## REGULAR MEETING AGENDA

**Date:** 6/6/2017
**Time:** 7:00 p.m.
**City Council Chambers**
**701 Laurel St., Menlo Park, CA 94025**

**Councilmember Mueller will participate by telephone from the following location:**
Intercontinental Wellington, 2 Grey Street, Wellington, 6011 New Zealand

**A. Call To Order**

**B. Roll Call**

**C. Pledge of Allegiance**

**D. Presentations and Proclamations**

D1. Proclamation recognizing Peter Fortenbaugh and the Boys and Girls Club of the Peninsula

**E. Public Comment**

Under "Public Comment," the public may address the City Council on any subject not listed on the agenda. Each speaker may address the City Council once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

**F. Consent Calendar**

F1. Approve increasing the number of Housing Commissioner to seven and change in meeting date (Staff Report# 17-134-CC)

**G. Public Hearing**

G1. Public Hearing on Proposed Fiscal Year 2017–18 Budget and Capital Improvement Plan (Staff Report# 17-136-CC)

**H. Regular Business**

H1. Consider how to fund a phased approach to expand the herbicide free park program (Staff Report# 17-135-CC)

H2. Determination of an appeal to the denial of a heritage tree removal permit for one coast redwood at 318 Pope Street (Staff Report# 17-137-CC)

H3. Introduce an ordinance to authorize modifications to the process to remove on-street parking based

on safety concerns and to establish restrictions to electric vehicle charging spaces (Staff Report# 17-132-CC)

## I. Informational Items

I1. Update on proposed revisions to the approved Facebook Campus Expansion Project at 301-309 Constitution Drive (Staff Report# 17-133-CC)

I2. Update on preparation of comment letters on the Notices of Preparation of Environmental Impact Reports for multiple projects in East Palo Alto (Staff Report# 17-131-CC)

## J. City Manager's Report

## K. Councilmember Reports

## L. Adjournment

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at www.menlopark.org and can receive e-mail notification of agenda and staff report postings by subscribing to the “Notify Me” service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 6/1/2017)

At every Regular Meeting of the City Council, in addition to the Public Comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during the City Council’s consideration of the item.

At every Special Meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Chair, either before or during consideration of the item.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk’s Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk’s Office at 650-330-6620.

**STAFF REPORT**

**City Council**
**Meeting Date:** **6/6/2017**
**Staff Report Number:** **17-134-CC**

**Consent Calendar:** **Approve increasing the number of Housing Commissioner to seven and change in meeting date**

## Recommendation

Staff recommends that the City Council increase the number of seated commissioners on the Housing Commission to seven and approve the change in meeting date.

## Policy Issues

This action is consistent with City Council direction to increase the workload and frequency of Housing Commission meetings.

## Background

In 2013, the City Council approved action, which responded to the loss of Redevelopment funding and 3 Housing Division FTE by reducing the size of the Housing Commission and adjusting the regular meeting schedule to quarterly meetings.

In 2015, substantial development activity and sustained growth in the economy led the City to reassign staff to administer the City's housing programs. That workload was moved into the Economic Development division of the City Manager's office and the Division was renamed Housing and Economic Development, with no increase in FTE. Throughout 2016 and 2017, the regional housing crisis has received a great deal of attention. The City of Menlo Park has taken steps to address concerns of residential displacement through instituting and evaluating policy initiatives that provide for tenant protection, as well as zoning for and funding the development of new affordable housing. The City Council directed the Housing Commission to begin meeting monthly to address the additional workload of assisting with developing policies to address residential displacement. The Housing Commission had been meeting quarterly on the first Wednesday of the month, which created four conflicts a year with the Belle Haven Neighborhood Association's monthly meeting. The Housing Commission felt that in moving to a monthly meeting schedule it would be appropriate to move their meeting to the second Wednesday of the month to resolve that conflict.

## Analysis

One of the priorities in the Housing Commission's approved work plan is to further improve the subject matter expertise of the Commission. While the addition of two commissioners will not ease the additional workload on staff, the addition of two commissioners could augment the Commission's subject matter expertise. Both in 2016 and 2017, City Council was able to appoint residents who work within the field of affordable housing as well as retain an experienced commissioner. The addition of professionals from the industry has augmented the expertise of the veteran commissioners and proved to be an invaluable

resource to staff.

### Impact on City Resources

The addition of two commissioners will likely have a minimal impact on City resources due to the additional support two new commissioners may require, however as aforementioned residents with subject matter expertise may serve to further strengthen the Commission's subject matter expertise. The change in schedule to a monthly meeting has had an impact on staff capacity, however the move to the second Wednesday in the month will not impact staff resources.

### Environmental Review

This action is not a project as defined by CEQA.

### Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

### Report prepared by:

Jim Cogan, Housing and Economic Development Manager

STAFF REPORT

**City Council**
**Meeting Date:** **6/6/2017**
**Staff Report Number:** **17-136-CC**

**Public Hearing:** **Public Hearing on Proposed Fiscal Year 2017–18 Budget and Capital Improvement Plan**

## Recommendation

Staff recommends that the City Council hold a public hearing on the proposed fiscal year 2017–18 budget and capital improvement program and provide direction on any desired changes. The City Council's direction will be incorporated into the staff report for the adoption of the fiscal year 2017–18 budget, which is scheduled for June 20th.

## Policy Issues

A public hearing on the City Manager's proposed budget is consistent with the City's budgeting process and represents no changes in City policy. In addition to presenting the financial plan for fiscal year 2017–18, this report also seeks City Council confirmation of its intent to maintain the temporary reduction in Utility Users' Tax rates at the current one percent rate.

## Background

The City Manager's proposed fiscal year 2017–18 budget was presented to the community at the City Manager's Budget Workshop on May 31, 2017. In total, between the increased resources for the internal service fund and adjustments to project carryovers to more accurately reflect anticipated carryover activity, the bottom line surplus for all funds increased from $3.4 million to $9.6 million. Prior to City Council's adoption of the budget, which is scheduled for June 20, 2017, a public hearing is held to take public comment on the proposed budget and capital improvement program. The operating budget was developed using the guidance Council provided at its January 27, 2017, goal setting workshop, and all of Council's priority goals have been proposed for funding in fiscal year 2017–18. In addition, the capital improvement program has been presented by all of the appropriate boards and commissions and the Planning Commission found the 5-year capital improvement program consistent with the General Plan.

## Analysis

The total proposed fiscal year 2017–18 budget for all City operations and capital improvement is balanced with the revenue budget exceeding $126 million and expenditure budget exceeding $116 million. At the end of the fiscal year, the budget provides for a healthy surplus of $9.6 million, or 8.2 percent of total expenditures, to be posted to various fund balances. The budget includes a number of assumptions for revenue and expenditures which are detailed in the budget document's Budget Summary section.

**General Fund**
The General Fund is the City's complex operating Fund accounting for roughly 50 percent of all financial activity and the vast majority of public services provided to the community. The funds deposited to the General Fund are unrestricted and may be appropriated by the City Council to provide the desired level of public services.

The proposed budget includes General Fund revenue of $56.8 million and expenditures of $56.2 million. The resulting surplus of $0.602 million will be deposited to the City's General Fund unassigned fund balance on June 30, 2018 if all assumptions come to fruition. One revenue that may shift the General Fund revenue budget in a significant manner is Excess ERAF. Consistent with past practice, Excess ERAF is budgeted at 50 percent of estimated receipts from the prior year or $0.86 million is included in the 2017–18 proposed budget.

A detailed discussion of the General Fund can be found in the Budget Summary and Discussion section of the budget document.

The budget includes several service level enhancements as discussed in the City Manager's Transmittal Letter to include an increase in the Public Works budget, an increase in the Community Services budget to support the Menlo Park Grant for the Arts, the Belle Haven Branch Library Needs Assessment, and .5 new FTE to expand service hours at the Belle Haven Branch Library. The changes result in an increase, in the General Fund of $0.44 million. In addition, the budget includes 2.0 FTEs dedicated to water operations to implement preventative maintenance programs and ensure reliability of the system. The water positions are fully funded by water ratepayers and represent no burden on the General Fund. The following provides a summary of the General Fund budget:

| General Fund<br>$millions | |
|---|---|
| **Revenue** | FY 2017–18 Proposed |
| Property taxes | $19.70 |
| Transient occupancy tax | 7.21 |
| Sales tax | 5.16 |
| Utility users' tax | 1.28 |
| Charges for services | 9.33 |
| Licenses and permits | 6.44 |
| Other | 7.75 |
| **Total Revenue** | **$56.87** |
| **Expenditures** | |
| Personnel | $33.88 |
| Operating | 19.28 |
| Capital Outlay | 0.18 |
| Transfer out | 2.93 |
| **Total Revenue** | **$56.27** |
| **Net Surplus/(Deficit)** | |

Ten-Year Forecast
Prospectively, the budget document contains a General Fund 10-year forecast in order to ascertain whether the budget decisions made for fiscal year 2017–18 are sustainable in the long-term given reasonable

estimates for future changes. The forecast demonstrates that the General Fund remains balanced with revenue exceeding expenditures in all forward looking years. The forecast reflects a mix of positive assumptions, such as the opening of new hotels and a modest growth in property taxes, and a negative assumptions such as the loss of Excess ERAF in fiscal year 2020–21 and general slowing in development activity. The forecast also assumes an increases in expenditure line items that track average CPI growth.

Utility Users' Tax (UUT) Rate Consideration

The fiscal year 2017–18 General Fund budget includes $1.28 million in revenue from the temporarily reduced UUT of 1 percent which support current service levels. In order to continue the reduced UUT, on June 20th, the Council will be asked to adopt a resolution that maintains a consecutive temporary tax reduction in Utility Users' Tax rates, which will continue the current one percent tax rate on all utilities as of October 1, 2017. Temporary tax rate reductions for a period of up to twelve months can be implemented with the specific finding provided in the UUT ordinance:

"The temporary tax reduction shall not adversely affect the City's ability to meet its financial obligations as contemplated in its current or proposed budget."

Should the City Council not establish a continuation of the reduced tax rate, the original tax percentages will be automatically reinstated as of October 1, 2017.

*Fiscal Year 2017-18 Appropriations Limit*

The appropriations limit, which was originally established in 1979 by Proposition 4, places a maximum limit on the appropriations of tax proceeds that can be made by the state, school districts, and local governments in California. The appropriations limit is set on an annual basis and is revised each year based on population growth and cost of living factors. The purpose of the appropriations limit is to preclude state and local governments from retaining excess revenues, which are required to be redistributed back to taxpayers and schools. California Government Code requires that the City annually adopt an appropriations limit for the coming fiscal year. The City Council will be asked to adopt a resolution that establishes the City's appropriation limit for fiscal year 2017–18 at their meeting on June 20, 2017. For fiscal year 2017–18, the appropriations limit (Attachment B) is $60.21 million, while the proceeds of taxes subject to the appropriations limit is $37.33 million. Therefore, the City is approximately $22.88 million below its appropriations limit for fiscal year 2017–18.

## Impact on City Resources

As noted in the previous section, the City's budget is balanced and the detail of revenue and expenditures are included in the City Manager's proposed fiscal year 2017–18 Budget. Most importantly, however, the City's largest and most active fund, the General Fund, is also balanced and yielding a modest $0.602 million surplus.

Information on the City's other funds, including a description of the fund, fiscal year 2017–18 proposed resources and requirements, and the expected ending fund balance, is included in the Budget Summary and Discussion section of the budget document. In total, resources for the other funds are expected to exceed requirements by nearly $9.05 million in fiscal year 2017–18. This accumulation of fund balance is predominantly in the special revenue funds related to development impact fees such as the Below Market Rate Housing Fund and the Transportation Impact Fund and will be utilized for future projects consistent with the fund's restricted purpose.

For some funds, the fund balance is being drawn down in fiscal year 2017–18. In most instances, this drawdown of fund balance is not an issue, as resources are accumulated over time to fund large capital projects. For example, this is the case in the General Capital Improvement Fund and the Construction Impact Fee Fund. In other cases, however, the drawdown of fund balance is the result of operating expenditures exceeding dedicated revenue. This is evident in the Bedwell Bayfront Park Maintenance Fund which does not have a dedicated revenue source to fund ongoing maintenance. For those funds that lack ongoing revenue sources, once accumulated fund balance is depleted, the responsibility for maintenance of those facilities will become part of the City's General Fund unless a more suitable fund or new funding source is identified.

## Environmental Review

Environmental review is not required.

## Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

## Attachments

A. Hyperlink to City Manager's Proposed fiscal year 2017–18 Budget: menlopark.org/proposedbudget
B. Proposed fiscal year 2017–18 Appropriations Limit Worksheet

Report prepared by:
Nick Pegueros, Administrative Services Director

**CITY OF MENLO PARK**
**APPROPRIATIONS LIMIT**
**FISCAL YEAR 2017-18**

| | | AMOUNT | SOURCE |
|---|---|---|---|
| A. | LAST YEAR'S LIMIT | **$ 55,025,588** | Prior Year |
| B. | ADJUSTMENT FACTORS | | |
| | 1. Population | 1.0553 | State Department of Finance |
| | 2. Inflation | 1.0369 | State Department of Finance |
| | | 1.0942 | (B1*B2) |
| | **Total Adjustment %** | 0.0942 | (B1*B2-1) |
| C. | ANNUAL ADJUSTMENT | $ 5,185,643 | (B*A) |
| D. | THIS YEAR'S LIMIT | **$ 60,211,231** | (A+C) |
| E. | PROCEEDS OF TAXES SUBJECT TO LIMIT | | |
| | Property Tax | 19,695,000 | 2017-18 Budget |
| | Sales Tax | 4,950,000 | 2017-18 Budget |
| | Other Taxes | 11,333,000 | 2017-18 Budget |
| | Special Assessments | 1,172,542 | 2017-18 Budget |
| | Interest Allocation | 183,824 | 2017-18 Budget |
| | | **$ 37,334,366** | |
| F. | AMOUNT UNDER/(OVER) LIMIT | **$ 22,876,866** | (D-E) |

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**STAFF REPORT**

**City Council**
**Meeting Date:** **6/6/2017**
**Staff Report Number:** **17-135-CC**

**Regular Business:** **Consider how to fund a phased approach to expand the herbicide free park program**

## Recommendation

Staff recommends that the City Council provide direction on how to expand the herbicide free park program in phases and consider the following options:

1. Include $30,000 in the Fiscal Year (FY) 2017-18 budget to provide funding to maintain the existing herbicide free parks for approximately 6 months while preparing a request for proposals (RFP) to expand the program and allocate the remaining funding upon receiving the response to the RFP.

2. Include $450,000 in the FY 2017-18 budget to provide funding to maintain the existing herbicide free parks for approximately 6 months while preparing a RFP to expand the program

## Policy Issues

The recommendation is consistent with the City's Integrative Pest Management (IPM) policy that sets the framework for the reduction of pesticides in the maintenance of City parks and property.

## Background

On May 2, 2017, the City Council approved the continuation of the herbicide free park program at Stanford Hills Park, Fremont Park, Willow Oaks Park and Bedwell Bayfront Park. To maintain the program, the Council authorized the City Manager to extend the contract with Ecological Concerns Incorporated (ECI) on a month-to-month basis. In addition, City Council provided direction to pursue a phased approach to expand the herbicide free program to more parks with a focus on areas of parks that are subject to greatest level of interaction with people. Also, the Council requested that staff review the expansion with the Parks and Recreation Commission and to consider whether an adopt-a-park program would be a feasible option for reducing City costs.

## Analysis

The City maintains 17 parks and 3 facility grounds frequented by the public. (For purposes of this staff report, these 20 locations will be referred to as parks for simplicity). A map of all of the parks is included as Attachment A. Given the size and various functions, the Civic Center and Burgess Park are identified as two locations, the former as a facility and the latter as a park. This inventory and map does not include the sports fields that the City maintains on school grounds including La Entrada, Oak Knoll, Hillview, Willow Oaks/Menlo Oaks/Alto, and Belle Haven Schools.

The first year of herbicide free management tends to be the most intense and costly. Following the first

year, it is expected that the weed control will become more manageable and less labor intensive in following years. Based on the gross size of these parks, preliminary estimates for converting all of the parks and grounds to herbicide free was approximately $1.5 million and then $700,000 annually thereafter to maintain the weeds mechanically. The first year dollar amount would be difficult to absorb in a single fiscal year. In addition, the actual amount would not be known for certain until the City issues a request for proposals for the work and receives responses. Through the RFP preparation process, staff would identify more precisely the areas of each park that are actually subject to potential weeds, which could result in lower estimated costs for at least some parks. For example, Hamilton Park on Hamilton Avenue is approximately one acre resulting in a high probability that the entire park would be included under the proposed weed-control maintenance contract. At the other end of the spectrum, Sharon Park along Sharon Park Drive is approximately 10 acres and has features such as the pond extensive wooded areas that would not necessitate weed control, and therefore portions of the park could be excluded from the proposed weed-control maintenance contract.

Staff is envisioning issuing the request for proposal to cover all of the City's parks on a park-by-park basis and portions of parks for larger sites. This will give the City greater flexibility on how to proceed with the phased approach to expanding the herbicide free program. If the bids come in low, then the City would be able to include more parks or larger portions of parks. If the bids come in high, then the City could decide to delay implementation or secure other sources of funding. As described above, one source could be an adopt-a-park program, either through contributions or in kind services through volunteers. Another source of funds could be any excess Educational Revenue Augmentation Fund (ERAF) that City may receive during FY 2017-18. The City only budgets 50% of the excess ERAF as revenue.

The proposed FY 2017-18 budget includes a surplus of approximately $610,000. Staff has identified the potential to utilize $450,000 for the initial funding for the continuation and expansion of the herbicide free park program. Staff has prepared two options for the Council's consideration.

1. Include $30,000 in the FY 2017-18 budget to provide funding to maintain the existing herbicide free parks for approximately 6 months while preparing a RFP to expand the program and allocate the remaining funding upon receiving the response to the RFP.

2. Include $450,000 in the FY 2017-18 budget to provide funding to maintain the existing herbicide free parks for approximately 6 months while preparing a RFP to expand the program

Both options include continuing the herbicide free park program at the applicable existing parks and consultation with the Parks and Recreation Commission prior to release of the RFP. The primary difference between the two options is whether to allocate funding for expanding the program in the FY 2017-18 budget now or wait until later in the fiscal year to appropriate money based on the results of the RFP at that award of contract.

**Impact on City Resources**

This staff report is requesting Council direction on how much funding to add to the FY 2017-18 budget to continue and expand the herbicide free park program.

**Environmental Review**

The proposed recommendation is exempt from the California Environmental Quality Act (CEQA), according to CEQA Guidelines Section 15308: Actions by Regulatory Agencies for Protection of the Environment.

## Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

## Attachments

A. Map of City Parks

Report prepared by:
Brian Henry, Public Works Superintendent

Report reviewed by:
Justin Murphy, Public Works Director

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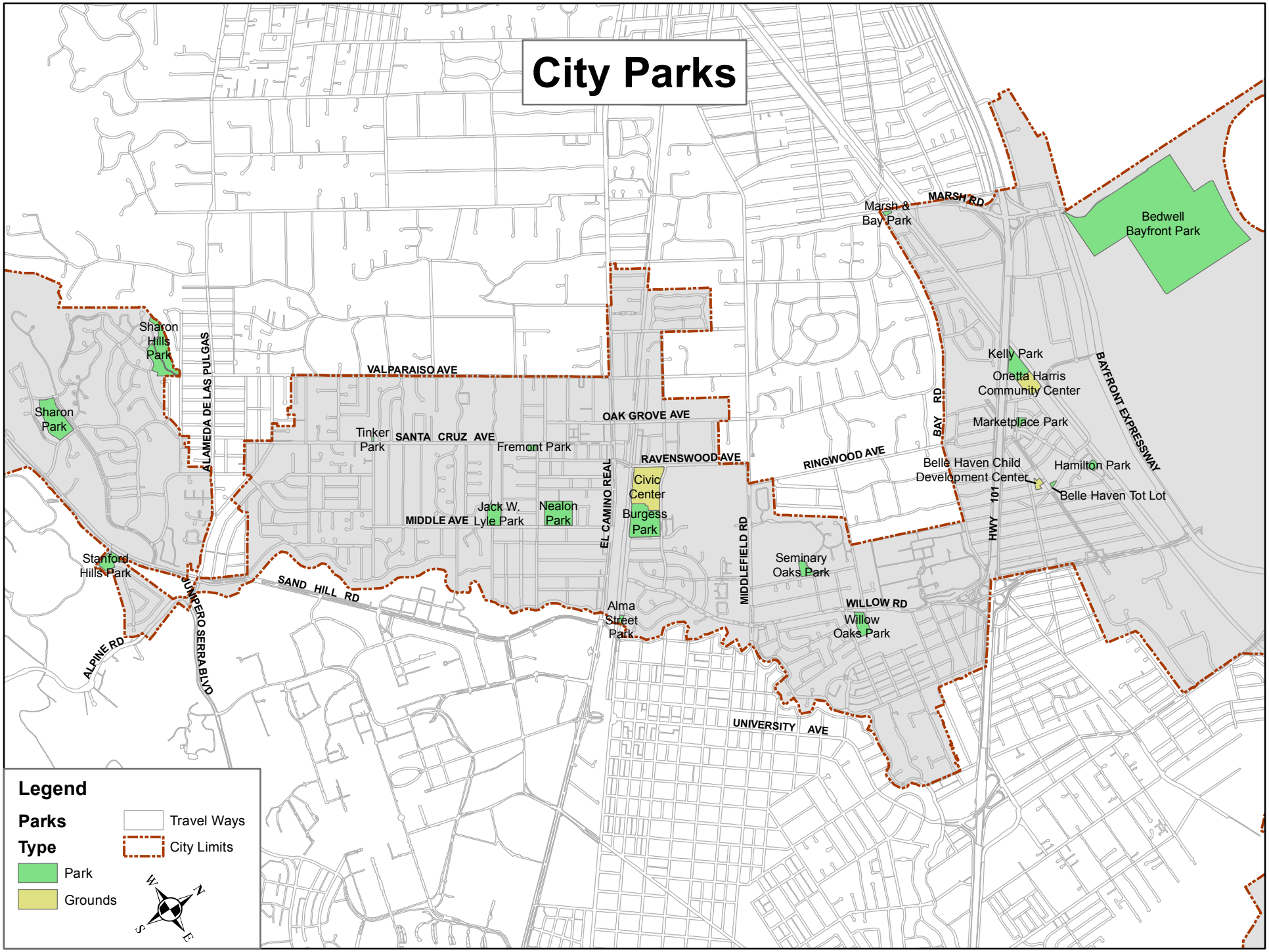
ATTACHMENT A



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**STAFF REPORT**

**City Council**
**Meeting Date:** **6/6/2017**
**Staff Report Number:** **17-137-CC**

**Regular Business:** **Determination of an appeal to the denial of a heritage tree removal permit for one coast redwood at 318 Pope St.**

## Recommendation

Staff recommends the City Council deny the appeal and uphold the decisions by staff and the Environmental Quality Commission to deny the Heritage Tree removal permit application at 318 Pope St.

## Policy Issues

The proposed action is consistent with City policies.

## Background

In July 2015 a use permit for the demolition of the existing structure and construction of a new two story home at 318 Pope was approved by the City's Planning Division. The arborist report submitted with the permit application was completed by Ray Morneau on May 14, 2015, and identified the subject coast redwood (*Sequoia sempervirens*) heritage tree as being in "Fair" overall condition with a "High" aptitude for preservation. No application for a permit to remove the redwood was submitted at that time. The use permit expired in July 2016 with the project incomplete.

On Sept. 6, 2016, the current property owner, Scott Cole, submitted a heritage tree removal permit application to remove the subject coast redwood heritage tree located on the same property. The permit application was submitted with a completed arborist form (prepared by Project Arborist, Kielty Arborist Services LLC on Aug. 31, 2016) and site plans for proposed development for a 2 story home, which is currently under review by the City. The following reasons were stated for removal request:

- Poor form
- High Risk

The City Arborist reviewed the application and conducted Level 2, Basic Assessments on Sept. 20, 2016, to evaluate the tree condition and complete a tree risk assessment. On Sept. 22, 2016, the City Arborist denied the permit application based on the following conditions:

- Tree is healthy with a moderate risk rating.
- Routine tree maintenance and monitoring is a reasonable and feasible alternative to removal.
- Above mitigation would reduce residual risk rating from moderate to low.

On Oct. 6, 2016, the property owner submitted an appeal for the denial of the heritage tree removal permit.

On Oct. 20, 2016, the property owner submitted a use permit application to the City including an arborist report, which had been prepared on June 3, 2016. The applicant's arborist report recommended removal of the subject redwood and specifies tree protection measures as well as recommendations to mitigate potential risk if the tree is retained.

On Nov. 14, 2016, Deanne Ecklund, the City's contract inspecting arborist, conducted an on-site inspection of subject tree and reviewed development plans. Ms. Ecklund specified to the City Arborist and Planning Division staff that the subject redwood was, "not a high risk" and recommended approval of the tree protection measures specified by the Project Arborist for the redwood if the tree is to be retained.

On Nov. 22, 2016 the property owners submitted a subsequent appeal letter and arborist report to the City's Environmental Quality Commission.

On Jan. 25, 2017, the Environmental Quality Commission received a staff report (Attachment A) and presentation from the City Arborist. Following comments from the appellant and several members of the public, the commission voted to uphold the City Arborist's denial of the heritage tree removal permit. This action is documented in the Environmental Quality Commission minutes (Attachment B)

On Feb. 9, 2017, the City received correspondence from the property owner (Attachment C) requesting to appeal the Environmental Quality Commission's decision to the City Council.

In April 2017, the item was rescheduled to June 6, 2017, at the request of the appellant.

## Analysis

On May 24, 2017, the City Arborist and contract inspecting arborist met again at the subject site to inspect and update the assessment and risk rating of the tree (Attachment D).

The staff recommendation remains unchanged.

