

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

DATE: July 23, 2014

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of an appeal of a decision by the Community Development Director to approve a Tree Removal Permit, pursuant to Section 12,000 of the San Mateo County Ordinance Code, to remove one redwood tree, located at 180 Stanford Avenue, in the unincorporated West Menlo Park area of San Mateo County.

County File Number: PLN 2014-00136 (Woods and Hawes)

PROPOSAL

The appellant is appealing the approval of a permit to remove one significant size redwood tree. The request was approved with the finding that the tree could cause substantial damage to public or private property due to its location adjacent to the house on the same parcel.

RECOMMENDATION

Deny the appeal and uphold the decision of the Community Development Director to approve the tree removal permit for the redwood tree, County File Number PLN 2014-00136, by making the finding for the approval and imposing the conditions of approval included in Attachment A.

Should the Planning Commission uphold the appeal, the required finding for denial of the tree removal permit is provided in Attachment B.

SUMMARY

On April 24, 2014, the applicant applied for a permit to remove one redwood tree, 46.3 inches in diameter, from the front yard of 180 Stanford Avenue. The application included reports from a certified arborist and a professional engineer attesting to the damage to the adjacent house already caused by the tree and the need to remove the tree to prevent further damage. On May 22, 2014, after consideration of the public comment and application materials, the Community Development Director approved the application to remove the redwood tree, finding that the tree could cause substantial damage to public or private property.

An appeal was filed on May 28, 2014. The appeal is based on the following allegations: that the engineer's and arborist's reports were not correct; that the Planning Department interpreted the Significant Tree Ordinance incorrectly; and, that the permit applicant provided inaccurate information on the application and intends to demolish and replace the house.

Staff recommends that the appeal be denied, and the decision of the Community Development Director upheld, because the information submitted by qualified and licensed professionals provides evidence that the tree is damaging the existing structure, and its removal therefore complies with the requirements of the Significant Tree Ordinance. Conjecture regarding the future intent of the property owner does not provide a basis for denial of the permit.

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SUBJECT: Consideration of an appeal of a decision by the Community Development Director to approve a Tree Removal Permit, pursuant to Section 12,000 of the San Mateo County Ordinance Code, to remove one redwood tree, located at 180 Stanford Avenue, in the unincorporated West Menlo Park area of San Mateo County.

County File Number: PLN 2014-00136 (Woods and Hawes)

PROPOSAL

The appellant is appealing the approval of a permit to remove one significant size redwood tree. The request was approved with the finding that the tree could cause substantial damage to public or private property due to its location adjacent to the house on the same parcel. The application included reports from a certified arborist and a professional engineer attesting to the damage to the adjacent house already caused by the tree and the need to remove the tree to prevent further damage. The Planning Department granted the tree removal permit.

RECOMMENDATION

Deny the appeal and uphold the decision of the Community Development Director to approve the tree removal permit for the redwood tree, County File Number PLN 2014-00136, by making the finding for the approval and imposing the conditions of approval included in Attachment A.

Should the Planning Commission uphold the appeal, the required finding for denial of the tree removal permit is provided in Attachment B.

BACKGROUND

Report Prepared By: Steven Rosen, Project Planner, Telephone 650/363-1814

Applicant/Owner: Doug Woods and Berina Hawes

Appellant: Ronald Snow

Location: 180 Stanford Avenue, West Menlo Park

APN: 074-104-430

Parcel Size: Approximately 5,650 sq. ft.

Existing Zoning: R-1/S-72 (Single-Family Residential/5,000 sq. ft. minimum)

General Plan Designation: Medium Density Residential (6.1-8.7 dwelling units/acre)

Existing Land Use: Single-Family Dwelling

Flood Zone: Zone "X" (Area of Minimal Flooding); Panel printed 06081CO312E, dated October 2012.

Environmental Evaluation: 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.

Setting: The site is in a single-family neighborhood. The parcel is flat and rectangular in shape with single-family houses to the right, left and rear. All of the houses immediately adjacent are two-story buildings. The houses across the street are one-story buildings. The property is improved with a one-story single-family residence. Stanford Avenue has a large number of mature trees shading the street. The canopy over the street immediately in front of the subject property is particularly full, such that the street is mostly shaded for most of the day. Two of the trees are on the subject property and are not proposed to be removed. The redwood tree is located in the left side of the front yard, behind the trees on the edge of the right-of-way.

Chronology:

Date

Action

May 22, 2013

- The Planning Department received an application to remove the subject tree and three others for the purpose of accommodating a new, larger house on the site. At that time, the Planning Department requested a report on the historical significance of the house to be demolished because the Planning Department received public comment stating that it may have been moved from Camp Fremont, an Army facility dating from the Great War. The Department did not receive this study because it was not a condition of approval for removing the other three trees.

- July 18, 2013 - The Planning Department approved the removal of three other trees and denied the removal of the redwood. The removal of the redwood was denied because the Community Development Director found that it was not necessary to remove the tree to allow the construction of a new house on the site. The Planning Department received several letters attesting to the value the neighborhood places on the tree.
- April 24, 2014 - The Planning Department received an application to remove the subject tree to prevent additional damage to the existing structure.
- May 22, 2014 - The Planning Department approved the removal of the redwood tree.
- May 28, 2014 - Ronald Snow appealed the Planning Department's decision to the Planning Commission.
- July 23, 2014 - Planning Commission public hearing.

DISCUSSION

A. KEY ISSUES OF THE APPEAL

A copy of Mr. Snow's appeal is included as Attachment G of this report. The following are claims taken directly from the appeal application.

1. *The Structural Report on which Planning relied upon stated claims that were false and inaccurate. One key claim was that the windows next to the tree were significantly out of level – Planning received correspondence from the neighborhood residents on May 5 that identified that the windows were in fact level. Other claims in the report were also incorrect. The County has the responsibility to require such documents to be accurate and void of false or unsubstantiated claims. When important conflicting statements are identified, Planning staff should have researched those directly.*

Staff's Response: The building inspection report, Attachment F, was prepared by George E. Drew, a professional engineer licensed by the State of California and certified to perform building inspections. In his report, Mr. Drew found that the home's shallow spread footing foundation showed evidence of distress and differential movement associated with the growth of the root system of the immediately adjacent tree. Specifically, his check of the window frames on the adjacent walls found them to be out of level. He found that this is evidence of the corner of the structure having been raised by the tree's roots and concluded that continued growth would result in foundation failure.

