

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

DATE: March 10, 2021

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of an appeal of a Staff-level Tree Removal Permit (PLN2020-00443) and an After-the-Fact Significant Tree Removal Permit for the unpermitted removal of a 20.9-inch diameter at breast height (dbh) Coast Live Oak tree site while a permit was pending, pursuant to Section 12,000 of the San Mateo County Ordinance Code, on property located at 10 Cardinal Court in the unincorporated West Menlo Park area of San Mateo County.

County File Number: PLN2020-00443 (Highland Solutions LLC)

BACKGROUND

In October 2017, the Board of Supervisors approved a subdivision of the property formerly known as 2050 Santa Cruz Avenue, which divided that property into three parcels. That subdivision map was officially recorded in May 2019, thus creating the subject parcel – 10 Cardinal Court. In December 2019 a building permit for the subdivision improvements was issued. In April 2020, the applicant submitted building permit applications for houses on each of the three parcels to Planning and Building.

On December 4, 2020 an application was received to remove a 20.9-inch diameter at breast height (dbh) Coast Live Oak tree on the 10 Cardinal Court parcel (Lot 2 of the subdivision) in order to allow for construction of a house. Given the size and species, removal of the subject tree required a tree removal permit pursuant to the Significant Tree Ordinance (Ordinance Code Section 12,000). On January 11, 2021, Staff issued an approval letter (Attachment C) permitting the removal of the subject tree, subject to a 10 working day appeal period ending on January 26, 2021 at 5 pm. As indicated in the January 11, 2021 approval letter, if, at any point during that appeal period an appeal is filed, then Staff's approval is suspended until the appeal is heard by the Planning Commission.

On January 25, 2021, Yvonne Schmidt, a neighboring property owner, filed an appeal via email to the project planner, and requested instructions regarding how to submit the required appeal fee. The project planner responded to Ms. Schmidt on January 26th, 2021, confirming receipt of the appeal and indicating that due to remote work schedules, payment would be processed on January 27th, 2021.

On January 26, 2021 at 5:14 pm, the property owner (Brandon Smith) emailed the project planner and Deputy Director, indicating that Mr. Smith understood an appeal was filed, but that payment was not received, and asking whether the appeal was invalid on that basis. The project planner responded to Mr. Smith on January 27, 2021 at 3:13 pm, confirming that a valid appeal had been filed with the County. Later that day, after the close of business hours, Staff received several emails from neighboring property owners stating that the subject tree had been cut down at approximately 6:00 pm. Upon investigation, Staff confirmed that the subject tree had been removed while the appeal was pending and before the Planning Commission had resolved the appeal and rendered a final decision on the tree removal permit.

Pursuant to Section 12,032.2 of the Significant Tree Ordinance, Staff took the following actions:

- Imposed fines and fees of \$4,384.80.
- Issued a stop work notice on the private road/utility improvement building permit (BLD 2018-01589) associated with the site improvements necessary for all three lots of the subdivision. The stop work notice remains in effect as of the writing of this report.
- Issued a temporary moratorium on building permits for all three lots. Staff released the hold on building permits for Lots 1 and 3 upon receipt of the fines and fees from the applicant. The moratorium on building permits for Lot 2, the subject parcel, will remain in effect until resolution of this appeal and after-the-fact permit.

While the Ordinance provides direction on resolution of unpermitted tree removal, it does not address the submitted appeal on the original Staff decision. Because of the complicated nature of this particular situation, Staff will address the appeal first and then discuss compliance with Section 12,032.2.

RECOMMENDATION

Deny the appeal on the basis that the criteria for tree removal established by the Significant Tree ordinance has been met and approve the After the Fact Tree Removal Permit, County File Number PLN2020-00443, by making the findings for approval included in Attachment A of the staff report.

BACKGROUND

Report Prepared By: Michael Schaller, Senior Planner

Appellant: Yvonne Schmidt

Applicant: Janel Fung (Toby Long Design)

Owner: Highland Solutions LLC

Location: 10 Cardinal Court, West Menlo Park

APN(s): 074-091-680

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

General Plan Designation: Medium Density Residential

Sphere-of-Influence: Menlo Park

Existing Land Use: Residential

Environmental Evaluation: The project is categorically exempt under Section 15304 of the California Environmental Quality Act Guidelines, which exempts minor public or private alterations in the condition of land, water, and/or vegetation.