On May 30, 2017, the property owner submitted an updated letter outlining their case for the appeal (Attachment E). On May 31, 2017, the property owner provided the City with copies of arborist reports (Attachment F) prepared for them by Kielty Arborist Services LLC (dated June 6, 2016), Urban Tree Management Inc. (dated Nov. 2, 2016) and Tree Management Experts Consulting Arborists (dated May 30, 2017). The property owner also shared a letter from their attorney firm, Bonapart & Associates, dated May 31, 2017 (Attachment G). In addition, the property owner provided three videos from their arborist which speak to the subject tree (Attachment H).

In addition, the City has received several emails, letters and other correspondence from neighbors and members of the public in advance of the agenda being posted (Attachment I). Any subsequent correspondence received will be provided at the City Council meeting.

Staff recommends the City Council deny the appeal and uphold the decisions by staff and the Environmental Quality Commission to deny the Heritage Tree removal permit application at 318 Pope St.

## Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

A. Jan. 25, 2017, staff report to the Environmental Quality Commission
B. Jan. 25, 2017, minutes of the Environmental Quality Commission
C. Appeal request letter to the City Council
D. Supplemental (update) city contracting arborist report dated May 30, 2017
E. Property owners letter to the City Council
F. Property owners' arborist reports
G. Property owners' attorney's letter to the City Council
H. Hyperlink to Property owners' arborist videos (three videos) - https://menlopark.box.com/s/hiarox6xok07yyd9mm9q7iuyy9szmfy2
I. Correspondence from the public

Report prepared by:
Clay Curtin, Assistant to the City Manager/Interim Sustainability Manager

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**STAFF REPORT**

**Environmental Quality Commission**
**Meeting Date:** **1/25/2017**
**Staff Report Number:** **17-002-EQC**

**Regular Business:** **Issue: Determination on appeal of staff's denial of one Heritage Tree removal permit at 318 Pope St.**

## Recommendation

Staff recommends the Environmental Quality Commission (EQC) deny the appeal and uphold staff's decision to deny the Heritage Tree removal permit application at 318 Pope St.

## Policy Issues

The proposed action is consistent with City policies.

## Background

**Section 13.24.010 of Menlo Park's Heritage Tree Ordinance (Municipal Code), Intent and purpose** states**,** "This chapter is adopted because the city has been forested by stands of oak, bay and other trees, the preservation of which is necessary for the health and welfare of the citizens of this city in order to preserve the scenic beauty and historical value of trees, prevent erosion of topsoil and sedimentation in waterways, protect against flood hazards and landslides, counteract the pollutants in the air, maintain the climatic balance and decrease wind velocities. It is the intent of this chapter to establish regulations of the removal of Heritage Trees within the city in order to preserve as many trees as possible consistent with the propose of this chapter and the reasonable economic enjoyment of private property.**"**

In July of 2015 a Use permit for the demolition of the existing structure and construction of a new two story home at 318 Pope was approved by the City Planning Department. The arborist report submitted with the permit application was completed by Ray Morneau on May 14, 2015 (Attachment A) and identified the subject coast redwood (*Sequoia sempervirens*, Attachment B) Heritage Tree as being in "Fair" overall condition with a "High" aptitude for preservation. No application for a permit to remove the redwood was submitted at that time. The Use permit expired in July 2016 with the project incomplete.

On September 6, 2016, the current property owner, Scott Cole, submitted a Heritage Tree removal permit application to remove the subject coast redwood Heritage Tree located on the same property. The permit application was submitted with a completed arborist form (prepared by Project Arborist, Kielty Arborist Services LLC on August 31, 2016) and site plans for proposed development for a 2 story home (Attachment C), which is currently under review by the City Planning Department. The following reasons were stated for removal request:

- Poor form
- High Risk

The City Arborist reviewed the application and conducted Level 2, Basic Assessments on September 20, 2016 to evaluate the tree condition and complete a tree risk assessment. On September 22, the City Arborist denied the permit application (Attachment D) based on the following conditions:

- Tree is healthy with a moderate risk rating.
- Routine tree maintenance and monitoring is a reasonable and feasible alternative to removal.
- Above mitigation would reduce residual risk rating from moderate to low.

On October 6, 2016 the property owner submitted an appeal for the denial of the Heritage Tree removal permit (Attachment E).

On October 20, 2016 the property owner submitted a Use permit application to the City Planning Department including an arborist report, which had been prepared on June 3, 2016. The arborist report recommends removal of the subject redwood and specifies tree protection measures as well as makes recommendations to mitigate potential risk if the tree is retained (Attachment F). On November 14, 2016 Deanne Ecklund, City contract inspecting arborist, conducted an on-site inspection of subject tree and reviewed development plans. Deanne specified to the City Arborist and Planning Department staff that the subject redwood was, “not a high risk” and recommended approval of the tree protection measures specified by the Project Arborist for the redwood if the tree is to be retained.

On November 22, 2016 the property owners submitted a subsequent appeal letter and arborist report to the EQC (Attachment G and H).

## Analysis

**Section 13.24.040, of Heritage Tree ordinance** requires staff and the EQC to consider the following eight factors when determining whether there is good cause for permitting removal of a heritage tree

(1) The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;

(2) The necessity to remove the tree or trees in order to construct proposed improvements to the property;

(3) The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters;

(4) The long-term value of the species under consideration, particularly lifespan and growth rate;

(5) The ecological value of the tree or group of trees, such as food, nesting, habitat, protection and shade for wildlife or other plant species;

(6) The number, size, species, age distribution and location of existing trees in the area and the effect the removal would have upon shade, privacy impact and scenic beauty;

(7) The number of trees the particular parcel can adequately support according to good arboricultural practices;

(8) The availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s).

Staff’s denial of the removal permit was based on the following Heritage Tree Ordinance conditions:

*(1) The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;*

*(4) The long-term value of the species under consideration, particularly lifespan and growth rate;*

*(8) The availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s).*

**With respect to criteria one and four**, the following criteria were assessed related to disease, danger of falling, proximity to existing or proposed structures, and long term value of the species.

**Site Factors**

- The subject tree is located at the south east corner of the residential home at 318 Pope St. with a relatively level grade.
- The tree root collar is pronounced and abutting a property line wood fence to the southeast and causing minor displacement.
- There is a one story residential home (at subject address), which is approximately three and half feet to the north east of tree as well as a one story neighboring home (at 310 Pope St.) approximately fifteen feet the southeast on the tree.
- There are gravel and paver walkways to the north east and south east of the tree with minor uplifting from surfacing roots.
- There was no visible evidence of damage to adjacent structures at time of inspection. No evidence documenting structural property damage was submitted by applicant.
- There was no visible evidence of site changes that had recently occurred at the time of inspection.
- The prevailing wind is from the northwest.

**Tree Health and Species Profile**

- The redwood is healthy with an estimated ninety eight percent of the foliage in the canopy being healthy and normal at the time of inspection.
- Tree vigor (growth rate) is normal for the age and species at the time of inspection. Redwoods are typically one of the fastest growing trees in cultivation.
- There were not any visible signs or symptoms of pest infestation, decay or disease infection at time of inspection. Redwood is known to be largely pest, disease, and decay resistant.
- The estimated age of the tree is approximately seventy to eighty years old based on the age of the homes located on the property and within the surrounding neighborhood which was developed in the 1940's. Coast redwoods commonly grow over one hundred and fifty years old in cultivation with several individual trees known to still be growing after two thousand years.
- According to the University of California Tree Failure Report program database a low percentage (2%) of all of the roughly six thousand failure records submitted are for *Sequoia sempervirens.* (CTFRP)
- It is the opinion of the author that while bark inclusions can be indicative of a structural defect in some trees, trunk failure associated with bark inclusions in coast redwoods is not a common occurrence.

**Tree Defects and Conditions Affecting the Likelihood of Failure**

- There are three main trunks, or co-dominate stems, which are roughly the same size (approximately thirty inches in diameter) with three narrow unions at approximately twelve feet above the existing grade. All of the main unions have evidence of included bark, which is a term used to describe a pattern of development where bark becomes embedded at the point of a narrow attachment of two or more stems. Included bark typically does not have the same amount of holding tissue as a union

with a wider angle of attachment and is therefore considered to be a type of structural defect. (Harris, 1999).

- Moderate response growth that has developed in the form of a blunted rib running longitudinal from the main union on the west side of the trunk to the root collar. The rib is approximately eight feet in length, ten inches wide, and three to five inches in thickness. There are also small sized (approximately six inches in diameter) burls growing in the main union on the south side of the trunk. Response growth is new wood that is produced by trees in the outermost cells to compensate for increased loads. The presence of a rib typically indicates internal cracking. Ribs with a pointed or sharp edge are often associated with more active cracks close to the surface. Cracks that have fully closed and are deeper below the surface display a more blunted edge on a rib. (Dunster, 2013).
- All three of co-dominate main stems have a corrected leans. Corrected leans or sweeps develop over time as the primary growth is redirected upward toward light (through phototropism) and are typically considered to have a likelihood of failure that is improbable to possible under normal conditions. (Dunster, 2013)
- Cabling has been installed between the co-dominate main stems at a height of approximately thirty feet above the main unions, which is not consistent with industry standards. The recommended height for the installation of cable anchors is, “two-thirds the distance from the union to the ends of the branches”. (Smiley, Lilly, 2013)
- There was no evidence of previous limb failure at time of inspection. Pruning history appeared to be limited to minor raising the canopy and cleaning of dead interior limbs.
- There was no evidence of any significant change in the tree or site conditions since the Morneau arborist report identified the redwood as being in fair condition with a high suitability for retention in May of 2015.

**Load Factors**

- The height of the coast redwood is approximately one hundred and ten feet with a crown spread of approximately forty five feet making the crown size large relative to adjacent trees.
- The co-dominate main stems are approximately thirty inches in diameter at point of attachment.
- Existing adjacent structures located to the north and north east trees provide partial protected from wind exposure.
- Seasonal rains are common in the area from October to April with an average annual rainfall of sixteen inches. (NOAA)
- Several severe storm events with heavy rainfall and wind loading have occurred since the initial permit application was submitted identifying the likelihood of failure as, “hazardous”.
- The overall crown of the tree is relatively symmetrical with a live crown ratio (LCR) estimated to be approximately ninety five percent. LCR is the ratio of the total length of the living foliage and limbs in the crown to total tree height. A higher LCR is believed to dampen the force of wind as the lateral branches and foliage intercept and dissipate the wind force throughout a larger area of the crown and thereby reduce loading on trunk, main lateral limbs, and there unions.
- Typically a LCR of less than one third is considered to have an increased likelihood of failure.

**Likelihood of Failure**

- The likelihood of failure is the potential for a tree or limb to fail within a time frame based on the species, defect, anticipated loads and response growth is. The time frame specified for this report is one year. The ISA risk categorization system rates likelihood of failure as improbable, possible, probable, or imminent. The Likelihood of failure of the co-dominate main stems with bark inclusion, response wood and corrected lean was determined to be **possible**. Possible is defined as a failure could occur, but is unlikely during normal weather conditions within a given time frame. (Dunster, 2013). Given the extent of response wood, its location in proximity to the defect and its shape, and

the species failure profile, there is no indication that failure is actively occurring or will take place within the specified time frame.

**Target Assessment**

- Targets are people and property that have the potential to be impacted in the event of tree or limb failure within the target zone. The target zone in this case is a one hundred and ten foot radius area around the tree, which equal to the tree height. The targets identified to have the potential to have greater than minor damage occur if one or more of the co-dominate main stems were to fail include the following:
    - Residential home at subject address
    - Occupants inside of residential home
    - Neighboring home at 310 Pope St.
    - Occupants inside neighboring home
    - Out building at subject address
    - Occupants of outbuilding at subject address
    - Occupants of yard at subject address and neighboring address

**Occupancy Rates**

- The duration of time that a target is located within a target zone is the occupancy rate. Rates are classified by the ISA as constant, frequent, occasional, or rare. The occupancy rates and descriptions for specified targets are the following:
    - Residential and neighboring home and out building: **Constant** -target present at all times day and night.
    - Occupants inside residential and neighboring home: **Frequent** -target present for most of the day.
    - Occupants of outbuilding and yards: **Occasional** - target is present infrequently or irregularly

**Target Protection, Size of Defect Part, and Distance of Fall**

- The size of the tree part at the point of target impact, the distance of fall and any target protections are considered when determining the consequences of failure (see below). Target protection is anything that would protect the target from impact. For instance, pliable live lateral limbs and foliage provide some protection to a target as they dampen the force of impact from a falling tree trunk. The following target protections were identified to exist for each specified target:
    - Neighboring home - live lateral limbs and foliage.
    - Occupants inside residential home, neighboring home and out building – structure.
    - Outbuilding - live lateral limbs and foliage.

.

- The size of the defective part was considered as it effects the force of impact. The location of the size of part is evaluated where the likely impact would occur, which is not necessarily where the location of the defect part is in all cases. The following are the estimated sizes of tree parts for each specified target:
    - Main co-dominate leader over residential home and occupants – approximately thirty inches in diameter.
    - Main co-dominate over neighboring home and occupants – approximately twenty five inches in diameter.
    - Main co-dominate over out building, occupants of outbuilding and yards – approximately twenty inches in diameter.

- A falling tree or part will increase in speed and force of impact as it falls. The shorter the distance of fall, the lesser the force of impact. “If the distance from a tree trunk to a well-built, multi-story house

is short, a tree that falls may simply lean against the house, causing minor damage." (Dunster, 2013). The following are the estimated distance of fall for each tree part to specified target:

- Main co-dominate over residential home and occupants – approximately eight to ten feet
- Main co-dominate over neighboring home and occupants – approximately fifteen feet
- Main co-dominate over out-building, outbuilding occupants – approximately twenty to forty feet.

**Likelihood of Failure and Impact**

- Considering both the likelihood of failure and the likelihood of impact, which is effected by the location of the target, direction of fall, target protections (see above), and the occupancy rate. ISA categorizes likelihood of failure and impact as Unlikely, Somewhat likely, Likely, Very Likely. The following matrix is used to consider these factors and determine likelihood of failure and impact. (Dunster, 2013).

| Likelihood of Failure | Likelihood of Impacting Target | | | |
|---|---|---|---|---|
| | **Very low** | **Low** | **Medium** | **High** |
| **Imminent** | Unlikely | Somewhat likely | Likely | Very likely |
| **Probable** | Unlikely | Unlikely | Somewhat likely | Likely |
| **Possible** | Unlikely | Unlikely | Unlikely | Somewhat likely |
| **Improbable** | Unlikely | Unlikely | Unlikely | Unlikely |

- The following likelihood of impact for each specified target were determined using the matrix above:
  - Main co-dominate over residential, neighboring homes and occupants - Somewhat likely
  - Main co-dominate over out building, outbuilding occupants, and occupants of yard - Unlikely

**Consequences of Failure**

- The consequences of failure are ranked by the ISA as Negligible, Minor, Significant, Severe. They are defined as follows:
  - Negligible - consequences that involve low-value property damage or disruption that can be replaced or repaired; they do not involve personal injury.
  - Minor - consequences that involve low to moderate property damage, small disruptions to traffic, or a communication utility or a very minor injury.
  - Significant - consequences are that involve property damage of moderate to high value, considerable disruption, or personal injury.
  - Severe – consequences are those that could involve serious personal injury or death, damage to high value property, or disruption of important activities. (Dunster, 2013).

- Using these descriptions, the following are the consequences of failure and description for each of the specified targets are estimated taking into account target protections, part size and distance of fall:
  - Residential home at subject address - Significant
  - Occupants inside of residential home - Significant
  - Neighboring home at 310 Pope St. - Significant
  - Occupants inside neighboring home - Significant
  - Out building at subject address - Significant
  - Occupants of outbuilding at subject address - Significant
  - Occupants of backyard at subject address - Severe
  - Occupants of backyard at neighboring address - Severe

**Risk Rating**

- The risk rating is the combination of the likelihood of the tree or part falling and impacting a target and the severity of the consequences. Using the matrix below the following Risk Ratings were estimated for all parts and target was found to be Moderate. (Dunster, 2013).

| Likelihood of Failure & Impact | Consequences of Failure | | | |
|---|---|---|---|---|
| | Negligible | Minor | Significant | Severe |
| **Very likely** | Low | Moderate | High | Extreme |
| **Likely** | Low | Moderate | High | High |
| **Somewhat likely** | Low | Low | Moderate | Moderate |
| **Unlikely** | Low | Low | Low | Low |

**Overall Risk Rating**

- The overall risk rating is taken from the highest risk rating of any tree part and target. In this case, the overall risk rating for the subject tree is Moderate.

**With respect to criteria eight**, reasonable and feasible alternatives were considered:

**Mitigation Measures**

- The prudent implementation of the tree maintenance recommendations specified in June 3, 2016 Project Arborist report can effectively be used to mitigate the level of risk from moderate to a low residual risk.
- In addition, the author recommends monitoring the position of the co-dominate leaders, condition of the tree and cabling systems on an annual basis at a minimum.

**Recommendations**

Staff recommends the Environmental Quality Commission (EQC) deny the appeal and uphold staff's decision to deny the Heritage Tree removal permit application based on these findings.

**Impact on City Resources**

There are no additional City resources required for this item.

**Environmental Review**

An Environmental Review is not required for this item.

**Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

A. Morneau Arborist Report 5/15
B. Heritage Tree Image
C. Heritage Tree Permit Application
D. Heritage Tree Permit Denial Letter
E. Applicants Letter of Appeal
F. Kielty Arborist Report 6/16
G. Planning Department Application Confirmation Notice
H. Appellant Letter to EQC
I. Literature Cited

Report prepared by:
Christian Bonner, City Arborist

Report Reviewed by:
Vanessa Marcadejas, Senior Sustainability Specialist

ATTACHMENT A

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# Certified Arborist's
# Pre-Construction Tree Inventory
# &
# Tree Protection Plan



May 14, 2015

Prepared for:
Hilary & Timothy Gudgel
835 Boyce Avenue
Palo Alto, CA 94301

Site:
Residential Redevelopment
318 Pope Street
Menlo Park, CA 94025

Prepared by:
**Ray Morneau**
ISA Certified Arborist #WE-0132A
PNWISA Certified Tree Risk Assessor #1188

Contents



# 1.0 Assignment & Introduction

| Development Stage | |
|---|---|
| X | Pre-construction: design phase. |
| | City Required Inspection/Report |
| | Demo / Rough Grading / Trenching |
| | Streets/Utility/Drainage |
| | Building Construction |
| | Fine Grading / Landscaping |
| | Follow-up |

Hilary and Tim Gudgel have retained me to provide the City-required Arborist Report for his project at 318 Pope Street in Menlo Park.

Drawings provided for my reference include a topo, Sheet A-102, "Site Plan - Proposed", and Sheet A-103, "Site Coverage Diagram".

To the extent that the requested information has been developed, this report follows the Community Development Department 3-page handout "Documents Associated with a Complete Plan Submittal" at: http://www.menlopark.org/DocumentCenter/Home/View/76, "Documents Associated with a Complete Plan Submittal" and http://www.menlopark.org/DocumentCenter/Home/View/90, "Tree Protection Specifications". I can be retained to provide follow up memo reports as more project details are developed and can be reviewed.

I have also reviewed the City comment letter dated April 16, 2015.

# 2.0 Discussion with leading summary

## 2.1 Summary

Seventeen (17) trees are associated with this property, either as on-site trees or municipal street trees. There are none just off-site as (nearly) overhanging neighbors' trees. The proposed site plan (Sheet A-102) shows the reconfiguration of the house in somewhat the same footprint as the old residence, but giving the three heritage trees along the south fenceline more undisturbed space. Driveway access is per the existing alley, which also minimizes disruption. And, new landscaping is being added which will improve aesthetics and will include at least three new jacaranda trees.

Of the 17 trees, 6 are "Heritage" of which five have a high likelihood of remaining decades beyond the close of this project (#1, #2, #3, #4, and #5). Loquat (#9, back by the garage) is belaboring under extreme pressure from the fireblight bacteria, *Erwinia amylovora*, and will not likely survive more than a couple of years before it looks like a failure. Summary charts below:

## Tree Frequency Charts

**Overall Tree Frequency Chart (17)**

| | Protected = 6 | | | | | Not Protected |
|---|---|---|---|---|---|---|
| | Heritage-size = 6 | | | Non-Heritage-size = 0 | | |
| | Street | Neighbor | On-property | Street | Neighbor | ---- |
| Total | 2 | 0 | 4 | 0 | 0 | 11 |
| Keep | 2 | 0 | 4 | 0 | 0 | 3 |
| Remove | 0 | 0 | 0 | 0 | 0 | 8 |

# Overall Condition Chart

| Percentage Range | Text Description | Quantity |
|---|---|---|
| 0% | DEAD | 0 |
| 1% to 25% | Very Poor | 0 |
| 26% to 49% | Poor | 5 |
| 50 % to 70% | Fair | 7 |
| 71% to 90% | Good | 5 |
| 91% to 100% | Excellent | 0 |
| | | 17 |

## Sorted Alphabetically by Botanical Name

| | | |
|---|---|---|
| Maple, Japanese | 2 | *Acer palmatum* |
| Dracena | 1 | *Cordyline australis* |
| Cypress, Italian | 1 | *Cupressus sempervirens* |
| Tree Fern, Australian | 1 | *Dicksonia antarctica* |
| Loquat | 1 | *Eriobotrya japonica* |
| Palm, Can. Isl. Date | 2 | *Phoenix canariensis* |
| Victorian Box | 1 | *Pittosporum undulatum* |
| Oak, Coast Live | 2 | *Quercus agrifolia* |
| Redwood, Coast | 1 | *Sequioa sempervirens* |
| Palm, Queen | 4 | *Syagrus romanzoffiana* |
| Palm, Mexican Fan | 1 | *Washingtonia robusta* |
| | 17 | |

## Sorted by Frequency on Botanical Name

| | | |
|---|---|---|
| Palm, Queen | 4 | *Syagrus romanzoffiana* |
| Maple, Japanese | 2 | *Acer palmatum* |
| Palm, Can. Isl. Date | 2 | *Phoenix canariensis* |
| Oak, Coast Live | 2 | *Quercus agrifolia* |
| Dracena | 1 | *Cordyline australis* |
| Cypress, Italian | 1 | *Cupressus sempervirens* |
| Tree Fern, Australian | 1 | *Dicksonia antarctica* |
| Loquat | 1 | *Eriobotrya japonica* |
| Victorian Box | 1 | *Pittosporum undulatum* |
| Redwood, Coast | 1 | *Sequioa sempervirens* |
| Palm, Mexican Fan | 1 | *Washingtonia robusta* |
| | 17 | |

## Sorted Alphabetically by Common Name

| | | |
|---|---|---|
| Cypress, Italian | 1 | *Cupressus sempervirens* |
| Dracena | 1 | *Cordyline australis* |
| Loquat | 1 | *Eriobotrya japonica* |
| Maple, Japanese | 2 | *Acer palmatum* |
| Oak, Coast Live | 2 | *Quercus agrifolia* |
| Palm, Can. Isl. Date | 2 | *Phoenix canariensis* |
| Palm, Mexican Fan | 1 | *Washingtonia robusta* |
| Palm, Queen | 4 | *Syagrus romanzoffiana* |
| Redwood, Coast | 1 | *Sequioa sempervirens* |
| Tree Fern, Australian | 1 | *Dicksonia antarctica* |
| Victorian Box | 1 | *Pittosporum undulatum* |
| | 17 | |

## Sorted by Frequency on Common. Name

| | | |
|---|---|---|
| Palm, Queen | 4 | *Syagrus romanzoffiana* |
| Maple, Japanese | 2 | *Acer palmatum* |
| Oak, Coast Live | 2 | *Quercus agrifolia* |
| Palm, Can. Isl. Date | 2 | *Phoenix canariensis* |
| Cypress, Italian | 1 | *Cupressus sempervirens* |
| Dracena | 1 | *Cordyline australis* |
| Loquat | 1 | *Eriobotrya japonica* |
| Palm, Mexican Fan | 1 | *Washingtonia robusta* |
| Redwood, Coast | 1 | *Sequioa sempervirens* |
| Tree Fern, Australian | 1 | *Dicksonia antarctica* |
| Victorian Box | 1 | *Pittosporum undulatum* |
| | 17 | |

# Tree Disposition / Inventory Summary

| T # | Name, Common | Trunk Diam. | Overall Condition | Aptitude | Heritage Tree? | Keep? or Remove? | Summary Comments (PT = Protected Tree) |
|---|---|---|---|---|---|---|---|
| 1 | Palm, Can. Isl. D. | 30.8" | 77% Good | High | ST | Keep | In 9-foot wide planter strip; ~45-feet CBT (clear brown trunk). |
| 2 | Palm, Can. Isl. D. | 33.0" | 77% Good | High | ST | Keep | In 9-foot wide planter strip; ~45-feet CBT (clear brown trunk). |
| 3 | Oak, Coast Live | 34.0" | 80% Good | High | HT | Keep | 2-feet from front fence, 9-feet to house. Very little deadwood. |
| 4 | Oak, Coast Live | 22.6" | 69% Fair | High | HT | Keep | 6-inches to side fence, 18-feet to house. Very lop-sided. |
| 5 | Redwood Coast | 94.4" | 65% Fair | High | HT | Keep | Prominent root flare; 4-feet to house; co-dominance at 12'. |
| 6 | *Tree Fern, Austr.* | 5.7" | 80% Good | Mod. | No | Keep | Under #5 redwood, 4-feet to its root flare. |
| 7 | Maple, Japanese | 4.2" | 42% Poor | Low | No | **Rem.** | Crowded, lop-sided, misshapen under #5 redwood. |
| 8 | *Victorian Box* | multi | 49% Poor | High | No | Keep | Twelve stems along side fence as a hedge/screening. |
| 9 | Loquat | 19.6" | 42% Poor | Very Low | HT | Keep | Crowdedby fence, garage. Co-dominance. Fireblight disease. |
| 10 | *Palm, Mex. Fan* | 6.2" | 65% Fair | Low | No | Keep | At front corner of existing garage; 3-feet CBT. |
| 11 | Cypress, Italian | 4.7" | 65% Fair | Mod. | No | **Rem.** | Typical Italian Cypress; 1-foot to side fence; 6-feet to garage. |
| 12 | Maple, Japanese | 8.2" | 47% Poor | Low | No | **Rem.** | Four stems with weak attachments. One dead;. |
| 13 | Palm, Queen | 7.8" | 72% Good | High | No | **Rem.** | Existing front fence at ~2-feet; 7-feet CBT. |
| 14 | Palm, Queen | 10.6" | 49% Poor | Low | No | **Rem.** | Existing front fence at ~2-feet; 5-feet CBT. |
| 15 | Dracena | 4.0" | 63% Fair | Low | No | **Rem.** | Existing front fence at ~7-feet; spindly/stunted. |
| 16 | Palm, Queen | 9.4" | 60% Fair | Low | No | **Rem.** | Existing front fence at ~2-feet; 6-feet CBT. |
| 17 | Olive, Common | multi | 57% Fair | Low | No | **Rem.** | 4", 4", 3", 2" stems at ground; fence at ~4'; 7' to house, thin. |

## 2.2 Discussion

The current house will be replaced with a new home in approximately the same footprint. This residential site has 17 trees associated with it.