During the public comment period, Mr. Snow, the appellant, submitted pictures of a window that is slightly out of level and of siding lap that is level to show that the house is not being lifted by the tree's roots. The picture does show that the window is out of level. The engineer recommends removing the tree while the house is still safe to inhabit and only slightly out of level instead of waiting until it is too late and expensive repairs are required.

2. *The arborist, hired by the developer, did not claim structure frame damage to the house (nor was he professionally qualified to do so). The Approval Letter from Planning stated as one of its founding reasons for approval "that the tree will continue to grow until the trunk itself pushes in the walls of the house." County can take judicial notice of sources authored by experts in the field that confirm that: (1) the rate of tree growth for this mature tree is measured in a tiny fraction of an inch per year; and, (2) the common range is 10 to 20 annual growth rings per inch. Doing the math, based on this documented scientific evidence and the distance from the trunk to the house, this would not start to occur for about 200 years and should have been factored into the decision.*

Staff's Response: The applicant submitted a letter prepared by Mr. John McClenahan, an ISA Board Certified Arborist. Mr. McClenahan's professional judgment of the tree is that the damage to the structure is inevitable due to the growth of the tree's root system. He also notes the large root mass touching the foundation and the fact that the roots have been cut before.

In a telephone conversation, Mr. McClenahan stated that a root barrier could not be installed here because the tree and its root system are already touching the foundation, so there is not enough space to do the work. He continued to say that root cutting will make the tree unstable. He added that, even if the roots were kept from destroying the house, the tree will continue to grow until its trunk and burls cave the walls in.

3. *Key covenants of the Significant Tree Ordinance appear to have been ignored. The County has the obligation to honor the intent and purpose of the ordinance and our neighborhood residents have the right to have our significant trees protected. This healthy tree provides key habitat to hawks, owls, and other birds. It is a tree that provides value to the entire neighborhood. It represents the natural and environmental ambience of the neighborhood.*

Staff's Response: The Significant Tree Ordinance allows the removal of significant trees for several reasons. Preventing damage to private property is one of them. The reports submitted by the arborist and engineer indicate that the tree is already damaging the house and will continue to do so in the future.

4. *The developer purchased the property to demolish the house and build a new structure. This intent still exists. County has a right to insure truthful exchanges and factor intent. County Planning should not condone a two-step procedure by the developer that effectively nullifies the Significant Tree Ordinance. The developer uses the “save the house” argument as reason for the tree concern. County should therefore put in place covenants, easements or similar restrictions and that would protect the historical house so to not allow both tree removal AND the removal of the house to occur within a 15-year period of one another and these conditions and restrictions should be binding on the current owner, its assigns, and future owners.*

Staff’s Response: The Planning Department denied a prior application to remove the tree to make room for a proposed new house. The applicant withdrew the building permit. The applicant has now applied to remove the tree to prevent damage to the existing house. No demolition or replacement of the existing house is currently proposed. Though it is possible that demolition and replacement of the structure may be proposed in the future, the current circumstances warrant removal of the tree, and the Planning and Building Department does not have the authority to deny the permit based on conjecture. Recommended Condition of Approval No. 9 requires a historical report prior to any demolition of the structure to address its potential historical value.

5. *The Arborist and Structural report provided by Planning did minimal analysis. The arborist has stated that annual measurements of this tree could occur (i.e., every September) to establish data to accurately assess the growth of the tree and to assess the growth of potential conflict with house structure. This would be done at two marked circumference points and measurements between trunk and house. The County should request that this or similar accurate grow measurement be done so that accurate and unbiased data can be evaluated in its decision process.*

Staff’s Response: It is unclear what this annual measurement would achieve. The reports by the professionals attest to the impending damage to the house that will be caused by continued growth of the tree’s roots. A tree’s root system is typically equal in size to or larger than its dripline.

B. CONFORMANCE WITH THE SIGNIFICANT TREE ORDINANCE

Section 12.023 (Criteria for Permit Approval) states that the Planning Director or any other person or body charged with determining whether to grant, conditionally grant or deny a Tree Cutting or Trimming Permit may approve a permit for several reasons, one of which is that the tree could cause substantial damage. As discussed previously, the applicants’ engineer has stated that the roots of the tree are already starting to impact the foundation of the house. If the tree is not

removed, it will continue to cause damage to the structure, requiring demolition of the damaged area of the structure so that it will be clear of the tree's roots.

ATTACHMENTS

- A. Findings and Conditions for Approval
- B. Finding for Denial
- C. General Location/Vicinity Map
- D. Tree Removal Permit Letter from 2014
- E. Arborist's Report
- F. Engineer's Report
- G. Appeal Application
- H. Site Photos
- I. Tree Removal Permit Letter from 2013

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County of San Mateo - Planning and Building Department

ATTACHMENT A

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2014-00136

Hearing Date: July 23, 2014

Prepared By: Steven Rosen
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS FOR APPROVAL

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 Tree Removal Permit, Find:

2. That the tree could cause substantial damage to the existing structure, as evidenced by the damage to the foundation that has already been caused by the root system.

RECOMMENDED CONDITIONS OF APPROVAL

1. The tree indicated on the application form dated May 24, 2014, may be removed after the end of the appeal period in the event that no appeal is filed. 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 for inspection by any person at all times during the tree removal operation. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street.
3. The applicant shall plant one tree on the site using at least 5-gallon size stock to replace the tree to be removed. The species of the tree shall be indigenous to inland San Mateo County, drought-resistant, and appropriately sized and located so that it will not be a hazard to any structures or improvements. A site plan showing the type and location of the replacement tree shall be submitted for the review and approval of the Community Development Director, or his or her

designee, prior to planting. Replacement planting shall occur within one year of the Tree Removal Permit approval date per 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 tree 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 2014-00136).
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.
9. In the event the house is ever proposed for demolition, prior to issuance of any such demolition permit, the owner shall submit a historical report on the house, as

prepared by a licensed historian or architectural historian, to the County Planning and Building Department for review by the Community Development Director. The Director may choose to agendaize the report before the Historic Resources Advisory Board for their review and recommendation prior the Department's action on the demolition permit.