Setting: The project site is an active construction site as the applicant/owner installs the drainage and other underground lines associated with the approved subdivision improvements. The house that previously occupied the site (2050 Santa Cruz Avenue) has been demolished per the issued building permit for that activity.

DISCUSSION

APPEAL

The appellant appealed the Community Development Director's approval of a permit to remove one 20.9-inch dbh Coast Live Oak tree located in the rear yard of a 7,865 sq. ft. parcel (5,915 sq. ft. net after road easement is subtracted). The property owners have submitted a building permit application (BLD 2020-00641) for a new house on the subject parcel. The Coast Live Oak tree was located in the middle of the property, well within the development envelope for this parcel as defined by the property's zoning regulations.

The subject tree was identified as Tree No. 17 on the survey prepared and presented to the Board of Supervisors (Board) at their September 26, 2017 hearing on the subdivision at 2050 Santa Cruz Avenue. In their decision on the subdivision approval, the Board identified specific trees for protection and preservation. Specifically, the Board included a condition requiring the access road for the subdivision to be shifted northward in order to protect a large oak tree that was on the property line with the adjoining Crocus Court properties. The Board's approval of the subdivision also identified other specific trees that were approved for removal for various reasons, generally due to the health of the tree. The subject tree of this appeal was not included

in the trees approved for removal during the Board's subdivision action, and therefore a separate tree removal permit was required for its removal. It should also be noted that when the Board approved the subdivision of 2050 Santa Cruz, no conditions of approval were imposed to limit the footprint or location of future homes on the lots resulting from the subdivision. Thus, the siting of all homes on the resulting parcels is regulated by the Zoning Regulations applicable to this area.

In order to protect significant trees along the perimeter of the property that will screen adjacent homes from the new development on the subject parcel, condition of approval No. 2 of the 2017 subdivision approval required the driveway that serves this subdivision to be shifted away from the southerly property line with Crocus Court in order to protect Tree No. 3 which lies along that property line. The shifting of the driveway easement approximately 30 feet to the north has resulted in a compressed parcel that is only 91 feet deep (please see attached site and floor plan for 10 Cardinal Court). The resulting site design has shifted the building footprint back 30 feet, into the canopy of Tree No. 17, to the point where the trunk for Tree No. 17 sits within the walls of the proposed house. In all regards, the proposed house on the subject parcel complies with the S-72 zoning regulations, including with regards to setbacks and size.

POINTS OF APPEAL

In her letter of appeal, Ms. Schmidt provides the following points for her appeal:

I am writing to appeal the tree removal of tree no. 17. This tree is the tallest tree on the current property. Yes, this tree sits (barely) within the proposed building envelope, but should this tree be removed, the value of this land will be diminished. There are NO trees in the interior of this parcel of land. This section of Menlo Park is also the gateway to Menlo Park. The absence of trees will change the look and feel of this section of Menlo Park.

Staff Response: A large portion of the parcel that is now known as 10 Cardinal Court used to be occupied by the house that was on the parent parcel before it was subdivided. The subject tree was well within the interior of the site and not located adjacent to public roadways. While visible at times from Santa Cruz Avenue, there are other large, more prominent trees closer to the roadway that blocked out views of the subject tree and maintain the look and feel of this gateway into Menlo Park.

Regarding the appellant's position that the tree is barely within the building envelope, the footprint of a tree is larger than just the trunk diameter. The root systems of trees generally extend out to the edges of the tree's canopy. Cutting into that root zone generally harms the tree and can lead to the tree's demise. While the diameter of the subject tree's trunk was only 20.9 inches, the canopy extended an additional 8+ feet beyond that. Given the subject tree's location near the center of the building envelope for the parcel, denying the removal of this tree would have significantly reduced the buildable area of the parcel. This action would have denied the property the same rights to use of their property that other property owners in the area enjoy.

Staff therefore recommends that the appeal be denied, and the Director's decision to approve the tree removal permit be upheld, because the criteria for tree removal established by the Significant Tree ordinance has been met.