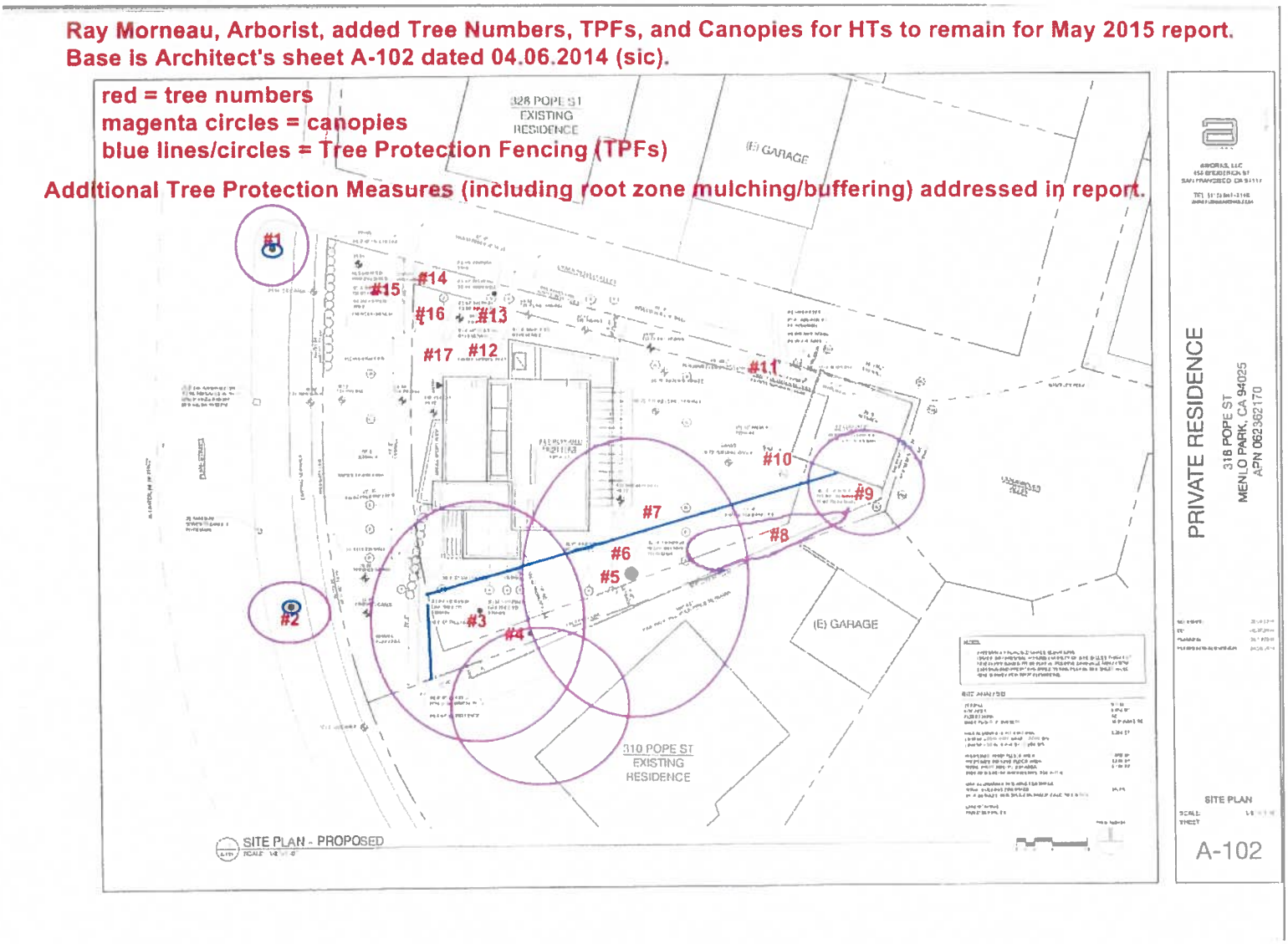
Six measure up to be "Heritage Trees" (greater than 15-inch diameter for non-oaks and greater than 10-inch diameters for oak trees) of which two (2) are street trees in front. All six will remain, preserved through the construction project. All this analysis is charted in the above tables.

Great effort is being made in the planning stage to work to preserve the palm street trees, the two oaks, and the redwood. Three of the eleven non-heritage-size trees will be kept in place and the new landscaping will include planting at least three new jacarandas. While the loquat tree (#9) can remain, it will be an exceptional challenge to preserve due to the already present disease, decline, deadwood, and structural defects.

All in all, this is a well thought-out strategy, design, and arrangement poised for success with the implementation of the tree preservation plan. This report follows typical tree protection measures commonly used in the City of Menlo Park.

# 3.0 Site Plan, Tree Data, & Data Legend

## 3.1 Plan, with tree numbers added




## 3.2 Tree Data (following two pages)

## 3.3 Data Legend (then following two pages)



FS

| Tree # | Common Name (*Botanical Name*) | dbh (Diametrer at Breast Height) | Crown Radius | Height | Crown Class | % Vigor | % Structure | % Overall | Age / Longevity | Aptitude | Removal | Additional Comments | Protected: ≥15", or ≥10"; ST; O/H |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Palm, Canary Island Date *(Phoenix canariensis)* | 30.8" | 30' | 65' | Dom. | 75% | 90% | 77% Good | Mature | High | Keep | In 9-foot wide planter strip between curb and sidewalk; 6-feet to alley. Pruned recently to remove dead fronds. ~45-feet CBT (clear brown trunk). | ST |
| 2 | Palm, Canary Island Date *(Phoenix canariensis)* | 33.0" | 30' | 65' | Dom. | 75% | 90% | 77% Good | Mature | High | Keep | In 9-foot wide planter strip between curb and sidewalk; 6-feet to alley. Pruned recently to remove dead fronds. ~45-feet CBT. | ST |
| 3 | Oak, Coast Live *(Quercus agrifolia)* | 34.0" | 30' | 60' | Dom. | 70% | 90% | 80% Good | Mature | High | Keep | Root flare at 2-feet from existing front wood fence, 9-feet to exisitng house wall. Very little deadwood accumulated, as if recently pruned for crown cleaning, but foliage tips hang very near roof. | HT |
| 4 | Oak, Coast Live *(Quercus agrifolia)* | 22.6" | 30' | 35' | Dom. | 70% | 68% | 69% Fair | Mature | High | Keep | Root flare at 6-inches from existing side wood fence, 18-feet to exisitng house wall. Very little deadwood accumulated; foliage tips touch neighbor's roof. Entire canopy grows to south as an understory beneath #3 and #5 | HT |
| 5 | Redwood Coastal (Sequoia sempervirens) | 94.4" | 35' | 99' | Dom. | 65% | 65% | 65% Fair | Mature | High | Keep | Very prominent root flare at side fence with bottom board cut out to accommodate tree; 4-feet to existing house wall. Three co-dominant trunks at 12-feet. | HT |
| 6 | *Tree Fern, Australian (Dicksonia antarctica)* | 5.7" | 3' | 3' | Supp | 80% | 80% | 80% Good | Semi-mature | Mod. | Keep | Under #5 redwood, 4-feet to its root flare. Another smaller (3-inch) tree fern growing 1-foot away. | No |
| 7 | Maple, Japanese (Acer palmatum) | 4.2" @ 1' | 6' | 14' | Supp | 30% | 55% | 42% Poor | Semi-mature | Low | **Rem.** | Crowded, lop-sided, misshapen under #5 redwood. | No |
| 8 | *Victorian Box (Pittosporum undulatum)* | see comm. | 6 | 18' | Co-dom. | 60% | 40% | 49% Poor | Mature | High | Keep | Twelve low-branching stems (3- to 6-inch diameters near ground level) along existing side wood fence as a hedge providing a screening effect. | No |
| 9 | Loquat *(Eriobotrya japonica)* | 19.6" @ 1' | 18' | 27' | Dom. | 45% | 40% | 42% Poor | Over-mature | Very Low | Keep | Crowded in to corner of existing side wood fence and existing garage. Co-dominant trunks with embedded crotch from ground level (defective, weak attachment). Thinning foliage crown with extensive dieback-decline with fireblight bacteria. | No |
| 10 | *Palm, Mexican Fan (Washingtonia robusta)* | 6.2" @ 3' | 4' | 6' | Dom. | 60% | 70% | 65% Fair | Semi-mature | Low | Keep | At front corner of existing garage; 3-feet CBT. | No |
| 11 | Cypress, Italian *(Cupressus sempervirens)* | 4.7" @ 6" | 1' | 20' | Dom. | 55% | 70% | 65% Fair | Semi-mature | Mod. | **Rem.** | Typical young Italian Cypress; 1-foot to exising side wood fence; 6-feet to existing garage. | No |

| Tree # | Common Name (*Botanical Name*) | dbh (Diametrer at Breast Height) | Crown Radius | Height | Crown Class | % Vigor | % Structure | % Overall | Age / Longevity | Aptitude | Removal | Additional Comments | Protected: ≥15", or ≥10"; ST; O/H |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 12 | Maple, Japanese (Acer palmatum) | 8.2" @ 6" | 7' | 18' | Dom. | 60% | 35% | 47% Poor | Mature | Low | **Rem.** | Four stems from ground level with embedded bark (weak) attachments. Verticillium wilt appears to have kill the smallest (3-inch) one; 4-feet to house, 6-feet to gate. | No |
| 13 | Palm, Queen *(Syagrus romanzoffiana)* | 7.8" | 5' | 15' | Dom. | 66% | 80% | 72% Good | Semi-mature | High | **Rem.** | Existing front fence at ~2-feet; 7-feet CBT. | No |
| 14 | Palm, Queen *(Syagrus romanzoffiana)* | 10.6" | 5' | 16' | Dom. | 55% | 45% | 49% Poor | Semi-mature | Low | **Rem.** | Existing front fence at ~2-feet; 5-feet CBT. | No |
| 15 | Dracena *(Cordyline australis)* | 4.0" | 2' | 16' | Dom. | 66% | 60% | 63% Fair | Semi-mature | Low | **Rem.** | Existing front fence at ~7-feet; spindly/stunted. | No |
| 16 | Palm, Queen *(Syagrus romanzoffiana)* | 9.4" | 4' | 14' | Dom. | 60% | 60% | 60% Fair | Semi-mature | Low | **Rem.** | Existing front fence at ~2-feet; 6-feet CBT. | No |
| 17 | Olive, Common *(Olea europa)* | see comm | 10' | 16' | Dom. | 55% | 60% | 57% Fair | Semi-mature | Low | **Rem.** | Muli-stemmed from ground level (4", 4", 3", 2"). Existing front fence at ~4-feet; 7-feet to corner of house. Misshapen, thin foliage crown. | No |

3.3 Data Legend (then following two pages)

# Legend: Ray Morneau, Arborist - Tree Inventory Headers

Observations were made and data gathered during my on-site inspection (May 13, 2015). Further conclusions and protection measures were refined from office research, seminar information, and past experience based on those observations and data.

Unless otherwise defined as a limited inventory, all site trees larger than a minimum diameter (usually ≥4-inch) were numbered and inspected.

The gathered data was entered into a Microsoft® Excel database. The data is encapsulated into the accompanying "Tree Inventory Data" section. The categories are typically self-descriptive with only the following notes.

| | |
|---|---|
| **Tree Number:** | I sequentially assigned tree numbers from 1 to 17. A 1-inch-diameter aluminum tag is nailed to each tree at about eye level. I add a prefix "15" to identify each as linked with this inventory, thus differentiating it from any other numbering system. |
| **Names:** | We employ the initial common names from McMinn, if listed, otherwise from Sunset. Scientific/botanical names are included to minimize confusion. As applicable, we used McMinn's key and/or Sunset's descriptions. |
| **DBH: Diameter at Breast Height:** | This measurement is the trunk diameter measured at the standard height defined by the jurisdiction in which the tree trunk grows. The industry standard is 54 inches above ground level, taken with a standard surveyor's diameter tape, recorded in inches.<br>For multi-trunked trees, measurements were taken below the lowest branch swelling and/or individual stems at 54 inches, or an average, depending on which height measurement is deemed to produce the best representative figure. |
| **Crown Radius:** | The averaged radii's measurement is shown in feet. |
| **Ht (Height):** | Estimated distance foliage crown extends above grade, recorded in feet. |
| **Crown Class:** | This helps visualize and assess tree form in the event stand might be altered. Both aesthetics and stability can be changed when adjacent trees are pruned or removed.<br>Classifications:<br>Dominant: tree canopy standing alone or over companions.<br>Co-dominant: tree canopy blends with, but is crowded by, companions.<br>Intermediate: crowded canopy receiving some light from above but little, if any, from sides.<br>Suppressed: tree's foliage below surrounding trees' or existing site features. |

| | |
|---|---|
| **% Vigor:** | Rating for tree's growth and vitality as a blend of elements like leaf or bud size and color, twig growth (elongation), accumulation of deadwood, cavities, woundwood development, trunk expansion (growth "cracks"), etc. |
| **% Structure:** | Structure rating for tree's architecture as a composite of factors like branch attachment, lean and balance, effects of prior breakage, crossing-tangled-twisted limbs, codominant trunks and/or branches, decay and cavities, anchorage (roots), etc. |
| **% Overall Condition:** | Percentage rating assessing the tree's overall vigor, recent growth, insects/diseases, and structural defects. Relative text rating included in the same cell as: Excellent, Good, Fair, Poor, Very Poor.<br>This corresponds to the "Condition Percentage" factor in tree valuations per the Council of Tree and Landscape Appraisers (CTLA) system used by the International Society of Arboriculture. (CTLA, 1992.<br>It combines foliage, branches, limbs, trunk, and root ratings into a composite condition score. This rating is used in the calculation of these trees' appraised value sometimes required by the City of Menlo Park. |
| **Apptitude or Suitability for Preservation:** | Considers tree's condition (vigor and structure), longevity/age, adaptability, and aesthetics. This rating takes into account any announced intentions of changes in area/lot use. Degrees: High, Moderate, Low, Very Low.<br>High: Tree in great condition and any existing defects or stresses are minor or can be easily mitigated.<br>Moderate: Notable vigor and/or stability problems but which can be moderated with treatment &/or increased tree protection zone.<br>Low: Significant problems, including shorter life expectancy. Difficult to retain but potential with much larger tree protection zone.<br>Very Low: Substantial existing problems, defects, stresses. Unlikely to survive impact of any project. |
| **Comment:** | Notes; most obvious defects, insects, diseases or unique characteristics. |
| **Protected ≥15", or ≥10"; ST; O/H** | Notation of tree's status as a "Protected Tree" per the Menlo Park Municipal Code, Chapter 13.24. "Heritage Trees": California native oak species 10-inch diameter or greater ("**≥10**"") and any other tree 15-inch diameter or greater ("**≥15**"").<br>Additional types of protected trees would be "Street Trees" ("**ST**"), as they are regulated by the City, and nearby trees on adjacent properties which may become overhanging this project (**O/H**). |

# 4.0 Tree Preservation & Analysis Specific to Heritage Palm, Oak, Redwood, & Loquat Trees .... .... #1, #2, #3, #4, #5, and #9:

Besides the more broadbrush Tree Preservation Measures (TPMs) below, which are applicable, this section draws a focused analysis for the six major heritage trees impacted by this project.

Arborist's Comment: This has many earmarks of a good project, through no fault of mine yet at this point. Perhaps that is due to the architect's experience ... or maybe even early good information from a prior arborist. Anyway, this design appears to inherently preserve existing large-scale trees by not crowding trees' above and below ground spaces! Even utility lines and meters (like water, sewer, electric, gas) are situated outside of trees' root zones! Thank you!!

4.1 Canary Island Date Palm #1 (30.9-inch trunk diameter): The most notable impacts could be the driveway/alley configuration, or maybe a decision to re-pour the sidewalk slab. Since these palms are often moved with very small root balls, we can expect that this palm would easily withstand any impact necessary for this project. However, keep the Project Arborist informed of any changes not shown on plans he has seen.

- Tree Protection Fencing for this specimen can be a trunk wrap, as already described in The City of Menlo Park "Tree Protection Specifications", paragraph 4. (http://www.menlopark.org/DocumentCenter/Home/View/90 )
- Maintain supplemental root zone buffer (wood chips?) outside of tree protection fence to foliage branch dripline in order to minimize root zone compaction. Type or material of buffer may depend on whether the existing turf remains in place.
- The likelihood of encountering significant roots during driveway grading or sidewalk base prep is low [see section 5.4, below].

4.2 Canary Island Date Palm #2 (33.0-inch trunk diameter): The most notable impacts could be installing a gravel play area, replacing the existing lawn on which this palm has probably been relying for some of its water. Also, there could maybe be a decision to re-pour the sidewalk slab. Other notes per Section 4.1, above.

4.3 Coast Live Oak #3 (34.0-inch trunk diameter): The most notable impacts may be the removal of the existing house foundation, which can be accomplished without significant root zone disruption by working from the house side of the area and the equipment operator carefully lifting the concrete up and out.

The new foundation can be also be carefully excavated with minimal root zone disruption. And, of course, overhead cautions may be required to avoid breakage in the foliage crown.

- Tree Protection Fencing for this specimen can be a linear chain link on driven posts, as already described in The City of Menlo Park "Tree Protection Specifications", paragraph 4. (http://www.menlopark.org/DocumentCenter/Home/View/90 )
  The TPF location is also shown on the Sheet A-102 on page 5 of this report. The concept of fencing individual trees can be discussed, but in my opinion this situation readily calls for fencing all four trees along the south side within a separate and continuous run of fencing, since much of the root zones all run together anyway.
- Maintain supplemental root zone buffer (wood chips?) inside and outside of tree protection fence to foliage branch dripline in order to minimize root zone compaction.
- The likelihood of encountering significant roots during foundation excavation is low [see section 5.4, below].
- The tree care contractor will need to prune with reduction thinning and cuts for clearance/raising to accommodate the new house, which I presume will be two-story. This will not remove more than approximately 5% of the foliage canopy.
- The landscape plan is probably still being developed. Plan to take into account the California Oak Foundation guidelines, including no installing plants with high water demands within 10-feet of a mature (oak) tree's trunk. The plan must, of course, be reviewed by the City Arborist and Project Arborist. Alternatively, collaboration could be good.

4.4 Coast Live Oak #4 (22.6-inch trunk diameter): The impacts and associated guidelines will be as for Section 4.3, above – though modified due to being even further from the house.

4.5 Coastal Redwood #5 (94.4-inch trunk diameter): This mature fair condition redwood tree may be the most significantly impacted by this project – yet it is not as close to the work as found on some other construction sites.

Again, the most notable impact, similar to oak #3 above, may be removal of existing and digging a new foundation. There is a high likelihood that hand excavation of the foundation will be necessary, else the impact and guidelines discussion above carries over to this redwood.

4.6 Loquat #9 (19.6-inch trunk diameter): There appear to be no changes in the vicinity. So, the most notable impacts would be if plans change. Meanwhile, the above guidelines for other trees similarly situated would apply.

Due to the substantial problems by which Loquat #9 is already plagued, the owners and/or contractor should not be penalized. After all, it is already in "Poor" condition and fireblight can be a fatal stress.

## 5.0 Tree Preservation Guidelines: Pre-Construction Maintenance notes

5.1 Identify a TPZ (Tree Protection Zone) for each tree to remain after the project closes. A TPZ is defined by the jurisdiction in which the project is located to provide above-ground- and root-zone-protection for trees. In the absence of a specific local definition, the TPZ shall be a circle with a radius of 10-feet for every 1-foot of trunk diameter.

Within the TPZ shall be identified a CRZ (Critical Root Zone) – a no man's land within which no activity may occur without Project Arborist or City Arborist monitoring and/or sign-off. Unless otherwise specified, the CRZ shall be the larger of 3-foot-radius-circle or a circle with a radius of 1.5-feet for every 1-foot of trunk diameter.

5.2 Supplemental watering should be provided for trees to remain. A rule of thumb for construction site stressed trees is 10-20 gallons per trunk diameter inch per month, particularly critical during hot weather. This is modified by the Project Arborist on site with root zone inspections and monitoring as water demands will obviously be lower during cool, damp weather. Inspection should find soil between 3" and 18" below grade moist enough for roots to thrive.

5.3 No pruning is absolutely needed at this time, though pruning to reduce foliage branch endweights could make for better-structured trees (in some cases). Crown raising may be required over the house. Nevertheless, deadwood removal and endweight reduction is commonly performed to improve existing site trees. And, usually project trees benefit from "Crown Cleaning" for deadwood removal and "Crown Thinning" to lighten branch endweights) at sometime before the close of the project. Then the owner has a benchmark against which to compare future status of the trees. All work must conform to published ANSI A-300 Standards

5.4 Approaching project commencement, when the foundations, driveways, and other hardscape features (including trenches) have been staked/located, then some pruning may likely be needed. Raising/clearance can be minimized for space to work. Root pruning along the lines within 15-feet on either side of mature trees' trunks can sever roots cleanly, reducing shock to these trees' systems.

Root pruning prior to excavating for driveways, foundations, and other hardscape must be done to avoid excessive root damage (rips, tears, shatter, breakage). This is commonly performed with a trencher until 1-inch diameter roots are encountered, at which time the crew continues with exposing larger roots for hand pruning with a sharp saw (hand saw, Sawz-All®, or equivalent). This can be done by careful hand-digging or air/hydraulic excavation to avoid damaging tree roots.

5.5 All project tree work performed before, during, or after construction is to be done by WCISA Certified Tree Workers under the supervision of an ISA Certified Arborist (or equivalents, if they possess sufficient skill for approval by Project Arborist). This includes all pruning, removals (including stump removals) within driplines of trees to be preserved, root pruning, and repair or remedial measures.

# 6.0 Tree Preservation Guidelines: Tree Protection Measures

6.1 Fencing and other root zone protection is usually specified as a drip-line installation of 6-foot high chain link fence on galvanized drive posts, plus root zone wood chip mulch. However, due to the inevitable myriad project variables, alternatives are frequently allowed – but require careful strategies arranged with and signed off by the Project Arborist or City Arborist.

For this project, when/where that intrusion is allowed, it is best to position the tree protection fencing as near the line of the hardscape as possible, leaving just enough room to work – buffering the remaining root zone with alternative protection.

Must be in place before demolition or any other project site work.

Though generally expected to extend to the dripline, here the TPF can be installed as close to that as possible.

One 24- to 36-inch opening or gate should be left for inspection access to each area.

Fence material is to be 6-foot-high chain link fence supported by 8-foot long, 2-inch diameter galvanized fence posts driven 2-feet into the soil.

Where no plant material root zone buffer is growing (e.g. ivy), a wood chip mulch is to be spread evenly to a 4-inch depth from the dripline to 6-inches from the base of the trunk. Taper to existing ground level at the base of the trunk with a slope of about 2:1.

Additional root zone areas requiring protection can be buffered as Project Arborist requires, e.g., if project scope changes. Commonly acceptable buffer materials often include wood chips, crushed rock, plywood, steel trench plates, and/or a combination of such materials. Consult Project Arborist for depth specifications (which vary depending on use of area and/or specific traffic).

Root zone areas to be protected may be modified by the Municipal Arborist or Project Arborist as plans develop.

6.2 Prohibited Acts & Admonishments/Requirements

6.2.1 No parking or vehicle traffic over any root zones, unless using buffers approved by Project Arborist.

6.2.2 Monitor root zone moisture and maintain as per above.

6.2.3 Have a certified arborist repair any damage promptly.

6.2.4 No pouring or storage of fuel, oil, chemicals, or hazardous materials under these foliage canopies.

6.2.5 No grade changes (cuts, fills, etc.) under these foliage crowns without prior Project Arborist approval. For instance, hand excavation and thinner base prep may be required in some root zone areas.

6.2.6 Any additional pruning required must be performed under arborist supervision – including root pruning – clean, smooth cuts with no breaking, scraping, shattering, or tearing of wood tissue and/or bark.

6.2.7 No storage of construction materials under any foliage canopy without prior Project Arborist approval.

6.2.8 No trenching within the critical root zone area. Consult Project Arborist before any trenching or root cutting beneath any tree's foliage canopy. It is best to route all trenching out from under trees' driplines. Often trenches in root zones must be hand excavated to leave roots intact.

6.2.9 No clean out of trucks, tools, or other equipment over the critical root zone. Keep this debris outside of any existing or future root zone.

6.2.10 No attachment of signs or other construction apparatus to these trees.

6.3 Construction-time Maintenance

6.3.1 Monitor root zone moisture and maintain as per above (§4.1).

6.3.2 Maintain/repair tree protection fences and/or root zone mulch/buffer material.

6.3.3 Have a certified arborist promptly repair any damage to trees.

6.3.4 Develop the plan for follow-up care so, as the project closes, the care of the trees can be handed over for continuing management by the owner and/or landscape contractor.

6.4 Post-Construction Follow-Up

6.4.1 Monitor root zone moisture, especially during/following drought//dry seasons. [A dry season is any time more than 60 days elapse since significant rainfall (2-inches or less).]