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County of San Mateo - Planning and Building Department

ATTACHMENT B

County of San Mateo
Planning and Building Department

RECOMMENDED FINDING FOR DENIAL

Permit or Project File Number: PLN 2014-00136

Hearing Date: July 23, 2014

Prepared By: Steven Rosen
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING FOR DENIAL

Regarding the Tree Removal Permit, Find:

1. That the removal of the redwood tree cannot qualify for any of the findings listed in the Significant Tree Ordinance. The justification for the proposal, damage to the structure, is not adequately supported by the evidence submitted with the application.

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County of San Mateo - Planning and Building Department

ATTACHMENT C

Vicinity Map





County of San Mateo - Planning and Building Department

ATTACHMENT D



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

May 22, 2014

Mr. Doug Woods
Ms. Berina Hawes
180 Stanford Avenue
Menlo Park, CA 94025

Dear Mr. Woods and Ms. Hawes:

SUBJECT: Bayside Tree Removal Permit
180 Stanford Avenue
APN 074-104-430; County File No. PLN 2014-00136

Your application for a Tree Removal Permit, to remove one coast redwood (*sequoia sempervirens*) from in front of the house on the subject property, is hereby **approved**, pursuant to Section 12,000 of the San Mateo County Ordinance Code. Public notification was sent out on April 24, 2014. The posting period began on April 24, 2014 and ended on May 5, 2014. The site was visited during the required 10-day posting period. Comments objecting to the proposal were received.

You attached a report prepared by George E. Drew, a professional civil engineer licensed by the State of California, that attested to the damage being caused to the foundation of the house by the tree's roots. Specifically, Mr. Drew cites his inspection of the windows that found them to be out of level.

You also attached a report prepared by John H. McClenahan, a Certified Master Arborist and member of the American Society of Consulting Arborists. Mr. McClenahan recommends removal of the tree in order to prevent damage to the house. In a telephone call, he stated that removal of the roots that damage the house would dangerously compromise the stability of the tree. Moreover, he stated that the tree will continue to grow until the trunk itself pushes in the walls of the house.

Site inspection confirmed that excavation had been done to inspect the roots of the tree.

The prior application to remove the tree, PLN 2013-00203, to allow the construction of a new house was denied. This permit, which proposes removing the tree to prevent damage to the existing house, can be approved because the only measure which would prevent damage to the existing house would result in the slow death or quick failure of the tree.

The house may have historic value because it may have been moved to the site from Camp Fremont, an Army barracks built to support the American Expeditionary Forces in the Great

War. Condition 9 requires that its historic value be determined prior to its demolition. Mitigation measures may be imposed by the Historic Resources Advisory Board.

Based on the foregoing, your application is hereby approved subject to the following finding and conditions of approval:

FINDING

Staff found that:

The tree could cause substantial damage to public or private property.

CONDITIONS OF APPROVAL

1. The tree indicated on the application form dated May 24, 2014, 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 one tree using at least 5-gallon size stock, for the tree 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 tree 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.
 9. In the event the house is ever proposed for demolition, prior to issuance of any such demolition permit, the owner shall submit a historic report on the house, as prepared by a licensed historian or architectural historian, to the County Planning and Building Department for review by the Community Development Director. The Director may choose to agendaize the report before the Historic Resources Advisory Board for their review and recommendation prior the Department's action on the demolition permit.

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 tree. 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 must be submitted by **5:00 p.m., June 6, 2014**. If at the end of that period no appeal has been filed, the subject tree 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, Steven Rosen, at 650/ 363-1814 or by email at srosen@smcgov.org.

Mr. Doug Woods
Ms. Berina Hawes

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May 22, 2014

Also, please take a few minutes and complete the online version of our Customer Survey which will help us to enhance our customer service. Thank you in advance for your time in providing valuable feedback.

The survey is available at: <http://www.co.sanmateo.ca.us/planning/survey>.

FOR JIM EGGEMEYER
COMMUNITY DEVELOPMENT DIRECTOR, By:



Michael Schaller, Senior Planner

MJS:SBR:jlh – SBRY0437_WJN.DOCX

cc: Ronald G. Snow
Susan Russell
Rick Andrews
Eric and Ellen Van Stone
Keri and Griff Tully



County of San Mateo - Planning and Building Department

ATTACHMENT E



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

April 7, 2014

Mrs. Berina Hawes
300 Family Farm Road
Woodside, CA 94062

RE: **180 Stanford Avenue**
Menlo Park, CA

Assignment

As requested, our firm performed exploratory excavation near one coast redwood proposed for removal to determine proximity of roots to home foundation.

Summary

This tree is outgrowing its environment and beginning to conflict with the existing house. The attached photos show damaged siding and roots touching the foundation. Damage to the foundation is inevitable and anticipated in the next year to two years. This tree is proposed for removal to prevent further damage to the house. Previous plans for new home construction were withdrawn.

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

Tree Description/Observation

1: **Coast redwood** (*Sequoia sempervirens*)

Diameter: 46.3"

Height: 75' **Spread:** 34'

Condition: Fair to good

Location: Left front of house

Observation: Crown exhibits minor dieback of the top. Trunk is within two feet of existing house foundation. A large surface root was observed near the home foundation and the siding is slightly indented. A new home on neighboring property was constructed in 2007 within 15 feet of the trunk. The photos below show the tree location, surface roots and roots adjacent to the

foundation. There is a large root mass at least 10-inches diameter that terminates at the foundation and is suckering. This root has likely been cut before.