AFTER THE FACT TREE REMOVAL PERMIT

In 2016, the Board of Supervisors adopted amendments to the County's Significant Tree Ordinance intended to address situations where a tree was removed while a permit was pending. Specifically, Section 12,032.2 provides:

If a violation of this Ordinance occurs in the absence of development or while an application for a building permit or discretionary development approval is pending:

- a) The Community Development Director (or designee) may issue a temporary moratorium on development of the subject property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the County an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure that measures are incorporated into any future development approvals for the property.
- b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with Chapter 3 of this Part.
- c) A Mitigation Plan as described above, shall be submitted by the property owner and reviewed by the Planning and Building Department. Upon approval, said plan shall be implemented prior to rescinding of the moratorium.
- d) At the time of permit application, the applicant shall pay all fees, including investigation fees of 10 times the normal permit fee, as well as the penalty fines cited below under Section 12,032.2, and satisfy all conditions in connection therewith, including replacement planting.

Upon learning of the subject tree's removal, the Community Development Director ordered a moratorium on all development work on the project site, except for those actions necessary to secure the overall property. The County subsequently released the hold on the building permits for 8 and 12 Cardinal Court (Lots 1 and 3), which are separate legal lots from 10 Cardinal Court (Lot 2), which was the subject of the violation. The building permit for the house on 10 Cardinal Court will be on hold until resolution of this After-the-Fact tree removal permit.

Proposed Mitigation Plan

In the staff-level tree removal permit, a condition of approval required the replacement planting of two 24-inch box Oak trees. The applicant has already planted two 24" box, Northern Red Oak (*Quercus Rubra*) trees in the rear yard area of 10 Cardinal Court as mitigation for removal of the subject tree. This replanting has been reviewed by the County Arborist who concurs with size and species of replacement trees. The required investigation and penalty fees, in the amount of \$4,384.80 were submitted on February 25, 2021. Staff believes that the replanting plan already completed by the applicant constitutes appropriate mitigation for the unpermitted removal of Tree No. 17 based on the site constraints and limited locations for replacement trees to thrive.

C. ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15304 (*Minor Alterations to Land*) of the California Environmental Quality Act Guidelines. Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation.

ATTACHMENTS

- A. Recommended Finding and Condition of Approval
- B. General Location/Vicinity Map
- C. Staff Decision Letter, dated January 11, 2021 (includes site plan and floor plan)
- D. Appeal letter from Yvonne Schmidt

County of San Mateo
Planning and Building Department

RECOMMENDED FINDING AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN2020-00443

Hearing Date: March 10, 2021

Prepared By: Michael Schaller
Senior Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING

Deny the appeal on the basis that the criteria for tree removal established by the Significant Tree ordinance has been met and approve the After the Fact Tree Removal Permit, County File Number PLN2020-00443.

RECOMMENDED CONDITION OF APPROVAL

Current Planning Section

1. Prior to issuance of a Certificate of Occupancy for the proposed house at 10 Cardinal Court, the applicant shall submit a maintenance surety deposit of \$3,000 to the Planning and Building Department to be held for two (2) years from the date of its submittal. The purpose of the surety is to ensure that the replacement trees are maintained in a healthy condition. Such surety shall only be released upon confirmation by Planning staff, two (2) years after submission of the surety, that the trees are in good health. If the trees become diseased or otherwise die, they shall be replaced in like and kind and the surety deposit may be extended by the Community Development Director.

_PC or ZHO SRT (7-10-18)



County of San Mateo - Planning and Building Department

ATTACHMENT B



San Mateo County Planning Commission Meeting

Owner/Applicant: Highland Solutions LLC

Attachment: B

File Numbers: PLN2020-00443



County of San Mateo - Planning and Building Department

ATTACHMENT C

January 11, 2021

Toby Long Design
Attn: Janel Fung
6114 La Salle Avenue, #552
Oakland, CA 94611

Dear Ms. Fung:

SUBJECT: Bayside Tree Removal Permit
10 Cardinal Court, West Menlo Park
APN 074-091-680; County File No. PLN2020-00443

Your application for a Tree Removal Permit, to remove one (1) 20.9-inch diameter Coast Live Oak tree which is located within the footprint of the proposed house on this parcel, is hereby **approved**, pursuant to Section 12,000 of the San Mateo County Ordinance Code. Public notification was sent out on December 16, 2020. The noticing period began on December 16, 2020 and ended on December 28, 2020. Comments and objections were received.

The subject tree is identified as Tree No. 17 on the survey prepared and presented to the Board of Supervisors (BOS) at their September 26, 2017 hearing of the subdivision at 2050 Santa Cruz Avenue. In their decision on that subdivision, the BOS called out specific trees for protection and preservation, other trees were approved at that time for removal. All other tree removal was subject to a separate permitting process. The subject tree was not specifically approved for removal, nor was it identified for protection and preservation by the BOS. As such, the proposed removal is subject to the requirements and permit procedures contained in the County's Significant Tree Ordinance.