6.4.2 Observe, monitor the trees' status quo and make sound arboricultural decisions based on the on-going results.

6.4.3 Perform a walk-around the rainy storm season (~October-November) and again after (~May-June) looking for flags calling out for attention, including breakage/hangers, overly dense growth, presence of insects/disease/"mushrooms", or other damage. Investigate and/or schedule treatment options as needed.

6.4.4 Check the root zone mulch to maintain at a 2- to 4-inch depth, not against the trunk. "Fluff" to break up clumps and/or replenish as needed to maintain.

## 7.0 Certification

I certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge, ability, and belief, and are made in good faith.

Respectfully submitted,

Raymond J. Morneau

Raymond J. Morneau
ISA Certified Arborist #WE-0132A
PNW-ISA Certified Tree Risk Assessor #1188

ATTACHMENT B

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ATTACHMENT C

# Heritage Tree Removal Permit Application

RECEIVED
SEP 06 2016
CITY OF MENLO PARK
BUILDING

This application must be submitted with the Arborist Form

Submit application forms to 701 Laurel Street, Menlo Park, CA 94025

Application No. HTR2016-00207

Purpose of application: Removal ☒ Pruning of more than 25% ☐

Permit Fee: $135.00 (each tree, up to 3 trees); $90 each additional tree (separate forms required for each tree)

PLEASE PRINT CLEARLY

Site Address: 316 Pope Street, Menlo Park CA 94025

Name of Applicant: Scott Cole Phone: 650 814 6307 FAX:

Mailing Address: 835 Lytton Ave. Palo Alto CA 94301 Email: scottcole@sbcglobal.net

I (we) hereby agree to hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City, including but not limited to, all cost in the City's defense of its actions in any proceeding brought in any State or Federal Court challenging the City's actions with respect to the proposed tree removal.

Signature of property owner authorizing access and inspection of tree in his/her absence:

Date: 9/6/2016

PAID
SEP 06 2016

Type of Tree: redwood Location on property: right side

Reasons for Request:

Form of tree is poor, leading to high risk for splitting and falling on and damaging the house or the neighbor's house.

IF TREE IS DAMAGING STRUCTURE PLEASE ATTACH PHOTOS DEMONSTRATING DAMAGE.

Are you considering any construction on your property in the next 12 months? Yes ☐ No ☐
If yes, please submit additional information describing what type of construction is planned and a site plan.

- Tree may not be removed (or pruned over 25%) unless and until the applicant has received final permission from the City as indicated below.
- The signed permit approval form must be on site and available for inspection while the tree work is being performed.
- A suitable replacement tree, 15 gallon size or larger with a mature height of 30 feet or more, is to be installed in the time frame indicated below.

PLEASE DO NOT WRITE BELOW THIS LINE

PERMIT APPROVED ☐ PERMIT DENIED ☒

**TIMING OF REMOVAL**

☐ Upon receipt of this approved permit
☐ After applying for a Building Permit for associated construction

**TIMING OF REPLANTING**

☐ Within 30 days of Heritage Tree removal
☐ Prior to final building inspection of associated construction

Staff Signature: Date: 9/22/16

Print name and title: CITY ARBORIST

# Arborist Form

**Please complete one form for each tree. Mark each tree with colored ribbon or tape prior to our inspection.**

**Site Address:** 318 Pope

**ARBORIST INFORMATION:**

Name of Certified Arborist: Kevin Kielty

ISA or ASCA number: WE#0476 Menlo Park Business License number: _____

Company: Kielty Arborist Services

Address: P.O. Box 6187 San Mateo, CA 94403

Phone: (650) 515-9783 FAX: _____ Email: kkarbor0476@yahoo.com

**TREE INFORMATION:**

Date of Inspection: 5/17/16, 8/3/16

Common Name: Redwood Botanical Name: Sequoia Sempervirens

Location of Tree: Side of home, South side of Property Height of Tree: 120'

Diameter of tree at 54 inches above natural grade: 95.7

Circumference of tree at 54 inches above natural grade _____

**Condition of Tree:**

Fair vigor, poor form, codominant at 15', 3.5' away from home, cables installed, included bark, heavy leaders in opposite directions, hazardous, leader closest to neighbors home has significant lean.

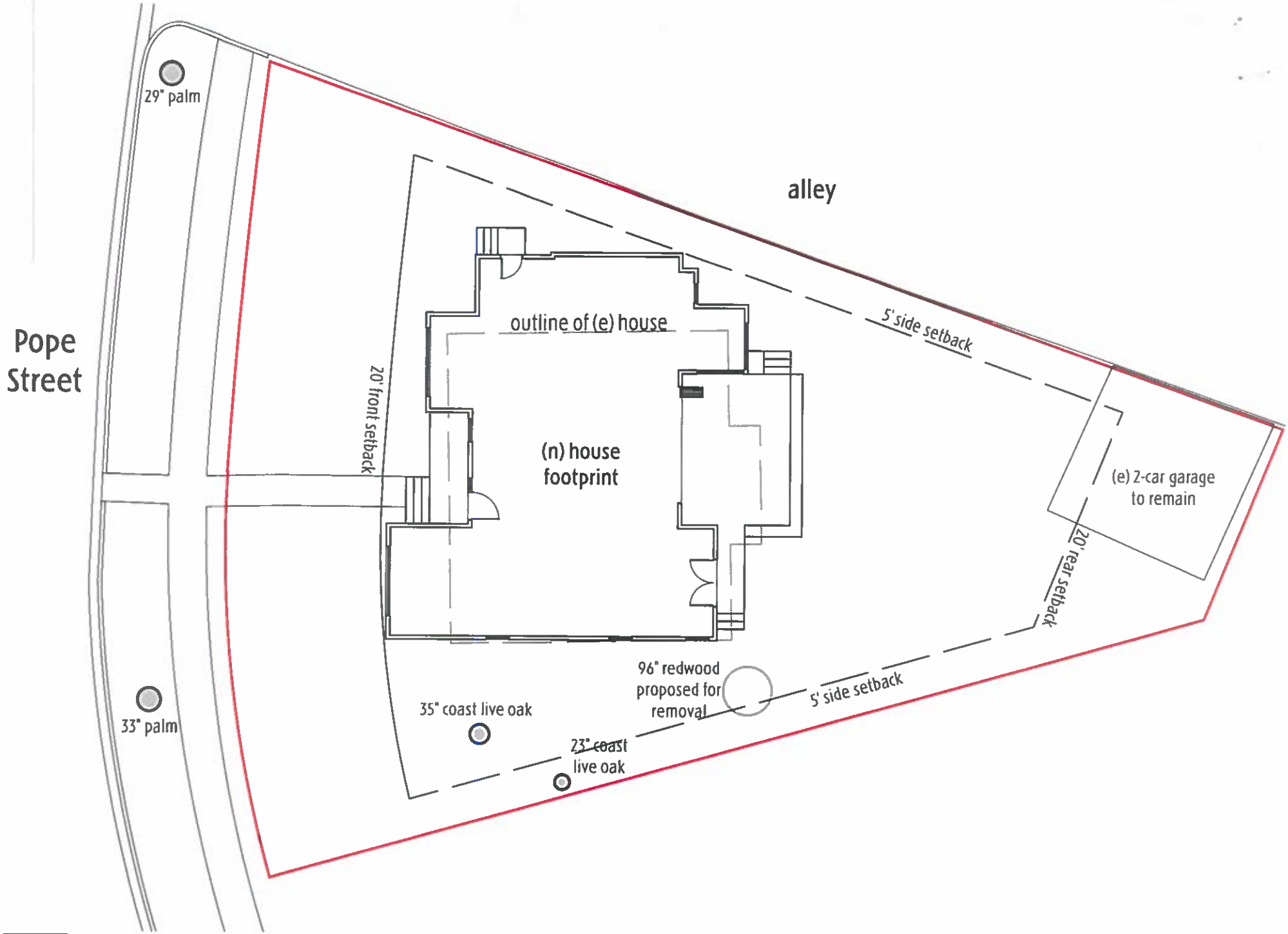
**If recommending removal or pruning, please list all reasons:**

Hazardous tree

**Suggested Replacement Tree:**

Coast live oak, cork oak, Blue oak, deodar cedar, Brisbane box, zelkova, Ginkgo, Canary island pine

**Signature of Arborist:** Kevin Kielty **Date:** 8/3/16




318 Pope Street - potential site plan

scale: 1/16" = 1'-0"

# Kielty Arborist Services LLC

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


August 31, 2016

Isabelle Cole
1525 Webster Street
Palo Alto CA 94301

Site:318 Pope, Menlo Park

Dear Ms. Cole,

As requested on Tuesday, May 17, 2016, and again on Wednesday August 3, 2016 I visited the above site to inspect and comment on a large redwood tree proposed for removal. The large redwood tree has some form flaws that give the tree a high risk of failure. The owner would like to remove and replace the tree per the city of Menlo Park's replacement tree requirements.

**Showing tree in question from the street**

**Method:**

All inspections were made from the ground; the tree was not climbed for this inspection. The tree in question was located to me by the home owner. The tree was then measured for diameter at 54 inches above ground level (DBH or diameter at breast height). The tree was given a condition rating for form and vitality. The tree's condition rating is based on 50 percent vitality and 50 percent form, using the following scale.

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

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

**Survey:**

| Tree# | Species | DBH | CON | HT/SP | Comments |
|---|---|---|---|---|---|
| 1 | Redwood *(Sequoia sempervirens)* | 95.7 | 45 | 120/45 | Fair vigor, poor form, codominant at 15 feet, 3.5 feet from corner of existing home, cables installed, included bark on all sides of crotch, bulging can be seen in included bark area, leaders heavy in opposite directions, hazardous, leader closest to neighbors home has a significant lean. |

**Showing poor union with included bark**

**Summary:**

The large redwood tree has a diameter of 95.7 inches. The tree has fair vigor, and poor form. The tree is located on the south side of the property near the property line. The tree is only 3.5 feet away from the existing home. This tree is a codominant tree consisting of 3 separate leaders starting at a height of 15 feet. These 3 leaders all have poor unions. In particular the union formation on the west side of the tree has a large seam that runs down to the base of the tree, and a bulging area can be seen below the poor formed union. These bulging areas often indicate included bark. Included bark forms in the junctions of codominant stems where there is a narrow angle union, meaning the junction looks like a "V" rather than a "U." As the tree grows the narrow union will essentially fill with bark and create a growing area of structural weakness in the tree. Even in young trees, when you notice a very narrow angle (creating a "V" at the junction of branches) it is likely that stress put on the either of the codominant stems can cause splitting, or even cause the stem to break off at the junction. As the 3 leaders grow they have the potential to push against each other often until the point of failure. In the poor union I observed

a good amount of callus tissue indicating that the tree is under a considerable amount of stress that may have caused the union to slightly split open. Also each leader is heavy to the direction away from the trunks and creates more stress to the poor formed union area. In the past a cable has been installed in the trees canopy in order to offer extra support to the poor union. This indicates past mitigations in place to reduce the risk of failure. The installed cables are not strong enough to hold such a large amount of weight and would likely snap if the tree were to fail. The leader of most concern leans slightly towards the neighbors property on the south side of the tree.

**Showing close up of union with callus tissue**

A basic tree risk assessment was performed on this tree. The leader to the south has a high risk even after possible mitigations were explored. The target of impact for this leader would be the neighbors home. Consequences of failure would be severe. The remaining leaders had a moderate risk level. Because of the large seam in combination with included bark on the leader to the south, its risk rating did not change from high, even after mitigations were explored. The high risk rating for the leader to the south is unacceptable by the owners standards and is the reason this tree is being recommended for removal. Removing this tree will alleviate all risk associated with this tree. The owners have plans to replant per Menlo Park replacement tree procedures.

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

Sincerely,

Kevin R. Kielty
Certified Arborist WE#0476A

David P. Beckham
Certified Arborist WE#10724A
Tree Risk Assessment Qualification

Sept 22, 2016

Scott Cole,
835 Lytton Ave
Palo Alto, CA 94301

Subject: Application to remove one (1) coast redwood Heritage Tree at 318 Cotton St.

Dear Scott Cole,

This letter is to inform you that the City has received and reviewed the application for the removal of one (1) coast redwood Heritage Tree at 318 Pope St. The application for removal has been denied. The subject tree is healthy and in good condition. Concerns regarding potential risk can be addressed with routine tree maintenance in accordance with the International Society of Arboriculture, Best Management Practices and the City of Menlo Park, Heritage Tree Ordinance.

You, or any member of the public, may appeal this decision to the Environmental Quality Commission by submitting a request in writing, within 15 days of the date of this letter. A fee of $200 per tree shall be due at the time of appeal. For further information regarding the City's action on this Heritage Tree removal request or the appeal process, please feel free to contact the Environmental Programs Specialist, Vanessa Marcadejas at (650) 330-6768.

Sincerely,

Christian Bonner
City Arborist
Public Works Department

Cc: Vanessa Marcadejas, Environmental Programs Specialist

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ATTACHMENT E

RECEIVED

OCT 07 2016

City Clerk's Office
City of Menlo Park

October 6, 2016

Isabelle and Scott Cole
835 Lytton Avenue
Palo Alto, CA 94301

Re: Appeal for Heritage Tree Removal at 318 Pope Street

Dear City of Menlo Park,

We want to appeal your denial of removal of the redwood tree at 318 Pope Street. We are enclosing the $200 fee for this appeal. Please let us know the next steps in this process.

Sincerely,

Isabelle and Scott Cole

Please Contact me through e-mail:

isabellecole@sbcglobal.net

CITY OF MENLO PARK/FINANCE DEP
650-330-6704

# 119708 4:11 PM 10/07/16

EMP: RACHEL

---

702 HERITAGE TREE REVIEW
1 @ 200.00 200.00
APPEAL
318 POPE ST
PAID BY L SCOTT COLE
ISABELLE A COLE

---

SUB-TOTAL : $200.00
SALES TAX : .00

TOTAL > $200.00

PAY TYPE : CHECK
# 6475
RECEIVED : 200.00
CHANGE : .00

701 LAUREL STREET
MENLO PARK, CA. 94025
THANK YOU FOR YOUR BUSINESS

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# Kielty Arborist Services LLC

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




June 3, 2016

Isabelle Cole
1525 Webster Street
Palo Alto CA 94301

Site:318 Pope, Menlo Park

Dear Ms. Cole,

As requested on Tuesday, May 17, 2016, I visited the above site to inspect and comment on the trees. A new home is planned for this site and your concerns as to the future health and safety of the trees has prompted this visit

**Method:**
The significant trees on this site were located on a map provided by you. Each tree was given an identification number. This number was inscribed on a metal foil tag and nailed to the trees at eye level. The trees were then measured for diameter at 54 inches above ground level (DBH or diameter at breast height). A condition rating of 1 – 100 was assigned to each tree representing form and vitality using the following scale:

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

The height of each tree was estimated and the spread was paced off. Lastly, a comments section is provided.

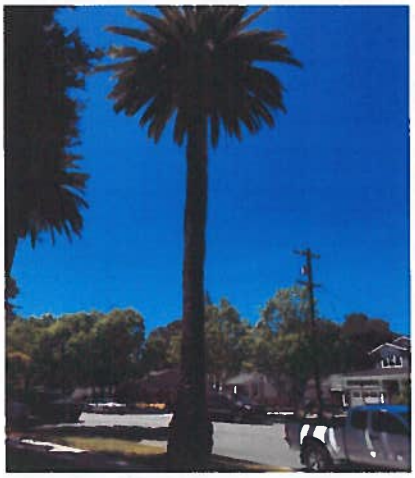
**Survey:**

| Tree# | Species | DBH | CON | HT/SP | Comments |
|---|---|---|---|---|---|
| 1P | Canary island palm *(Phoenix canariensis)* | 33.1 | 80 | 65/20 | Good vigor, good form, street tree, in planting pit, well maintained. |
| 2P | Canary island palm *(Phoenix canariensis)* | 28.9 | 80 | 65/20 | Good vigor, good form, street tree, in planting pit, well maintained. |
| 3P | Coast live oak *(Quercus agrifolia)* | 34.9 | 70 | 65/40 | Good vigor, fair form, 9 feet from the corner of existing home, suppressed by large redwood, heavy to south west, good crotches throughout tree, hangs over home. |
| 4P | Coast live oak *(Quercus agrifolia)* | 23.5 | 45 | 30/45 | Fair vigor, poor form, heavily suppressed by surrounding trees, heavy lateral limbs, no room for vertical growth. |
| 5P | Redwood *(Sequoia sempervirens)* | 95.7 | 45 | 120/45 | Fair vigor, poor form, multi leader at 15 feet, 3.5 feet from corner of existing home, cables installed, included bark on all sides of crotch, bulging can be seen in included bark area, leaders heavy in opposite directions, hazardous, leader closest to neighbors home has a significant lean and needs to be heavily trimmed if retained. |
| 6 | Pittosporum hedge *(Pittosporum eugenioides)* | 4.0 | 60 | 20/10 | Good vigor, fair form, good screen, 40 foot long hedge consisting of trees under 4 inches in diameter. |
| 7P | Loquat *(Eriobotrya japonica)* | 19.3 | 30 | 25/20 | Poor vigor, poor form, in decline, codominant at 1 foot with a poor crotch formation. |
| 8 | Fan palm *(Washingtonia robusta)* | 12.3 | 80 | 8/8 | Good vigor, good form, easily moved. |
| 9 | Italian cypress *(Cupressus sempervirens)* | 5.0 | 80 | 30/5 | Good vigor, good form, easily moved. |
| 10 | Japanese maple *(Acer palmatum)* | 10.4 | 45 | 20/10 | Fair vigor, poor form, multi leader at base, dieback in canopy. |
| 11 | Queen palm *(Syagrus romanzoffiana)* | 8.4 | 50 | 15/8 | Good vigor, good form, easily moved. |

**Survey:**

| Tree# | Species | DBH | CON | HT/SP | Comments |
|---|---|---|---|---|---|
| 12 | Queen palm *(Syagrus romanzoffiana)* | 9.6 | 10 | 15/8 | Poor vigor, poor form, decay at base, failed tree. |
| 13 | Queen palm *(Syagrus romanzoffiana)* | 10.3 | 50 | 15/8 | Good vigor, good form, easily moved. |
| 14 | Olive *(Olea europaea)* | 9.6 | 50 | 15/10 | Good vigor, poor form, multi leader at base, staked for support. |
| 15 | Cabbage palm *(Cordyline australis)* | 4.0 | 50 | 15/10 | Good vigor, good form, easily moved. |

*****Indicates neighbors trees*
**P-***Indicates protected tree*



**Summary:**
The trees on site are a mix of imported and native trees. The majority of the trees are in fair condition with a few poor trees. Trees #1 and #2 are both Canary island palm trees located in a sidewalk planting strip. They have been well maintained and will need to be protected as they are city managed street trees. Tree protection fencing shall totally enclose the planting strip so that compaction does not occur to the soil near these trees. No impacts are expected.

**Showing palm tree #1**

Coast live oak tree #3 is a protected tree in the city of Menlo Park. This tree is 9 feet from the corner of the existing home. The tree is suppressed by the large redwood tree #5 and as a result is heavy away from tree #5 to the south west. Some of this trees canopy is over the existing home. A new 2 story home is being designed in the same general location as the existing home but moved slightly farther away from the trees on this side of the property. Some minor trimming may be needed to facilitate the construction of a second story. Any trimming to be done shall be done by a licensed tree care provider and stay underneath 25% of the trees total foliage to be removed. This trimming will benefit the trees health and form as the tree is heavy in the direction of the home and trimming is recommended regardless of the proposed construction. Tree protection fencing for this tree is to be placed as close to the existing foundation of the home as possible and to a distance of 10X the trees diameter where possible. All tree protection measures must be in place before the start of any proposed work, including demolition.

Coast live oak tree #4 is in poor condition as the tree is heavily suppressed by surrounding trees. This tree has no room to grown in vertical height and as a result has developed large lateral leaders. If retained this tree will need maintenance pruning every 3 years in order to lighten heavy end weight of the trees leaders, and to keep the leaders at a manageable size through reduction cuts. This tree is a protected tree and will need a permit if wanted to be removed.

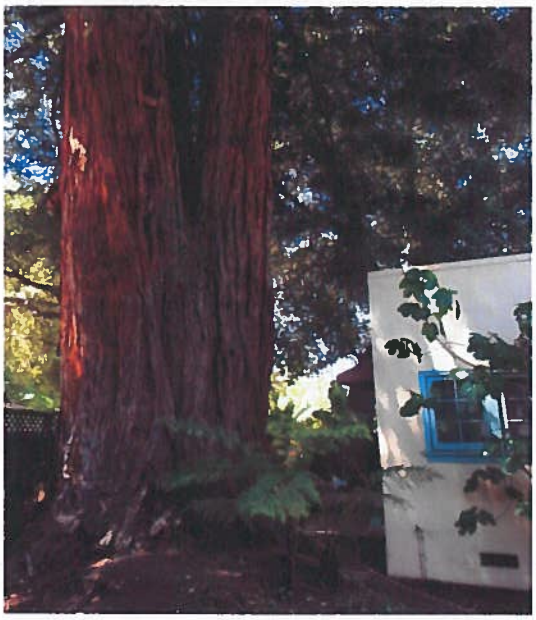
**Showing poor crotch formation with included bark.**

Mature redwood #5 has poor form and is the reason for its poor condition rating. This tree has a large trunk with a diameter of 95.7. The tree is codominant with 3 leaders starting at 15 feet. These 3 leaders all share apical dominance and have created poor crotches with included bark at 15 feet. Included bark forms in the junctions of codominant stems where there is a narrow angle union, meaning the junction looks like a "V" rather than a "U." As the tree grows the narrow union will essentially fill with bark and create a growing area of structural weakness in the tree. Even in young trees, when you notice a very narrow angle (creating a "V" at the junction of branches) it is likely that stress put on the either of the codominant stems can cause splitting, or even cause the stem to break off at the junction. As the 3 leaders grow they have the potential to push against each other often until the point of failure. Bulging is visible in these areas of included bark and often indicate a structural weakness. Also each leader is heavy to the direction away from the trunks and creates more stress to the poor crotch area at 15 feet. Because of this trees poor growth form and the trees target at a failure being the home or neighbors home, I am recommending this tree to be removed as it is a hazard to the property. The owner of the property would like to save the tree. Recommended mitigation measures are as followed:

**Mitigations for redwood tree #5:**

- Install cables in upper 2/3 of canopy in order to offer extra support. Cables have been installed in the past at the wrong height.
- During the dry season irrigate the tree with soaker hoses, especially during construction.
- Have a licensed tree care provider selectively prune branches to lighten the load on each leader, while still allowing for an aesthetically pleasing tree. Pruning shall not exceed 25% of the total foliage, following ANSI standards and Palo Alto standards. The leader that is heavy towards the neighbors home should be heavily pruned as this leader already has a lean.
- Continue to monitor the crotches and overall health of the tree.
- It is advised that a certified arborist inspect the tree every 2 years, or if any noticeable cracking, or bulging near the base of the tree is seen, that a certified arborist be called out right away.

Even with these mitigation measures in place this tree would still pose as a liability if a leader failure were to occur and is the reason removal is recommended.



**Showing proximity to home**

The existing home near redwood tree #5 is only 3.5 feet away from this tree. If this tree is to be retained, during demolition of the existing home the tree protection fencing must be placed as close to the existing home as possible. The whole south side of the home where trees #3-5 are located should be fenced off. All heavy equipment must work away from these trees in order to not compact the soil around these trees. Tree protection fencing for redwood #5, past the foundation area, should be extend as far out as possible. The proposed home will be set slightly farther back from this large tree. The existing foundation near this home likely acted as a root barrier. When designing the new foundation near this tree a pier and grade beam should be used with the least amount of excavation depth as possible for the grade beam, in order to bridge over what large roots may exist in these areas. After demolition has taken place, a trench must be dug by hand in combination with an air spade in the area of the proposed foundation in order to explore potential impacts to the tree and to strategically place piers in order to miss areas of heavy rooting.

Loquat tree #7 is of protected size in the city of Menlo Park. This tree is in obvious decline as more than 50% of its foliage is dead. Also this tree has a poor crotch formation at its base and is recommended for removal as no mitigation measures would improve the health of this tree.
The remaining trees on the property are not of protected size in the city of Menlo Park. If they are to be retained they should be protected in the same manner as the protected trees on site. The following tree protection plan will help to insure that the trees will survive the construction.

**Tree Protection Plan:**

*Tree Protection Zones*

Tree protection zones should be installed and maintained throughout the entire length of the project. Fencing for tree protection zones should be 6' tall, metal chain link material supported by metal 2" diameter poles, pounded into the ground to a depth of no less than 2'. The location for the protective fencing should be as close to the dripline of desired trees as possible, still allowing room for construction to safely continue. No equipment or materials shall be stored or cleaned inside the protection zones. Areas outside protection zones, but still beneath the tree's driplines, where foot traffic is expected to be heavy, should be mulched with 4-6" of chipper chips. The spreading of chips will help to reduce compaction and improve soil structure.

*Root Cutting and Grading*

Any roots to be cut shall be monitored and documented. Large roots (over 2" diameter) or large masses of roots to be cut must be inspected by the site arborist. The site arborist, at this time, may recommend irrigation or fertilization of the root zone. All roots needing to be cut should be cut clean with a saw or lopper. Roots to be left exposed for a period of time should be covered with layers of burlap and kept moist. The over dig for the foundation should be reduced as much as possible when roots are encountered.

*Trenching and Excavation*

Trenching for irrigation, drainage, electrical or any other reason shall be done by hand when inside the dripline of a protected tree. Hand digging and the careful placement of pipes below or besides protected roots will significantly reduce root loss, thus reducing trauma to the tree. All trenches shall be backfilled with native materials and compacted to near its original level, as soon as possible. Trenches to be left open for a period of time, will require the covering of all exposed roots with burlap and be kept moist. The trenches will also need to be covered with plywood to help protect the exposed roots.

