cables in the canopy are of concern. The tree receives a 40 percent (poor) on a scale of 1-100."

It continues, "If the tree was trimmed to lessen the chances of leader failure, trimming would require end weight reduction using 6- to 10-inch diameter cuts. The large cuts would be well beyond ANSI (American National Standards Institute) standards and would cause more long-term damage to the tree. Trimming will lessen the chances of limb and leader failure but cannot guarantee the health or safety of the tree." The arborist's recommendation is to remove and replace the failing oak as the tree is an immediate hazard.

The report was later updated on May 12, 2015 and stated, "Trimming of the tree is not advised as the large cuts will accelerate the decaying process and will lead to failure. There is no effective treatment for the decay or the crown rot on the root zone. Removal and replacement is the only method that will eliminate all hazards and liabilities associated with the tree."

After the application was appealed, the applicant obtained a second arborist report. The report by John H. McClenahan of McClenahan Consulting, LLC, dated August 16, 2015, states, "Currently, there is a high probability of numerous limb failures. The target is the house under construction, the new landscaping, and the people working or living on property. Pruning to mitigate the hazards would disfigure the tree significantly and would not eliminate the risk of failure. Due to the risk for failure and new targets, this tree is recommended for removal."

In general, tree removal permits are processed with the overarching goal being to prevent trees from being removed from property in San Mateo

County without adequate justification. The Heritage Tree Regulations further emphasize preservation of mature tree specimen. After reviewing the subject application and supporting materials and visiting the site, staff determined that this tree permit met the criteria for removal which include (1) the general health of the tree, and (2) the necessity of the required action to construct improvement or otherwise allow economic or other enjoyment of the property.

The health of the tree is described above. Regarding the second criteria, the tree is located 12 feet from the foundation of the house under construction. While the tree does not conflict with the construction, the house is described as a likely target in the event of limb and or leader failure.

2. The appellant states that the developer has not adhered to his “promise” not to remove trees and the condition of approval for the Minor Subdivision (PLN 2014-00107) requiring protection of existing trees. The appellant suggests, based on her review of aerial photos, that site vegetation, including trees, has been removed.

Staff Response

The appellant states that the subdivision application, PLN 2014-00107, contained conditions that no trees were to be removed. While the subdivision application did not include the removal of significant or heritage trees, it does not prevent the applicant from applying for future tree removal permits. Subsequent to the subdivision application, building permits were submitted which required the removal of two trees which were less than 12 inches in diameter, and a cluster of either small trees or bushes identified by the surveyor as “M” type (multi-trunk). Therefore, no permit from the County was required for the removal of these trees.

In addition to this vegetation clearance, there was a 59-inch d.b.h. Valley Oak tree removed on Parcel B, the adjacent parcel, at 699 Menlo Oaks Drive, with an approved Heritage Tree Removal Permit from the County, PLN 2014-00267. This tree was replaced with a 24-inch box oak tree.

On November 12, 2015, staff visited the properties and used the land survey (Exhibit E) from the subdivision application to identify the trees which currently exist on the site. Surveys provide a more accurate depiction of the tree population than an aerial photograph of tree canopy. Staff did not observe evidence of unpermitted tree removal. Both the survey and site visit support the applicant’s statement that no unpermitted tree removal took place.

3. The appellant states that the condition for replacement of the subject heritage tree with two, 15-gallon oak trees was inadequate, as the developer has removed several trees on the property. The appellant recommends replacement with four 48-inch box oak trees.

Staff Response

The claim by the appellant about the unpermitted tree removal was addressed in the previous section of this report.

Section 11,052 of the Heritage Tree Ordinance states that the Planning Director may attach reasonable conditions to ensure 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.

The County most commonly requires replacement trees to be a minimum of 5-gallon in size. Larger trees are typically required when a one-to-one replacement ratio is not being used when the tree which was removed was a large specimen, or in cases of a violation. The two most common, larger-size trees are 15-gallon and 24-inch box. However, depending on the size of the parcel and the intended location of planting, additional smaller trees may be required in lieu of a single large replacement tree.

Staff supports the original condition of approval since it will result in a larger tree canopy, but has no objection to modifying the condition to require one 24-inch box oak tree instead of two, 15-gallon oak trees. Should the Planning Commission require a 24-inch box tree, a revised condition has been added to the Alternatives Section of this report.

B. CONFORMANCE WITH THE GENERAL PLAN

San Mateo General Policy 1.25 requires new development to protect vegetative resources and ensure that development will: (1) minimize the removal of vegetative resources and/or; (2) protect vegetation which enhances microclimate, stabilizes slopes or reduces surface water runoff, erosion or sedimentation; and/or (3) protect historic and scenic trees.

The heritage tree removal application/permit is an evaluative process which seeks to ensure that tree removal is minimized and is necessary to utilize a property in its intended manner. As stated in Section A.1 and Section C of this report, the review of this application complies with the Heritage Tree Regulations which implements this General Plan Policy.

C. CONFORMANCE WITH THE HERITAGE TREE ORDINANCE

Section 11,052 of the Heritage Tree Ordinance states that the Planning Director or any other person or body charged with determining whether to grant, conditionally grant or deny a Heritage Tree Cutting or Trimming Permit may approve a permit for based on the following criteria:

- (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 tree removal permit was granted based staff's assessment that criteria "a. and "e." were applicable. As described in detail in Section A of this report, the general health of the tree is in a state of decline as indicated by arborist reports and observed by staff. The heritage tree regulations support removal of a specimen which has been determined to be in poor health and in close proximity to residential development. The removal is also necessary for the economic enjoyment of the property due to hazards it poses to people and structures.

D. ALTERNATIVES

1. Findings in Attachment A for the removal of the oak tree can be made, and revise the Condition No. 3 which requires two, 15-gallon oak trees to be planted to require one 24-inch box tree to be planted.
2. Find that the permit application for the removal of the oak tree does not meet the criteria for removal of the Heritage Tree Regulations by making the Finding of Denial in Attachment B.

ATTACHMENTS:

- A. Recommended Findings and Conditions of Approval
- B. Recommended Finding of Denial
- C. General Location/Vicinity Map
- D. Heritage Tree Permit Application
- E. Survey of the Original Parcel with Trees Marked
- F. Kielty Arborist Services, LLC, report dated April 2, 2015
- G. Kielty Arborist Services, LLC, report dated April 2, 2015, revised May 12, 2015
- H. McClenahan Consulting, LLC, report dated August 16, 2015
- I. Site plans for development of Parcel A and Parcel B
- J. Correspondence from Interested Members of the Public
- K. Decision letter, dated June 3, 2015
- L. Appeal Application and Supporting Documents
- M. Site Photos
- N. Statement from Applicant, dated January 6, 2016

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00131 Hearing Date: January 13, 2016

Prepared By: Erica Adams For Adoption By: Planning Commission
Project Planner

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304 (Minor Alterations to Land). This class exempts minor public or private alterations in the condition of land, water and/or vegetation, such as the removal of a tree.

Regarding the Heritage Tree Removal Permit, Find:

2. That the subject 49-inch Valley Oak meets the criteria for removal found in Section 11,051 of San Mateo County Ordinance Code. After reviewing the subject application and supporting materials and visiting the site, staff determined that this tree permit meets the criteria for removal which include (1) the general health of the tree, and (2) the necessity of the required action to construct improvement or otherwise allow economic or other enjoyment of the property.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The tree indicated on the application form dated April 7, 2015, may be removed after the end of the appeal period, assuming no appeal is filed as stipulated in this letter. A separate Tree Removal Permit shall be required for the removal of any additional trees.
2. This Tree Removal Permit approval shall be on the site and available at all times during the tree removal operation and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street.

3. The applicant shall plant on-site a total of two (2) Valley Oak trees using at least 15-gallon size stock, for the trees removed. Replacement planting shall occur within one year of the Tree Removal Permit approval date (Section 12,024 of the San Mateo County Ordinance Code).
4. The applicant shall submit photo verification to the Planning Department of the planted replacement trees required in Condition of Approval No. 3. Photos shall either be submitted in person to the Planning Department, or via email to plngbldg@smcgov.org with reference to the Planning Application PLN Number, PLN 2015-00131.
5. If work authorized by an approved permit is not commenced within the period of one year from the date of approval, the permit shall be considered void.
6. During the tree removal phase, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site by:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
 - b. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
 - d. Using filtration or other measures to remove sediment from dewatering effluent.
 - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.
7. Prior to the removal of any trees located within the public right-of-way, the applicant shall obtain an encroachment permit from the Department of Public Works. Additionally, prior to planting any trees within the public right-of-way, the applicant shall obtain a landscaping/encroachment permit from the Department of Public Works.
8. The applicant shall clear all debris from the public right-of-way.

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING OF DENIAL

Permit or Project File Number: PLN 2015-00131 Hearing Date: January 13, 2016

Prepared By: Erica Adams
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING OF DENIAL

Regarding the Tree Removal Permit, Find:

1. That the tree indicated in this application does not comply with the criteria for tree removal of Section 11,052 of the Heritage Tree Ordinance, that there is not a substantial hazard presented by the tree's health and the preservation of the tree does not inhibit the economic enjoyment of the property.

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the County required its replacement with a 24-inch box tree. These matters are not part of the subject application.

Regarding the subject application, the County's Heritage Tree Ordinance grants authority to the Community Development Director to determine when and how tree replanting should occur. Staff supports the original condition of approval which requires two, 15-gallon oak trees which will create a larger canopy, but has no objection to modifying the condition to require one 24-inch box oak tree. A revised condition has been added to the alternatives section of this report.

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San Mateo County Planning Commission Meeting

Owner/Applicant: _____

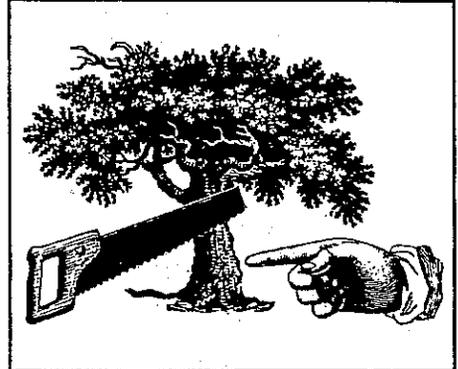
Attachment: _____

File Numbers: _____

Application for Permit to Trim or Remove

Sections 11,000 et seq and 12,000 et seq of the San Mateo County Ordinance Code.

HERITAGE TREE(S) SIGNIFICANT TREE(S)



Property Owner: PACIFIC EXCEL 2 LLC

Address: 671 700 PLEASANT VALLEY LANE

APTOS CA 95003 Telephone: 408 489 4446

Applicant (if different): _____

Address: _____

Telephone: _____

Date of Application: 4/7/2015
10 Day Period of Posted Notice
From: 4/7/2015
To: 4/17/2015

Address and parcel number where tree(s) located: 062 140 390 (new apn)
671 MENDO OAKS DR. MENDO PARK 062140520 (old apn)

Tree(s) Diameter or Circumference (at 4½ ft. height)	Kind of tree(s)	Health of tree(s)	Reason for Removal/Trimming
<u>49.1</u>	<u>VALLEY OAK</u>	<u>VERY POOR</u>	<u>HAZARD</u>

REMOVAL PLAN:

- Method of removal: By Owner
 By Tree Removal Service.
Name: MCCLENAHAN Phone: 650 326 8781
- Disposal of tree debris: All debris to be removed from site by Tree Removal Service
 All/some debris to remain on site; Purpose: _____

The information contained in the application is accurate and true to the best of my knowledge. I understand that an approved permit may be conditional. Further, the decision on this application may be appealed to the San Mateo County Planning Commission. Authority to remove or trim a tree is effective only after the approval appeal period has expired.