In order to protect significant trees along the perimeter of the property that screen existing homes from new development, condition of approval No. 2 of the 2017 subdivision approval required the driveway that serves this subdivision to be shifted away from the southerly property line with Crocus Court in order to protect Tree No. 3 which lies along that property line. The shifting of the driveway easement approximately 30 feet to the north also has resulted in a compressed parcel that is only 91 feet deep (please see attached site and floor plan for 10 Cardinal Court). This has also resulted in the building footprint being shifted 30 feet back and into the canopy of Tree No. 17, to the point where the trunk for this tree sits within the walls of the proposed house. Barring any direction from the BOS limiting the footprint or location of future homes on the lots



resulting from the subdivision, the siting of the home is regulated by the codified zoning regulations for this area. The proposed house complies with those regulations in all respects, including with regard to setbacks and size. The applicant has proposed replacing the removed tree with two 24" box Oak trees which will be planted in the rear yard area.

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

FINDINGS:

Staff found that:

1. The tree substantially detracts from the value of the property.
2. The tree will be replaced by plantings approved by the Community Development Director, unless special conditions indicate otherwise.
3. The required action is necessary to allow reasonable economic or other enjoyment of the property.

CONDITIONS OF APPROVAL

1. The tree indicated on the application form dated December 4, 2020, 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) Oak trees using at least 24-inch box size stock, for the tree removed. Replacement planting shall occur prior to a final inspection for the associated Building Permit for the new house.
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 the subject Tree Removal Permit is associated with a building permit for construction of a new residence, the required tree replanting, per Condition of Approval No. 3, shall be required prior to the final building inspection approval. Any outstanding tree replacement not yet complied with from previously approved tree removal permits, if any, shall also be fulfilled. An inspection final by the Planning Department will be added to the building permit.
6. 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.
7. 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.
8. 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.
9. 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 tree(s). Upon fulfillment of these conditions, as determined by the Community Development Director, the subsequent parcel tag shall be lifted.

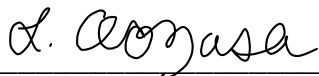
The approval of this Tree Removal Permit and any conditions of the approval may be appealed within ten (10) working days of the date of this letter. An appeal form accompanied by the applicable filing fee of \$616.35 must be submitted by **5:00 p.m., January 26, 2021**. If at the end of that period no appeal has been filed, the subject tree(s) 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 contact the project planner, Michael Schaller, at mschaller@smcgov.org.

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

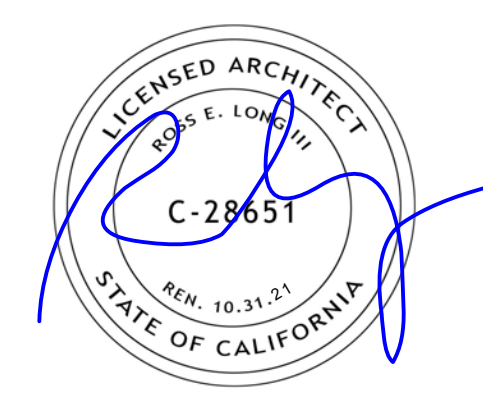
FOR STEVE MONOWITZ
COMMUNITY DEVELOPMENT DIRECTOR, By:



Lisa Aozasa, Deputy Community Development Director

PER LOCAL DESIGN
APPROVAL AND INSPECTION

ADJACENT PROPERTY - 2042 SANTA CRUZ AVENUE



| ISSUE | DATE |
|-------------------------------|--------|
| FA PLANS V1 | 030719 |
| FA PLANS V2 | 032819 |
| FA PLANS V3 | 041619 |
| FA PLANS V4 | 042919 |
| 50% DESIGN SET V1 - PROGRESS | 121819 |
| 100% DESIGN SET V1 - PROGRESS | 022220 |
| 90% PERMIT SET | 030320 |
| 100% PERMIT SET V1 | 051320 |
| 100% PERMIT SET REV1 | 073020 |
| CONSTRUCTION SET V1 | 080220 |
| INTERIOR ELEV - UPDATES | 091420 |
| 100% PERMIT SET REV2 | 111220 |