*Irrigation*

Normal irrigation shall be maintained on this site at all times. The imported trees will require normal irrigation. This includes large redwood #5. On a construction site, I recommend irrigation during winter months, 1 time per month. Seasonal rainfall may reduce the need for additional irrigation. During the warm season, April – November, my recommendation is to use heavy irrigation, 2 times per month. This type of irrigation should be started prior to any excavation. The irrigation will improve the vigor and water content of the trees. The on-site arborist may make adjustments to the irrigation recommendations as needed. The foliage of the

trees may need cleaning if dust levels are extreme. Removing dust from the foliage will help to reduce mite and insect infestation.

*Demolition*
All tree protection must be in place prior to the start of demolition. Demolition equipment must enter the project from the existing driveway. If vehicles are to stray off the drive the area within the dripline of a protected tree must be covered with 6 inches of chips and steel plates or 11/4 inch plywood.

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

Sincerely,

Kevin R. Kielty
Certified Arborist WE#0476A

David P. Beckham
Certified Arborist WE#10724A

# Kielty Arborist Services

P.O. Box 6187
San Mateo, CA 94403
650-515-9783

## 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.

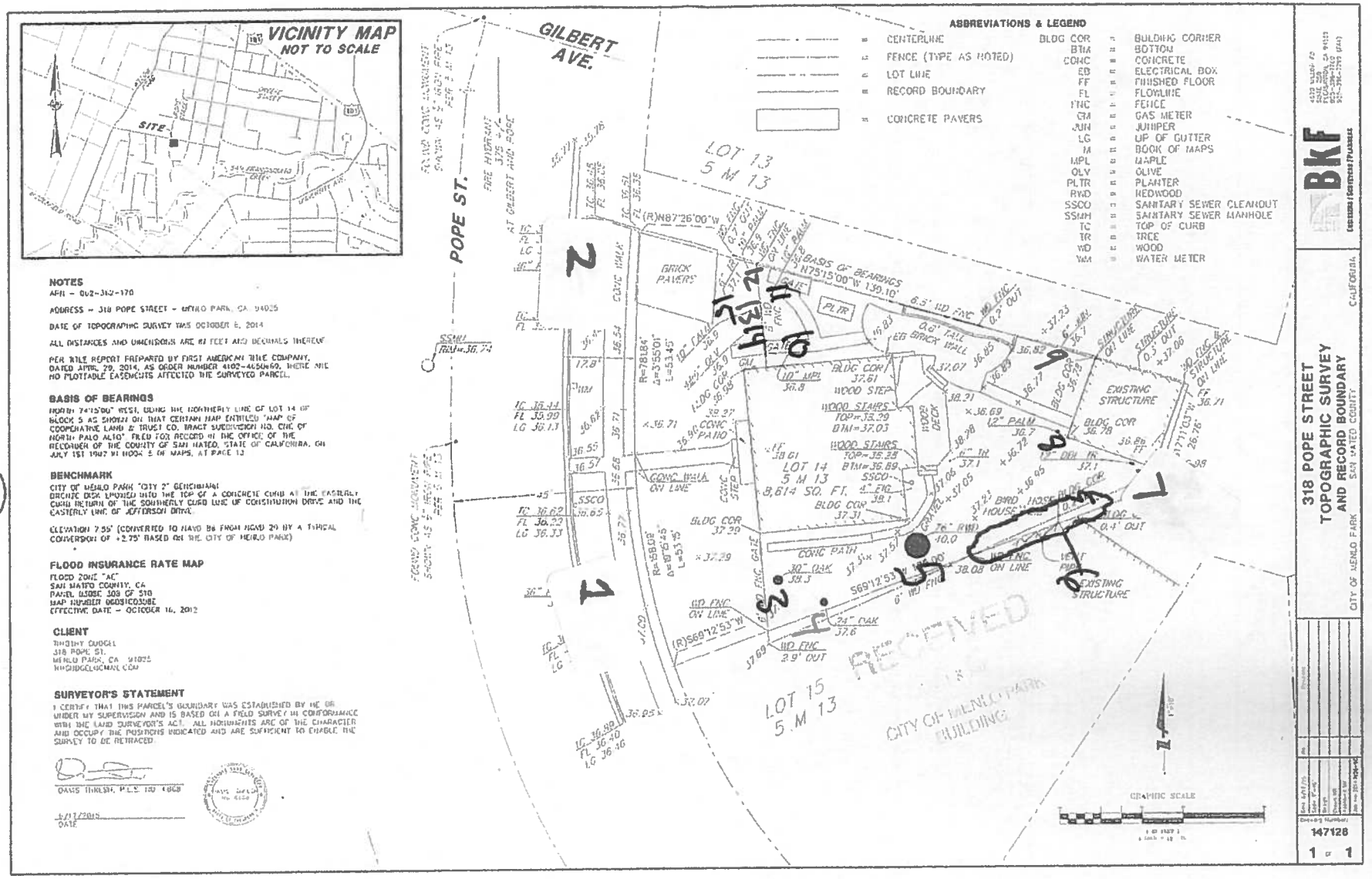
Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under 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: _____
Kevin R. Kielty

Date: June 3, 2016




## NOTES

APN – 062-312-170

ADDRESS – 318 POPE STREET – MENLO PARK, CA 94025

DATE OF TOPOGRAPHIC SURVEY WAS OCTOBER 6, 2014

ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF

PER TITLE REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY, DATED APRIL 29, 2014, AS ORDER NUMBER 4102-4456460, THERE ARE NO PLOTTABLE EASEMENTS AFFECTED THE SURVEYED PARCEL.

## BASIS OF BEARINGS

NORTH 74°15'00" WEST, BEING THE NORTHERLY LINE OF LOT 14 OF BLOCK 5 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF COOPERATIVE LAND & TRUST CO. TRACT SUBDIVISION NO. ONE OF NORTH PALO ALTO" FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, ON JULY 1ST 1907 IN BOOK 5 OF MAPS, AT PAGE 13

## BENCHMARK

CITY OF MENLO PARK "CITY 2" GEODETIC BRONZE DISK EMBEDDED INTO THE TOP OF A CONCRETE CURB AT THE EASTERLY CURB RETURN OF THE SOUTHERLY CURB LINE OF CONSTITUTION DRIVE AND THE EASTERLY LINE OF JEFFERSON DRIVE.

ELEVATION 7.55' (CONVERTED TO NAVD 88 FROM NGVD 29 BY A TYPICAL CONVERSION OF +2.75' BASED ON THE CITY OF MENLO PARK)

## FLOOD INSURANCE RATE MAP

FLOOD ZONE "AE"
SAN MATEO COUNTY, CA
PANEL NUMBER 309 OF 510
MAP NUMBER 06081C0309E
EFFECTIVE DATE – OCTOBER 16, 2012

## CLIENT

TIMOTHY DUGGAN
318 POPE ST.
MENLO PARK, CA 94025
TIMDUGGAN@ME.COM

## SURVEYOR'S STATEMENT

I CERTIFY THAT THIS PARCEL'S BOUNDARY WAS ESTABLISHED BY ME OR UNDER MY SUPERVISION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DAVID THRESH, P.L.S. NO. 6868

6/17/2015
DATE

# 318 POPE STREET
# TOPOGRAPHIC SURVEY AND RECORD BOUNDARY

SAN MATEO COUNTY CALIFORNIA

CITY OF MENLO PARK

BKF

Drawing Number: 147128

1 of 1

(D-2)

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November 22, 2016

City of Menlo Park
Environmental Quality Commission

Dear Members of the Environmental Quality Commission,

We, the owners of the property located at 318 Pope, hereby appeal the decision of City Arborist Christian Bonner rejecting the removal of a redwood tree on our property.

Our plan is to tear down the existing home on the site and build a new home. When we first bought the property, it was our intention to keep the heritage redwood. We appreciate its history and beauty, and didn't think it would be necessary to take down the tree in order to build our home.

However, when we had a respected local arborist, Kevin Kielty, complete the required arborist report, we were somewhat shocked at his evaluation of the risk this tree poses. He does deem the tree to be healthy (as does Christian Bonner), but he says the form of the tree is poor, specifically due to the three codominant leaders, which cause the tree to be structurally unstable.

We requested a second opinion, and the second arborist, Michael Young, confirmed Kevin Kielty's opinion and went even further, saying "…this tree has a serious structural flaw that could cause it to split in three different directions. When failure occurs the tree will cause enormous structural damage and loss of life is highly likely."

We are nature lovers, backpackers, and avid gardeners, and we do not take lightly the request to remove any tree from any property. But while we understand the inherent sadness in taking down such an imposing specimen, this tree poses a safety risk to us (when we are living in our new home) and to our neighbors, and is a significant liability for us as owners of the property. We hope you agree, and look forward to the speedy approval of this appeal. If we can provide any additional information, please do not hesitate to contact us.

Sincerely,

Isabelle and Scott Cole

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urbantreemanagement inc.

**11/2/16**

Isabelle Cole
318 Pope Street
Menlo Park, CA 94025

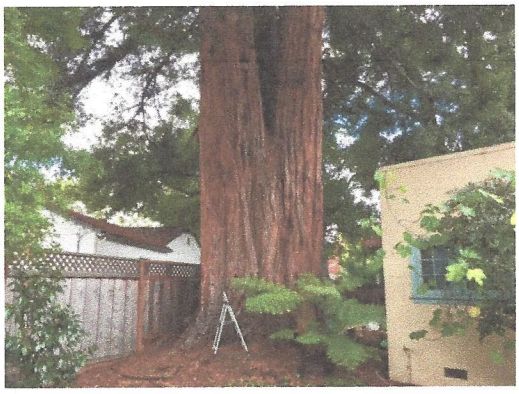
Re: **Redwood Removal Request**

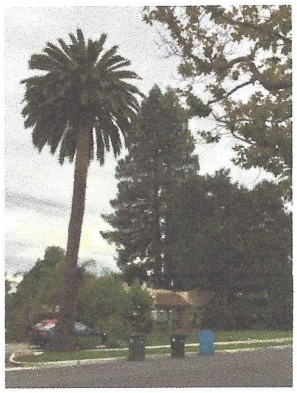
To Whom It May Concern:

**Assignment**

It was my assignment to inspect the large Redwood (*Sequoia sempervirens*) in the back yard and offer my professional assessment of the structural stability of this tree.

**Summary**

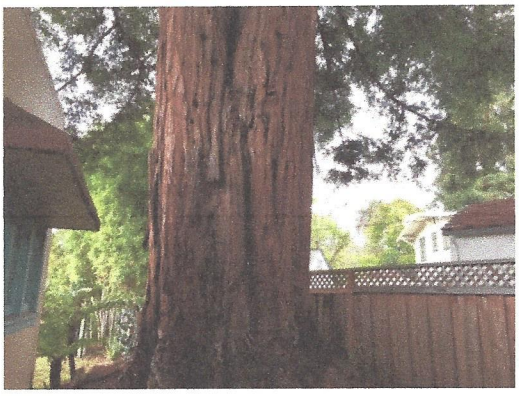




This Redwood (see images to right) is enormous. Quite simply this is a very large peg in a very small hole. All of that would be a non-issue except this tree has a serious structural flaw that could cause it to split in three different directions. When failure occurs the tree will cause enormous structural damages and loss of life is highly likely. The likelihood of tree failure in this instance is high. Rather than living with this enormous threat I recommend removing this tree ASAP.

**Discussion**

The Redwood was rated based upon the following table. As an example, a tree may be rated "good" under the Health column for excellent/vigorous appearance and growth, while the same tree may be rated "fair/poor" in the Structure column if structural mitigation is needed.



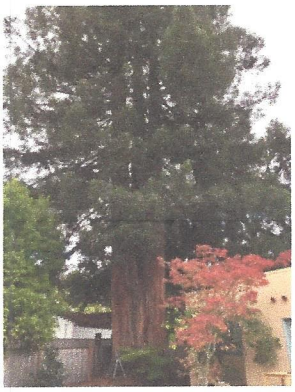


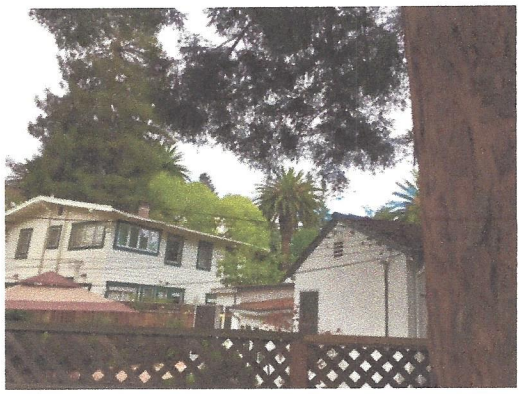
t650+321+0202 | f408+399+8063 | po box 971 los gatos ca 95031 | urbantreemanagement.com
contractors license # 755989 | certified arborist WC ISA # 623 | certified tree risk assessor #1399

| Rating | Health | Structure |
|---|---|---|
| **Good** | excellent/vigorous | flawless |
| **Fair/good** | healthy | very stable |
| **Fair** | fair | routine maintenance needed such as pruning or end weight reduction as tree grows, minor structural corrections needed |
| **Fair/poor** | declining | significant structural weakness(es), mitigation needed, mitigation may or may not preserve the tree |
| **Poor** | dead or near dead | hazard |

This Redwood has a trunk diameter (DBH) of 95.7". It stands approximately 120' tall and 45' wide. This tree is in Good Health but the Structure is Fair/Poor – Poor due to the three codominant limbs that make up the tree's main structure.

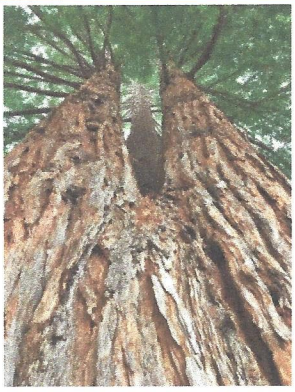
The tree is located 3.5' from the right rear corner of the home at 318 Pope, and right along the right side fence line (see images to right).

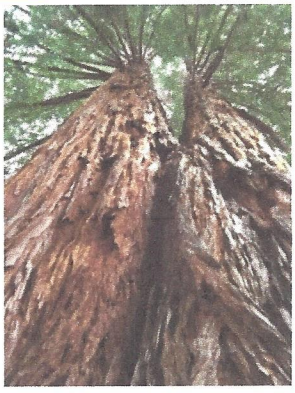




The main problem with this tree is the three main codominant leaders starting 15' above grade (see images to lower right). Codominant leaders, especially when they have included bark, are prone to splitting apart because they are not attached where they appear to be growing together (http://www.umass.edu/urbantree/factsheets/35codominantstems_rev1.html).

This tree has three main co-dominant leaders with included bark and the three leaders are not well attached to each other. In fact, each year the three main stems of this tree grow apart more and more. The union between these tree main stems is weak and highly prone to splitting apart. This is a well-known fact among trained Arborists. There is no disputing it. This isn't a matter of IF this tree will fail; it's a matter of WHEN.





The level of risk presented by this tree falling apart is extremely high. The combination of the height of this tree, the weight of the wood and the proximity of this house and the neighbors within striking distance – there are *at least* two – mandates that the risk be mitigated.

Mitigating the risk of a tree this large can only be done by removing the risk factor (ie. whole tree removal). If the tree were smaller a series of cables could be used to try to cable the three leaders together, in an attempt to have them not split apart in a high wind event. This tree currently has cables, but it is my opinion that they are non-functional. While there are Industry Best Practices for cabling trees – this tree is too large to be able to say that proper cabling would truly mitigate the risk of a large limb failure. Trees have not been engineered and the mitigation would not be engineered, thus the reliability of the cables would be a "best guess" at best. Due to the size of this tree and the threat of loss of life; a best guess is not acceptable.

The only acceptable mitigation for the risk represented by this tree is to remove the risk: tree removal.

While removing a tree of this size is always an unfortunate loss to the community and our environment, loss of life is unacceptable. The codominant leaders should have never been allowed to form on this tree, but that mistake was made many years ago and now we are faced with devising a resolution. The resolution, in this case, is to remove the Redwood tree.

Please contact me directly should you have any further questions.

Respectfully,

Michael P. Young

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**Literature Cited**

CTFRP Statistics. (California Tree Failure Report Program (CTFRP)). Retrieved November 2016, from http://ucanr.edu/sites/treefail/CTFRP_Statistics/

Dunster, J.A. (2013) *Tree Risk Assessment Manual*. International Society of Arboriculture.

Harris, R.W. (1999). *Arboriculture: Integrated Management of Landscape Trees Shrubs and Vines* (3rd ed.). Prentice Hall.

Precipitation Summary. (National Oceanic and Atmospheric Administration (NOAA)). Retrieved October 2016, from http://www.cnrfc.noaa.gov/rainfall_data.php

Smiley, T.E. & S.L. (2013). *Best Management Practices: Tree Support Systems Cabling Bracing, Guying, and Propping*. (3rd ed.). International Society of Arboriculture.

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## REGULAR MEETING MINUTES

**Date:** **1/25/2017**
**Time:** **6:30 p.m.**
**City Hall/Administration Building**
**701 Laurel St., Menlo Park, CA 94025**

**A.** Chair Martin called the meeting to order at 6:35 p.m.

**B.** **Roll Call**

Present: Allan Bedwell (arrived 6:45 p.m.) Chris DeCardy, Vice Chair Janelle London, Scott Marshall, Chair Deb Martin
Absent: Smolke
Staff: Clay Curtin, Assistant to the City Manager/Interim Sustainability Manager
Vanessa Marcadejas, Senior Sustainability Specialist

**C.** **Public Comment**

No one from the audience provided public comment.

**D.** **Regular Business**

D1. Announcement of Sustainability Division management transition to Clay Curtin

D2. Make a determination on an appeal for one coast redwood tree at 318 Pope St.

Commissioner Bedwell joined the meeting at 6:45 p.m.

City Arborist Christian Bonner provided a brief overview of his evaluation of the tree and his reasons for denying the removal permit.

Appellant Isabelle Cole stated her original intent to keep the tree but that now she seeks to have it removed due to her arborist's report stating the tree's risk of failure is moderate to severe.

The appellant's arborist, Kevin Kielty, stated that the redwood tree poses a hazard due to its poor form and that he does not recommend cabling as a mitigation measure.

Public comment on the item:

- Horace Nash stated opposition to the tree removal and urged mitigation measures instead.
- Betsy Nash stated opposition to the tree removal because of its value to the environment and surrounding wildlife.
- Katie Hadrovk stated opposition to the tree removal because of her family's enjoyment of the tree and stated that they have not experienced any related issues due to the tree.

- Joseph Ashton stated opposition to the tree removal because he feels it enhances the neighborhood.

- Sally Cole stated opposition to the tree removal because the City's arborist report found the tree to be in good condition.

**ACTION:** Motion and second (DeCardy/Bedwell) to deny the appeal based on the heritage tree criteria as stated in the arborist report, passes (6-0-1) (Ayes: Bedwell, DeCardy, Dickerson, London, Marshall, Martin; Absent: Smolke)

D3. Information presentation on PG&E's proposal to remove trees for gas line safety

**ACTION:** No formal action was taken on this item. PG&E representatives Bill Chiang and Darin Cline provided a presentation to the commission. The commissioners expressed interest in having PG&E provide another update at a future commission meeting.

D4. Discuss and approve moving the Environmental Quality Commission meeting date to the third Wednesday of every month

**ACTION:** Motion and second (Martin/London) to approve moving the Environmental Quality Commission meeting date to the third Wednesday of every month passes (6-0-1) (Ayes: Bedwell, DeCardy, Dickerson, London, Martin, Marshall; Absent: Smolke)

D5. Approve November 30, 2016, Environmental Quality Commission meeting minutes

**ACTION:** Motion and second (DeCardy/Bedwell) to approve the Nov. 30, 2016, meeting minutes passes (6-0-1) (Ayes: Bedwell, DeCardy, Dickerson, London, Marshall, Martin; Absent: Smolke)

Commissioner DeCardy left the meeting at 9:25 p.m.

## E. Reports and Announcements

E1. Informational update on the proposed scope of work for the Jack Lyle Park restroom project

Vanessa Marcadejas provided a project update.

E2. Informational update on commissioner attendance report and City Clerk updates to the city commission policy

Clay Curtin and Vanessa Marcadejas provided the commission with an update on the commissioner attendance report for 2016. Staff acknowledged that there was an error in the 2016 attendance report and stated that the City Clerk would conduct and audit before providing her next update to the City Council.

E3. Staff update on the request for proposal for the heritage tree ordinance update, California Public Utilities Commission energy data ruling, Bedwell Bayfront Park master plan and zoning

Commissioner Bedwell recused himself from the meeting for this item at 10:02 p.m.

Vanessa Marcadejas and Clay Curtin provided updates to the commission.

Commissioner Bedwell rejoined the meeting at 10:11 p.m.

E4. Update on commissioner volunteer work

Commissioner London spoke about the Green Ninja program, a school-age educational initiative to inspire interest in the science and solutions associated with our changing climate. Recent self-reported data show that children reported a 10 percent reduction in home energy use after participating in Green Ninja.

E5. Future agenda items

- Arbor Day tree planting event coordination
- Informational presentation on the community zero waste plan and rate study update
- Update on San Francisquito Creek projects
- Review of the Environmental Quality Commission 2-year work plan and subcommittee activities
- Update on the PG&E proposal for tree removals related to gas line safety
- Next Environmental Quality Commission quarterly update to City Council

## F. Adjournment

Chair Martin adjourned the meeting at 10:35 p.m.

Minutes prepared by Vanessa Marcadejas.

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ATTACHMENT C



2-9-17

I would like to appeal the decision of the EQC to deny our permit to remove the redwood tree at 318 Pope St.

I will submit a formal letter and documentation to support my request.

Isabelle Cole
isabellecole@sbcglobal.net
(650) 814-0360

CITY OF MENLO PARK/FINANCE DEP
650-330-6704

R 121761 2:41 PM 02/09/17

EMP: RACHEL

---

701 HERITAGE TREE PERMIT
1 @ 200.00 200.00
APPEAL
318 POPE
PAID BY L SCOTT COLE
ISABELLA COLE

---

SUB-TOTAL : $200.00
SALES TAX : .00

TOTAL > $200.00

PAY TYPE : CHECK
# 6505
RECEIVED : 200.00
CHANGE : .00

701 LAUREL STREET
MENLO PARK, CA. 94025
THANK YOU FOR YOUR BUSINESS

February 15, 2017

To the Menlo Park City Council: Kirsten Keith, Peter Ohtaki, Ray Mueller, Catherine Carlton, and Richard Cline

Dear Council Members,

On January 25th, Menlo Park's Environmental Quality Commission denied our appeal to remove a 120-foot-high redwood tree from our property at 318 Pope. Deborah Martin, the Council Chair, said after the commission voted, "This was a hard one for me." Her comments are probably not reflected in the minutes, but we believe they are significant because they reflect the seriousness of the consequences of letting the tree stand.

We bought the property in February 2016 with the intent of replacing the current house with a new one. The former owner had also intended to build a new home on the site, and had hired an arborist to provide an inventory and plan for tree protection -- that arborist was Ray Morneau. His report rated the tree's condition as "fair." To be honest, we did not intend to remove the tree to build the house. We thought it was a beautiful tree and planned to keep it there. Mr. Morneau's report did not provide a risk assessment; it was rather an inventory of the trees on the property.

As part of our design and permit application process, we were required to get another arborist's report. Our architect hired Kevin Kielty, a certified arborist with 29 years of local experience, with whom she has worked in the past. His report recommended removal of the tree because of its instability due to three "co-dominant leaders." We applied for removal and were denied. We then appealed to the EQC and got yet another local arborist to give a second opinion, Michael Young, who also strongly recommended removal.

Here's where it gets confusing, because the City's arborists and my arborists disagree on the tree's likelihood of failure. Menlo Park City Arborist Christian Bonner, and another city-contracted arborist Deanne Ecklund, conducted a risk-assessment of the tree using the TRAQ (Tree Risk Assessment Qualification) system of the ISA (International Society of Arboriculture). This is a qualitative assessment of two things: the likelihood of failure, and the consequences if failure occurs. Mr. Bonner's matrix concludes that the likelihood of failure is "moderate" and "somewhat likely." He believes we can lower the risk by pruning and cabling (my two arborists disagree with that assessment, saying that if one of those co-dominant leaders snaps off, no cable will hold it). However, Mr. Bonner's matrix is unequivocal on the consequences of failure: SIGNIFICANT AND SEVERE. All the arborists agree that, should the tree fail, the consequences will be significant and severe, with damage to property and even loss of life.

We object to the EQC and the City of Menlo Park giving the opinions of the City arborists more weight than the arborists we have hired, also respected in their fields. The ISO states unequivocally in its education materials on the TRAQ system that "inherent subjectivity and ambiguity are limitations of the qualitative approach." (http://www.isa-arbor.com/myAccount/myEducation/resources/2012-February-CEUarb.pdf).

The bottom line here is that, again, the arborists disagree on the level of risk, but they do NOT disagree on the consequences of failure. Even the ISO is saying these risk-assessments are ambiguous. The consequences are not. We feel abandoned by the City of Menlo Park. At the end of the EQC meeting, all the commissioners and arborists will go home to their lives. We are left living with a risk that has significant consequences, and feeling that the City has shrugged its shoulders.

As we build a new house, we will be subject to many building codes and regulations designed to ensure our health and safety. How can the City expect us to live with an ambiguous safety threat right next to our home on which the experts can't agree? Furthermore, Mr. Bonner, as part of his mitigation recommendations, says we must assess the tree annually, "at a minimum," to re-determine its risk level. How are we to go about this in the future? We have already hired two arborists who say the tree poses an unacceptable threat NOW. Does Mr. Bonner expect us to hire a different arborist who agrees with him in the future? We will hire Mr. Kielty again a year from now, who will continue to say the tree is unstable. This makes no sense.

Mr. Bonner, in his report, also references the tree's "value." Is the tree more valuable than our property or our lives? Failures of coast redwoods do occur with regularity: the University of California Tree Failure Report Program cites 116 coast redwood failures in the past 6 years, with multiple trunks/codominance the most commonly reported cause in 27% of cases. Furthermore, 77% of the failed trees were planted specimens (as this one is), not natural stands as occur in a redwood forest.