[Signature]
Applicant's Signature

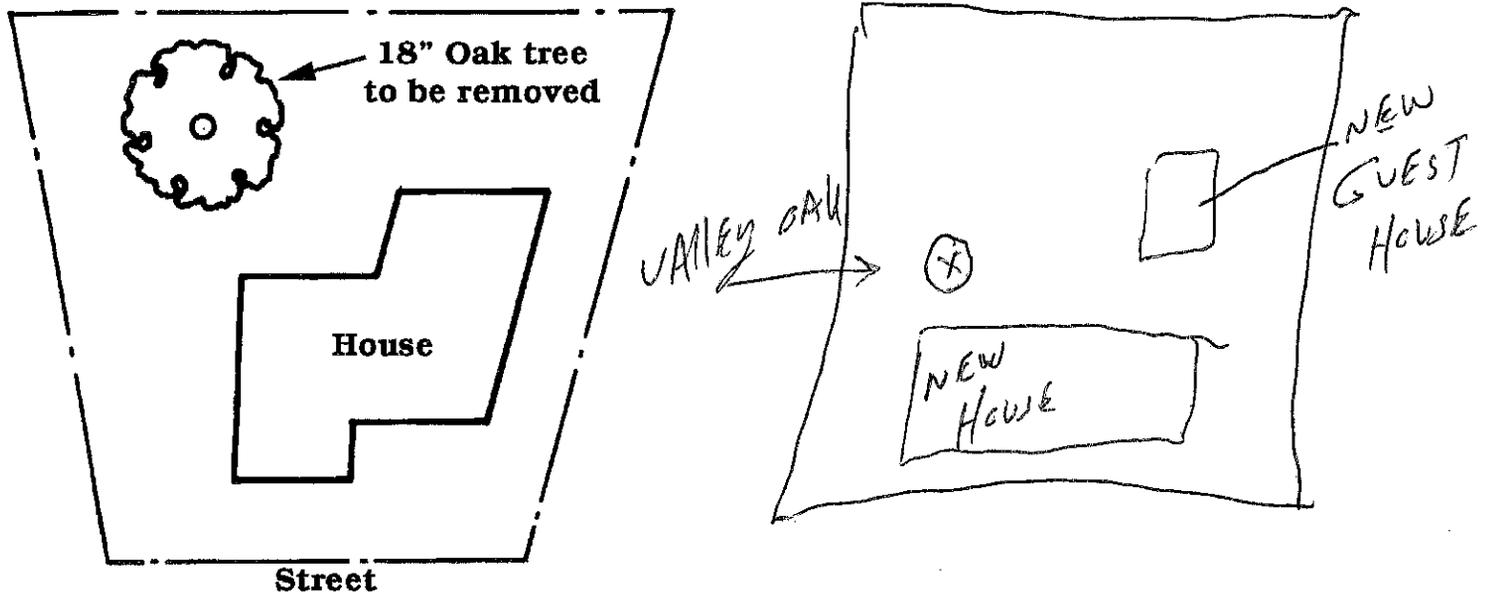
Public Notification of this application request will be sent to all property owners within 100 feet of the project site and in addition, to this Mid-Coast Community Council if your project site is located in the Mid-Coast.

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

REMOVAL PLAN:

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

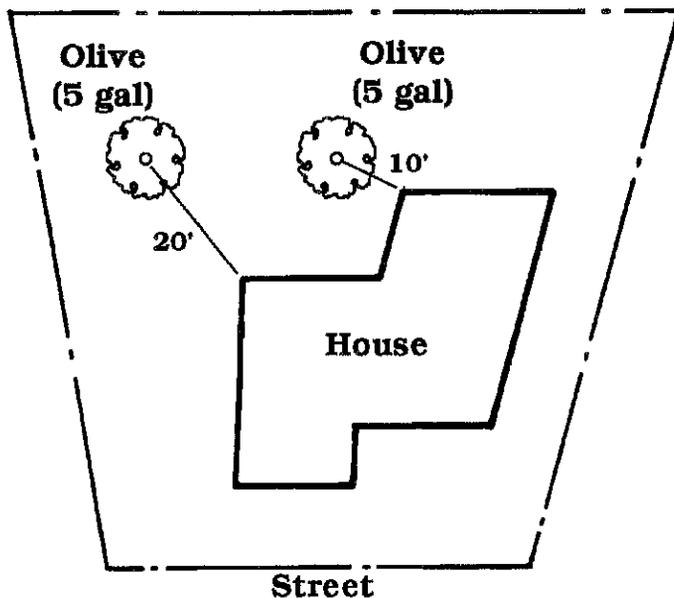
EXAMPLE:

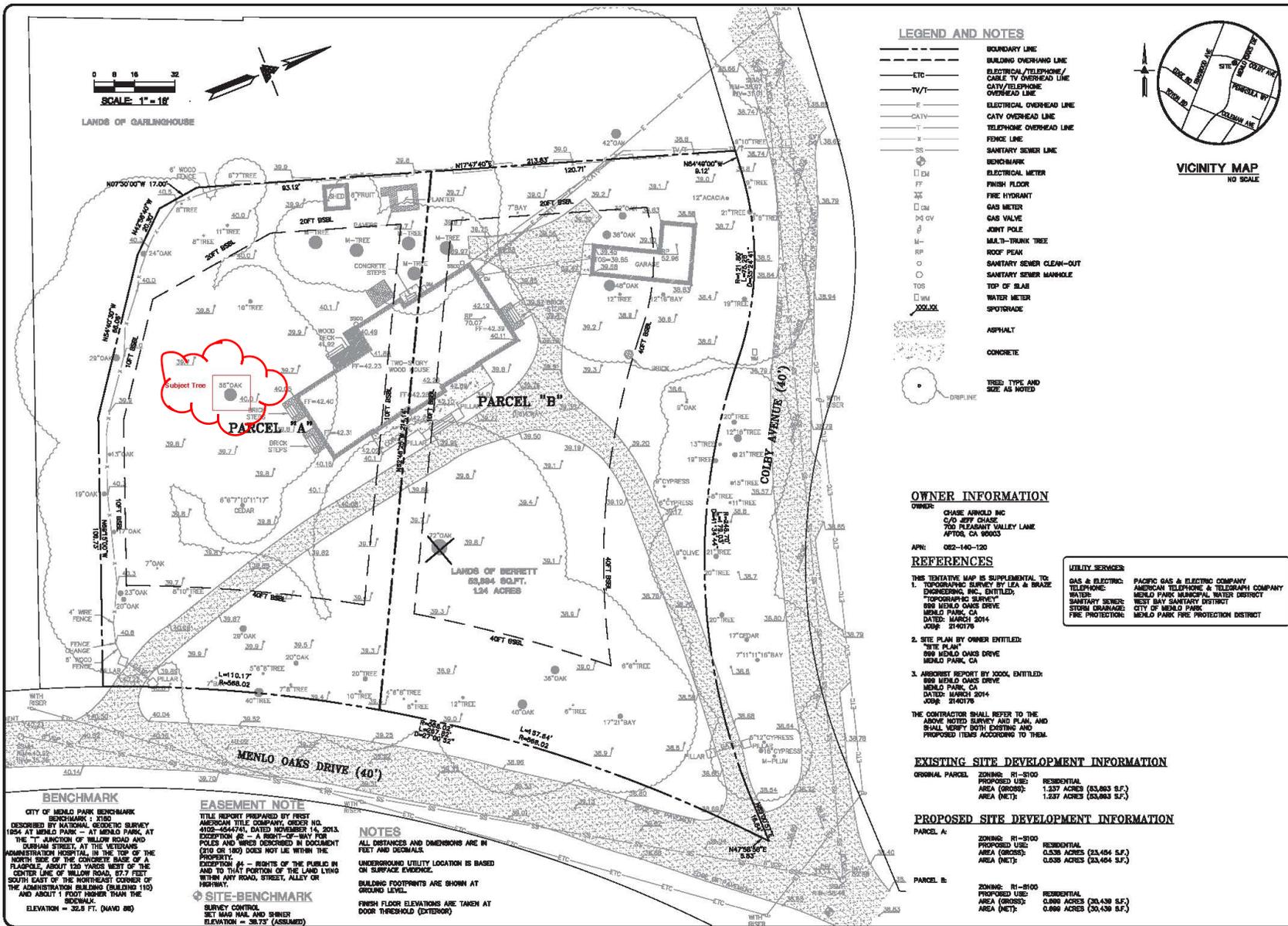


REPLANTING PLAN:

The replanting plan shall show the location (including approximate distance to house), type, size (i.e. 5 gal., 10 gal., etc.) of proposed trees. In Bayside Design Review (DR) Zoning Districts, a 3:1 replacement ratio is required. All other residential districts require 1:1 replacement. Please sketch the site plan indicating location, size and species of new tree(s) to replace tree(s) removed. Tree replacement must be completed within one (1) year of the permit's final approval.

EXAMPLE:





San Mateo County Planning Commission Meeting

Owner/Applicant:

File Numbers:

Attachment:

Kielty Arborist Services LLC

Certified Arborist WE#0476A
P.O. Box 6187
San Mateo, CA 94403
650-515-9783

April 2, 2015

Chase Arnold Custom Builders
Attn: Mr. Jimmy Kimbrel
2065 Grant Road
Los Altos, CA 94022

Site: 671 Menlo Oaks, Menlo Park, CA

Dear Mr. Kimbrel,

As requested on Wednesday, March 25, 2015, I visited the above site to inspect and comment on a large oak tree near the foundation of the new building. The tree has a recent history of large leader failure and your concern as to the future health and safety of the tree has prompted this visit.

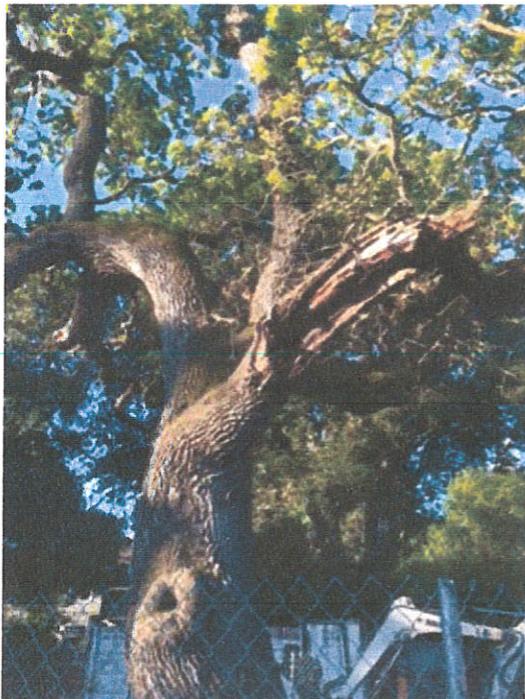
Method:

All inspections were made from the ground; the tree was not climbed for this inspection. The tree in question was located on a "Not-to-Scale" map provided by me. The tree was then

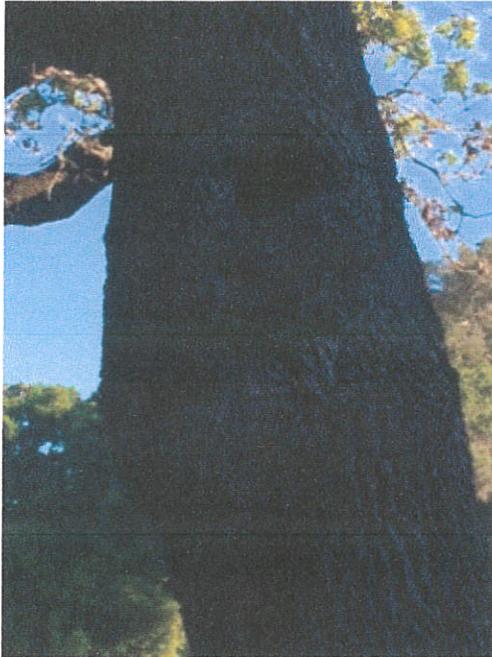
measured for diameter at 54 inches above ground level (DBH or diameter at breast height). The tree was given a condition rating for form and vitality. The trees' condition rating is based on 50 percent vitality and 50 percent form, using the following scale.

1 - 29	Very Poor
30 - 49	Poor
50 - 69	Fair
70 - 89	Good
90 - 100	Excellent

The height of the tree was measured using a Nikon Forestry 550 Hypsometer. The spread was paced off. Comments and recommendations for future maintenance are provided.