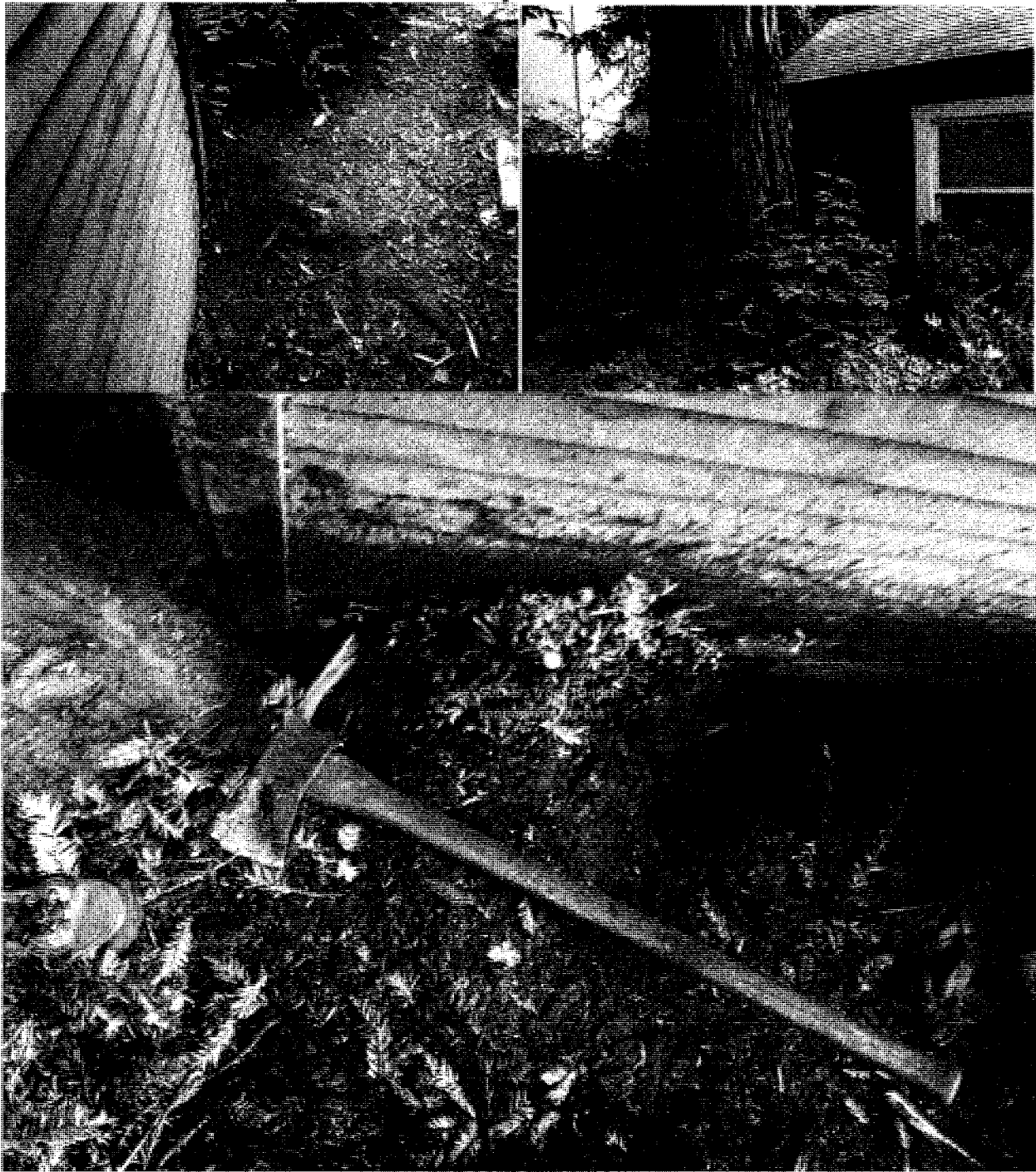
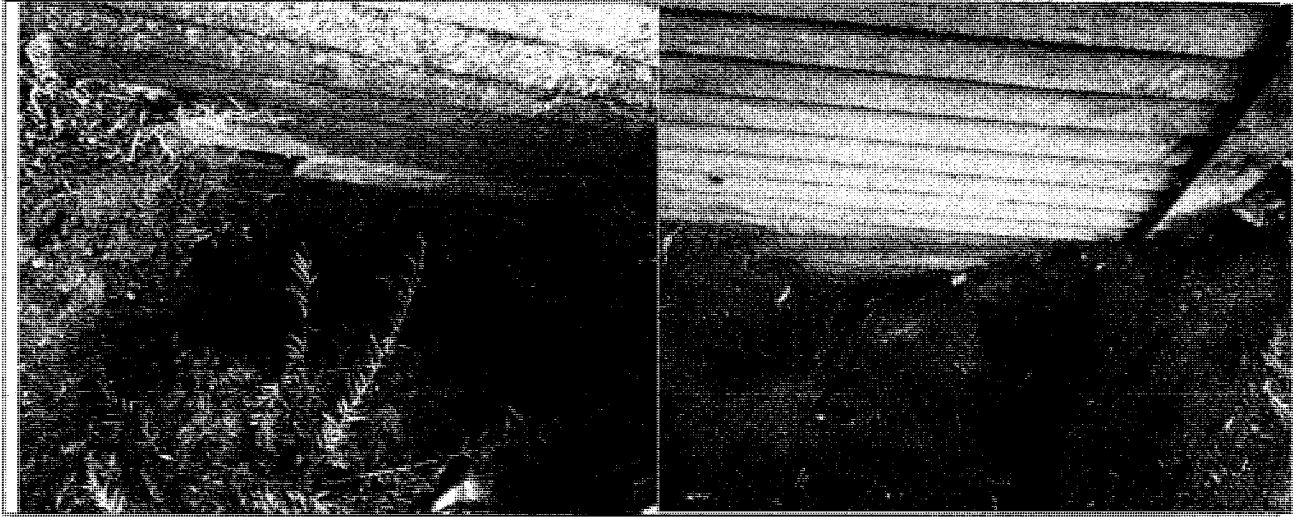


Figure 1



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

A handwritten signature in cursive script, appearing to read "John H. McClenahan".