Finally, we have written letters to our neighbors about this situation. Two neighbors, who spoke at the EQC meeting, are against removing the tree. Many more have written to us in support of removal. I will include those letters in my submittal to the City, and I hope to be able to convince them to come and speak at the meeting.

The bottom line here is that we, as homeowners, simply can't reconcile ourselves to the fact that the City of Menlo Park would expect us to live in the shadow of an unstable and huge tree that would cause enormous damage if it fails. There are many, many trees in the neighborhood that can support the bird and wildlife that we all love. This gigantic redwood does not belong in an urban tract of land with a relatively small yard.

We look forward to discussing the issue in person with the members of the City Council.

Sincerely,

Isabelle and Scott Cole
318 Pope Street, Menlo Park
isabellecole@sbcglobal.net

May 30, 2017

Mr. Christian Bonner
City Arborist – City of Menlo Park
333 Burgess Dr.
Menlo Park, CA 94025

Subject: Redwood tree at 318 Pope St., Menlo Park

Dear Mr. Bonner:
On May 24 we met at the subject site to inspect a mature redwood in the rear landscape. You asked me to perform a visual inspection of the tree, evaluate the health and structural condition and perform a risk assessment. This letter summarizes my observations and risk rating.

***Description of Tree***
The tree was mature in development with a 97-inch diameter trunk. It was in good health and had a full canopy with normal deep green color (photo 1). The trunk divided into three stems of similar diameter at approximately 12-feet height. The attachments of the stems were narrow. There was a slight bulge below the attachment on the east side, a seam on the west side, and burl-like growth along the attachment on the south side. These conditions indicate presence of included bark embedded in the attachments. The root collar and lower portions of the trunk were normal in appearance. I saw no signs or indicators of decay present in the tree. I could not see any defects in branches from the ground. I could not see any evidence that branches had failed in the past.

Photo 1: The redwood tree had a dense, healthy crown, normal in appearance.

Photo 2: The trunk divided into three stems at approximately 12-feet height (arrow).

Although the presence of multiple stems in redwood is considered a structural defect, the stems were growing upright and formed a closed canopy (photo 3). Because of this upright growth, there is less stress at the attachment of the stems than if the stems were spread apart. This reduces the likelihood for stem failure at the attachment.

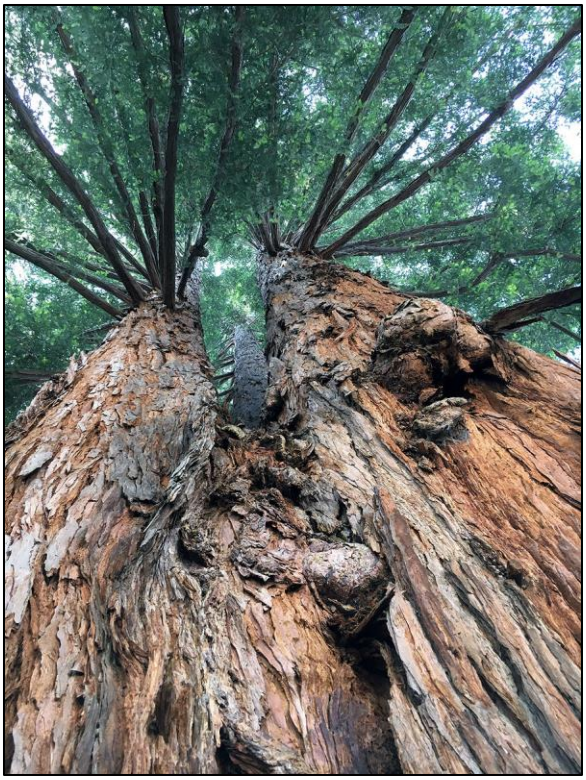


Photo 3: The three stems were upright in orientation with no gap in the canopy.

Redwoods as a species have a low failure rate compared to many other commonly planted tree species. When redwoods do fail, it is usually during abnormally strong winds. In California, most failures occur in the winter during our storm season. Branch failures are more common than trunk (stem) or root failures.

***Assessment of Risk***

To assess and describe the risk associated with the redwood, I employed the terminology and methods in *Best Management Practices: Tree Risk Assessment* (E. T. Smiley, N. Matheny and S. Lilly. 2011. Companion publication to the American National Standards Institute A300 Part 9. International Society of Arboriculture. Champaign IL).

Risk is described in the Best Management Practices publication as the combination of likelihood of a tree failure striking people or property, and the consequences of that failure. When assessing trees for likelihood to fail, tree risk assessors look for defects in structure and site conditions that could affect structural stability. We consider three modes of failure: branches, trunks (stems), and whole trees (uprooting). We consider site conditions such as wind, soil conditions, and history of construction. In this case the referenced time frame for failure to occur is **one year**. To assess possible consequences if tree failure occurs, tree risk assessors determine what activities and uses are present under the tree, and how often people are present. Those assessments are then combined into a risk rating.

The steps taken in performing the risk assessment and terminology used are as follows:

1. Identify part(s) of the tree most likely to fail and rated the likelihood for failure (*improbable*, *possible*, *probable*, *imminent*).
2. Identify what would be struck if that part failed. In this case the targets would be the homes on the subject property and adjacent properties, people using the landscapes and sidewalks on those properties, and vehicles parked in driveways and along the street.
3. Rate the likelihood that the target would be present at the time of failure (*very low, low, medium, high*). This assessment considers the frequency with which a person or property is present, i.e. its occupancy, and any factors that could affect the tree as it falls.
4. Rate the likelihood of the tree failure impacting the specific target (*unlikely, somewhat likely, likely, very likely*).
5. Rate the consequences if a person or property were struck by that tree part (*negligible*, *minor*, *significant*, *severe*).

6. Using the ratings for likelihood of failure and striking the target and the consequences of the failure, rate the risk (*low, moderate, high, extreme*).

Based on my observations, the redwood could experience failure in two ways: **branch** failure or **stem** failure at the attachment with the main trunk. I think the likelihood for either branch or stem failure is *possible*, meaning failure could occur, but it is unlikely during normal weather conditions.

The likelihood that the target would be present at the time of failure for each case is *medium* for people and vehicles and *high* for homes.

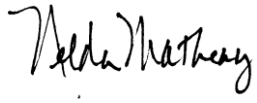
For the modes of failure described above, I rate the risk as follows:

- The likelihood that the **branch** would fail and strike property and/or one or more people is *unlikely*. The consequences of limb failure would be *significant* for people and vehicles, and *minor* for the homes. Using the BMP methodology, I judge the risk associated with branch failure to be *low*.

- The likelihood that a **stem** would fail and strike property is *somewhat likely*. The consequences of a stem failing would be *severe*. Therefore, using the BMP methodology, I judge the risk of stem failure to be *moderate*.

If you have any questions regarding my observations or recommendations, please feel free to contact me.

Sincerely,



Nelda Matheny
Board Certified Master Arborist WE-0195B
ISA Qualified Tree Risk Assessor

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May 30, 2017

TO: Menlo Park City Council

FROM: Isabelle and Louis Cole

RE: 318 Pope redwood tree removal

Dear City Council members,

We are asking the City of Menlo Park to approve our application to remove an unstable heritage redwood tree on our property at 318 Pope Street. We'd like to give you a summary of why we believe removing the tree is the responsible course of action.

We purchased the property in February 2016 with the intent of building a new home on the site. The previous owners had planned to construct a new home on the property but changed their minds and decided to sell. We were, of course, aware of the heritage tree, but knew that the previous owners had successfully obtained a building permit to build a new home on the site without removing the tree. This made us comfortable that the tree would not be an impediment to building a home. The existing arborist report, by Ray Morneau, was an inventory of the trees on the property, but not a risk assessment. He rated the tree's condition as "fair." We planned to retain the tree – in fact we talked about ways to incorporate views of the tree from inside the home -- and hired an architect to begin designing the house.

The City told us we needed a new arborist report. Our architect hired Kevin Kielty, a respected local consulting arborist with whom she regularly works, to complete a new report. If you read his report, he notes that it is our plan to keep the tree. But when we got the report back, he recommended removal, saying that because of three co-dominant leaders, the tree was unstable. Of course, this alarmed us. We applied for a permit to remove the tree, and were denied. That denial letter did not go into much detail, but stated that our permit was denied because the tree was "healthy." We got a second opinion from Michael Young, another local arborist who was highly recommended, and he agreed with Kevin Kielty that the tree was dangerous. We appealed to the Environmental Quality Commission.

In advance of that meeting, City arborist Christian Bonner conducted a tree risk assessment. His report reached two conclusions:

1. The risk of failure is "moderate"
2. The consequences of failure are "significant and severe."

The EQC denied our appeal based on Mr. Bonner's assessment that we could lower the risk of failure from "moderate" to "low" by cabling and pruning. Kevin Kielty disputed that assessment at the EQC meeting, saying that pruning and cabling would have little effect on a tree of that size if one of the leaders failed.

Our feeling after the EQC meeting was that we had a situation where arborists don't agree on likelihood of failure, but all agree on consequences of failure – enormous property damage and likely loss of life. As we move forward with building a new home, we will be complying with many

building codes put in place for public safety. We are asking you to recognize that removing this tree is also part of public safety for us and our surrounding neighbors.

After we filed our appeal to appear before the City Council, we talked to many arborists over the phone about our situation, and we also spoke to attorney Barri Bonapart, whose law practice specializes in tree issues in the Bay Area. She, and other arborists, urged us to contact Roy Leggitt, a Bay Area consulting arborist with many years of experience evaluating trees in urban areas. He was hired several years ago by Camp Tawonga in the Sierra foothills after a tree fell there and killed a 19-year-old counselor. We thought that maybe he could "break the tie" between disagreeing arborists, and we asked him to evaluate the tree. His report is included in this packet, as is his CV, so you can get an idea of the breadth of his experience. We also made some videos of him at the tree site, talking about specific reasons why he believes this tree should be removed. (We have provided those videos to you through Clay Curtin). He is unequivocal about the tree's instability, and disputes Mr. Bonner's assessment that its risk can be lowered by pruning and cabling.

We are also including a recommendation from our lawyer and tree law specialist, Barri Bonapart.

We want to make very clear to the Council that we are asking to remove this tree for one reason only: safety. In reading the City's ordinance for consideration of removing heritage trees, #1 applies here: "The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures…" We are not developers, the building of our home is not dependent upon removal of the tree, and we are proud to become residents of a city that values its tree canopy and imposes restrictions on allowing homeowners to destroy heritage trees. However, this particular tree poses a danger to us and our surrounding neighbors, and in the end, humans must be more important than trees. We feel that having this tree on our property is a risk too high for any city to ask homeowners to take, and a liability that is unreasonable and, frankly, dangerous.

Finally, we want the Council to know that we understand that this issue is emotional with some neighbors. We wrote letters to all surrounding neighbors in January, explaining our intentions and forwarding our reports. Some are opposed to removing the tree, but many are supportive, also citing safety concerns. We have reached out again since then to the neighbors who are opposed, and have had some positive email conversations. We are completely open to working with all neighbors to plant a new, healthy and viable tree in place of this one, and would be willing to purchase an already sizeable and established tree to put in its place. Of course, as part of our landscaping plan, we will be planting many new trees on the property.

Thank you for consideration of our request. We look forward to appearing before you in person on June 6.

Respectfully,

Isabelle and Louis Cole
318 Pope Street, Menlo Park, CA 94025

# Kielty Arborist Services LLC

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


June 3, 2016

Isabelle Cole
1525 Webster Street
Palo Alto CA 94301

Site:318 Pope, Menlo Park

Dear Ms. Cole,

As requested on Tuesday, May 17, 2016, I visited the above site to inspect and comment on the trees. A new home is planned for this site and your concerns as to the future health and safety of the trees has prompted this visit

**Method:**
The significant trees on this site were located on a map provided by you. Each tree was given an identification number. This number was inscribed on a metal foil tag and nailed to the trees at eye level. The trees were then measured for diameter at 54 inches above ground level (DBH or diameter at breast height). A condition rating of 1 – 100 was assigned to each tree representing form and vitality using the following scale:

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

The height of each tree was estimated and the spread was paced off. Lastly, a comments section is provided.

**Survey:**

| Tree# | Species | DBH | CON | HT/SP | Comments |
|---|---|---|---|---|---|
| 1**P** | Canary island palm *(Phoenix canariensis)* | 33.1 | 80 | 65/20 | Good vigor, good form, street tree, in planting pit, well maintained. |
| 2**P** | Canary island palm *(Phoenix canariensis)* | 28.9 | 80 | 65/20 | Good vigor, good form, street tree, in planting pit, well maintained. |
| 3**P** | Coast live oak *(Quercus agrifolia)* | 34.9 | 70 | 65/40 | Good vigor, fair form, 9 feet from the corner of existing home, suppressed by large redwood, heavy to south west, good crotches throughout tree, hangs over home. |
| 4**P** | Coast live oak *(Quercus agrifolia)* | 23.5 | 45 | 30/45 | Fair vigor, poor form, heavily suppressed by surrounding trees, heavy lateral limbs, no room for vertical growth. |
| 5**P** | Redwood *(Sequoia sempervirens)* | 95.7 | 45 | 120/45 | Fair vigor, poor form, multi leader at 15 feet, 3.5 feet from corner of existing home, cables installed, included bark on all sides of crotch, bulging can be seen in included bark area, leaders heavy in opposite directions, hazardous, leader closest to neighbors home has a significant lean and needs to be heavily trimmed if retained. |
| 6 | Pittosporum hedge *(Pittosporum eugenioides)* | 4.0 | 60 | 20/10 | Good vigor, fair form, good screen, 40 foot long hedge consisting of trees under 4 inches in diameter. |
| 7**P** | Loquat *(Eriobotrya japonica)* | 19.3 | 30 | 25/20 | Poor vigor, poor form, in decline, codominant at 1 foot with a poor crotch formation. |
| 8 | Fan palm *(Washingtonia robusta)* | 12.3 | 80 | 8/8 | Good vigor, good form, easily moved. |
| 9 | Italian cypress *(Cupressus sempervirens)* | 5.0 | 80 | 30/5 | Good vigor, good form, easily moved. |
| 10 | Japanese maple *(Acer palmatum)* | 10.4 | 45 | 20/10 | Fair vigor, poor form, multi leader at base, dieback in canopy. |
| 11 | Queen palm *(Syagrus romanzoffiana)* | 8.4 | 50 | 15/8 | Good vigor, good form, easily moved. |

**Survey:**

| Tree# | Species | DBH | CON | HT/SP | Comments |
|---|---|---|---|---|---|
| 12 | Queen palm *(Syagrus romanzoffiana)* | 9.6 | 10 | 15/8 | Poor vigor, poor form, decay at base, failed tree. |
| 13 | Queen palm *(Syagrus romanzoffiana)* | 10.3 | 50 | 15/8 | Good vigor, good form, easily moved. |
| 14 | Olive *(Olea europaea)* | 9.6 | 50 | 15/10 | Good vigor, poor form, multi leader at base, staked for support. |
| 15 | Cabbage palm *(Cordyline australis)* | 4.0 | 50 | 15/10 | Good vigor, good form, easily moved. |

*****_Indicates neighbors trees_
**P-**_Indicates protected tree_

**Summary:**
The trees on site are a mix of imported and native trees. The majority of the trees are in fair condition with a few poor trees. Trees #1 and #2 are both Canary island palm trees located in a sidewalk planting strip. They have been well maintained and will need to be protected as they are city managed street trees. Tree protection fencing shall totally enclose the planting strip so that compaction does not occur to the soil near these trees. No impacts are expected.

**Showing palm tree #1**

Coast live oak tree #3 is a protected tree in the city of Menlo Park. This tree is 9 feet from the corner of the existing home. The tree is suppressed by the large redwood tree #5 and as a result is heavy away from tree #5 to the south west. Some of this trees canopy is over the existing home. A new 2 story home is being designed in the same general location as the existing home but moved slightly farther away from the trees on this side of the property. Some minor trimming may be needed to facilitate the construction of a second story. Any trimming to be done shall be done by a licensed tree care provider and stay underneath 25% of the trees total foliage to be removed. This trimming will benefit the trees health and form as the tree is heavy in the direction of the home and trimming is recommended regardless of the proposed construction. Tree protection fencing for this tree is to be placed as close to the existing foundation of the home as possible and to a distance of 10X the trees diameter where possible. All tree protection measures must be in place before the start of any proposed work, including demolition.

Coast live oak tree #4 is in poor condition as the tree is heavily suppressed by surrounding trees. This tree has no room to grown in vertical height and as a result has developed large lateral leaders. If retained this tree will need maintenance pruning every 3 years in order to lighten heavy end weight of the trees leaders, and to keep the leaders at a manageable size through reduction cuts. This tree is a protected tree and will need a permit if wanted to be removed.

**Showing poor crotch formation with included bark.**

Mature redwood #5 has poor form and is the reason for its poor condition rating. This tree has a large trunk with a diameter of 95.7. The tree is codominant with 3 leaders starting at 15 feet. These 3 leaders all share apical dominance and have created poor crotches with included bark at 15 feet. Included bark forms in the junctions of codominant stems where there is a narrow angle union, meaning the junction looks like a "V" rather than a "U." As the tree grows the narrow union will essentially fill with bark and create a growing area of structural weakness in the tree. Even in young trees, when you notice a very narrow angle (creating a "V" at the junction of branches) it is likely that stress put on the either of the codominant stems can cause splitting, or even cause the stem to break off at the junction. As the 3 leaders grow they have the potential to push against each other often until the point of failure. Bulging is visible in these areas of included bark and often indicate a structural weakness. Also each leader is heavy to the direction away from the trunks and creates more stress to the poor crotch area at 15 feet. Because of this trees poor growth form and the trees target at a failure being the home or neighbors home, I am recommending this tree to be removed as it is a hazard to the property. The owner of the property would like to save the tree. Recommended mitigation measures are as followed:

**Mitigations for redwood tree #5:**

- Install cables in upper 2/3 of canopy in order to offer extra support. Cables have been installed in the past at the wrong height.
- During the dry season irrigate the tree with soaker hoses, especially during construction.
- Have a licensed tree care provider selectively prune branches to lighten the load on each leader, while still allowing for an aesthetically pleasing tree. Pruning shall not exceed 25% of the total foliage, following ANSI standards and Palo Alto standards. The leader that is heavy towards the neighbors home should be heavily pruned as this leader already has a lean.
- Continue to monitor the crotches and overall health of the tree.
- It is advised that a certified arborist inspect the tree every 2 years, or if any noticeable cracking, or bulging near the base of the tree is seen, that a certified arborist be called out right away.

Even with these mitigation measures in place this tree would still pose as a liability if a leader failure were to occur and is the reason removal is recommended.

**Showing proximity to home**

The existing home near redwood tree #5 is only 3.5 feet away from this tree. If this tree is to be retained, during demolition of the existing home the tree protection fencing must be placed as close to the existing home as possible. The whole south side of the home where trees #3-5 are located should be fenced off. All heavy equipment must work away from these trees in order to not compact the soil around these trees. Tree protection fencing for redwood #5, past the foundation area, should be extend as far out as possible. The proposed home will be set slightly farther back from this large tree. The existing foundation near this home likely acted as a root barrier. When designing the new foundation near this tree a pier and grade beam should be used with the least amount of excavation depth as possible for the grade beam, in order to bridge over what large roots may exist in these areas. After demolition has taken place, a trench must be dug by hand in combination with an air spade in the area of the proposed foundation in order to explore potential impacts to the tree and to strategically place piers in order to miss areas of heavy rooting.

Loquat tree #7 is of protected size in the city of Menlo Park. This tree is in obvious decline as more than 50% of its foliage is dead. Also this tree has a poor crotch formation at its base and is recommended for removal as no mitigation measures would improve the health of this tree.
The remaining trees on the property are not of protected size in the city of Menlo Park. If they are to be retained they should be protected in the same manner as the protected trees on site. The following tree protection plan will help to insure that the trees will survive the construction.

**Tree Protection Plan:**

*Tree Protection Zones*

Tree protection zones should be installed and maintained throughout the entire length of the project. Fencing for tree protection zones should be 6' tall, metal chain link material supported by metal 2" diameter poles, pounded into the ground to a depth of no less than 2'. The location for the protective fencing should be as close to the dripline of desired trees as possible, still allowing room for construction to safely continue. No equipment or materials shall be stored or cleaned inside the protection zones. Areas outside protection zones, but still beneath the tree's driplines, where foot traffic is expected to be heavy, should be mulched with 4-6" of chipper chips. The spreading of chips will help to reduce compaction and improve soil structure.

*Root Cutting and Grading*

Any roots to be cut shall be monitored and documented. Large roots (over 2" diameter) or large masses of roots to be cut must be inspected by the site arborist. The site arborist, at this time, may recommend irrigation or fertilization of the root zone. All roots needing to be cut should be cut clean with a saw or lopper. Roots to be left exposed for a period of time should be covered with layers of burlap and kept moist. The over dig for the foundation should be reduced as much as possible when roots are encountered.

*Trenching and Excavation*

Trenching for irrigation, drainage, electrical or any other reason shall be done by hand when inside the dripline of a protected tree. Hand digging and the careful placement of pipes below or besides protected roots will significantly reduce root loss, thus reducing trauma to the tree. All trenches shall be backfilled with native materials and compacted to near its original level, as soon as possible. Trenches to be left open for a period of time, will require the covering of all exposed roots with burlap and be kept moist. The trenches will also need to be covered with plywood to help protect the exposed roots.

*Irrigation*

Normal irrigation shall be maintained on this site at all times. The imported trees will require normal irrigation. This includes large redwood #5. On a construction site, I recommend irrigation during winter months, 1 time per month. Seasonal rainfall may reduce the need for additional irrigation. During the warm season, April – November, my recommendation is to use heavy irrigation, 2 times per month. This type of irrigation should be started prior to any excavation. The irrigation will improve the vigor and water content of the trees. The on-site arborist may make adjustments to the irrigation recommendations as needed. The foliage of the

trees may need cleaning if dust levels are extreme. Removing dust from the foliage will help to reduce mite and insect infestation.

*Demolition*
All tree protection must be in place prior to the start of demolition. Demolition equipment must enter the project from the existing driveway. If vehicles are to stray off the drive the area within the dripline of a protected tree must be covered with 6 inches of chips and steel plates or 11/4 inch plywood.

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

Sincerely,

Kevin R. Kielty
Certified Arborist WE#0476A

David P. Beckham
Certified Arborist WE#10724A

Kielty Arborist Services
P.O. Box 6187
San Mateo, CA 94403
650-515-9783

# 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: _____
Kevin R. Kielty

Date: June 3, 2016

# Kielty Arborist Services

P.O. Box 6187
San Mateo, CA 94403
650-515-9783


**Case Study, 43 Tuscaloosa, Atherton, CA**
**January 23, 2012**

Large redwood tree failed at codominant leaders causing substantial damage to a vehicle below. The failure took place at night under calm weather conditions.

**The 30 inch diameter leader fell approximately 40 feet to the driveway below**.

**Classic included bark scar (heart shaped on the top of the inclusion.**

Photo of the trunk from scar to ground.

urbantreemanagement inc.

**11/2/16**

Isabelle Cole
318 Pope Street
Menlo Park, CA 94025

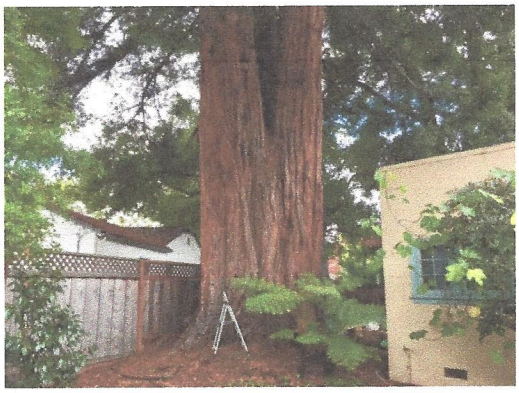
Re: **Redwood Removal Request**

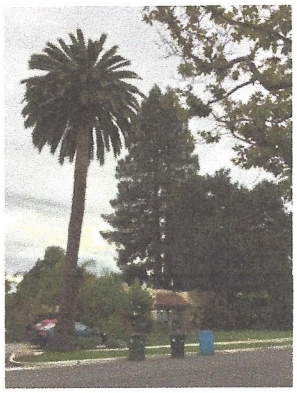
To Whom It May Concern:

**Assignment**

It was my assignment to inspect the large Redwood (*Sequoia sempervirens*) in the back yard and offer my professional assessment of the structural stability of this tree.

**Summary**

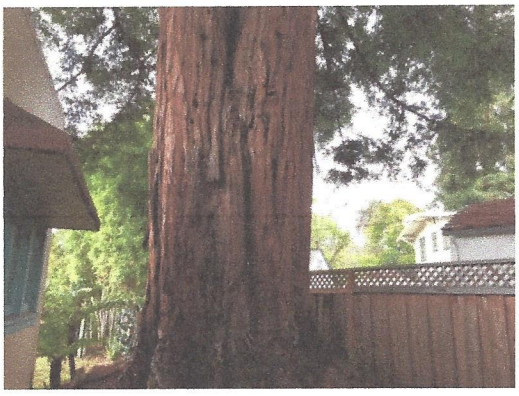




This Redwood (see images to right) is enormous. Quite simply this is a very large peg in a very small hole. All of that would be a non-issue except this tree has a serious structural flaw that could cause it to split in three different directions. When failure occurs the tree will cause enormous structural damages and loss of life is highly likely. The likelihood of tree failure in this instance is high. Rather than living with this enormous threat I recommend removing this tree ASAP.

**Discussion**

The Redwood was rated based upon the following table. As an example, a tree may be rated "good" under the Health column for excellent/vigorous appearance and growth, while the same tree may be rated "fair/poor" in the Structure column if structural mitigation is needed.