Large valley oak with a recent history of limb loss.



Observations:

The tree in question is a valley oak (*Quercus lobata*) with a diameter at breast height of 49.1 inches. The tree is located 15 feet to the west of the foundation for the new house. The estimated height of the tree is 55 feet with a total crown spread of 60 feet. The vigor of the oak is good with normal shoot growth for the species. The form of the oak is very poor with decay at the base and a recent history of large limb drop. The canopy of the oak is heavy to the south and is overextended with decay at several locations on the scaffold limbs. A large 28 inch wide cavity is present on the southern trunk. Failed cables in the canopy are of concern.

Large cavity on southern trunk 28 inches deep.

Summary:

The large oak has a number of form flaws making the tree an immediate hazard. Recent large failed limbs failures are a result of the form flaws and future failed limbs are likely. The decay at the base and the large cavity on the southern trunk may lead to total tree failure. As the lot is developed and the target becomes heavily used the chances of damage or injury will increase.

Remove and replace the failing oak as the tree is an immediate hazard. Future failure is likely and damages will be significant. Replace the oak with another valley oak in a location where the tree can flourish.

The information included in this report is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Handwritten signature of Kevin R. Kiely

Kevin R. Kiely
Certified Arborist WE#0476A

Kielty Arborist Services LLC

Certified Arborist WE#0476A

P.O. Box 6187

San Mateo, CA 94403

650-515-9783

April 2, 2015, revised May 12, 2015

Chase Arnold Custom Builders

Attn: Mr. Jimmy Kimbrel

2065 Grant Road

Los Altos, CA 94022

Site: 671 Menlo Oaks, Menlo Park, CA

Dear Mr. Kimbrel,

As requested on Wednesday, March 25, 2015, I visited the above site to inspect and comment on a large oak tree near the foundation of the new building. The tree has a recent history of large leader failure and your concern as to the future health and safety of the tree has prompted this visit.

Method:

All inspections were made from the ground; the tree was not climbed for this inspection. The tree in question was located on a "Not-to-Scale" map provided by me. The tree was then

measured for diameter at 54 inches above ground level (DBH or diameter at breast height). The tree was given a condition rating for form and vitality. The trees' condition rating is based on 50 percent vitality and 50 percent form, using the following scale.

1 - 29	Very Poor
30 - 49	Poor
50 - 69	Fair
70 - 89	Good
90 - 100	Excellent

The height of the tree was measured using a Nikon Forestry 550 Hypsometer. The spread was paced off. Comments and recommendations for future maintenance are provided.



Large valley oak with a recent history of limb loss.



Observations:

The tree in question is a valley oak (*Quercus lobata*) with a diameter at breast height of 49.1 inches. The tree is located 15 feet to the west of the foundation for the new house. The estimated height of the tree is 55 feet with a total crown spread of 60 feet. The vigor of the oak is good with normal shoot growth for the species. The form of the oak is very poor with decay at the base and a recent history of large limb drop. The canopy of the oak is heavy to the south and is overextended with decay at several locations on the scaffold limbs. A large 28 inch wide cavity is present on the southern trunk. Failed cables in the canopy are of concern. The tree receives a 40 (poor) on a scale of 1-100

Large cavity on southern trunk 28 inches deep.

Summary:

The large oak has a number of form flaws making the tree an immediate hazard. Recent large failed limbs failures are a result of the form flaws and future failed limbs are likely. The decay at the base and the large cavity on the southern trunk may lead to total tree failure. As the lot is developed and the target becomes heavily used the chances of damage or injury will increase.

Remove and replace the failing oak as the tree is an immediate hazard. Future failure is likely and damages will be significant. If the tree was trimmed to lessen the chances of leader failure trimming would require end weight reduction using 6-10 diameter cuts. The large cuts would be well beyond ANSI standards and would cause more long term damage to the tree. Trimming will lessen the chances of limb and leader failure but cannot guarantee the health or safety of the tree. Replace the oak with another valley oak in a location where the tree can flourish.

Trimming of the tree is not advised as the large cuts will accelerate the decaying process and will lead to failure. There is no effective treatment for the decay or the crown rot on the root zone. Removal and replacement is the only method that will eliminate all hazards and liabilities associated with the tree.

The information included in this report is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Kevin R. Kiely
Certified Arborist WE#0476A



McClenahan Consulting, LLC

Arboriculturists Since 1911

1 Arastradero Road, Portola Valley, CA 94028-8012

Telephone (650) 326-8781

Fax (650) 854-1267

www.spmcclenahan.com

August 16, 2015

Chase Arnold, Inc.

c/o **Mr. Jeff Chase**

700 Pleasant Valley Lane

Aptos, CA 95003

RE: **671 Menlo Oaks Drive
Menlo Park, CA**

Assignment

As requested, I performed a visual inspection of Valley oak approved by county for removal to determine size and condition. This report is intended to be shared with interested persons attending the site meeting on Tuesday August 18, 2015.

Summary/Background

This tree has been evaluated by another arborist and determined unsafe to retain. During my visual assessment of the tree I observed two limbs greater than 20-inch diameter, two limbs over 10-inch diameter and a 6-inch limb that are dead. One large badly decayed leader in the middle of the crown and numerous cavities were observed. Currently, there is a high probability of numerous limb failures. The target is the house under construction, the new landscaping and the people working or living on property. Pruning to mitigate the hazards would disfigure the tree significantly and would not eliminate the risk of failure. Due to the risk for failure and new targets, such as the home and its future residents, this tree is recommended for removal.

Methodology

No root crown exploration, climbing or plant tissue analysis was performed as part of this survey.

In determining Tree Condition several factors have been considered which include:

Rate of growth over several seasons;
Structural decays or weaknesses;
Presence of disease or insects; and
Life expectancy.

ATTACHMENT H

Tree Description/Observation

1: Valley oak (*Quercus lobata*)

Diameter: 49.1" as posted

Height: 45' **Spread:** 70'

Condition: Fair

Location: Rear of new home construction

Observation: The crown has an irregular shape due to old large limb failures and some of the dead decayed old stubs. I observed two limbs greater than 20-inch diameter, two limbs over 10-inch diameter and a 6-inch limb all dead for many years. There are numerous dead limbs greater than 2-inch diameter. A 12-inch cavity on the south side at 11-feet, 6-inch cavity on north side at 6-feet are indicators of heartwood decay common to this species. Some pruning cuts during framing of the house need to be cleaned up with proper final cuts on stubs.

All written material appearing herein constitutes original and unpublished work of the Arborist and may not be duplicated, used or disclosed without written consent of the Arborist.

We thank you for this opportunity to be of assistance in your tree preservation concerns.

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

Very truly yours,

McCLENAHAN CONSULTING, LLC



By: **John H. McClenahan**
ISA Board Certified Master Arborist, WE-1476B
member, American Society of Consulting Arborists

JHMc: pm



McClenahan Consulting, LLC

Arboriculturists Since 1911

1 Arastradero Road, Portola Valley, CA 94028-8012

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Fax (650) 854-1267

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ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like a medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

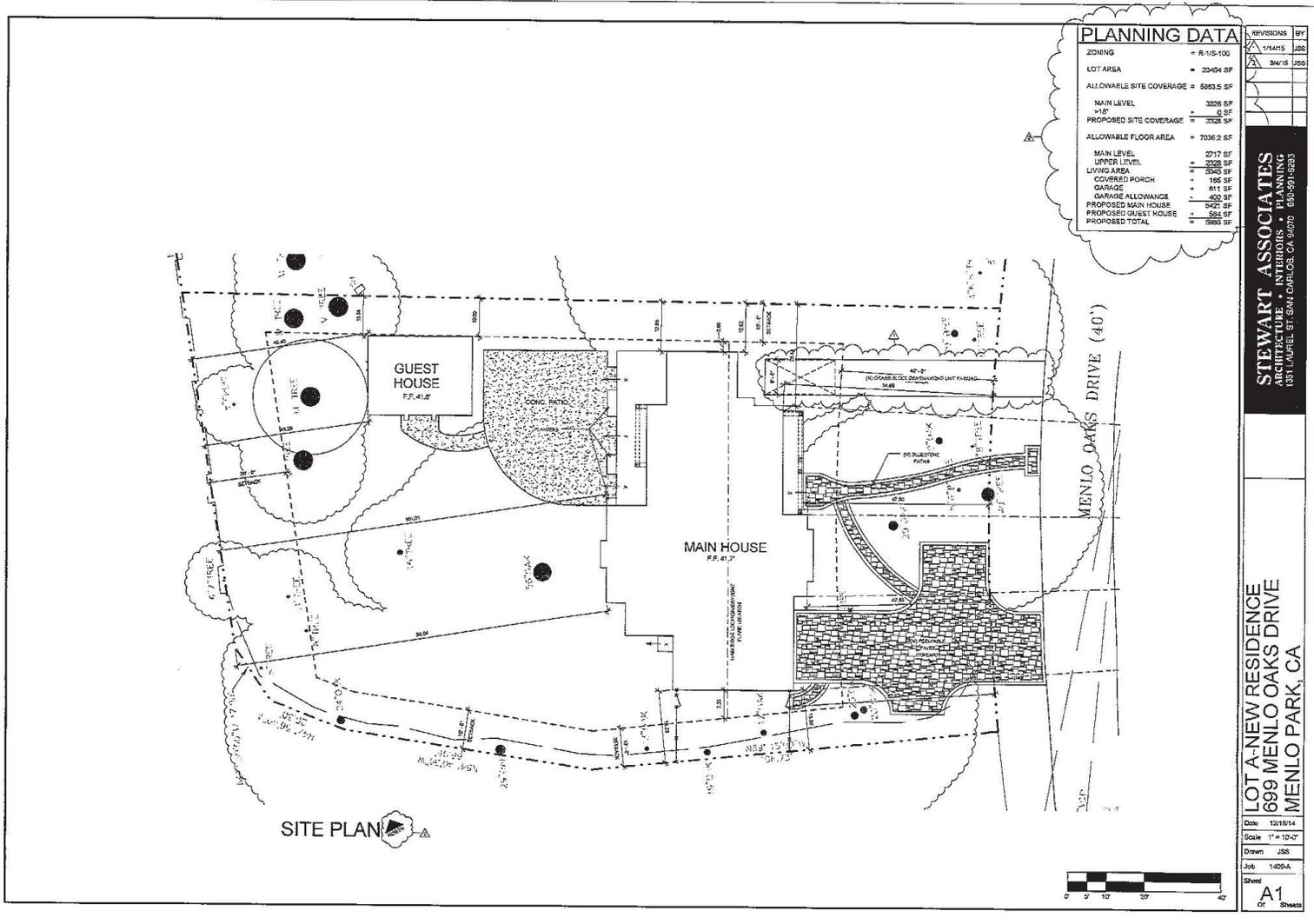
Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

Arborist:

John H. McClenahan

Date:

August 16, 2015

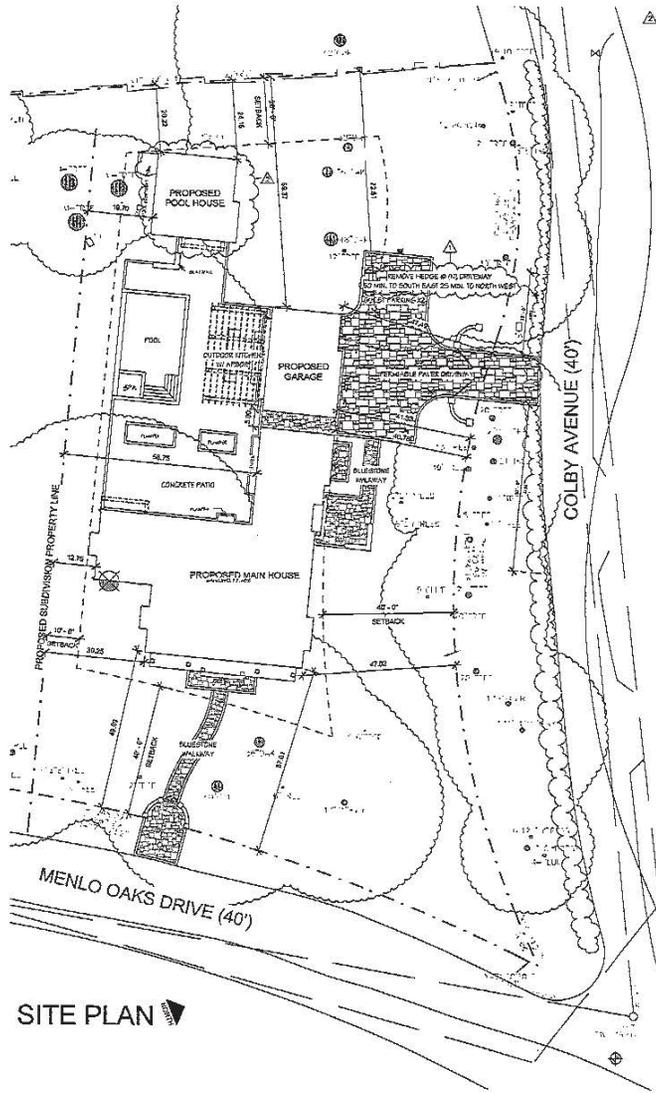


San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



PLANNING DATA	
ZONING	R-1.5-100
LOT AREA	= 3049 SF
ALLOWABLE SITE COVERAGE	= 7610 SF
MAIN LEVEL FLOOR AREA	= 2709 SF
ACCESSORY BUILDING	= 312 SF
OTHER #1 SF	= 228 SF
PROPOSED SITE COVERAGE	= 3237 SF
ALLOWABLE FLOOR AREA	= 9000 SF
MAIN LEVEL	= 3014 SF
UPPER LEVEL	= 2822 SF
FLOOR AREA	= 5836 SF
COVERED PORCH	= 110 SF
SUBTOTAL	= 5946 SF
GARAGE	= 400 SF
GARAGE ALLOWANCE	= 5688 SF
PROPOSED FLOOR AREA	= 6334 SF
GUEST UNIT	= 165 SF
TOTAL PROPOSED FLOOR AREA	6500 SF

REVISIONS	BY
10/7/14	JSS
12/01/15	JSS

STEWART ASSOCIATES
 ARCHITECTURE • INTERIORS • PLANNING
 1351 LAUREL ST. SAN CARLOS, CA 94070 650-851-8263



POOL HOUSE
699 MENLO OAKS DRIVE LOT B
MENLO PARK, CA

Date	8/22/14
Scale	1/16" = 1'-0"
Drawn	JSS
Job	14059
Sheet	A1
Of	Sheets



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:

Erica Adams - PLN2015-00131--a request to spare the Heritage Oak

From: Judy Horst <pandagolf@aol.com>
To: <EAdams@smcgov.org>
Date: 4/17/2015 10:03 AM
Subject: PLN2015-00131--a request to spare the Heritage Oak
Attachments: 671 Menlo Oaks Before.jpg

Most of us living in Menlo Oaks moved here because we loved the neighborhood and its oak trees. We try to take care of ours to keep them healthy so they will survive and not become hazards. We also appreciate the changes taking place in Menlo Oaks--though I wish there were fewer giant homes, they do improve property values. Above all, we hope the people moving into Menlo Oaks, and the developers who are building homes here, will respect the uniqueness of Menlo Oaks and the trees that craft its character.

I think that's why we hope your upcoming inspection and a look through our neighborhood will convince you to spare the Heritage Oak at the property in Menlo Oaks at 671/673/699 Menlo Oaks Drive.

Here are a few of my concerns and comments. I hope they will cause you to question why this tree must be killed.

1. The Project Description on the Notice of Tree Removal Permit Application is weighted toward removing the tree. I understand that it's the expedient thing to do from the developer's point of view; however the report itself was the opinion of just one arborist, and **his report mentioned things that were both positive and negative about the tree's future.**

Different arborists have different solutions about our oaks. I found that out when I took four arborists to survey 6 properties along Peninsula Way. Each of us had some trees that needed trimming and reshaping or medical attention. One arborist said a tree was dangerous and needed to come down. Two others disagreed, and another said it might be good to come down, but he thought some work might improve it. **4 arborists, and 3 different opinions.**

2. In the summary on the Permit **there is no mention of the arborist's positive comments about the tree**, which appear in his assessment: "The vigor of the oak is good with normal shoot growth for the species." Sounds like it's healthy in many ways.

Further, he states that the "canopy of the oak is heavy to the south and is overextended with decay at several locations on the scaffold limbs." As I understand it from other arborists I have worked with, conditions like these can be remedied with root collars, chemical treatment, trimming off dead limbs, thinning the tree, and reshaping the tree's canopy. From my experience with our oaks, this has proven to be true.

Over the past 28 years, we have reshaped the canopy of our 6 oaks, we cabled trees that some arborists said should be removed, and we filled in cavity areas larger than the 28-inch wide cavity mentioned in the report. **Living and caring for oaks is a responsibility, and it is why killing a Heritage Oaks needs special consideration and more than one opinion.**

3. **Stating that the tree is an immediate hazard seems to be an exaggerated statement**

ATTACHMENT J

until the health of the tree can be more truly scrutinized. In fact, the "hazards" probably could be eliminated or reduced significantly if money were spent on the oak to bring it back to health and to reduce the "form flaws".

There seem to be no substantive facts in the report that support killing the Heritage Oak. A core sample was not drilled, and if you were to look at some of the oaks through the neighborhood, many have had limbs taken off to make them safer. Again, I know that my oaks respond to treatments, like root collars, filling in the cavities and trimming major branches and cabling. To the developer this is just another tree or maybe it's just in the way, but to those of us in Menlo Oaks, we value 100, 200 and 300 year-old oaks, and that's why we as a County honor Heritage Oaks.

4. The attached Google image shows an abundance of trees surrounding the former home, and its lawn. I think an aerial photo of the property today would show that the developer has taken out many trees to accommodate two rather large homes. **Is it really essential to take out a second Heritage Oak on one property when it may not create a hazard, but appears to merely be in the way?** If we can afford to spend money to keep our oaks healthy, this developer or property owner should do the same, should join with members of Menlo Oaks who appreciate this wonderful heritage.

5. If safety is a concern, the Heritage Oak may not be a hazard. **A more in-depth look might show it is not all that unhealthy.** For instance, my history with the oaks in our yard proves the point.

Several oaks overhang about 75% of my home and garage. Their large trunks are just 4-14 feet from the house. Each has had work done to them over the years, and they are healthy specimens.

Two of our trees resemble the Heritage Oak on the property at Coleman and Menlo Oaks, and they are doing very well. A Valley Oak to the right of our house, as you look at it from Peninsula Way is not beautiful, and it's had branches lopped off because of power lines or because they were dead, but it thrives. A Valley Oak in our front yard has many cavities in it, some filled, others serving as homes for raccoons, squirrels and other critters over the years. It's been that way since we moved in. It was just trimmed and re-cabled. It just keeps going on and on.

Hopefully you will decide to spare the Heritage Oak. It didn't look out of place or appear unhealthy or ungainly when it was part of the forest of trees on the property last year. Now it stands alone in the middle of a clear-cut landscape, looking a bit out of place. But that's not the reason to get rid of it. For this property, it's a reason to save it.

Judy Horst
945 Peninsula Way
Menlo Park, CA 94025

Erica Adams - Protect Heritage Oak 671-699 Menlo Oaks Dr.

From: Julia Peters <ammasunanda@hotmail.com>
To: "eadams@smcgov.org" <eadams@smcgov.org>, "plnbldg@smcgov.org" <plnbldg@s...>
Date: 4/17/2015 8:19 AM
Subject: Protect Heritage Oak 671-699 Menlo Oaks Dr.

Dear Erica Adams and the Building Commission of San Mateo County,

I am writing to you in regards to permit: pln2015-00131@671-699 Menlo Oaks Dr.. to remove yet another of our healthy beloved oaks from our urban canopy. I am deeply upset at the rate of removal of our Heritage Oaks and Redwoods in the hands of developers who simply want what they want without regard to the bigger picture of our neighborhoods. I am tired of filling their pockets for a quick profit so their project can be more appealing with more "light" in the windows of a new house to appeal to buyers for a higher profit. This is simply a selfish reason that only benefits few individuals. Our urban canopy is a treasure that we all benefit from as residents. Healthy trees such as this one are what contribute to the economic value of our neighborhoods. Continuous rapid removal by developers is quickly decreasing the value of properties and our neighborhoods. Each tree adds up to \$25,000-30,000 to the value of a property. If we continue to allow builders to remove these heritage trees we are going to have nothing left. The value of land in Menlo Park and it's surrounding area is worth so much that everyone who builds only has dollar signs in their eyes. The developers are taking responsibility for the surrounding neighbors or the value of the tree. It is all about the building project profit and not about the community or tree. The Heritage Oaks are what create the well sought after ambience by many home buyers of our community. Just look along Middlefield rd as one drives from Menlo Park to Redwood City. What happens to the oaks along that road? Then in correlation, what happens to property values as you drive? The oaks have been removed, ironically in a place named for the pride of trees missing from the landscape!

This particular Heritage Valley Oak at 671-699 Menlo Oaks is in a good condition in need of simple arborist care. It can be given pruning and will remain safe and healthy. It shows signs of vigor in its' new spiny leaves. The arborist report states this.

I would ask that a second opinion from a third party arborist report be given. An unbiased one.

As a child of this beautiful neighborhood, I ask that this permit requested by this developer be rejected. They can clearly work their "development" around this Heritage Valley Oak. Over time, if we continue to allow development to remove our Heritage trees, we will no longer be able to refer to this neighborhood as "Menlo Oaks" and come up with another name.

A name that doesn't represent our beloved urban canopy we need to protect as citizens.

Thank you,

Julia Peters

Erica Adams - Trees Removal Request PLN2015-00131 @ 671-699 Menlo Oaks Drive

From: Margaret WILHITE <zackybooboo2000@yahoo.com>
To: "EAdams@smcgov.org, PlnBldg@smcgov.org" <EAdams@smcgov.org, PlnBldg@smcg...>
Date: 4/16/2015 10:02 PM
Subject: Trees Removal Request PLN2015-00131 @ 671-699 Menlo Oaks Drive

Hi Erica Adams,

I am writing to you tonight to express my objection to said trees removal.

I live directly across the street from 671-699 Menlo Oaks Drive. I have been here for over 14 years and have seen this scenario repeat itself. I am actually wondering if this letter is of any use, as EVERY objection to heritage tree removal in this neighborhood has been to no avail.

A heritage tree can never be replaced. Please don't allow this neighborhood to experience yet another loss.

I am asking you to please turn down the Permit PLN2015-00131.

Thank you,
Margaret Wilhite

Erica Adams - RE: APN: 062140390 Removal of heritage valley oak

From: Steve Sawyer <ssawyer@wsandco.com>
To: "eadams@smcgov.org" <eadams@smcgov.org>
Date: 4/16/2015 9:50 PM
Subject: RE: APN: 062140390 Removal of heritage valley oak
CC: J Glanny <jeff.glanville@oracle.com>, Erin Glanville <erin.glanville@gma...>

Ms. Adams—Further to my wife's message to you last week, I wanted to add my voice to the concerns about removal of oak trees in our neighborhood.

Echoing Meritt's email below, we would like for Permit Applications for tree removal to be undertaken cautiously and with a more deliberate process of review and consideration of the surrounding environment and impact on the neighbors in the community.

We hope that this application will be thoroughly and thoughtfully reviewed.