ARCHITECT

ch x tld
prefab evolved

6114 LASALLE AVENUE #552, OAKLAND CA 94611
TOBY LONG, AIA - 415.905.9030 - TOBY@CHXTLD.COM

MODULAR FABRICATOR

method homes
95 YESLER WAY, SUITE 300
SEATTLE, WA 98104

CONTACT: BRIAN ABRAMSON
E: brian@methodhomes.net

APPROVAL STAMP

LOT 2
10 CARDINAL COURT
MENLO PARK, CA 94025
APN: 074-091-680

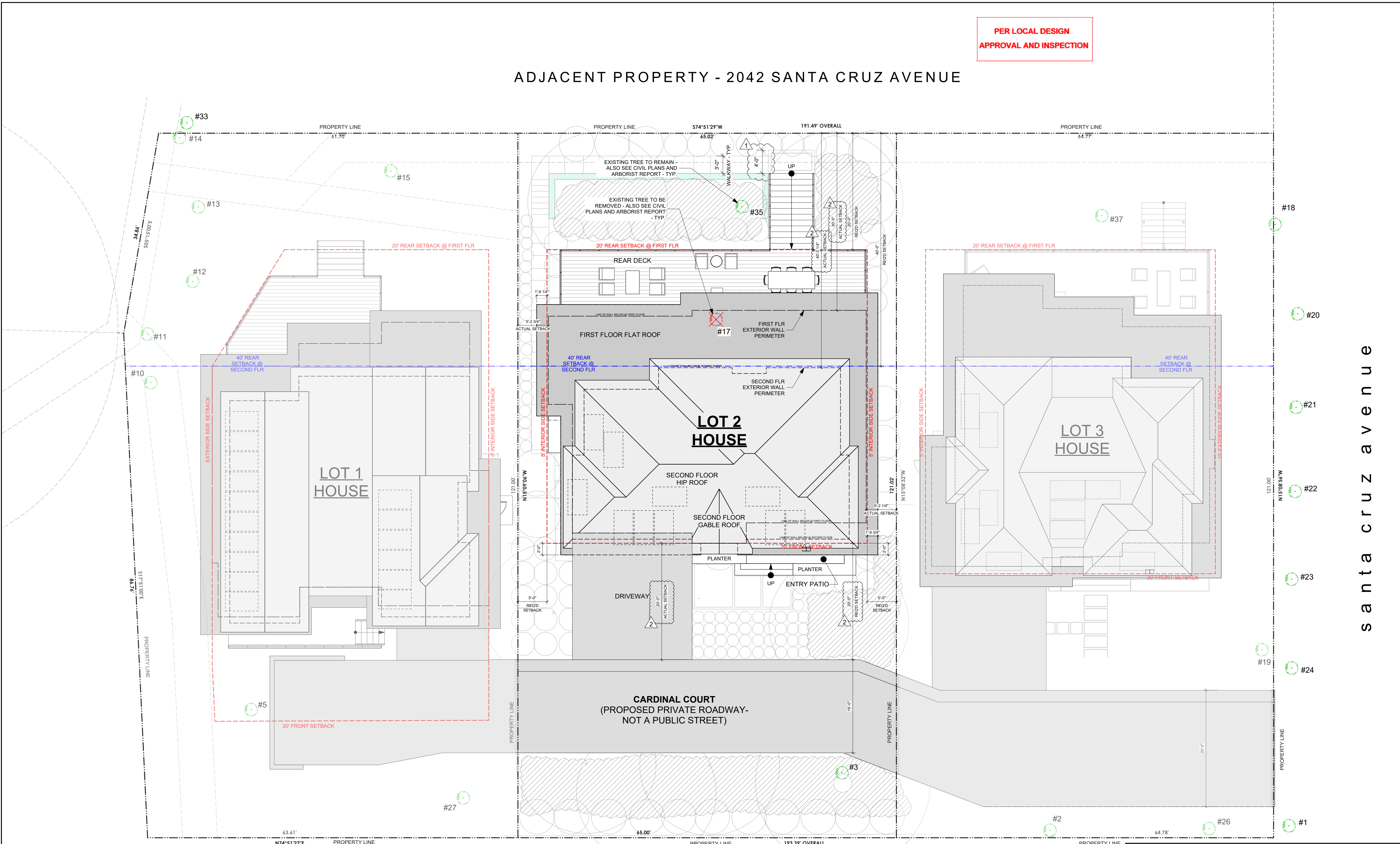
SITE PLAN

THESE PLANS ARE CONSIDERED PRELIMINARY AND NOT FOR CONSTRUCTION UNLESS THEY BEAR THE ARCHITECT'S SEAL AND DIGITAL SIGNATURE. TLD EXPRESSLY RESERVES COPYRIGHT AND OTHER PROPRIETARY RIGHTS TO ALL DESIGN & INFORMATION IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, OR LOANED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION OF tobylongdesign.