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

JHMc



McClenahan Consulting, LLC

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Telephone (650) 326-8781

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:

April 7, 2014



County of San Mateo - Planning and Building Department

ATTACHMENT F

Special Building Inspections, LLC

www.SBIUSA.net

Post Office Box 1467 - Los Altos, California 94023-1467 - 650-949-3774

April 22, 2014

Ms. Berina Hawes
300 Family Farm Road
Woodside, CA. 94062

REGARDING: TREE ROOT/FOUNDATION DAMAGE ANALYSIS
180 Stanford Avenue
Menlo Park, CA.

Dear Ms. Hawes,

In response to your request, we have prepared the following limited inspection report focused on tree root/foundation damage analysis at the subject property for your consideration and use. Our site reconnaissance was made and this condition assessment report was prepared by a trained and experienced licensed Professional Engineer and General Engineering Contractor.

Our site reconnaissance, performed on April 21, 2014, was focused on an analysis of the interaction between the massive redwood tree at the left front corner of the structure and the home's foundation system. The professional opinions offered are based on visual observations of apparent condition existing at the time of the inspection (latent and concealed defects and deficiencies are excluded).

Document search and review, destructive testing, subsurface investigation, structural calculation, geologic study and seismic analysis, as well as the preparation of engineering specifications and construction drawings for any recommended repairs or improvements are beyond the scope of services provided. An independent consulting Soil Engineer and Engineering Geologist should be retained if a complete geotechnical analysis is desired. Subsequent to my inspection I was able to review a recently completed report on the issue prepared by John McClenahan, a Board Certified Master Arborist (copy attached).

PLEASE READ THIS REPORT CAREFULLY, A FULL UNDERSTANDING OF THE INFORMATION IT CONTAINS MAY BE CRITICAL TO THE CONTINUED SUCCESSFUL PERFORMANCE OF THE HOME'S FOUNDATION SYSTEM!

PROPERTY: The building pad appears to have been developed at or very near to the native grade on the nearly level property. I found the home to be supported on a shallow spread footing foundation. A 4' diameter Coast redwood has grown up at the front left corner of the home (it's position suggest's it was planted when the home was constructed). My review of the study completed by Mr. McClenahan found that he recognized that the ongoing growth of the immediately adjacent redwood tree was damaging the home's wood frame (he proposed tree "removal to prevent further damage to the house"). I have attached the Arborist's study so that it may be used in conjunction with this report.

Special Building Inspections, LLC

www.SBIUSA.net

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I found the home's shallow spread footing foundation to show evidence of distress and differential movement associated with the growth of the root system of the immediately adjacent, 4' diameter, redwood tree. Specifically, my level check of the window frames centered about 8 feet in from the left front corner of the structure found both frames to be out of level approximately 1" over their width. This measurement shows that tree root growth has raised the corner of the structure. If the tree is not removed in the near future, ongoing tree root growth will continue to raise the footing and eventually result in foundation failure. In my opinion, the tree should be removed.

Unanticipated conditions may develop during the life of the structure that cannot be predicted from the limited visual inspection performed. Our inspection, oral comments and this report are not intended to be used as a guarantee or warranty, expressed or implied, regarding the adequacy, performance or condition of any inspected structure. During the life of the structure, there may develop unanticipated conditions that cannot be predicted from the limited visual inspection performed. The report is not a compliance inspection or certification for past or present governmental codes or regulations of any kind. Please recognize that we have not addressed the possible presence of or danger from any potentially harmful substances. This report is not a complete distress survey nor is it intended for use as a complete description of the property. Our observations, conclusions and guideline recommendations have been made using the degree of care and skill originally exercised, under similar conditions, by reputable professional engineers practicing in this area. No other warranty, expressed or implied, is made.

ARBITRATION OF DISPUTES: ANY CONTROVERSY OR CLAIM FOR DAMAGES ARISING OUT OF OR RELATING TO THIS CONDITION ASSESSMENT OR ANY WORK PERFORMED IN CONNECTION THEREWITH INCLUDING BUT NOT LIMITED TO NEGLIGENCE, ERRORS OR OMISSION SHALL BE SETTLED IN ACCORDANCE WITH THE CONSTRUCTION INDUSTRY ARBITRATION RULES OF THE AMERICAN ARBITRATION ASSOCIATION OR ALTERNATE DISPUTE RESOLUTION FORM ACCEPTABLE TO ALL PARTIES.

Acceptance and use of this report binds the parties to the limitation and conditions included in it. Should SBILLC and/or its agents or employees be found liable for any loss or damages resulting from a failure to perform any of its obligations, including and not limited to negligence, breach of contract, or otherwise, then the liability of SBILLC and/or its agents or employees, shall be limited to a sue equal to 4 times the amount of the fee paid by the Customer for the inspection and this report.

Very truly yours,




George E. Drew, P.E., SBILLC

California Professional Engineer license #20681
Member American Society of Civil Engineers I.D. #19732B
Member National Society of Professional Engineers
General Engineering Contractor license #A64788
Certified Inspection Engineer (BIECI)

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Inspection Agreement and Contract for Services

SCOPE OF SERVICES

SBI, L.L.C. and specifically George Drew, P.E. G.C.D. (hereafter "SBI") has been engaged by the undersigned client(s) to inspect foundation and drainage conditions and thereafter issue a report as to the observations made by the inspector. SBI's inspection report is based on a visual reconnaissance of the structure, its foundation and the immediately adjacent site. This study is limited to observation of the general nature of the building pad and the structure as well as drainage characteristics immediately adjacent to the home and its sub area. SBI does not perform a home inspection as defined by Business and Professions Code Section 7195 et. seq.