Regards,
 Steve Sawyer
 670 Menlo Oaks Drive
 Menlo Park, CA 94025

From: Meritt Lohr Sawyer [mailto:merittlohrsawyer@gmail.com]
Sent: Friday, April 10, 2015 4:42 PM
To: eadams@smcgov.org
Cc: J Glanny; Erin Glanville; Steve Sawyer
Subject: Re: APN: 062140390 Removal of heritage valley oak

Helo Ms. Adams,

I have reviewed the letter from Erin Glanville and concur with every comment. My husband and I moved into this neighborhood twenty years ago attracted to the very reason the neighborhood is called "Menlo Oaks," for the tremendous treasure of oak tress that are preserved here. We are anti-development. But we do feel the number of trees removed IMMEDIATELY ACROSS THE STREET FROM US has impacted the environment we invested in. We have been surprised by the number of oaks that have been approved and removed. In this case, the current petition is to remove a heritage oak that is showing signs of healthy growth.

We reject this petition for the tree to be removed and ask what are the steps we need to take for our voices to be heard. We would be happy to pay for an arborist to evaluate the tree with a second opinion especially as this tree qualifies as a heritage oak.

Thank you for you prompt reply and attention.

Meritt Lohr Sawyer
 670 Menlo Oaks Drive
 Menlo Park, CA 49025

On Apr 10, 2015, at 3:32 PM, Erin Glanville <erin.glanville@gmail.com> wrote:

Ms. Adams,

I am writing in response to the proposed removal of a heritage Valley Oak tree at 671 Menlo Oaks Drive Drive. We live at 631 Menlo Oaks and can see this beautiful, 49"+ diameter tree with healthy leaf growth from our window.

If approved, this will be the 5th heritage tree to be removed within a 100 foot area due to development of homes in the past year and a half. This loss is both tragic and ironic given our street name.

The petition cites an arborist report of decay and "poor form" of the tree. When dealing with a petition to cut down yet another significant heritage tree, I would urge the county to require greater diligence. Could this tree be saved with some intervention from the arborist? The report does not indicate that the tree cannot be saved.

I urge the county to reject this application unless the petitioner's certified arborist is certain that no measures exist that could otherwise save this tree. I understand that the developer for this project wants to move quickly toward getting this investment property on the market, however, the homeowners who have lived here for decades care deeply for the character and natural beauty of our neighborhood.

Erin & Jeff Glanville
631 Menlo Oaks Drive

From: Judy Colwell <jcolwell@stanford.edu>
To: <EAdams@smcgov.org>
Date: 4/15/2015 5:52 PM
Subject: PLN2015-00131 - 671 Menlo Oaks Drive

Dear Erica,

I'd like to add my voice to those of the Menlo Oaks neighborhood who are extremely concerned about the removal of the heritage oak on this property and others elsewhere through the neighborhood. We are described as "Menlo Oaks" district because of these heritage oaks, and to remove them without every possible means made to save them is unconscionable. Our oaks define the neighborhood.

My own property has a heritage oak, and my neighbor and I share another one. Both are evaluated biennially for health. One was somewhat unhappy until the arborist recommended some un-compacting of the soil. It is now a thriving tree. Both trees have been properly trimmed over the years to minimize wind damage and property damage.

Houses, particularly on properties the size that this oak tree is on, do not have to be sited next to a heritage oak just because the developer of a spec house finds it more convenient.

I plead with you to deny a permit for removal without the opinion of a second and/or third arborist regarding the health of the tree which is already sprouting spring growth.

Sincerely,
Judy Colwell
461 Menlo Oaks Drive
Menlo Park

Erica Adams - Heritage Oak proposed removal

From: <Madythelady@aol.com>
To: <EAdams@smcgov.org>
Date: 4/15/2015 12:39 PM
Subject: Heritage Oak proposed removal

Dear Erica,

Another heritage tree in our neighborhood of Menlo Oaks is being considered for removal. The property PLN is: PLN2015-00131.

We have seen many trees over the years, we have lived in the neighborhood, being taken down and many of us are concerned about the frequency of this occurrence. I tried to save 7 palm trees across the street from our house and had an agreement, in writing, from the property owners that they would keep 3 of the trees. They just removed those 3 trees. Now they are all gone and not diseased.

I do not live in the immediate area of the afore mentioned property (a few blocks away), but am really concerned that we don't have much of a say so in what happens to the beautiful trees in Menlo Oaks. Oaks being the operative word. They have added so much character to our area.

Please make a careful decision on whether this heritage oak can be saved.

Thank you,

Mady Fell
900 Coleman Ave.
Menlo Park, CA

From: Janet Weisman Goff <weisman-goff@hotmail.com>
To: Erica Adams <eadams@smcgov.org>
CC: "jeff@chasearnold.com" <jeff@chasearnold.com>, "smonowitz@co.sanmateo.ca...
Date: 6/3/2015 5:16 PM
Subject: RE: 671 Menlo Oaks tree removal decision letter

Dear Erica:

Thank you for including me in this correspondence. Obviously, I'm extremely disappointed by the decision, considering the devastation this builder has caused to a once beautifully-wooded lot. I'm also disappointed that the decision didn't take into consideration the fact that the builder has demonstrated he always intended to destroy the tree and the others cut without applying for permits by erecting FOUR buildings, one of which is practically touching this last living oak and can't be completed without removing the tree. This, despite his original proposal to subdivide the lot that stated no trees would need to be removed.

The County Planning Department has an obligation to stand up for its principles and its own ordinance which it did not in this case. As neighbors we will discuss whether we will file a challenge to this decision. In the meantime, I hope that Jeff Chase and Chase Arnold Custom Builders are aware that they've brought shame upon themselves for turning a single lot into a housing project and in the process irresponsibly and willfully destroying four heritage trees for their own self-interest.

Janet Weisman Goff

Date: Wed, 3 Jun 2015 16:05:16 -0700
From: eadams@smcgov.org
To: weisman-goff@hotmail.com
Subject: Fwd: 671 Menlo Oaks tree removal decision letter

--Forwarded Message Attachment--

Date: Wed, 3 Jun 2015 15:24:19 -0700
From: eadams@smcgov.org
To: eadams@smcgov.org
Subject: 671 Menlo Oaks tree removal decision letter

Hello all, (20 recipients)

Attached you will find the decision letter for the tree removal at 671 Menlo Oaks. Most of the correspondence that I received was via email, so I am sending the decision letter via email.

The decision is final unless appealed with the appropriate filing fee of \$639.83. The appeal form is online, as is the tree ordinance..

Feel free to contact me via the contact information at the bottom of the email if you have questions,, but note that on Friday the 5th I am leaving on vacation. You can also call the main planning number if you have procedural questions. That number is 650/363-1825.

From: Meritt Lohr Sawyer <merittlohrowsawyer@gmail.com>
To: <eadams@smcgov.org>
CC: J Glanny <jeff.glanville@oracle.com>, Erin Glanville <erin.glanville@gma...>
Date: 4/10/2015 4:42 PM
Subject: Re: APN: 062140390 Removal of heritage valley oak

Helo Ms. Adams,

I have reviewed the letter from Erin Glanville and concur with every comment. My husband and I moved into this neighborhood twenty years ago attracted to the very reason the neighborhood is called "Menlo Oaks," for the tremendous treasure of oak tress that are preserved here. We are anti-development. But we do feel the number of trees removed IMMEDIATELY ACROSS THE STREET FROM US has impacted the environment we invested in. We have been surprised by the number of oaks that have been approved and removed. In this case, the current petition is to remove a heritage oak that is showing signs of healthy growth.

We reject this petition for the tree to be removed and ask what are the steps we need to take for our voices to be heard. We would be happy to pay for an arborist to evaluate the tree with a second opinion especially as this tree qualifies as a heritage oak.

Thank you for you prompt reply and attention.

Meritt Lohr Sawyer
670 Menlo Oaks Drive
Menlo Park, CA 49025

On Apr 10, 2015, at 3:32 PM, Erin Glanville <erin.glanville@gmail.com> wrote:

> Ms. Adams,
>
> I am writing in response to the proposed removal of a heritage Valley Oak tree at 671 Menlo Oaks Drive Drive. We live at 631 Menlo Oaks and can see this beautiful, 49"+ diameter tree with healthy leaf growth from our window.
>
> If approved, this will be the 5th heritage tree to be removed within a 100 foot area due to development of homes in the past year and a half. This loss is both tragic and ironic given our street name.
>
> The petition cites an arborist report of decay and "poor form" of the tree. When dealing with a petition to cut down yet another significant heritage tree, I would urge the county to require greater diligence. Could this tree be saved with some intervention from the arborist? The report does not indicate that the tree cannot be saved.
>
> I urge the county to reject this application unless the petitioner's certified arborist is certain that no measures exist that could otherwise save this tree. I understand that the developer for this project wants to move quickly toward getting this investment property on the market, however, the homeowners who have lived here for decades care deeply for the character and natural beauty of our neighborhood.
>
> Erin & Jeff Glanville
> 631 Menlo Oaks Drive
>
>

From: John Danforth <jdanforth@gmail.com>
To: Erin Glanville <erin.glanville@gmail.com>
CC: "eadams@smcgov.org" <eadams@smcgov.org>, J Glanny <jeff.glanville@oracle...>
Date: 4/10/2015 2:59 PM
Subject: Re: APN: 062140390 Removal of heritage valley oak

Ms. Adams,

I am writing to very strongly second the objections of the Glanvilles (below) to removal of this tree.

I am also a neighbor. I have lived down the block since 2002.

The mature trees in our neighborhood are of great importance to its unique, rural qualities. They are a large part of why I moved here -- and have continued to live here for 13 years.

I am deeply concerned about the ongoing removal of mature trees that will not be replaced in our lifetime. That process has hit Menlo Oaks Drive especially hard in the past year.

Please examine your process for approving these requests, tighten the criteria, and reject this proposal.

Thank you,
John Danforth
885 Menlo Oaks Drive

> On Apr 10, 2015, at 10:32 PM, Erin Glanville <erin.glanville@gmail.com> wrote:

>

> Ms. Adams,

>

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>

> Erin & Jeff Glanville
> 631 Menlo Oaks Drive

>

>

From: Erin Glanville <erin.glanville@gmail.com>
To: <eadams@smcgov.org>
CC: J Glanny <jeff.glanville@oracle.com>
Date: 4/10/2015 1:33 PM
Subject: APN: 062140390 Removal of heritage valley oak

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Erin & Jeff Glanville
631 Menlo Oaks Drive

From: Chip Lutton <rlutton@mac.com>
To: <eadams@smcgov.org>
Date: 4/11/2015 8:47 PM
Subject: Heritage Oak at 671 Menlo Oaks Drive

I am writing to add an additional voice in opposition to the tree-removal permit at 671 Menlo Oaks in unincorporated Menlo Park. I own two properties within 1/2 mile of that site.

A developer has subdivided an old lot, removed a 100 year old home, and is building two homes at the subject property. Trees such as the one proposed for removal are irreplaceable. This developer already removed another tree of equal stature without permit. These modifications change irreversibly the entire character of the neighborhood and county.

I would like to object to the removal. I understand the developer has claimed that the tree is ill (surprise, surprise!) but can the county arborist can review the 250 year old tree that is to be destroyed and provide an independent view of its viability? It is really important that we not allow speculative developers to run roughshod over our neighborhood character and community heritage. Thank you for following up

Chip Lutton
49 Lowery Drive, Atherton
650-823-0698

Rental property at 747 Gilbert Ave, Menlo Park

(former resident at 500 Berkeley Avenue)

From: Marilyn Wong <marilynwongjazz@comcast.net>
To: <eadams@smcgov.org>
CC: Judy Horst <pandagolf@aol.com>, Anne Kortlander <akortland@aol.com>, Jan...
Date: 4/14/2015 11:29 PM
Subject: Tree Removal Permit PLN2015-00131

> -----Original Message-----

> From: marilynwongjazz@comcast.net
> To: eadams <eadams@smcgov.org>; plnbldg <plnbldg@smcgov.org>
> Sent: Tue, Apr 14, 2015 11:35 pm
> Subject: Comment on Tree Removal Permit PLN2015-00131

>
> I object to the requested Tree Removal Permit PLN2015-00131 This builder Pacific Excel is seeking to remove a large heritage oak tree from this site. This builder has already cut down several other trees - one of which may have also been a heritage oak.