scale
1/8" = 1'-0"

sheet
A 1.3-2

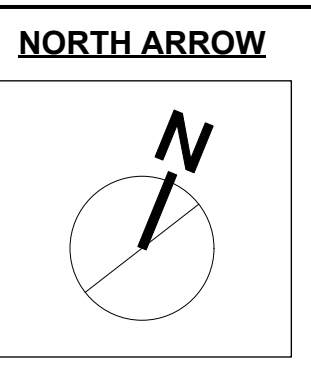
C TOBYLONGDESIGN 2020
1/8"=1'-0"

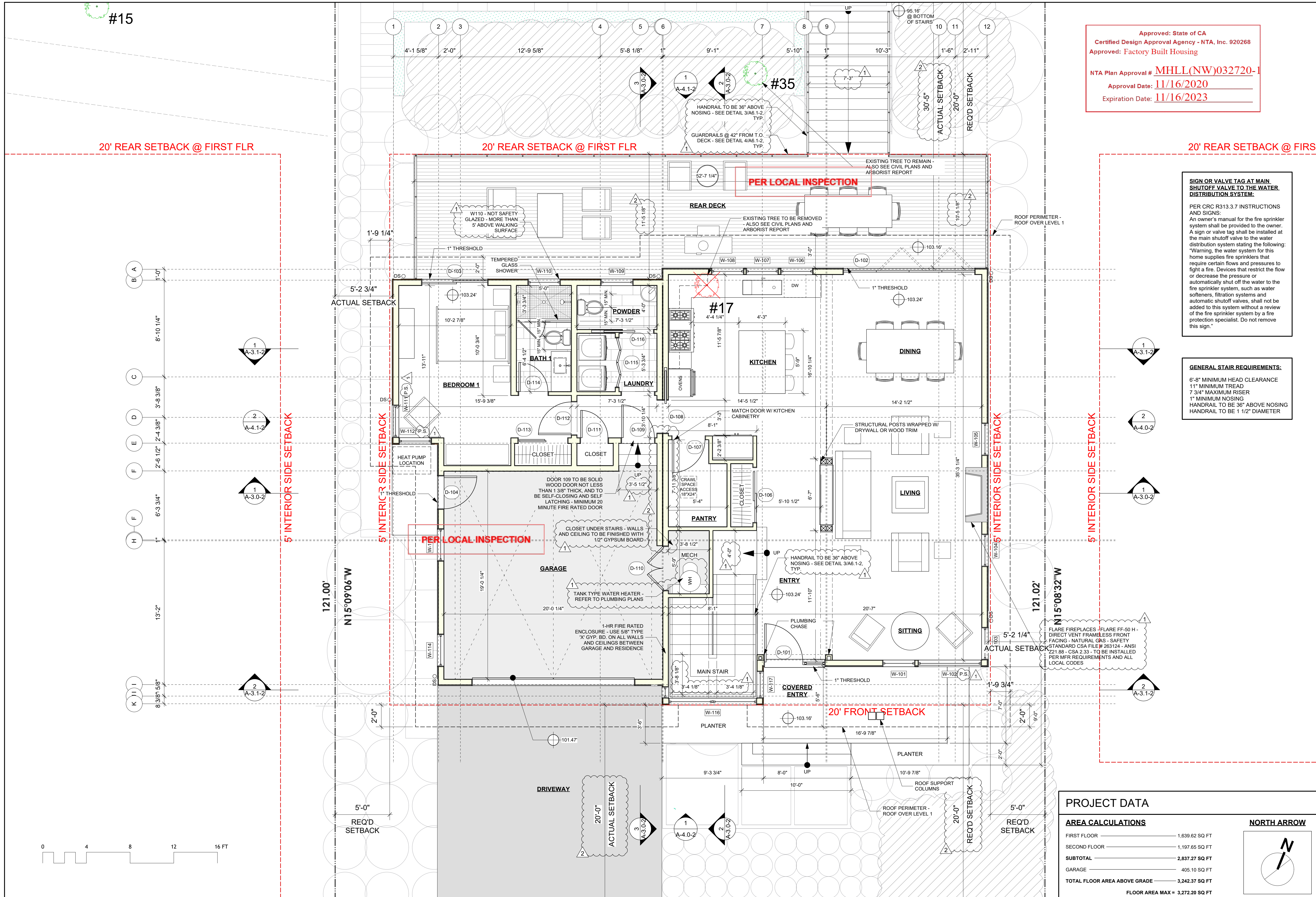


PROJECT DATA

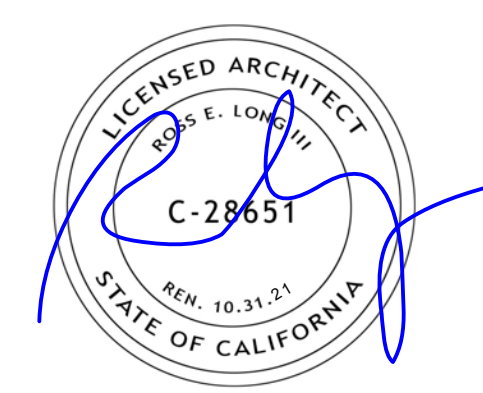
AREA CALCULATIONS

| | |
|-------------------------------------|-----------------------|
| FIRST FLOOR | 1,639.62 SQ FT |
| SECOND FLOOR | 1,197.65 SQ FT |
| SUBTOTAL | 2,837.27 SQ FT |
| GARAGE | 405.10 SQ FT |
| TOTAL FLOOR AREA ABOVE GRADE | 3,242.37 SQ FT |
| FLOOR AREA MAX | 3,272.20 SQ FT |





Approved: State of CA
 Certified Design Approval Agency - NTA, Inc. 920268
 Approved: Factory Built Housing
 NTA Plan Approval # **MHLL(NW)032720-1**
 Approval Date: **11/16/2020**
 Expiration Date: **11/16/2023**



| ISSUE | DATE |
|-------------------------------|--------|
| FA PLANS V1 | 030719 |
| FA PLANS V2 | 032819 |
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| 100% PERMIT SET REV2 | 111220 |

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 TOBY LONG, AIA - 415.905.9030 - TOBY@CHXTLD.COM

MODULAR FABRICATOR
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 95 YESLER WAY, SUITE 300
 SEATTLE, WA 98104
 CONTACT: BRIAN ABRAMSON
 E: brian@methodhomes.net

APPROVAL STAMP

LOT 2
10 CARDINAL COURT
