

San Mateo County Planning Commission

Meeting No. 1608

Item #1

File No.: PLN 2015-00131 -- Heritage Oak Tree Removal Request
Location: 671 Menlo Oaks Drive, Menlo Park (In the Menlo Oaks District)
Assessor's Parcel No.: 062-140-390

Appellant Judy Horst

Appeal Highlights:

Heritage Oak trees define the character of the Menlo Oaks neighborhood.

This particular Heritage Valley Oak lives behind the new construction at 671 Menlo Oaks Drive. This tree provides beauty, privacy and sound abatement to adjacent and nearby neighbors – who are opposed to its removal and support this appeal.

The developer promised “no trees proposed for removal” in its original subdivision request. Based on that written promise, and also because new development can be beneficial, the neighborhood did not object to the subdivision. Subsequently the developer requested 2 significant Heritage Oak tree removals during the project -- apparently as the trees became inconvenient for the building plans on each parcel. In addition the developer abused trees on the property during development and has cut down other trees.

The conditions for removal of this 55' tall Heritage Oak tree with total crown spread of 60' – as provided by County Planning – are 2 small 15 gallon trees. These conditions are inadequate to replace its environmental and neighborhood benefits of this significant tree. In our appeal, we have requested that more -- and larger -- trees be planted as adequate remediation if the County moves forward with its approval of this project.

During the meeting, Judy Horst will speak to these issues. Others will speak to these issues, too.

Please also see the written appeal (attached also) upon which this hearing is based.

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
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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.



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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

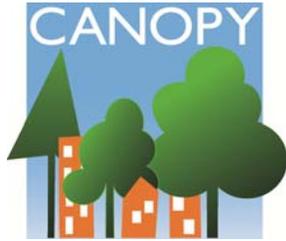
“5. That the applicant is not proposing to remove any trees as part of this project, however, there are several trees, particularly around the garage, that could be negatively impacted during the demolition process if care is not taken to protect these trees. To address this potential impact, a condition 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.

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Canopy plants and cares for trees where people need them the most. We bring the life-giving benefits of trees to the schools, neighborhoods, and public spaces of the San Francisco Mid-Peninsula.

January 7, 2016

To: San Mateo Planning Commission

Dear Commissioners,

Re: Appeal Hearing for Heritage Oak Tree at 671 Menlo Oaks

Several months ago, I met with a group of Menlo Oaks residents (members of Menlo Oaks Tree Advocacy—MOTA) along with David Dockter, the Planning Arborist for the City of Palo Alto. The purpose was to advise them about the evolution of Palo Alto's approach to sustaining its tree population and how we established our current policies on permitting and remediation relating to protecting old-growth trees.

In the 1990s, Palo Alto experienced a boom in property development which threatened its aging, drought-compromised urban forest. Canopy was established to support the City's existing urban forestry programs and to further education in how to properly care for and maintain heritage oaks and other significant trees that provide shade, beauty and health benefits to the community.

As an organization we are very familiar with Menlo Oaks because it has one of the most prized urban forests on the Peninsula. For many years people sought to live in Menlo Oaks because of its densely wooded, rustic ambiance featuring so many beautiful living specimens of Northern California's ecosystem. Sadly, with more and more development, the Menlo Oaks urban forest is being picked apart—tree by tree.

At the time we met, MOTA was specifically concerned about saving the Heritage Oak at 671 Menlo Oaks, but its long term goals are to make sure the permitting process at every level works to the benefit of all—including Heritage Oaks and other significant trees. We provided them with information from our organization on best practices for saving old growth trees, and other references including the City of Palo Alto's Tree Technical Manual detailing how we protect our public and private trees.

Canopy supports the volunteers of Menlo Oaks Tree Advocacy in their efforts to preserve the valuable natural assets of the landscape. We encourage a strong working relationship with the County for the mutual goal of beauty, stability and health of its environment.

Best regards,

Catherine Martineau
Executive Director