LIMITATIONS OF WARRANTY/DISCLAIMER AND STATUTE OF LIMITATIONS

It is hereby acknowledged that there may be hidden or obscured conditions that are not observed by the inspector and seasonal environmental and soil conditions that may change after the inspection. Because of inherent conditions associated with unstable land and unknown soil conditions no warranty can be made with respect to the possibility of erosion, faulting, and slope stability problems. SBI warrants that the services provided are within the reasonable standard of care provided by other inspectors practicing in this area and offering similar services. No other warranty expressed or implied is made. This report does not include an analysis of the presence of any environmental hazards including, but not limited to toxins, mold, carcinogens, hazardous materials, and contaminants in the soil, water, and air. SBI's site reconnaissance visually identifies actual conditions only at those points where and when observed. This report is based on conditions that exist at the time of SBI's inspection, no warranty or guarantee can be made as to future conditions. It is hereby agreed that the time to begin legal action for a claim under this contract shall not exceed two years from the date of the inspection.

LIQUIDATED DAMAGES

It is understood and agreed to by the client(s) that SBI is not an insurer and the amounts payable to SBI for its services by the client are not sufficient for SBI to assume the risk of consequential or other damages to the client(s) for any act of negligence, omission or commission. From the nature of the services to be performed it is hereby agreed that it is impractical and extremely difficult to fix actual damages in the event of an act of negligence, omission or commission, if any, which may result these services. If SBI should be found liable for loss or damage due to an act of omission or commission or for breach of this contract, its liability shall be limited to no more than five (5) times the amount paid by client for the services performed under this contract as liquidated damages. It is hereby agreed and understood that said amount agreed to as liquidated damages are not a penalty, irrespective of cause or origin of the loss or damage. Alternatively, the client may request in writing that the aforementioned limitation of liability clause be excluded or modified for an appropriate increase in the inspection fee. If the client selects this alternative, he or she must contact SBI for a quote as to the increased inspection fee and/or any other desired modification to the services provided or the terms under which they are offered. A separate written agreement must be executed to facilitate the selection of this alternative and until said writing is executed by both parties, the liquidated damages provisions set forth in the previous paragraph shall remain in full force and effect.

DISPUTE RESOLUTION

ANY DISPUTE OR CLAIM BETWEEN THE CLIENT(S) AND SBI AND/OR ITS AGENTS, OR AFFILIATES ARISING OUT OF THIS CONTRACT, THE OBSERVATIONS SET FORTH THEREIN OR THE RESULTING REPORT SHALL BE SUBMITTED FIRST TO MEDIATION BEFORE A MUTUALLY ACCEPTABLE MEDIATOR. IF THE DISPUTE OR CLAIM IS NOT RESOLVED BY MEDIATION, THE DISPUTE OR CLAIM WILL THEN BE SUBMITTED TO AND DECIDED BY NEUTRAL BINDING ARBITRATION IN ACCORDANCE WITH CHAPTER 3, TITLE 9 OF THE CALIFORNIA CODE OF CIVIL PROCEDURES (C.C.P. 1282, ET SEQ.).

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UPON SELECTION OF AN ARBITRATOR, THE PARTIES SHALL AGREE UPON THE LIMIT AND EXTENT OF NECESSARY DISCOVERY PRIOR TO THE HEARING. THE PARTIES SHALL AGREE UPON THE SELECTION OF AN ARBITRATOR WHO SHALL BE EITHER A RETIRED SUPERIOR COURT JUDGE, A LICENSED CALIFORNIA ATTORNEY WITH AT LEAST TEN (10) YEARS OF REAL ESTATE LITIGATION EXPERIENCE, A LICENSED GENERAL ENGINEERING CONTRACTOR OR LICENSED PROFESSIONAL ENGINEER WITH AT LEAST FIVE YEARS OF EXPERIENCE AS DEFINED IN BUSINESS AND PROFESSIONAL CODE 7195 ET SEQ. THE ARBITRATION SHALL TAKE PLACE IN THE COUNTY WHERE THE PROPERTY IS LOCATED. TO THE EXTENT THE PARTIES CANNOT AGREE UPON AN ARBITRATOR, ONE OR BOTH OF THE PARTIES MAY PETITION THE SUPERIOR COURT IN THE COUNTY WHERE THE PROPERTY IS LOCATED TO COMPEL ARBITRATION AND MAY IN SAID PETITION REQUEST THE COURT TO APPOINT A NEUTRAL ARBITRATOR. THE PREVAILING PARTY IN ANY ARBITRATION UNDER THIS ARBITRATION AGREEMENT SHALL BE ENTITLED TO RECOVERY OF ATTORNEY'S FEES AND COSTS INCURRED IN THE ARBITRATION AND THOSE RELATED TO ANY PETITION TO COMPEL ARBITRATION OR APPOINT AN ARBITRATOR, IF ONE IS NECESSARY. JUDGMENT ON THE AWARD RENDERED BY THE ARBITRATOR MAY BE ENTERED IN ANY COURT HAVING JURISDICTION.

IMPORTANT NOTICE

YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTERS IN THIS AGREEMENT DECIDED BY NEUTRAL BINDING ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OF LAW OR BY JURY TRIAL. BY SIGNING IN THE SPACE BELOW YOU ARE GIVING UP YOUR RIGHTS TO CIVIL DISCOVERY AND YOUR RIGHTS TO AN APPEAL SINCE THE GROUNDS FOR AN APPEAL OF THE DECISION RENDERED MAY BE LIMITED.

BY SIGNING BELOW, YOU ARE SPECIFICALLY AGREEING TO THE SCOPE OF SERVICES, LIMITATION OF LIABILITY AND DISPUTE RESOLUTION PROVISIONS, AND ALL CONDITIONS AS DESCRIBED ON THIS CONTRACT. IF THIS AGREEMENT IS NOT SIGNED WITHIN THREE (3) CALENDAR DAYS OF THE INSPECTION BY THE CLIENT OR THEIR AUTHORIZED AGENT, THE INSPECTION AND/OR REPORT WILL CARRY NO WARRANTY OR GUARANTEE AS TO ITS CONTENTS, AND NO ONE SHALL BE ENTITLED TO RELY ON ITS CONTENTS FOR ANY PURPOSE. THIS AGREEMENT SHALL BE CONSTRUED AND ENFORCED IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA.