>
> The permit application is posted on an old gate post on Menlo Oaks. There does not appear to be an application permit sign on either of the two valley oaks in the construction site - that is visible from the street at least. So it is unclear which tree is in question. One valley oak is between Menlo Oaks Drive and the new single family dwelling being built at the address 671 Menlo Oaks Drive per the application BLD2014-02265. The other valley oak is next to the new foundation for a "new detached 2nd unit" being built at 673 Menlo Oaks Drive per application BLD2014-02267.

>
> The arborist report I've seen does not clarify which tree is the subject of the report.

>
> The Tree Removal Permit application states that PLN2015-00131 is for 671 Menlo Oaks Drive - but that Valley Oak in front of the new single family dwelling at 671 (per BLD2014-02265) looks very healthy from the street - with the exception of a dead limb overhanging the street - which has been there for a long time and in fact should be trimmed.

>
> It appears that the Valley Oak in the permit application may be the tree located right next to - in fact overhanging - the new foundation for "the new detached 2nd unit" (a second house) on the subdivided lot at 673 Menlo Oaks Dr. That is, the tree is in the way of the builder's decision to site the house where the builder wants the house to be - and the builder has now (right after the foundation was deeply excavated up to this tree's fence line) conveniently discovered that this heritage oak tree is "sick." However, the arborist report states that the tree's "vigor" is good with "normal shoot growth for the species."

>
> This is a classic old valley oak tree as seen from the street - very gnarly, with twisted old branches (some of which should be trimmed) - but with lots of new fresh spring leaf growth all over the tree. This tree could have lots of life and many years in it still with proper care -- if the builder did not appear intent on killing it. By eliminating this valley oak from this lot (along with the other trees already removed), the builder is changing the character of the Menlo Oaks neighborhood -- essentially taking the "oaks" out of Menlo Oaks.

>
> Obviously it must be clarified which heritage oak the builder wants to remove - but in either case, the valley oaks on these two building sites should be allowed to live and continue to add their character to the neighborhood.

>
> I would respectfully request that this permit NOT be approved.

>
> Thank you for your consideration,

Marilyn Wong
961 Peninsula Wau
Menlo Park, CA 94025

From: Janet Weisman Goff <weisman-goff@hotmail.com>
To: "eadams@smcgov.org" <eadams@smcgov.org>
CC: "plnbldg@smcgov.org" <plnbldg@smcgov.org>, "smonowitz@co.sanmateo.ca.us" ...
Date: 4/14/2015 9:58 PM
Subject: Objection to PLN2015-00131

April 14, 2015

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

BY EMAIL
RE: PLN2015-00131

This purpose of this letter is to strongly object to the plan of removing yet another living tree from the lot at 671 & 673 Menlo Oaks Drive in Menlo Park (unincorporated SMC). The builder, Jimmy Kimbrel of Chase Arnold Custom Builders (Pacific Excel 2, LLC), has destroyed a number of live trees during new construction on this once beautifully wooded lot — at least one of them was a significant heritage tree — without permit. The current petition to remove a 49.1" circumference valley oak is now pending approval from the Planning & Building Department. However, the posted notice is not attached to the actual tree in question so it's hard to visually confirm the contents of the report filed by the owner/contractor's arborist.

The report starts by providing a rating scale concluding that the oak tree is in fair condition. It goes on to describe the tree as having good vigor and normal shoot growth. The entire balance of the report glosses over the viability of the tree in favor of justifying its removal. The report states that a lost limb may be an indication of its possible failure. But the limb fell during construction and it is unclear what caused it to fall. The report also cites a hole in the trunk as being a reason for removal, although holes of this nature are routinely filled with good results. There is a non-specific reference to decay at the base but its cause is never identified or described in any detail. Nowhere in the report does it indicate any suggested measures for maintaining the tree even though it has been deemed to be in fair shape.

Overall, the report is remarkable for what it does NOT say. There is no mention of how standard pruning and tree care could preserve this old valley oak. It overlooks the fact that the reason it stands just 15 feet from the current new foundation is because the developer clearly did not consider the preservation of these heritage trees during the planning stages of the project. And it begs the question of whether the fallen limb was caused by the neglect of the building crew or by natural causes.

We support new construction and appreciate the continued vibrancy of our neighborhood. But not if the

cost is sacrificing our heritage trees for the whims of property owners. Good architecture and conscientious construction has an obligation to fit the environment and there's no reason a project of this magnitude and expense could not have been planned in a way that preserved our precious natural resources.

The County's official position is that outstanding heritage trees are an invaluable asset and the destruction of them diminishes beauty and historic values. Here is an opportunity to defend that position. Please deny the petition for a removal permit and encourage the developer to provide appropriate tree care.
Thank you.

Cordially,

Greg & Janet Goff
941 Peninsula Way Menlo Park, California 94025

From: Anne Kortlander <akortland@aol.com>
To: <eadams@smcgov.org>, <pinbldg@smcgov.org>
Date: 4/14/2015 6:36 PM
Subject: Comment on Tree Removal Permit PLN2015-00131

I object to the requested Tree Removal Permit PLN2015-00131. This builder Pacific Excel is seeking to remove a large heritage oak tree from this site. This builder has already cut down several other trees - one of which may have also been a heritage oak.

The permit application is posted on an old gate post on Menlo Oaks. There does not appear to be an application permit sign on either of the two valley oaks in the construction site - that is visible from the street at least. So it is unclear which tree is in question. One valley oak is between Menlo Oaks Drive and the new single family dwelling being built at the address 671 Menlo Oaks Drive per the application BLD2014-02265. The other valley oak is next to the new foundation for a "new detached 2nd unit" being built at 673 Menlo Oaks Drive per application BLD2014-02267.

The arborist report I've seen does not clarify which tree is the subject of the report.

The Tree Removal Permit application states that PLN2015-00131 is for 671 Menlo Oaks Drive - but that Valley Oak in front of the new single family dwelling at 671 (per BLD2014-02265) looks very healthy from the street - with the exception of a dead limb overhanging the street - which has been there for a long time and in fact should be trimmed.

It appears that the Valley Oak in the permit application may be the tree located right next to - in fact overhanging - the new foundation for "the new detached 2nd unit" (a second house) on the subdivided lot at 673 Menlo Oaks Dr. That is, the tree is in the way of the builder's decision to site the house where the builder wants the house to be - and the builder has now (right after the foundation was deeply excavated up to this tree's fence line) conveniently discovered that this heritage oak tree is "sick." However, the arborist report states that the tree's "vigor" is good with "normal shoot growth for the species."

This is a classic old valley oak tree as seen from the street - very gnarly, with twisted old branches (some of which should be trimmed) - but with lots of new fresh spring leaf growth all over the tree. This tree could have lots of life and many years in it still with proper care -- if the builder did not appear intent on killing it. By eliminating this valley oak from this lot (along with the other trees already removed), the builder is changing the character of the Menlo Oaks neighborhood -- essentially taking the "oaks" out of Menlo Oaks.

Obviously it must be clarified which heritage oak the builder wants to remove - but in either case, the valley oaks on these two building sites should be allowed to live and continue to add their character to the neighborhood.

I would respectfully request that this permit NOT be approved.

Thank you for your consideration,

Anne Kortlander

Owner

945 Peninsula Way

Menlo Oaks, CA

Project Description:

Tree Removal

Tree Removal Permit

Heritage Tree Removal Permit to remove one 49.1" diameter Valley Oak in the rear yard. An arborist report submitted with the application indicates that the valley oak suffers from poor form with decay at the base & limbs of the tree, also indicating that recent limb failure has occurred & previously installed cables supporting the tree have also failed. Associated with issued BLD2014-02265 or -02267.

From: Judy Horst <pandagolf@aol.com>
To: <eadams@smcgov.org>
Date: 4/14/2015 1:51 PM
Subject: Re: PLN2015-00131

Thanks so much.

Judy

-----Original Message-----

From: Erica Adams <eadams@smcgov.org>
To: Judy Horst <pandagolf@aol.com>
Sent: Tue, Apr 14, 2015 12:32 pm
Subject: Re: PLN2015-00131

>>> Judy Horst <pandagolf@aol.com> 4/14/2015 10:36 AM >>>

Thanks for talking with me today. I really appreciate your help with understanding the process.

I'd like to receive a copy of the arborist's report, and I think you said we could contact him/her to learn more about the state of the oak tree on the property. Hopefully the contact information will be on the report. If not, can you send that as well?

As I said when we talked, with an arborist's help, we've been able to nurture back to good health several oaks that looked like and had several maladies like those described briefly on the Notice of Tree Removal for the 671 Menlo Oaks property. Hope you can drive by and see our oaks. They weren't always this healthy, but they were cared for and bounced back.

Judy Horst
941 Peninsula Way
Menlo Park, CA 94025
650-327-5207

From: Judy Horst <pandagolf@aol.com>
To: <EAdams@smcgov.org>
Date: 4/14/2015 10:36 AM
Subject: PLN2015-00131

Thanks for talking with me today. I really appreciate your help with understanding the process.

I'd like to receive a copy of the arborist's report, and I think you said we could contact him/her to learn more about the state of the oak tree on the property. Hopefully the contact information will be on the report. If not, can you send that as well?

As I said when we talked, with an arborist's help, we've been able to nurture back to good health several oaks that looked like and had several maladies like those described briefly on the Notice of Tree Removal for the 671 Menlo Oaks property. Hope you can drive by and see our oaks. They weren't always this healthy, but they were cared for and bounced back.

Judy Horst
941 Peninsula Way
Menlo Park, CA 94025
650-327-5207

Erica Adams - Trees Removal Request PLN2015-00131 @ 671-699 Menlo Oaks Drive

From: Rick Widebrook <rwidebrook1@yahoo.com>
To: "EAdams@smcgov.org" <EAdams@smcgov.org>
Date: 4/16/2015 7:59 PM
Subject: Trees Removal Request PLN2015-00131 @ 671-699 Menlo Oaks Drive

TWIMC,

The subject builder has already torn out a majestic White/Valley Oak having a trunk exceeding 6 feet in diameter!

The subject builder now failed to post the required Tree Removal for the current Request PLN2015-00131.

This 1-block neighborhood lost FOUR 4-foot-plus diameter heritage Valley Oaks from Menlo Oaks Drive, Peninsula School, and Berkeley Avenue in a SINGLE YEAR! Rampant overdevelopment? Try living amidst the heavy-industry traffic and noise of incessant monster-housebuilding in this once-sane neighborhood.

I protest as excessive and unnecessary the subject Request PLN2015-00131. I strongly comment against the guaranteed rubber-stamp devil-may-care tree removal favoritism shown by SMC to the thinnest of "rationales" tossed off by builders.

Rick Widebrook
California Reg'd Geologist No. 6699

April 14, 2015

Dear Erica Adams,

I am writing to you in regards to permit: PIn 2015-00131@

671-699 Menlo Oaks Drive

to remove a Heritage Valley Oak. As a native of this area I am deeply upset at the rate of removal of our Heritage Oaks and Redwoods in the hands of developers. This urban canopy is a treasure that we all benefit from as residents. Trees such as these are what contribute to the economic value of our neighborhoods. Continuous rapid removal by developers of these Oaks will only decrease the value of our properties and our neighborhoods. Each tree can add up to \$25,000-\$30,000 to the value of a property. They are what create the well sought after ambience by many home buyers.

This valley Oak at 671-699 Menlo Oaks is in a good condition in need of

simple arborist care. It can be given pruning and thus safe and healthy. It shows signs of vigor in its new spiny leaves. The arborist report states this.

I would ask that a second opinion, from a third party be given. An unbiased one.

As a child of this beautiful neighborhood I ask that this permit not be given to this developer. They can clearly work their "development" around this Heritage Valley Oak.

If we continue allow developers take out our Heritage Trees we will no longer be able to refer to this neighborhood as "Mentlo Oaks" and come up with another name. A name that doesn't represent our beloved Urban Canopy we need to protect as citizens.