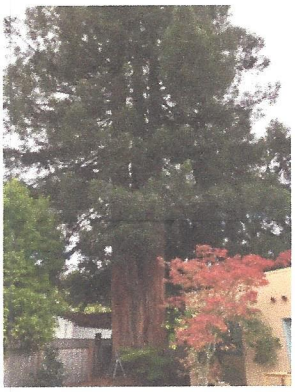


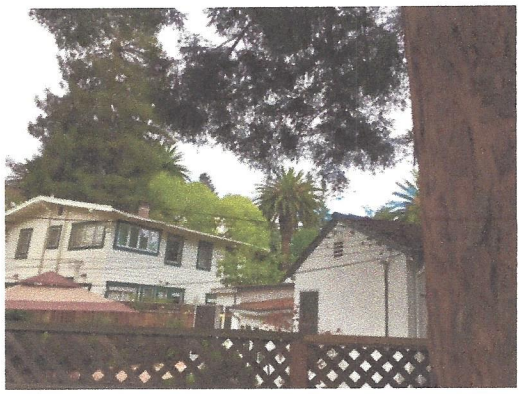
t650+321+0202 | f408+399+8063 | po box 971 los gatos ca 95031 | urbantreemanagement.com
contractors license # 755989 | certified arborist WC ISA # 623 | certified tree risk assessor #1399

| Rating | Health | Structure |
|---|---|---|
| **Good** | excellent/vigorous | flawless |
| **Fair/good** | healthy | very stable |
| **Fair** | fair | routine maintenance needed such as pruning or end weight reduction as tree grows, minor structural corrections needed |
| **Fair/poor** | declining | significant structural weakness(es), mitigation needed, mitigation may or may not preserve the tree |
| **Poor** | dead or near dead | hazard |

This Redwood has a trunk diameter (DBH) of 95.7". It stands approximately 120' tall and 45' wide. This tree is in Good Health but the Structure is Fair/Poor – Poor due to the three codominant limbs that make up the tree's main structure.

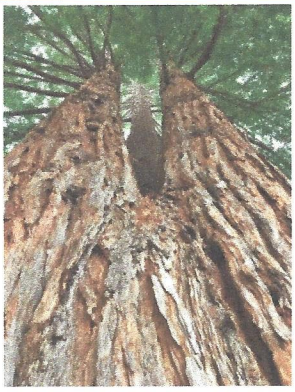
The tree is located 3.5' from the right rear corner of the home at 318 Pope, and right along the right side fence line (see images to right).

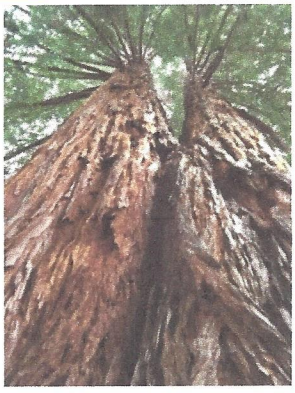




The main problem with this tree is the three main codominant leaders starting 15' above grade (see images to lower right). Codominant leaders, especially when they have included bark, are prone to splitting apart because they are not attached where they appear to be growing together (http://www.umass.edu/urbantree/factsheets/35codominantstems_rev1.html).

This tree has three main co-dominant leaders with included bark and the three leaders are not well attached to each other. In fact, each year the three main stems of this tree grow apart more and more. The union between these tree main stems is weak and highly prone to splitting apart. This is a well-known fact among trained Arborists. There is no disputing it. This isn't a matter of IF this tree will fail; it's a matter of WHEN.





The level of risk presented by this tree falling apart is extremely high. The combination of the height of this tree, the weight of the wood and the proximity of this house and the neighbors within striking distance – there are *at least* two – mandates that the risk be mitigated.

Mitigating the risk of a tree this large can only be done by removing the risk factor (ie. whole tree removal). If the tree were smaller a series of cables could be used to try to cable the three leaders together, in an attempt to have them not split apart in a high wind event. This tree currently has cables, but it is my opinion that they are non-functional. While there are Industry Best Practices for cabling trees – this tree is too large to be able to say that proper cabling would truly mitigate the risk of a large limb failure. Trees have not been engineered and the mitigation would not be engineered, thus the reliability of the cables would be a "best guess" at best. Due to the size of this tree and the threat of loss of life; a best guess is not acceptable.

The only acceptable mitigation for the risk represented by this tree is to remove the risk: tree removal.

While removing a tree of this size is always an unfortunate loss to the community and our environment, loss of life is unacceptable. The codominant leaders should have never been allowed to form on this tree, but that mistake was made many years ago and now we are faced with devising a resolution. The resolution, in this case, is to remove the Redwood tree.

Please contact me directly should you have any further questions.

Respectfully,

Michael P. Young

# Tree Management Experts

**Consulting Arborists**

3109 Sacramento Street
San Francisco, CA 94115

Member, American Society of Consulting Arborists
Certified Arborists, Tree Risk Assessment Qualified

cell/voicemail 415.606.3610 office 415.921.3610 fax 415.921.7711 email RCL3@mindspring.com


**Isabelle Cole**
**1525 Webster St.**
**Palo Alto, CA 94301**

**RE: 318 Pope St, Menlo Park**

**Date: 5/30/17**

# ARBORIST REPORT

## Assignment

- Provide a site inspection of the property at 318 Pope Street, Menlo Park.
- Evaluate one 3-stem coast redwood (*Sequoia sempervirens*) at the right of the house.
- Consider tree service options suggested by others.
- Evaluate risk and residual risk based on tree service options.
- Provide an Arborist Report of findings and recommendations.

## Executive Summary


The coast redwood is re-grown from an old stump, has developed 3 co-dominant competing stems each at 120 feet tall, and is failure prone. Two crack ribs have developed making one of these stems particularly prone to failure, and that stem would strike the neighbor's house upon failure.

Tree service options of pruning and cabling would increase the chances of a top failing, that already being an above-average risk, and leading to failure of a 36-foot long piece above the cabling point. The cabling would be undersized and unable to support the stem with crack ribs that has already partially failed.

Use of the International Society of Arboriculture (ISA) standard method of tree risk assessment (TRAQ) indicates that this tree poses a **high risk** for trunk failure with consequences of such a failure being **severe**. This tree is recommended for removal.


## Findings

Tree Structural Evaluation

I evaluated one coast redwood at 318 Pope Street in Menlo Park on 4/26/17. This tree is comprised of a stump that is about 12' tall, with three (3) 100-foot tall stems above the old stump. The stems are co-dominant, each growing roughly at the same speed and to the same size and magnitude. Because these are growing off of the same stump, the bark of each of the individual stems is trapped between the stems, and the attachment is inherently weak, and compromises the stability and structure of the tree.

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Below the attachment point, where those three stems join and attach to that old stump from years ago, there is a rib of wood that has formed on the street side of the trunk between and directly below two of the three stems. This rib extends almost all the way to the ground, and is nearly a foot thick. This rib is the result of an internal crack (called a crack rib), and is an indication of an internal weakness that originated with the included bark which is trapped between, and is now creating a crack as those stems have gotten larger and have pushed one another apart.

The stem that is on the right side of the two stems facing the street, which is the stem that is directly over the neighbor to the right at 310 Pope St, has another crack rib. This crack rib runs from about 3 feet above ground level to just below the lowest limb at around 25 feet up. This is a second rib that has formed, and relates to another crack that is internal to this stem. That particular stem is more likely to fail than any other large part of the tree, and strike that house. I think this is the biggest concern with this tree.

Tree Service Options

Pruning is of limited value because the branch structure is protecting itself from wind where the limbs are shielding one another and buffering one another from wind. If thinning were done in this tree it would increase the chances for limb failures because wind with higher velocities would get through and have a greater effect on the remaining limbs. Thinning is counterproductive to safety, in terms of limb failure.

If thinning were used as a means to reduce chances of a whole stem failure, you could relieve some of the pressure through thinning, but current research does not support this approach, and thinning does not actually work as well as we at one time we thought it would. At this time, we are tending to keep trees full and avoid thinning cuts. Thinning cuts are not beneficial in terms of biomechanics and transferring stress into trees. The mass damping is removed through thinning, and trees tend to fail much more readily when thinning is done. Failures as a consequence of thinning would likely include side limbs and the tops of the tree.

The idea of using a cabling system to try to reinforce the three co-dominant stems would have only a limited amount of benefit or value since the size of the stems being reinforced far exceed the specifications for available cabling hardware. Undersized hardware would be insufficient and ineffective reinforcement where the hardware would fail under loads. The cabling system would also be insufficient to offset preexisting failure patterns with cracks, crack ribs, and failures occurring in one of the three stems. Putting a cable in now would be akin to putting a band-aid on a broken leg.

According to industry standards, cabling in a tree is to be done at 2/3rds the length of the stems. This would be at about 84 feet above ground level (72 feet from the juncture point of the stems), and about 36 feet from the top of the stems. The cabling system would be attached to very large wood at that point, and holes would be drilled all the way through to

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have secure attachments, and would weaken the stems at that point. Given that the wood of this species, when open-grown, is relatively weak, a further weakness from drilling would increase the likelihood of a failure of one or more of the tops. The tops above the cabling would be about 36 feet long, and upon failure, would fall from 84 feet onto whatever is below. The shock load from winds after cabling could cause a smaller top to break from higher up, and falling even further. It is my opinion that this is not a prudent or wise direction to go, since this would reduce risk from one failure pattern by increasing risk of another failure pattern.

Limb failures (the side limbs) are relatively small parts, but are still up to several inches across and 15 to 20 feet long. Should they fail, they would potentially punch a hole in the roof, maybe break a window, and any individual limb therefore does not pose a lot of risk. The issue is that you have a lot of these limbs in the tree, and there are many opportunities for a limb to break. Any limb failure poses risk, and that risk is cumulative. Although any one potential limb failure is low risk, the cumulative risk from 100 or so limbs is no longer low and is arguably at least moderate risk. As far as one of the main stems, the co-dominant stems failing, the size of that piece is very large, so the consequences would be severe, and a home would be completely destroyed along with anything in it, including people and other contents. This would be a completely different magnitude of harm, and risk posed would be high.

In conclusion, the tree lacks stability because it has grown from an old stump, one of the three stems appeared to be particularly weak and prone to failure, and this stem has in fact partially failed. Given that there is a problem with that one stem, and there is a target beneath it which is 310 Pope St, that creates a situation that has such severe consequences that we wouldn't want to allow that to ever occur. Having that stem complete its failure pattern, which is already going on, beginning and established, having that continue and that stem fall would be an unacceptable outcome. It is my opinion that this tree should be removed based on its structural condition being compromised, and that the stem will strike a fixed, permanent and high value target with severe consequences. There is no means of mitigating these risks without creating new risks. This tree is currently high risk and will continue to be high risk regardless of what tree service options are employed.

Tree Risk Assessment (TRAQ)

The Tree Risk Assessment Qualification (TRAQ) method of evaluating trees characterizes almost all trees as low risk. This is based on my experience looking and many thousands of trees for Municipalities, private property owners and agencies where more than 99 percent of the trees are low risk trees. In casually looking at trees surrounding the subject tree, all other trees in view with the possible exception of one large valley oak far off in the distance, were likely low risk trees. Low risk trees are the norm.

Given this statistical model, any tree that is rated as moderate, high or extreme risk is the exception to the rule, is not a "normal" tree, and has a distinctly elevated level of risk. It should not be expected that someone would voluntarily be willing to own a home and to live

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beneath a moderate risk tree. I don't think that is a reasonable expectation that people can and should live beneath moderate risk trees. Moderate risk trees have known problems or issues, and if those issues cannot be mitigated, then the risk is elevated and will continue to elevate further.

Moderate risk trees are normally retained in the tree population if and only if they can be maintained and managed as low risk trees by some means. It may be a pruning strategy, installing cabling, or moving a target away from a tree. If these options are ineffective at reducing risk to a low level, the targets (people and property) will continue to be exposed to elevated levels of risk. It is my opinion that pruning and cabling this tree are not effective mitigation options to reduce risks to below moderate levels. Please see the attached TRAQ form completed for this tree.

Appraised Value

The City Arborist has asserted that this tree is valuable. According to the Guide For Plant Appraisal, 9th ed., Page 28 (see attached), a tree should not be appraised for amenity monetary value when it poses an unreasonable risk. A moderate or high risk tree poses substantially higher risk than normal trees, and this is an unreasonable level of risk. It is my opinion that this tree is not an asset, and is instead a liability.

**Recommendations**

I recommend that a permit to remove this tree be granted, and that the tree be removed prior to fall of 2017 when it is likely that storm events will occur that could lead to catastrophic failure of one of the co-dominant stems.

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## Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Title and ownership of all property considered are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible. The consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. Various diagrams, sketches and photographs in this report are intended as visual aids and are not to scale, unless specifically stated as such on the drawing. These communication tools in no way substitute for nor should be construed as surveys, architectural or engineering drawings.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written or verbal consent of the consultant.
7. This report is confidential and to be distributed only to the individual or entity to whom it is addressed. Any or all of the contents of this report may be conveyed to another party only with the express prior written or verbal consent of the consultant. Such limitations apply to the original report, a copy, facsimile, scanned image or digital version thereof.
8. This report represents the opinion of the consultant. In no way is the consultant's fee contingent upon a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule, an agreement or a contract.
10. Information contained in this report reflects observations made only to those items described and only reflects the condition of those items at the time of the site visit. Furthermore, the inspection is limited to visual examination of items and elements at the site, unless expressly stated otherwise. There is no expressed or implied warranty or guarantee that problems or deficiencies of the plants or property inspected may not arise in the future.

## 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 to 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 any medicine, cannot be guaranteed.

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

## Certification of Performance

I, Roy C. Leggitt, III, Certify:

- That we have inspected the trees and/or property evaluated in this report. We have stated findings accurately, insofar as the limitations of the Assignment and within the extent and context identified by this report;
- That we have no current or prospective interest in the vegetation or any real estate that is the subject of this report, and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions and conclusions stated herein are original and are based on current scientific procedures and facts and according to commonly accepted arboricultural practices;
- That no significant professional assistance was provided, except as indicated by the inclusion of another professional report within this report;
- That compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

I am a member in good standing of the American Society of Consulting Arborists and a member and Certified Arborist with the International Society of Arboriculture.

I have attained professional training in all areas of knowledge asserted through this report by completion of a Bachelor of Science degree in Plant Science, by routinely attending pertinent professional conferences and by reading current research from professional journals, books and other media.

I have rendered professional services in a full time capacity in the field of horticulture and arboriculture for more than 25 years.

*Signed:* Roy C. Leggitt, III

*Date:* *5/30/17*

# Basic Tree Risk Assessment Form

Client Isabelle Cole Date 4/26/17 Time 2 PM

Address/Tree location 318 Pope St. Menlo Park. CA Tree no. _____ Sheet _____ of _____

Tree species Sequoia sempervirens dbh 96" (est) Height 120' (est) Crown spread dia. 60' (est av

Assessor(s) Roy C. Leggitt, III Time frame 1 year Tools used Mallet, camera

## Target Assessment

| Target number | Target description | Target zone: Target within drip line | Target zone: Target within 1 x Ht. | Target zone: Target within 1.5 x Ht. | Occupancy rate (1–rare, 2 – occasional, 3 – frequent, 4 – constant) | Practical to move target? | Restriction practical? |
|---|---|---|---|---|---|---|---|
| 1 | Residence at 310 Pope Street (the neighbor) | ✔ | | | 4 | No | No |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |

## Site Factors

**History of failures** Two internal cracks with crack ribs formed **Topography** Flat ■ Slope ☐ _____% **Aspect** _____

**Site changes** None ■ Grade change ☐ Site clearing ☐ Changed soil hydrology ☐ Root cuts ☐ Describe _____

**Soil conditions** Limited volume ■ Saturated ☐ Shallow ☐ Compacted ☐ Pavement over roots ☐ _____% Describe Confined by two houses

**Prevailing wind direction** NW **Common weather** Strong winds ■ Ice ☐ Snow ☐ Heavy rain ☐ Describe Seasonal

## Tree Health and Species Profile

**Vigor** Low ☐ Normal ☐ High ■ **Foliage** None (seasonal) ☐ None (dead) ☐ Normal 100 % Chlorotic _____% Necrotic _____%

**Pests** None **Abiotic** None

**Species failure profile** Branches ■ Trunk ■ Roots ☐ Describe Branch failures common. Co-dominant stem failures common. Top failures com

## Load Factors

**Wind exposure** Protected ☐ Partial ☐ Full ■ Wind funneling ☐ _____ **Relative crown size** Small ☐ Medium ☐ Large ■

**Crown density** Sparse ☐ Normal ☐ Dense ■ **Interior branches** Few ☐ Normal ☐ Dense ■ **Vines/Mistletoe/Moss** ☐ _____

**Recent or planned change in load factors** None

## Tree Defects and Conditions Affecting the Likelihood of Failure

### — Crown and Branches —

Unbalanced crown ☐ LCR 80 %

Dead twigs/branches ☐ ____% overall Max. dia. _____

Broken/Hangers Number _____ Max. dia. _____

Over-extended branches ■

**Pruning history**

Crown cleaned ■ Thinned ☐ Raised ☐

Reduced ☐ Topped ■ Lion-tailed ☐

Flush cuts ☐ Other _____

Cracks ☐ _____ Lightning damage ☐

Codominant ☐ _____ Included bark ☐

Weak attachments ☐ _____ Cavity/Nest hole ____% circ.

Previous branch failures ☐ _____ Similar branches present ☐

Dead/Missing bark ☐ Cankers/Galls/Burls ☐ Sapwood damage/decay ☐

Conks ☐ Heartwood decay ☐ _____

Response growth _____

Main concern(s) Limb failures during storm events

**Load on defect** N/A ☐ Minor ☐ Moderate ■ Significant ☐ _____

**Likelihood of failure** Improbable ☐ Possible ■ Probable ☐ Imminent ☐ During storm event

### — Trunk —

Dead/Missing bark ☐ Abnormal bark texture/color ☐

Codominant stems ■ Included bark ■ Cracks ■

Sapwood damage/decay ☐ Cankers/Galls/Burls ☐ Sap ooze ☐

Lightning damage ☐ Heartwood decay ☐ Conks/Mushrooms ☐

Cavity/Nest hole _____ % circ. Depth _____ Poor taper ☐

Lean _____° Corrected? _____

Response growth 2 crack ribs

Main concern(s) Two long internal cracks are affecting one c dominant stem that upon failure would strike 310 Pope Stre

**Load on defect** N/A ☐ Minor ☐ Moderate ☐ Significant ■

**Likelihood of failure**

Improbable ☐ Possible ☐ Probable ■ Imminent ☐

### — Roots and Root Collar —

Collar buried/Not visible ☐ Depth _____ Stem girdling ☐

Dead ☐ Decay ☐ Conks/Mushrooms ☐

Ooze ☐ Cavity ☐ _____% circ.

Cracks ☐ Cut/Damaged roots ☐ Distance from trunk _____

Root plate lifting ☐ Soil weakness ☐

Response growth _____

Main concern(s) _____

**Load on defect** N/A ☐ Minor ☐ Moderate ■ Significant ☐

**Likelihood of failure**

Improbable ■ Possible ☐ Probable ☐ Imminent ☐

## Risk Categorization

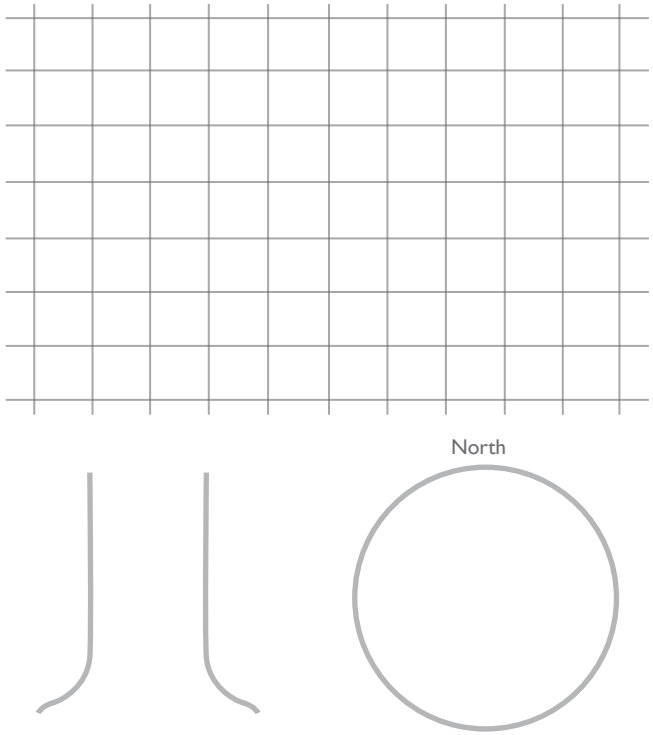
| Condition number | Tree part | Conditions of concern | Part size | Fall distance | Target number | Target protection | Likelihood: Failure: Improbable | Likelihood: Failure: Possible | Likelihood: Failure: Probable | Likelihood: Failure: Imminent | Likelihood: Impact: Very low | Likelihood: Impact: Low | Likelihood: Impact: Medium | Likelihood: Impact: High | Likelihood: Failure & Impact (from Matrix 1): Unlikely | Likelihood: Failure & Impact (from Matrix 1): Somewhat | Likelihood: Failure & Impact (from Matrix 1): Likely | Likelihood: Failure & Impact (from Matrix 1): Very likely | Consequences: Negligible | Consequences: Minor | Consequences: Significant | Consequences: Severe | Risk rating of part (from Matrix 2) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Trunk | Weak attachment and 2 cracks | 48" | 30' | 1 | No | ○ | ○ | ● | ○ | ○ | ○ | ○ | ● | ○ | ○ | ● | ○ | ○ | ○ | ○ | ● | High |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| 2 | Limb | Over-extended limb s | 6" | 30' | 1 | No | ○ | ● | ○ | ○ | ○ | ○ | ● | ○ | ● | ○ | ○ | ○ | ○ | ● | ○ | ○ | Low |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| 3 | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| 4 | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |

*Matrix 1*. Likelihood matrix.

| Likelihood of Failure | Likelihood of Impacting Target | | | |
|---|---|---|---|---|
| | Very low | Low | Medium | High |
| Imminent | Unlikely | Somewhat likely | Likely | Very likely |
| Probable | Unlikely | Unlikely | Somewhat likely | Likely |
| Possible | Unlikely | Unlikely | Unlikely | Somewhat likely |
| Improbable | Unlikely | Unlikely | Unlikely | Unlikely |

*Matrix 2*. Risk rating matrix.

| Likelihood of Failure & Impact | Consequences of Failure | | | |
|---|---|---|---|---|
| | Negligible | Minor | Significant | Severe |
| Very likely | Low | Moderate | High | Extreme |
| Likely | Low | Moderate | High | High |
| Somewhat likely | Low | Low | Moderate | Moderate |
| Unlikely | Low | Low | Low | Low |




**Notes, explanations, descriptions** The low risk rating for one limb is low, but cumulative risk from perhaps 100 limbs is cumulative and is greater than low.

**Mitigation options** Thinning and cabling; ineffective at reducing risk due to undersized hardware and increased risks for limb failures and top failures

**Residual risk** Moderate to High

**Residual risk** _____

**Residual risk** _____

**Overall tree risk rating** Low ☐ Moderate ☐ High ■ Extreme ☐

**Work priority** 1 ■ 2 ☐ 3 ☐ 4 ☐

**Overall residual risk** Low ☐ Moderate ■ High ■ Extreme ☐

**Recommended inspection interval** Remove before fall

**Data** ■ Final ☐ Preliminary **Advanced assessment needed** ■ No ☐ Yes-Type/Reason _____

**Inspection limitations** ■ None ☐ Visibility ☐ Access ☐ Vines ☐ Root collar buried Describe _____

# Guide for Plant Appraisal

9th Edition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Champaign, Illinois

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**Cover**

The trunk of a typical mature European beech (*Fagus sylvatica*) is being measured at 4.5 ft by Ellis Allen to calculate the cross-sectional area of the trunk. As viewed by the camera, it appears the trunk has a smaller diameter farther down; however, the diameter of the trunk at right angles to the plane of the photograph may be sufficiently smaller that the trunk circumference at 4.5 ft is smaller than any measurement lower. (See the discussion of tree size measurement, pages 35–38 and 44–45.)

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P.O. Box 1094
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(603) 673-3311

## Condition

*Trees posing unreasonable risks should* ***not*** *be appraised for amenity monetary value: Removal should be recommended. A separate hazard tree evaluation or tree structure evaluation may be required for trees in poor condition. Hazard trees may have firewood value, or a tree may be important to wildlife and could be kept if the tree does not stand near a high-use target, such as a sidewalk, driveway, or home.* (Matheny and Clark 1994).

The **Condition** of a plant is determined by evaluating its present structural integrity and state of health and, if necessary, its structure and health *prior* to being destroyed or damaged. The many factors involved in assessing the **Condition** of a plant require the skill of a qualified plant appraiser. Interviews with the property owner to ascertain the plant's history and symptoms seen in other seasons may be important. Prior photographs and tree maintenance history should be investigated by the plant appraiser.

*The many factors involved in assessing the Condition of a plant require the skill of a qualified plant appraiser.*

Even though a plant may appear to be healthy and have a strong structure, the species may be known to be short-lived, have brittle branches and/or branch attachments, be subject to serious insect or disease problems that persist in the area, not be hardy to the lowest temperatures on record, or be susceptible to another species-related malady. The **Condition** rating should not be adjusted to reflect such possibilities. These characteristics are **Species** rating concerns. A plant's existing condition is the most reasonable gauge for determining the **Condition** rating.

### Structural Integrity

A tree that appears to be healthy may have structural problems that could affect its **Condition** rating. A high degree of structural integrity is essential for a large tree located where its failure could cause personal injury or property damage. Thorough examination of a tree is a primary concern for an appraiser. It may be advisable to climb the tree and/or perform a root collar evaluation through excavation, if necessary, for a closer diagnostic inspection.

When checking the structural integrity of a large tree, the appraiser should first examine it for root conditions and stability; trunk soundness, decay, or cavities; then branch conditions, soundness, and attachment.