CLIENT REVIEW AND INTERPRETATION OF TERM

The client acknowledges that he/she had the opportunity to review the entirety of this contract. Client further agrees that he/she will not later contend that any ambiguity should be construed against SBI as the purported drafter of the Agreement.

WE HAVE READ AND UNDERSTAND THE FOREGOING:

CLIENT(S): signed copy on file _____ DATE: ____/____/____

INSPECTOR: _____ DATE: ____/____/____

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IMPORTANT ISSUES

OUR CLIENTS AND ANY SUBSEQUENT BUYER OF THE PROPERTY SHOULD BE AWARE OF THE FOLLOWING CONDITIONS OF THE REPORT.

If this inspection was performed for the seller and if the subsequent buyer of the property wishes to rely on this inspection report in any way, including determining whether or not to purchase the property described in the report; he/she must read, date, sign and return a copy of the Inspection Agreement and Contract for Services, pages 1:2a and 1:2b, to the inspector, or the buyer may not rely on this report, and, further, it will serve as "Information Only" to the buyer, with no Errors or Omissions warranties shall be, or shall be deemed to be, applicable to the inspection or report. Please fax a signed and dated copy of pages 1:2a and 1:2b within 30 days of the close of escrow to SBI, LLC. at (650) 941-3689, or mail the copy to SBI, LLC. at P.O. Box 1467, Los Altos, CA 94023.

If the information contained in this inspection report is to be relied on by another buyer in a future sales transaction, completed more than twelve months after this report was prepared, we must be contacted and a re-inspection completed; or the report will serve as "Information Only" to the buyer with no Errors or Omissions warranties applicable to the inspection or report. If a re-inspection is desired, please call our scheduler at (800) 710-3774 and fax a signed and dated copy of pages 1:2a and 1:2b to SBI, LLC. at (650) 941-3689, or mail the copy to SBI, LLC. at P.O. Box 1467, Los Altos, CA 94023.

HOMEOWNERS ASSOCIATION ISSUES.

It should be noted that, our inspection is limited to the referenced property. However, if the property is located within and is governed by a Homeowners Association with related CC&R's, I recommend a thorough review of the Association's responsibilities and further consultations with the Association or their Property Manager, as well as the current homeowner regarding the history of the observed conditions (when repairs had been performed, who paid for the work, who performed the work, and what were the conditions before the repairs and/or improvements were implemented). The Association also should be consulted regarding their possible involvement with the recommended repairs, as well as their maintenance schedules for the surface drainage system.

CONTRACTOR ISSUES.

Please note that licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors State License Board may be unable to assist to you with a complaint. Your only remedy against an unlicensed contractor may be in civil court, and you may be liable for damages arising out of injuries to the contractor or his employees. You may contact the Contractors State License Board to find out if a contractor has a valid license. The board has complete information on the history of licensed contractors, including any possible suspensions, revocations, judgments, and citations. The board has offices throughout California. Please check the government pages on the white pages for the office nearest or call 1-800-321-CSLB for more information.



County of San Mateo - Planning and Building Department

ATTACHMENT G

Application for Appeal

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

To the Planning Commission

To the Board of Supervisors

Name: Ronald G. Snow

Address: 199 Stanford Ave

Menlo Park, CA

Phone, W: 650-949-6658 H:

Zip: 94025

Permit Numbers involved:

PLN2014-00136

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:



Date: May 28, 2014 Rev June 6, 2014

made on May 22 2014 to approve deny the above-listed permit applications.

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

We are appealing the approval of the Tree Removal permit and wish the permit be **denied** in order to preserve the redwood tree. The following summarizes the main reasons why the permit should be denied:

- The Structural Report on which Planning relied upon stated claims that were false and inaccurate. One key claim was that the windows next to the tree were significantly out of level - Planning received correspondence from the neighborhood residents on May 5th that identified that the windows were in fact level. Other claims in that report were also incorrect. The County has the responsibility to require such documents be accurate and void of false or unsubstantiated claims. When important conflicting statements are identified, Planning staff should have researched those directly.
- The arborist, hired by the developer, did not claim structural frame damage to the house (nor was he professionally qualified to do so). The Approval Letter from Planning stated as one of its founding reasons for approval "that the tree will continue to grow until the trunk itself pushes in

continued on 2nd page...

the walls of the house". County can take judicial notice of sources authored by experts in the field that confirm that: (1) the rate of tree growth for this mature tree is measured in a tiny fraction of an inch per year; and, (2) the common range is 10 to 20 annual growth rings per inch. Doing the math, based on this documented scientific evidence and the distance from the trunk to the house, this would not start to occur for about 200 years and should have been factored into the decision.

- Key covenants of the Significant Tree Ordinance appear to have been ignored. The county has the obligation to honor the intent and purpose of the ordinance and our neighborhood residents have the right to have our Significant trees protected. This healthy tree provides key habitat to hawks, owls, and other birds. It is a tree that provides value to the entire neighborhood. It represents the natural and environmental ambience of the neighborhood.
- The developer purchased the property to demolish the house and build a new structure. This intent still exists. County has a right to insure truthful exchanges and to factor intent. County Planning should not condone a two-step procedure by the developer that effectively nullifies the Significant Tree ordinance. The Developer uses the "save the house" argument as reason for the tree concern. County should therefore put in place covenants, easements, or similar restrictions and that would protect the historical house so to not allow both tree removal AND the removal of the house to occur within a 15 year period of one another and these conditions and restrictions should be binding on the current owner, its assigns, and future owners.
- The Arborist and Structural report provided Planning did minimal analysis. The Arborist has stated that annual measurements of this tree could occur (i.e. every September) to establish data to accurately assess the growth of the tree and to assess the growth of potential conflict with house structure. This would be done at 2 marked circumference points and measurements between trunk and house. The county should request that this or similar accurate grow measurement be done so that accurate and unbiased data can be evaluated in its decision process.