Thank you,

Julia Peters, Julia Peters

April 17, 2015

Plan Building Commission of San Mateo,

I am writing to you in regards to Permit: PIN 2015-00131 @ 671-699 Menlo Oaks dr. to remove yet another of our healthy beloved oaks from our urban canopy.

I am deeply upset at the rate of removal of our Heritage Oaks and Redwoods in the hands of developers who simply want what they want without regard to the bigger picture of our neighborhoods.

I am tired of filling their pockets for a quick profit so their project can be more appealing with more "light" in the windows of a new house to appeal to buyers for a higher profit. This is a selfish reason that only benefits a few individuals.

Our urban canopy is a treasure that we ^{all} benefit from as residents. Healthy vigorous trees such as this one are what contribute to the economic value of our neighborhoods.

Continuous rapid removal by developers of these Heritage trees is quickly decreasing

the ~~value~~ value of properties and our neighborhoods. Each Heritage tree adds up to \$25,000 - 30,000 to the value of a property. If we continue to allow builders to remove these Heritage trees we are going to have nothing left. The value of land in Menlo Park and its surrounding area is worth so much that everyone who builds only has dollar signs in their eyes. The developers are not taking responsibility for the surrounding area of neighbors, or the value of the tree. It is only about the building project profit and not the community or the tree. The Heritage Oaks are what create the well sought after ambience ~~of~~ by many home buyers of our community. Just look along Middlefield rd as one drives from Menlo Park to Redwood City. What happens to the oaks along that Road? Then in correlation, what happens to the property values ~~as~~ as you drive? The oaks ^{& redwoods} have been removed in a place named for the pride of trees missing from the landscape!

This particular Heritage Oak at 671-699 Menlo ~~Oaks~~ Oaks is in good condition and in need of simple arborist care. It can be given pruning and will remain safe and healthy. It shows signs of vigor in its' spiny leaves. The arborist report states this.

I would ask that a second opinion be given from a third party arborist report. An unbiased one.

As a child of this neighborhood, I ask that this permit requested by this developer be rejected. They can clearly work their "development" around this Heritage Valley oak. Over time, if we continue to allow development to remove our Heritage trees, we will no longer be able to refer to this neighborhood as "Menlo Oaks" and come up with another name. A name that doesn't represent our beloved ~~to~~ urban canopy we need to protect as citizens.

Thank you,
Julia Peters



RECEIVED

STANFORD UNIVERSITY MEDICAL CENTER

2015 APR 20 P 3: 39

Daniel A. Bloch, Ph.D.
Professor of Health Research & Policy, Emeritus
Division of Biostatistics

SAN MATEO COUNTY
PLANNING AND BUILDING
DEPARTMENT

Erica Adams
County of San Mateo Planning & Building Department
455 County Center
Redwood City, CA 94063

April 15, 2015

Dear Ms. Adams,

We are writing to you in regards to PLN2015-00131 at 671 Menlo Oaks Dr.

We ask you to deny the permit to remove this incredible tree, unless it is determined *beyond a shadow of a doubt*, that the tree poses imminent danger to other living things.

Many large trees have already been cut down to satisfy homeowners and developers in this neighborhood. This tree is currently showing signs of new spring energy by growing new leaves. This tree is an integral part of the neighborhood and adds so much to the neighborhood!

Respectfully,

A handwritten signature in cursive script that reads "Daniel A. Bloch".

Daniel A. Bloch . Emeritus Professor, Stanford University
Aleta Bloch

A handwritten signature in cursive script that reads "Aleta Bloch".

June 3, 2015

Jeff Chase
Chase Arnold Custom Builders
2065 Grant Road
Los Altos, CA 94022

Dear Mr. Chase:

SUBJECT: Heritage Tree Removal Permit
671 Menlo Oaks, Menlo Park
APN 062-140-390; County File No. PLN 2015-00131

Your application for a Heritage Tree Removal Permit, to remove one 49.1 inches in diameter at breast height (d.b.h.) valley oak tree located in the rear yard on the subject property, is hereby **approved**, pursuant to Section 11,000 of the San Mateo County Ordinance Code. The parcel is currently being developed with a single-family residence and second unit. Public notification was sent out on April 7, 2015. The posting period began on April 7, 2015 and ended on April 17, 2015. The site was visited during the required 10-day posting period. Numerous comments objecting to the proposal were received.

The applicant states on the application that the subject tree is in poor condition and a hazard. An arborist report, dated April 2, 2015 and updated May 12, 2015, from Kevin Kielty, (WE#0476A), of Kielty Arborist Service **ATTACHMENT J** ee's health.

The arborist states that:

"The tree in question is a valley oak (*Quercus lobata*) with a diameter at breast height of 49.1 inches. The tree is located 15 feet to the west of the foundation for the new house. The estimated height of the tree is 55 feet with a total crown spread of 60 feet. The vigor of the oak is good with normal shoot growth for the species. The form of the oak is very poor with decay at the base and a recent history of large limb drop. The canopy of the oak is heavy to the south and is overextended with decay at several locations on the scaffold limbs. A large 28-inch wide cavity is present on the southern trunk. Failed cables in the canopy are of concern. The tree receives a 40 (poor) on a scale of 1-100."

The following is the arborist's recommendation:

"The large oak has a number of form flaws making the tree an immediate hazard. Recent large failed limbs failures are a result of the form flaws and future failed limbs are likely. The decay at the base and the large cavity on the



ATTACHMENT K

southern trunk may lead to total tree failure. As the lot is developed and the target becomes heavily used the chances of damage or injury will increase.

Remove and replace the failing oak as the tree is an immediate hazard. Future failure is likely and damages will be significant. If the tree was trimmed to lessen the chances of leader failure, trimming would require end weight reduction using 6-10 diameter cuts. The large cuts would be well beyond ANSI standards and would cause more long term damage to the tree. Trimming will lessen the chances of limb and leader failure but cannot guarantee the health or safety of the tree. Replace the oak with another valley oak in a location where the tree can flourish.

Trimming of the tree is not advised as the large cuts will accelerate the decaying process and will lead to failure. There is no effective treatment for the decay or the crown rot on the root zone. Removal and replacement is the only method that will eliminate all hazards and liabilities associated with the tree."

Staff visited the site and observed green leaves on the tree and areas of decay. In addition, the tree branches looked to be low and would be in close proximity to the new construction.

Many neighbors raised general concerns about tree removal in the neighborhood. One recurring concern expressed by neighbors is that there are too many trees being removed to accommodate new development. The County processes every tree removal individually and on its own merits and approval to remove a heritage tree is granted based on criteria found either in the Significant Tree Ordinance or in the Heritage Tree Ordinance. In this case the oak tree is 49-inches d.b.h., making it slightly larger than the 48 inches or greater which qualifies it as a heritage tree. Criteria that are considered for heritage tree removal are established in Section 11,052 and include

1. The general health of the tree; and
2. The necessity of the required action to construct improvements or otherwise allow economic or other enjoyment of the property.

Another recurring request from neighbors was for the applicant to be required to submit a second arborist report. When a tree's health is a part or all of the basis for removal, it is required that an arborist report from a licensed arborist be submitted to provide the necessary professional expertise necessary to process tree removal applications. The County does not employ an arborist, nor does it have a requirement that more than one professional evaluation be completed on a tree permit.

Planning staff discussed this proposal with some neighbors who stated they had an interest in hiring an arborist to provide a second evaluation of the tree, and the decision on the application was delayed to provide time to accommodate such an effort. No additional reports were submitted. It was during this time that the applicant asked his arborist to revise

the submitted report to be more comprehensive, and better address the neighbors' concerns about the health of the tree.

It has been determined based on statements by the owner on the application, the submitted arborist report and staff site visit, that the tree warrants removal on the basis of poor health and due to its close proximity to construction. Regarding the health of the tree, the report prepared by a licensed arborist has indicated that the tree is in declining health and that it is an "immediate hazard." The arborist report indicates that there is no effective treatment of the decay or crown rot on the root zone and the future failure is likely.

Regarding its proximity to construction, new construction is proposed within 20 feet of the tree and an unstable tree can impact the safety and enjoyment of the property by future residents. Oaks of this size and age do contribute significantly to the beauty and appeal of the neighborhood. The subject tree is located in the rear yard, and not in a location which is highly visible to the general public. As a condition of approval, two (2) 15-gallon valley oak trees shall be planted.

Based on the foregoing, your application is hereby **approved** subject to the following discussion of heritage tree criteria and conditions of approval:

CONDITIONS OF APPROVAL

1. The tree indicated on the application form dated April 7, 2015, may be removed after the end of the appeal period, assuming no appeal is filed as stipulated in this letter. A separate Tree Removal Permit shall be required for the removal of any additional trees.
2. This Tree Removal Permit approval shall be on the site and available at all times during the tree removal operation and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street.
3. The applicant shall plant on-site a total of two (2) valley oak trees using at least 15-gallon size stock, for the trees removed. Replacement planting shall occur within one year of the Tree Removal Permit approval date (Section 12,024 of the San Mateo County Ordinance Code).
4. The applicant shall submit photo verification to the Planning Department of the planted replacement trees required in Condition of Approval No. 3. Photos shall either be submitted in person to the Planning Department, or via email to plngbldg@smcgov.org with reference to the Planning Application PLN Number, as identified in the subject line of this letter.
5. If work authorized by an approved permit is not commenced within the period of one year from the date of approval, the permit shall be considered void.

6. During the tree removal phase, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site by:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
 - b. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
 - d. Using filtration or other measures to remove sediment from dewatering effluent.
 - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.
7. Prior to the removal of any trees located within the public right-of-way, the applicant shall obtain an encroachment permit from the Department of Public Works. Additionally, prior to planting any trees within the public right-of-way, the applicant shall obtain a landscaping/encroachment permit from the Department of Public Works.
8. The applicant shall clear all debris from the public right-of-way.

To ensure compliance with the above conditions, a "Parcel Tag" will be placed on this parcel which shall restrict future development until these conditions are met, particularly with regard to the planting and photo verification of the replacement trees. Upon fulfillment of these conditions, as determined by the Community Development Director, the subsequent parcel tag shall be lifted.

The approval of this Tree Removal Permit and any conditions of the approval may be appealed within ten (10) working days of the date of this letter. An appeal form accompanied by the applicable filing fee of \$639.83 must be submitted by **5:00 p.m., June 17, 2015**. If at the end of that period no appeal has been filed, the subject trees may be removed (Section 12,028 of the San Mateo County Ordinance Code).

You will be notified if an appeal is made.

If you have any questions, please call the project planner, Erica Adams, at 650/363-1828 or by email at eadams@smcgov.org.

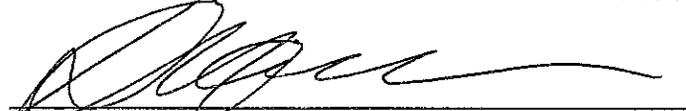
Jeff Chase
Chase Arnold Custom Builders

- 5 -

June 3, 2015

To provide feedback, please visit the Department's Customer Survey at the following link:
<http://planning.smcgov.org/survey>.

FOR STEVE MONOWITZ
ACTING COMMUNITY DEVELOPMENT DIRECTOR, By:



Dave Holbrook, Senior Planner

DH:EA:pac - EDAZ0392_WPN.DOCX

cc: Concerned Neighbors

381 Santa Margarita
Menlo Park, CA
April 17, 2015

Erica Adams
Project Planner
San Mateo Planning & Building Department
455 County Center
Redwood City, CA 94063

Dear Ms. Adams

I am writing to you to request that the permit for Tree Removal #PLN2015-00131 at 671-699 Menlo Oaks Drive be denied.

The tree is a heritage oak and according to the arborist report it shows vigorous growth and new spring leaves. Large heritage Oaks require care and pruning, which could be provided by an arborist to take down any branches that may be dangerous. It is unclear to me why this entire tree should be chopped down.