MENLO PARK, CA 94025
APN: 074-091-680

LEVEL 1 PLAN

THESE PLANS ARE CONSIDERED PRELIMINARY AND NOT FOR CONSTRUCTION UNLESS THEY BEAR THE ARCHITECT'S SEAL AND DIGITAL SIGNATURE. TLD EXPRESSLY RESERVES COPYRIGHT AND OTHER PROPRIETARY RIGHTS TO ALL DESIGN & INFORMATION IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, OR LOANED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION OF tobylongdesign.

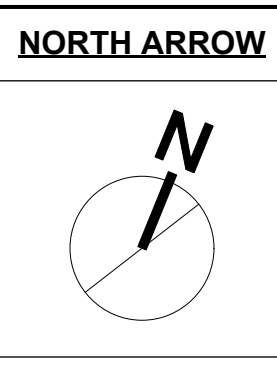
SIGN OR VALVE TAG AT MAIN SHUTOFF VALVE TO THE WATER DISTRIBUTION SYSTEM:

PER CRC R313.3.7 INSTRUCTIONS AND SIGNS:
 An owner's manual for the fire sprinkler system shall be provided to the owner. A sign or valve tag shall be installed at the main shutoff valve to the water distribution system stating the following: "Warning, the water system for this home supplies fire sprinklers that require certain flows and pressures to fight a fire. Devices that restrict the flow or decrease the pressure or automatically shut off the water to the fire sprinkler system, such as water softeners, filtration systems and automatic shutoff valves, shall not be added to this system without a review of the fire sprinkler system by a fire protection specialist. Do not remove this sign."