Above are key considerations for this appeal to deny tree removal, presented in the limited space provided on this form. We understand from our conversation with Planning that we will be permitted to submit additional material to assist the Planning Department in making a fair, just and wise determination in this case.

Preserving this Significant tree has neighborhood wide support. The following residents add their names in support of having the county deny the Tree Removal and protect and keep this tree and the environment and habitat which it provides:

Phil Bucksbaum, Allyson Penner, Mike Laine, Rebecca Deutscher, Roberta Morris, Keith Bettinger, Sofie Kleppner, Brian Castile, Ellen Williams, Russel Martin, Ruth McCutcheon, Lesley Martin, Delia Laitin, Jeff Widman, Leslie Zwiebel, David Laitin, Leta Zwiebel, Eric Richert, Steven R. Franklin, Louise Husin, Dror Shimshowitz, Melissa Jordan, Robert E. Schilling, Brent Bergan, Susan Russell, Jill Amstutz, Will T Webster, Carly Webster, Chelsea Snow, Sequoia Snow



County of San Mateo - Planning and Building Department

ATTACHMENT H







County of San Mateo - Planning and Building Department

ATTACHMENT I



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

July 18, 2013

Kevin Schwarsofsky
Associate Principal
CWJ Architects
130 Portola Road
Portola Valley, CA 94028

Dear Mr. Schwarsofsky:

SUBJECT: Bayside Tree Removal Permit
180 Stanford Avenue, Menlo Park
APN 074-104-430; County File No. PLN 2013-00203

Staff has reviewed your Tree Removal Permit request to remove of a total of four trees from your property located at 180 Stanford Avenue. Your application to remove **three fruit trees** located in the rear yard, on the subject property, is hereby **approved**, pursuant to Section 12,000 of the San Mateo County Ordinance Code. Permission to remove the fourth tree, a **redwood tree**, located in the left side yard is hereby **denied**.

Public notification was sent out on May 23, 2013. The posting period began on May 23, 2013 and ended on June 3, 2013. The site was visited during the required 10-day posting period. Staff received over twenty pieces of correspondence opposing removal of the redwood tree and requesting that the house be redesigned to save and protect the redwood tree located in the left side yard. No opposition to removal of the three fruit trees in the rear yard was received.

In the correspondence received, neighbors requested to save and protect the redwood tree as it is healthy, serves as a habitat for hawks and other birds, is one of the largest and possibly oldest existing redwood trees in the neighborhood, and also contributes to the beauty of the neighborhood, adding to property value. Many commented that the tree is a part of the heritage of the neighborhood.

The applicant stated that due to the small parcel size, the floor plan had to be reduced to adhere to the S-74 Zoning District regulations. The property has seven trees on-site that if not removed, limit the ability to design a house that would meet the minimum setbacks, lot coverage and floor area. The applicant also submitted an arborist report that evaluates the condition of the redwood tree and the need for its removal.

The arborist recommends removal of the tree under two scenarios: (a) if the existing house were to remain on the property and not be completely demolished, and (b) in order to build the new house as designed. The arborist also states that the tree is healthy and estimates

that it potentially has another 15-20 years of life left. The redwood tree is immediately adjacent to the house and in the future as the redwood tree continues to mature it will eventually cause structural damage.

Staff's Response: The property is located in the, S-74 Zoning District with a minimum parcel size of 5,000 square feet. The subject parcel is 5,747 sq. ft. and is not considered small for the zoning district, since it is larger than the minimum required size.

Staff's site inspection confirms that the tree is very close to the existing house, almost touching the existing home, and that the tree is also one of the tallest tree, if not the tallest in the immediate vicinity, and contributes to the beauty of the neighborhood. The arborist report confirms the redwood tree is in good health but poses a threat to the existing house. However, the existing house is proposed to be demolished, eliminating the justification for tree removal. Staff requested that the applicant consider a redesign of the house, incorporating the redwood tree, but they have declined that request.

Regarding the tree's visual value to the neighborhood, while it is understood that the redwood tree is not at the forefront of the property, it is still visible from the street and from vantage points throughout the neighborhood. The tree's beauty and significance drives the neighbor's desire to keep and protect the tree.

FINDINGS

Staff found that:

Based on the foregoing, your request to remove **the redwood tree is denied** based on the following finding:

1. The removal of the redwood tree is not necessary to allow reasonable economic or other enjoyment of the property as the tree will not prevent construction of a new residence on the property and there is no evidence that construction of a reasonably sized house meeting the standards of the R-1/S-74 Zoning District cannot be completed without removal of the tree.

Based on the foregoing, your request for removal of **the three fruit trees is hereby approved** subject to the following finding and conditions of approval:

2. The removal is necessary to utilize the property in a manner which is of greater public value than any environmental degradation caused by the action.

CONDITIONS OF APPROVAL (For the Fruit Trees)

1. The three fruit trees located in the rear yard may be removed after issuance of the building permit, assuming no appeal is filed as stipulated in this letter. The redwood

tree is not approved for removal. A separate Tree Removal Permit shall be required for the removal of any additional trees.

2. This Tree Removal Permit shall be posted on the site at all times during the tree removal operation of the fruit trees 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 three (3) 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.
9. The subject redwood tree may **NOT** be removed.

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 decision 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 must be submitted by **5:00 p.m., August 2, 2013**. If at the end of that period no appeal has been filed and the building permit for the new home (BLD 2013-00637) has been issued, the three fruit 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, Olivia Boo, at 650/363-1818 or by email at oboo@smcgov.org.

Also, please take a few minutes and complete the online version of our Customer Survey which will help us to enhance our customer service. Thank you in advance for your time in providing valuable feedback.

The survey is available at: <http://www.co.sanmateo.ca.us/planning/survey>.

FOR JIM EGGEMEYER
COMMUNITY DEVELOPMENT DIRECTOR, By:



Lisa Aozasa, Senior Planner

LA:OB:pac - OSBX0498_WPN.DOCX

Enclosure: Arborist Report

cc: Douglas Woods, Owner