Those of us who have chosen to live in Menlo Park have done so BECAUSE we love the Oak Trees that are here. They provide shade and beauty to our neighborhoods and are a treasure. They need to be protected and not chopped down to build houses. There are studies that have suggested that just having a heritage oak on one's property increases the property values by an estimated \$25,000 and properties adjacent, as well.

You are the guardians of our urban tree canopy and we are asking you to do the right thing. Please vote to deny this permit so this beautiful tree can be enjoyed by the neighbors and the new owners of the homes being built.

Thank you for your consideration of this request,


Margaret A. Spak

Erica Adams - PLN2015-00131 - heritage tree removal proposed at at 671 Menlo Oaks Dr.

From: "pat walker" <plwalker@pacbell.net>
To: <EAdams@smcgov.org>
Date: 4/17/2015 2:38 PM
Subject: PLN2015-00131 - heritage tree removal proposed at at 671 Menlo Oaks Dr.

Dear Ms. Adams,

My husband and I have lived on Arlington Way in Menlo Oaks for almost 40 years. While we are not in close proximity to the heritage oak that is proposed to be removed, we have seen the same heritage-tree-removal battles on Arlington Way. More specifically, we have seen the heritage trees disappear with almost every tree-removal proposal.

As we see it, the mindset has changed in that developers and/or new owners immediately raze the existing property and start development from scratch on the property. They have never lived on the property and have not come to appreciate the heritage trees that are on the property. Ironically, we always hear people say that they want to move to this area because of the beautiful trees in the neighborhood.

This is why the County heritage tree-removal rules are important. We rely on the County to protect the trees that should be protected under the rules. A neighbor cannot stop a developer or another neighbor from taking down trees.

Further, it appears to be a common theme that the proposed tree to be removed is "diseased", and the burden is on the neighbors to undertake the financial and time commitment to disprove it.

I urge you to take a hard look at whether this heritage oak should be removed. Thank you.

Pat Walker
300 Arlington Way, Menlo Park

Erica Adams - PLN2015-00131 at 671 Menlo Oaks Dr. comment removal of tree at 671 Menlo Oaks

From: Dorothy Fadiman <dorothy.fadiman@gmail.com>
To: <EAdams@smcgov.org>
Date: 4/17/2015 2:37 PM
Subject: PLN2015-00131 at 671 Menlo Oaks Dr. comment removal of tree at 671 Menlo Oaks

Erica,

My name is Dorothy Fadiman. I live at 1070 Colby Ave. in Menlo Oaks we received a notice in the mail about plans to remove a Heritage Oak with a 49" diameter at 671 Menlo Oaks.

I go by many times a day and I can see that the tree in question does have a full crop of new leaves. I have reached out to neighbors for more information about their own experiences with saving oaks.

Various homeowners have said that they's experienced is a wide range of opinions among arborists... some said that certain of their trees were diagnosed as too diseased to save by one arborist, and that another arborist was able to save those very same trees. So, we and the County have to be careful with only one aborist's report.

In this case, I had heard, and the report was verified, that the builder on 671 Menlo Oaks, who had hired this arborist, had already "removed" one oak from that property with no permit. Is there not a penalty for that??? So, we wonder if it would not be wise to get a second opnion about this tree before it is removed. Many people in this community, including our family, are interested in pitching to save that tree if that is at all possible. Please let us know the ground rules about getting second opinion.

We appreciate your listening to our concerns.
Thank you.
Dorothy Fadiman

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CONCENTRIC MEDIA
Box 1414
Menlo Park, CA 94026
650-568-4340 work
650-321-5590 home
www.concentric.org

Application for Appeal

Planning and Building Department

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

- To the Planning Commission
- To the Board of Supervisors

Applicant Information

Name: Judy Horst

Phone, W: 650-327-5207 H: 650-327-5207

Address: 945 Peninsula Way
Menlo Park

Zip: 94025

Permit Information

Permit Numbers involved:

2015-00131

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:

Judy Horst

Date: 6/17/15

made on June 17 20 15, to approve/deny the above-listed permit applications.

Comments (to 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?

appeal
See attached letter and exhibits. Refer to zoning petition PLN 2014-00107
and aerial map.

NOTICE OF APPEAL
HERITAGE TREE REMOVAL PERMIT DECISION
APN 062-140-390; COUNTY FILE NO. PLN 2015-00131

Secretary to Planning Department
Planning Director
San Mateo County Planning Department

This is an appeal to the decision to allow Chase Arnold Custom Builders to remove a significant Heritage Valley Oak from the subdivided lot at 671 Menlo Oaks Drive, PLN2015-00131. Aside from the fact that this builder has already made a mockery of the County Planning Department regulations and that the tree probably could be saved with proper care, we are taken aback at the trivial nature of the conditions for granting the removal.

In addition, within your decision, we are appealing Condition #3 that states "the applicant shall plant on-site a total of two (2) valley oak trees using at least 15-gallon size stock for the trees removed. Replacement planting shall occur within one year of the Tree Removal Permit approval date (Section 12,024 of the San Mateo County Ordinance Code)."

The builder has removed several large oaks from this site without permitting, as you may know from having read the initial responses from community members to Chase's tree removal request. In the findings from a Zoning Department Hearing re: Petition # PLN2014-00107 to subdivide on July 3, 2014, #4 states that there would be no environmental damage by subdividing the original property, and #5 states that there was no intention to remove any trees and the builder would be responsible for submitting a tree protection plan as part of the project. The County granted approval to subdivide the lot based on these stipulations -- both of which have been violated.

When you look at an aerial picture of the 671-673 Menlo Oaks Drive lots -- before the original house was sold and torn down -- the difference in tree coverage from then to today is remarkable. Attached is a photo of the site from Google Earth (Exhibit 1) that shows the site before the developer Chase Arnold started cutting down trees to make room for two residential structures (main house plus guest house) on each subdivided parcel for a total of four large buildings.

Thus we find Condition #3 totally inadequate: Two (2) 15 gallon replacement trees are not only insufficient for the magnificent 49" in diameter Heritage Oak tree (over 40 feet high) that is now going to be removed because the developer has figured out how to "game" the County ordinances regarding tree safety, but that Condition #3 is also inadequate for the harm that Chase Arnold has done to the other trees that were on the lot -- and for which the County did not provide proper oversight in its planning process.

If the County will not defend its own ordinances and regulations, at the very least Condition #3 should be amended to require the builder Chase Arnold to replace the Heritage Valley Oak in this request *with at least four (4) 48" box valley oaks*. A 48" box typically holds a fairly mature tree with 3-7 years of growth at the nursery. Heights vary (depending on tree) between 10-30 feet. Larger, more established trees such as these also have a better opportunity to thrive in the drought conditions now present in San Mateo County.

The size and number of valley oak trees that are requested in this revised Condition #3 should be to ameliorate the harm done to the other large Heritage trees on the site contrary to the terms of the subdivision application approved by the County (see Exhibit #2).

Condition #3 of this current approval should also be amended to require maintenance of the four (4) 48" box valley oak trees by the developer Chase.

Two exhibits are included below.

Attached is a check for this appeal in the amount of \$639.83

We look forward to a positive outcome to this appeal.

NOTICE OF APPEAL

HERITAGE TREE REMOVAL PERMIT DECISION

APN 062-140-390; COUNTY FILE NO. PLN 2015-00131

Sincerely,
Menlo Oaks Neighbors

Dorothy Fadiman, Harbinder and Surinder Kang, Jessica Byron, Janet & Greg Goff, Anne Kortlander, Judy Horst, Rob Riley, Kay Hitch, Marilyn Wong, Remona Murray, Rich Collyer, Holly Still, Jeff and Erin Glanville, Juergen and Mary Amend, John Danforth, Aleta Bloch, Judy Colwell, Linda Jackson, Brent Brown, Mary Ann Carmack, Don Chambers, Jane Farish, John Smolowe, Gurinder Kank, Kate Fickle, Penny Stroud, Robin Mount, Sheri Basta, Sonja Randall, Susan Fleischmann, Diana Carol Jaye, Greg Gallo, Renee Fadiman, Shelby Strebel.

Reply C/O

Judy Horst
945 Peninsula Way
Menlo Park, CA 94025

NOTICE OF APPEAL
HERITAGE TREE REMOVAL PERMIT DECISION
APN 062-140-390; COUNTY FILE NO. PLN 2015-00131

Exhibit 1.

This is a view of the heavily wooded lot at 671 Menlo Oaks Drive, Menlo Park before the developer Chase started its demolition and building.

Note that the original subdivision application by Chase stated that “the applicant is not proposing to remove any trees as part of this project” on the site. However, a current inspection of the site by the County and a comparison of the current site to this “before” photo clearly shows that Chase has not adhered to its promise in the subdivision request.

Because a key value of the Menlo Oaks neighborhood is the size and character of its oak trees – which are being lost from this now-subdivided lot -- we request that Condition 3 in your approval be revised to require four (4) 48” box Valley Oak trees to be planted and maintained on the site by the developer Chase. The size and number of these trees will provide a head start to re-establishing this lot as a part of Menlo Oaks.



NOTICE OF APPEAL
HERITAGE TREE REMOVAL PERMIT DECISION
APN 062-140-390; COUNTY FILE NO. PLN 2015-00131

Exhibit 2.

On July 3, 2014, the subdivision of the lot at 699 Menlo Oaks Drive, Menlo Park (now 671 and 673 Menlo Oaks Drive) was approved by the County Planning and Building Department.

One of the recommended findings in the subdivision approval document states:

Permit or Project File Number: PLN 2014-00107

“5. That the applicant is not proposing to remove any trees as part of this project, however, there are several trees, particularly around the garage, that could be negatively impacted during the demolition process if care is not taken to protect these trees. To address this potential impact, a condition of approval requiring the submittal of a tree protection plan, prior to the issuance of the demolition permit, has been included.” (emphasis added here)

Several searches of the County website have not yielded a copy of the required “tree protection plan” for 671 and 673 Menlo Oaks Drive, nor any oversight activities undertaken by the County to ensure adherence by the builder Chase to that tree protection plan.

This is yet another reason why we Menlo Oaks neighbors are requesting that Condition 3 of the Tree Removal Permit Approval be amended to require four (4) 48” box valley oak trees be planted and maintained on the site by the developer Chase Arnold.



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:



Chase & Arnold, Inc.

700 Pleasant Valley Lane, Aptos, CA 95003
2065 Grant Road, Los Altos, CA 94024

(831) 722-4100
(650) 964-7760

January 6, 2016

Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063

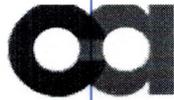
Re: Tree Removal Permit File # PLN 2015-00131

Chase & Arnold, Inc. made a concerted effort to minimize tree disturbance on these two parcels. At the initial planning stages the new buildings were purposely positioned to minimize the impact on the trees of the property. In fact only two trees within the building envelopes were slated to be removed. This was approved by the county during the building permit process.

A tree protection plan was submitted as part of the application and the installation of this protection was inspected by our arborist, John McClenahan. One other tree, a large Valley Oak in extremely poor condition with an exaggerated lean, was identified as a significant risk hazard (see McClenahan Consulting report dated 7/28/2014 for details). A permit application to remove this tree was submitted with the arborist's report. The county approved and issued this permit.

Several multi trunk oversized bushes were removed at the rear of 671 Menlo Oaks that were located at or near the foundation of the guest house and the county required storm water retention system. These were not trees but merely large shrubs / bushes.

The 49" oak tree in question has been inspected by two arborists. Both arborist reports identified the poor health of this tree and the risk hazard of large limb failure. The removal permit is being requested for safety issues and the identified substantial liability associated with this tree.



CHASEARNOLD
CUSTOM BUILDERS

Chase & Arnold, Inc.

700 Pleasant Valley Lane, Aptos, CA 95003
2065 Grant Road, Los Altos, CA 94024

(831) 722-4100
(650) 964-7760

Contrary to comments made in the neighbors appeal letter Chase & Arnold has been a good steward of these properties and has only removed trees with complete arborist reports and county approved permits.

Sincerely

Jeff Chase

Chase & Arnold, Inc.