GENERAL STAIR REQUIREMENTS:
 6'-8" MINIMUM HEAD CLEARANCE
 11" MINIMUM TREAD
 7 3/4" MAXIMUM RISER
 1" MINIMUM NOSING
 HANDRAIL TO BE 36" ABOVE NOSING
 HANDRAIL TO BE 1 1/2" DIAMETER

PROJECT DATA

| AREA CALCULATIONS | |
|-------------------------------------|-----------------------|
| FIRST FLOOR | 1,639.62 SQ FT |
| SECOND FLOOR | 1,197.65 SQ FT |
| SUBTOTAL | 2,837.27 SQ FT |
| GARAGE | 405.10 SQ FT |
| TOTAL FLOOR AREA ABOVE GRADE | 3,242.37 SQ FT |
| FLOOR AREA MAX = 3,272.20 SQ FT | |



scale
 1/4"=1'-0"

sheet

A 2.1-2

C TOBYLONGDESIGN 2020



County of San Mateo - Planning and Building Department

ATTACHMENT D

County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063

SUBJECT:

Bayside Tree Removal Permit
10 Cardinal Court, West Menlo Park
APN 074-091-680, County File No. PLN2020-00443

Hello,

I am writing to appeal the tree removal of tree no. 17. This tree is the tallest tree on the current property. Yes, this tree sits (barely) within the proposed building envelope, but should this tree be removed, the value of this land will be diminished. There are NO trees in the interior of this parcel of land. This section of Menlo Park is also the gateway to Menlo Park. The absence of trees will change the look and feel of this section of Menlo Park.

I also see the owner of the property is suggesting they will plant small trees. It will take many decades before new trees will reach the beautiful size of this current tree.

Please note that the other large tree on this property is not to be moved, but now I understand it may be removed and replanted – this tree will never survive this process as this tree has not been cared for since this property was purchased. This original property was owned previously by Garden Editor of Sunset Magazine and of course amazing trees were planted and now being removed.

I care about the value of my property along with keeping the beauty of Menlo Park and our trees thriving.

Thank you for your important decision to keep our trees growing and Menlo Park special.

Listed below are greater details which we have also shared with the owner based on previous agreements with the city and the property owners of this land.

In a letter addressed to us concerned homeowners, dated 1/23/21, Brandon stated "...we are preserving Tree #3..." and "...we've changed the designs of the homes and changed the private road to curve along the tree line..." These design and layout issues were decided long before the current owner began the project, and are part and parcel of the attached Final Decision Letter from the County, dated October 5, 2017. The conditions of this letter are the owners' responsibility. I find in the Decision Letter on pages 2-6 and pages 10-11 clear reference to how Tree #3 must be protected and preserved in all stages of construction.

Further, per the map of the property dated at the time of the Decision process, I count that 12-

15 trees have already been removed from this property. I wonder if the current property owner and the County are in compliance with the conditions stated on pages 5-6 which discuss the monitoring of trees during the entire project? I ask, because of the trees already removed, how many are required to be replaced by a tree of similar stature? Further, is it apparent that Tree #3 is under tremendous stress, and clearly not as healthy as it was even two years ago. Have the current property owner and the arborist filed a report and taken photos as stated in the Decision Letter of the condition of the remaining trees?

The current property owner is requesting to remove one of the last standing, and one of the largest oak trees, is not acceptable. This mature oak tree is at least 40' tall and could easily be 60 years old. These large, drought tolerant oak trees are not just 'in the way' of progress (another term for profit), they mitigate climate change by holding water in the ground and shading to the extent of a 10 degree cooling effect. Further, they are habitat for wildlife, add immeasurably to the property value and beauty. The symbol for our town is an oak tree.

The Site Plan shared along with the Tree Removal application shows Tree #17 at the very back edge of the house on Lot 2, not in the middle as the property owner has stated. The position of Tree #17 clearly lends itself to a design which incorporates this lovely asset. It does not seem wise for the current property owner to plant a lot of landscaping that requires water (while our state is in drought); and, the proposed newly planted trees will take many decades to reach the maturity of those that are proposed to be cut down.

Decisions that are expedient are precisely why our planet and communities suffer from the devastating effects of climate change. Other than sensible, arborist-provided care for these trees, there is no need to destroy them or even to trim in a manner based on fear or convenience. They have withstood many decades of extreme conditions, and will continue to survive the adversity of humans if given the chance.

I support, and I believe all of us who have been in the trenches with the County for 15 years support, the filing of an Appeal to this Permit.

Best,

Yvonne Fulchiron Schmidt and neighbors