Potential hazards in trees may be indicated by raised soil on one side of the trunk, broken or dead roots, a leaning trunk, conks of wood, decaying fungi, codominant stems, included bark, split branch attachments, several branches arising close together on the trunk (except for central leader trees such as conifers), and dead limbs (Matheny and Clark 1994).

If a tree problem cannot be corrected, or the tree is not worth saving, its removal should be recommended. A tree to be removed may have a negative value if its timber or firewood value is less than the removal and cleanup costs.

There may be occasions when a tree's problems can be corrected, and the tree could pose less of a risk if the **Condition**(s) can be corrected. In this situation, rate the tree as if the **Condition** had been corrected; then subtract the estimated cost of corrective work from its final value to obtain the appraised value of the tree (see Cost of Repair Method, Chapter 5). A disclaimer should accompany the value, specifying that corrective measures shall be taken by the client to improve the tree's condition.

Although it may not be considered hazardous at present, a tree could have a poor genetic structure that would be vulnerable to damage in a severe storm. Such a tree would be given a lower **Condition** rating than a tree with a stronger structure. If present, any of these **Conditions** may be only of minor concern. The appraiser must consider structure in relation to a potential target. Poor structure of a tree in a woodland site without a trail system would not be as serious as in a high-traffic area.

### Plant Health

In analyzing plant health, an appraiser must be familiar with the characteristics of a common plant of the species or cultivar being appraised, its mature size, leaf and bud size and color, shoot growth, and tree structure. The appraiser should observe these aspects of the whole plant and note plant health and obvious defects. The general health and vigor of a plant can be evaluated by the annual shoot growth from preceding years. Progressively less growth for each of the past several years and weak foliage can indicate stress or a deteriorating condition, especially in trees.

Some symptoms of a plant in poor condition are leaf discoloration, abnormal leaf size, shortened

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# Curriculum Vitae

## Roy C. Leggitt, III

*Consulting Arborist and Plant Scientist*

**Education:**

Bachelor of Science, California State University – Fresno.
Plant Sciences, Ornamental Horticulture

Professional Qualifications

Member, American Society of Consulting Arborists
Graduate, ASCA 2003 Consulting Academy
Certified Arborist WE-0564A, International Society of Arboriculture
Tree Risk Assessor Qualified (TRAQ), International Society of Arboriculture
California State Contractor License for Tree Service C61/D49 #885953

Continuing Education / Topic or Seminar Titles

Selection of methodology in tree appraisal
Tree Appraisal Workshop
Tree Appraisal Theory and Practice: An Advanced Seminar
Testifying Skills for Consulting Arborists
Trees and the Law
Understanding Soils
Soil Compaction
Roots and Soils
Reforestation in the Forest, Suburbia and the City
Palm Cultivation
Sudden Oak Death
Tree Preservation During Construction
Hazard tree risk assessment and management
National Tree Failure Program
Body Language of Trees
Tree Physiology
Davey Operational Safety program
Fire Risk Management
Riparian zone conservation
Resistograph® Certification Seminar

Areas of Specialized Study

Plant physiology and biology
Plant taxonomy
Arboriculture
Irrigation technology
Soil science
Landscape design
Plant pathology and mycology
Risk assessment
Arboricultural biomechanics

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Related Fields of Study

Agronomy and viticulture
Geological science
Computer sciences and programming
Mathematics
Physics

**Employment:**

| | |
|---|---|
| 1987-Present | Self-employed Consulting Arborist and Horticultural Consultant. |
| 2011-Present | Member of the Opine Experts group. |
| 1992-2002 | The Davey Tree Expert Co., Inc.: project management, representative, consultant. |
| 1989-1992 | Golden Coast Environmental Services, Inc.: project management and northern California representative. |
| 1988-1989 | City of Fresno: supervised team of 4 data collectors to develop citywide inventory. Developed and adapted software throughout project. |
| 1987-1988 | Center for Irrigation Technology: research on sprinkler distribution patterns using laser scanning to measure droplet size. |

**Agency Certifications:**

Small Business Administration: Certified Small Business DUNS# 12-783-9798

San Francisco Human Rights Commission: Certified Local Business Enterprise (LBE) and Certified Disadvantaged Business Enterprise (DBE). Certification number: HRC020914873

San Francisco Redevelopment Agency: Certified Small Business Enterprise (SBE). Certification number: 113-10706-013

**Consultant:**

Municipal and Agencies

1988-1989: City of Fresno: managed an in-house street tree inventory project, including staff training and management, data quality control, software modifications and implementation of database.

1989: City of Palo Alto: managed data collection and software implementation for a City-wide street and right-of-way tree inventory.

1989-1990: City of Visalia: managed data collection and software implementation for a street tree inventory and a valley oak conservation study of all areas within City limits.

1990: City of Manteca: City-wide street tree inventory and management plan.

1990: City of Lancaster: City-wide street sign inventory.

1990: City of Pasadena: City-wide inventory of street trees, street lighting, sidewalk damage survey; site-specific sidewalk redesign specifications to accommodate tree needs.

1990-1992: City of Los Angeles: managed 6 staff data collectors. Oversaw data quality and localized data base installations in field offices.

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1994-1997: City and County of San Francisco, Housing Authority: tree surveys, tree management planning and contract administration for Sunnydale (phase I), Hunter's View, Potrero Terrace and Potrero Annex.

1999-2000: City of Pacifica: risk assessment tree survey for 639 trees including a recommendation for removal of 119 trees. Represented the City on a panel to answer over 200 citizen inquiries. Represented the City to administer the tree service contract.

1999-2000: National Park Service, Fort Mason: inspections and reports to facilitate tree management decisions. Evaluation based on safety and neighbor concerns. Conducted 3-hour training session for staff on proper pruning techniques.

2002: National Park Service, Muir Woods National Monument: deconstruction planning, hazard evaluation and construction planning in tree-sensitive areas.

2002-Present: City of Pacifica: site-specific inspections and recommendations for management decisions, risk assessment and dispute resolution.

2003: City of Pacifica: tree risk assessment and tree management study. Field report and geographic information system developed to implement tree removal, reforestation and replacement tree conservation in a residential neighborhood and riparian zone parks.

2003-2006: USDA Research Station, Albany: soil nutrition and hydrology survey; plant location, size and health survey; comprehensive interpretive report with map inserts.

2004: City of San Pablo: site assessment, tree health assessment and recommended remediation for 44 palm tree planting sites in a commercial district.

2004-2005: City of Oakland: Leona Quarry Redevelopment Master Plan; plan review, project compliance with conditions of approval.

2005-2006: City of Oakland: City-wide tree inventory; estimated 300,000 tree sites. Vector-mapping by block side, PDA data collection, database development, GIS implementation.

2006-2007: City of Pacifica: tree risk assessment and tree management study for all large trees managed by the City that are located in streets and parks.

2006-2007: San Francisco Public Utilities Commission with Ecology & Environment, Inc: Crystal Springs Pipeline No. 2 project. Provided the tree survey and arborist memorandum for an environmental impact report. Tree protection and mitigation measures were evaluated at the Municipal, County and State levels, including considerations under the California Environmental Quality Act (CEQA) and SB-1334.

2006-2011: Federal Building, Golden Gate Plaza: with PGA Design, provided design review, species selection and site management and monitoring specifications. Provided ongoing monitoring and evaluations, and design and installation of new landscape areas.

2007: City of Pacifica: Author of DPW publication *Trees for Pacifica: Tree Selection and Planting Guide* to provide appropriate species selection based on site assessment, wind, coastal influence, tree size and growth rate with ornamental and native species.

2008: State Compensation Insurance Fund: tree health and site assessment with recommendations for tree care. Review of new plaza design to preserve existing trees during construction.

2008: National Park Service, San Francisco Maritime National Historic Park: tree health and risk assessment with recommendations.

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2008-2009: San Francisco Public Utilities Commission with ESA/Orion Joint Venture: Crystal Springs Pipeline No. 2 project. Provided project refinement and enhancement of options through inclusion of tree impacts caused by use of helicopters, temporary bridge construction and installation of cathodic protection.

2008-2009: City of Oakland, with PGA Design: City sidewalk repair specifications, monitoring and stress tests.

2008-2011: General Services Administration, National Archives, San Bruno: provided a tree survey and management plan, ongoing contract management and re-evaluation for health and hazard trees.

2009-2010: San Francisco Public Utilities Commission, Bay Division Pipeline 5. Completed the initial tree study with Merrill Morris Partners. Completed training, job hazard analysis and safety work plans for Hernandez Engineering. Completed pre-construction tree survey with an inventory and mapping of the western reaches for Mountain Cascade.

2010-2012: City of Emeryville: Provided City Arborist services for the installation of 12 new date palms at the west end of Park Avenue, and follow-up monitoring and recommendations.

2011: BART through Flatiron Construction. Completed a landscaping and tree survey for vegetation losses caused by construction of the Oakland Airport Connector.

2009-Present: City of Alameda Housing Authority: provided tree surveys in 2009 and 2011 with scale drawings and a management plan for all properties containing trees. Provided tree hazard evaluation for all removals, and ongoing inspections and reports.

2010-Present: San Francisco Public Utilities Commission. As-needed projects as a sub-consultant for MWH and HDR contracts. Most recent project is a tree risk assessment study for the trees at Lake Merced.

2013-Present: San Francisco Department of Public Works, with Empire Construction: provided inspections, root pruning and low limb pruning for street trees during sidewalk repairs.

2013-Present: Santa Clara County with Hexagon Transportation and URS: species lists for various tree planting typologies for over 600 miles of roads throughout Santa Clara County.

2015: City of Pacifica: tree risk assessment and tree management study for all large trees managed by the City that are located in streets and parks.

2015-Present: San Mateo County Events Center: tree evaluations and maintenance specifications with tree service oversight.

2016: San Mateo County Parks Department, Memorial Park: risk assessment and tree removal list for trees within the east part of the use areas.

Association Management Planning

1998-1999: Laguna Heights Co-op Corp.: tree inventory and mapping for 450-tree association property. Tree management plan and 10 year maintenance cost projections.

2003-Present: Treasure Isle HOA: database tree inventory, tree maintenance and management plan, creation of a fully cross-indexed management manual and project management. Ongoing assistance with vendor oversight, conflict resolution and interfacing with City staff. 16-acre site.

2003-Present: Bohemian Club, San Francisco: management for intensely used urban planting sites for Boston ivy, trees and shrubs.

2004: La Salle Heights HOA, San Francisco: tree and vegetation study for a 16-acre site with 800 trees, native plants, invasive exotic plants and landscaping. Data and analyses included pest and

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disease management, species selection, fire risk assessment, irrigation assessment, erosion, soil properties and preparation of a site map.

2004-Present: Longwater HOA, Foster City: tree inventory, site mapping and management plan for 207 trees in common areas. Many young trees were inspected with nursery, planting and cultivation problems. Management planning included species suitability, planting density, remediation strategies and maintenance recommendations. Large trees primarily required health and risk assessment with maintenance recommendations. Ongoing inspections.

2004-2013: Barron Square HOA, Palo Alto: tree inventory, site mapping and management plan for 259 trees of 37 species in common areas. Primary areas for recommendations were risk assessment, planting density, irrigation, drainage, infrastructure conflicts and maintenance. Ongoing inspections.

2004-2011: Edgewater Isle South HOA, San Mateo: tree inventory, site map and management plan for 135 trees in common areas. Site assessment and tree planting plan in 2006. Ongoing inspections.

2005-2012: Edgewater Isle Master Association, San Mateo: tree inventory, digital site mapping, comprehensive management plan and field manual. Tree health, risk assessment and infrastructure conflicts evaluated. Site assessment and tree planting plan in 2006. Ongoing inspections.

2005: Serravista HOA, South San Francisco: site assessment, tree health assessment, species recommendations and Planning Department documents

2006-Present: Alverno Hill HOA, Redwood City: construction impacts and landscape plan review from neighboring property development and a fire risk assessment report. Tree inventory and management plan for all common areas. Ongoing inspections.

2006-Present: Whaler's Island HOA, Foster City: tree inventory, digital site mapping, comprehensive management plan and field manual. Tree health, risk assessment and infrastructure conflicts evaluated. Ongoing inspections.

2007-2009: Glenridge Apartments Co-operative: tree risk assessments and recommendations.

2007-2009: Oak Commons HOA, Gilroy: tree health and risk assessment of 3 large oaks with recommendations. Evaluation of new tree health, crowded plantings and installation and nursery defects for over 900 new trees within new development landscaping with recommendations.

2007-Present: Pitcairn HOA, Foster City: tree health and risk assessment with cultivation recommendations with updates. Ongoing inspections.

Construction Mitigation

1995-2001: Proulx properties: 7-year project to combine 4 large estates including management of natural areas, private golf course design/build impacts, new infrastructure, private vineyard and orchard.

1998-2002: Presidio Hill School: building and utility service design modifications necessary to preserve 3 large trees during historic building preservation and new construction over 4 1/2 years.

1998-2004: Bay Area Discovery Museum: preservation of historic eucalyptus trees from design stages through construction during a 15,000 square foot expansion over 5 years.

2001: #1 Front Street: comprehensive report to assess problems and recommend remedial steps for cultivation of 41 trees in containers on high-rise roof terraces.

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2002-2003: Marina Chateau: 8th floor deck-installed design including a decorative screen and selection of containers and plants.

2002-2007: Laguna Honda Hospital: tree preservation and conservation of a historic arboretum, and tree preservation at various new building construction sites within a 63-acre site to be executed over 10 years.

2004-2006: GK Builders: tree protection and preservation planning for residential development.

2004-2006: Sal Caruso Design Corporation: tree protection and preservation planning for various condominium conversion projects and for the Fremont Child Care Center.

2004-2007: Simpson Design Group: tree protection and preservation planning for residential development.

2004-2007: Worldco Company, Ltd: tree protection, planning, tree and landscape design issues.

2004-2008: Equity Community Builders, Cavallo Point and Healing Arts Center (The Retreat at Fort Baker), Sausalito. Site assessment, health assessment, construction modification, tree protection and preservation recommendations, co-author and lead consultant for a 10-year tree management plan.

2004-2010: The Altenheim, Oakland: tree survey and report to conserve a rare plant and historic landscape of 6.2 acres during an adaptive reuse construction project. Ongoing work during redevelopment with Eden Housing.

2005: EDAW, Inc.: project planning, including tree protection, preservation and species selection.

2005-2007: Devcon Construction: tree protection and preservation planning, on-site inspections during construction, mitigation recommendations, maintenance recommendations.

2005-2008: Safeway, Inc: tree assessment, site assessment, design review, tree protection measures and new planting recommendations.

2006-2012: DES Architects & Engineers: tree assessment, site assessment, appraised values and tree protection during construction.

2007-2008: Royston Hanamoto Alley and Abey (RHAA): City College of San Francisco. Provided design review, analysis of site conditions, species recommendations and spacing requirements for the re-design of the core areas of the campus and expanded areas adjacent to the reservoir.

2008: Hanover Company: tree health and risk assessment for the Candlestick Cove project in San Francisco.

2008-2009: LaLanne Group, University Village: provided a tree survey and tree protection plan for redevelopment of a historic arboretum site that was formerly part of UC Berkeley.

2009-2010: Webcor Construction, Inc: San Francisco General Hospital. Provided pre-construction evaluation of trees and soil conditions, recommending removal, transplanting, pruning and tree protection measures. Project Arborist for new construction and utilities.

2009-2010: San Francisco Botanical Garden, pathway improvement project. Provided ongoing inspections and reports for many rare tree species. Worked on behalf of the paving contractors, AAA Construction and Trinet Construction, in cooperation with Botanical Garden and City staff.

2010-2013: California Pacific Medical Center, St. Luke's Hospital replacement, through HerreroBoldt. Provided a tree survey and management plan, tree removal recommendations, reports and a hearing for City permitting, design modifications for accommodation and protection of a San Francisco Landmark Tree.

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2010-Present: Cypress Lawn Memorial Park. Provided tree surveys and management plan updates, Project Manager for Water Efficient Landscape Regulations ordinance revisions, management of construction impacts, historic arboretum conservation and interpretation, in-house training programs and public outreach programs.
2012: Office of Cheryl Barton: Huntington Botanical Gardens, San Marino: Provided design review services and specifications for soil harvesting, storage and replacement, drainage issues, planting specifications and species selected for new entry gardens.

2012: Office of Cheryl Barton: Santa Clara Valley Medical Center, San Jose: Provided a tree survey, soil testing and analysis for horticultural properties, and Master Plan team participation.

2013-2014: Town School for Boys: various tree and landscape issues for tree protection planning and ongoing care issues during demolition and excavation.

2015-2016: Hunter's Point East West project with John Stewart Company and PGA Design: Provided risk and health assessment plus tree protection planning for all trees on 4 low income housing projects in San Francisco.

2015-2016: Edgewater Senior Housing, San Mateo: tree survey for construction, species replacement needs, planting plan review, negotiations for key tree removal permit for social center construction.

Maintenance Management

2003-Present: Bohemian Club, San Francisco, providing conservation and management of extensive Boston ivy, trees, shrubs and irrigation at their downtown site.

2004-2014: Bay Area Discovery Museum: maintenance planning and maintenance policy development for outdoor educational exhibit areas.

2004-2011: Kaiser Permanente hospitals, 2 sites in San Francisco, provided management of all tree-related decisions and maintenance.

2010-Present: Cypress Lawn Memorial Park: maintenance planning and oversight during implementation.

2013-2015: Parkmerced: tree risk assessment study and management plan, digital mapping. Maintenance scheduling for bi-monthly tree service.

2013: Bentley School in Oakland: coast redwood tree risk assessment, preservation specifications and oversight for implementation.

2014-Present: Camp Tawonga: tree risk assessment for all trees near use areas. Ongoing inspections and assessments. Interface with tree service contractor.

2015-Present: San Mateo County Events Center: tree risk assessment and tree service specifications and oversight with contractor.

2015: Western Railway Museum: the first ever evaluation of trees throughout the museum and working railway system grounds with maintenance recommendations and priorities.

Customized Services

2009-2011: Hartmann Studios: Developed Standard Operating Procedures (SOP) for ongoing care, maintenance and handling of nursery stock used for special event plant rentals. All illustrations, photographs and text were original work that was translated into Spanish.

2010: Quality of Life Foundation: Designed and implemented a program for volunteer-based tree plantings at schools and parks.

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Natural Areas

2001-2003: Presidio Trust: ongoing volunteer participation including site restoration, maintenance and monitoring for quail habitat sites.

2001-2004: Kirsch property; riparian zone site evaluation, recommendations, re-vegetation planning and monitoring requirements, vineyard impacts and management issues.

2004-2005: City of Oakland, with PGA Design: Leona Quarry Redevelopment Master Plan; plan review, project compliance with conditions of approval integrating with natural areas.

Small Projects

1987-Present: Consultation and Arborist Reports: routinely created as guidance to project sponsors, contractors, Architects, landscape maintenance companies, commercial property managers, residential owners, concerned neighbors, Municipalities and insurance companies. Projects are throughout the San Francisco bay area with a concentration on the Peninsula, in San Francisco and in Marin County. Projects are too numerous to list separately.

Public Hearings

Representation at local government public hearings is a routine assignment. A list of Expert Public Testimony is available upon request.

Appraisals and Claims Settlement

1987-Present: Trespass and Negligence: routinely provide inspections, reports and appraisals for small trespass and negligence cases, generally negotiated, mediated, arbitrated, settled out of court or settled in small claims court.

1992-2002: The Davey Tree Expert Co., Inc.: provided all tree appraisals for the district office serving San Mateo and San Francisco counties.

1992-2011: California State Automobile Association: routinely provide inspection and appraisal information for claims settlement on both homeowner policies and automobile policies.

1994-Present: Farmer's Insurance: routinely provide inspection and appraisal information for claims settlement on real estate policies.

1999-Present: City of Pacifica: forensic investigations and technical report writing as an expert for tree dispute resolution.

2004-Present: State Farm Insurance: provide inspection and appraisal information for claims settlement.

2008: Shelter Ridge HOA, San Rafael: tree health and appraisal for damaged trees.

2008-2011: Allied Insurance: provide inspections, forensic investigations and appraisals for claims settlement.

Expert Witness

Routinely provide expert opinion and testimony on tree and horticulture issues to areas of legal practice that include Land Use, Real Estate, Trespass, Negligence and Personal Injury.

Trained and certified within the field of Arboriculture in technical report writing, forensic sciences, expert case preparation, deposition procedure and trial procedure.

Partial list of attorney-clients:

Eric Abramson, esq. of Abramson, Smith, Waldsmith for plaintiffs
David Balch, esq. of Kennedy, Archer & Harray for defendants

**Tree Management Experts**
**Consulting Arborists**
3109 Sacramento Street
San Francisco, CA 94115

Member, American Society of Consulting Arborists
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Steven A. Booska, esq., for plaintiffs and defendants
Matthew Davis, esq. of Walkup, Melodia, Kelly & Schoenberger for plaintiffs
Robert A. Ford, esq., Rene I. Gamboa, esq., and Katherine A. Higgins, esq. of Lewis Brisbois Bisgaard & Smith for defendants
Brian Gearinger, esq., of Gearinger Law Group for plaintiff
Michael D. Green, esq. of Abbey, Weitzenberg, Warren & Emery for plaintiff
Robert Harrison, esq. of Wright, Robinson, Osthimer and Tatum for defendant
James C. Hazen, esq. of Gray & Prouty for defendant
Richard Herzog, esq., for defendant
Robert S. Jaret, esq. and Phillip A. Jaret, esq. of Jaret & Jaret for plaintiffs
Ryan Kahl, esq. of R. Rex Parris Law Firm for plaintiff
Brendan Kunkle, esq. of Abbey, Weitzenberg, Warren & Emery for plaintiff
Michael D. Liberty, esq. for plaintiff
Stephen K. Lightfoot, esq. of Ropers Majeski Kohn Bentley for defendants
Peter Lynch, esq. of Cozen O'Connor for plaintiff
Michael J. Macko, esq. of Fores Macko for plaintiff
Todd Master, esq. of Howard, Rome, Martin & Ridley for defendant
Thomas J. McDermott, esq. of Bragg & Kuluva for plaintiff
Cynthia McGuinn, esq. of Rouda Feder Tietjen McGuinn for plaintiff
Timothy Tietjen, esq. of Rouda Feder Tietjen McGuinn for plaintiff
Mark Mosley, esq. of Seiler Epstein Ziegler & Applegate for plaintiff
Michael P. Reid, esq. for defendant
Dan Reilly, esq. for defendant
Kerry Renn, esq, for plaintiff and defendant
Michael R. Reynolds, esq, of Rankin, Sproat, Mires, Beaty & Reynolds for defendant
Andy Sclar, esq. of Ericksen Arbuthnot for defendant
Richard Shoenberger, esq. of Walkup, Melodia, Kelly & Schoenberger for plaintiffs
Marc D. Stolman, esq. for defendant
Megan Symonds, esq. of Santana & Hart for defendant
Peter Van Zandt, esq. of Bledsoe Law Firm for defendant
R. J. Waldsmith, esq., Eric Abramson, esq. and William B. Smith of Abramson Smith Waldsmith for plaintiffs
Joseph L. Wright, esq. of Dambacher, Trujillo and Wright for plaintiffs

Confirmed Expert Witness in Superior Courts: San Francisco, San Mateo, Santa Clara, Monterey and Tuolumne Counties.

Lectures and Presentations:

1995: Three one-hour lecture sessions to College of San Mateo General Ornamental Horticulture class titled: "From Planting to Pruning of Woody Ornamentals in the Landscape."

1998: Three one-hour lecture sessions to College of San Mateo General Ornamental Horticulture class titled: "From Planting to Pruning of Woody Ornamentals in the Landscape."

1999: One-hour slide lecture at the Presidio to National Park Service Landscape Architects from across the country. Lecture topic*: History in Pruning: historic plantings and historic pruning.*

April 2002: Urban forestry presentation to San Francisco Department on the Environment

May 2002: Presentation to Tree Advisory Board on Landmark Tree Nominations in San Francisco

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October 2004: Two-hour presentation for a Certified Arborist examination preparation class titled: "Assessment and Risk Management"

October 2004: Presentation of industry-specific use of scientific tools at Tool Day

November 2004: Presentation titled: "Tree Health During Construction"

January 2005: Presentation with handouts titled: "Air-spade: Uses, Limitations and Specifications"

March and April 2006: Leader of two tree walks in Palo Alto for Canopy

August 2006: PowerPoint presentation to the Association of Bay Area Governments (ABAG) with handouts titled: "Integration of Risk Reduction Pruning to Municipal Management Systems"

May 2007: PowerPoint presentation to Bay Area staff from The Care of Trees®, Inc. with handouts titled: "Risk Reduction Pruning"

September 2007: PowerPoint presentation to the Western Chapter International Society of Arboriculture (WCISA) with handouts titled: "Integration of Risk Reduction Pruning Into Municipal Management Systems"

November 2008: One-hour presentation with 8 page handout titled "Tree Assessment and Risk Management", for a Certified Arborist examination preparation class

June 2009: One-hour presentation at Merritt College with 8 page handout titled "Tree Assessment and Risk Management", for a Certified Arborist examination preparation class

August 2009: Landmark Tree Tour leader volunteer for City of San Francisco, Department of the Environment

May 2010: Two-hour PowerPoint presentation titled: "Pruning Standards for San Francisco" for City of San Francisco staff, as a volunteer for the Department of the Environment

March 2011: Two one-hour kid-friendly tree tours for the City of Palo Alto Arbor Day celebration

April 2011: One-hour PowerPoint presentation and lecture: *Celebrating Historic Trees and Landscape at Cypress Lawn*.

June 2011: Presentation to Colma Town Council on revisions to the Water Efficient Landscape Regulations ordinance.

July 2012: Opine Experts Panelist at the Bay Area Chapter of the Forensic Expert Witness Association.

February 2013: Two-hour lecture and field demonstrations on fruit tree pruning to members of the Fort Mason Community Garden, San Francisco.

June 2013: One and a half-hour presentation the San Francisco Botanical Garden titled "Tree Assessment and Risk Management" for a Certified Arborist examination preparation class

August 2013: One-hour presentation to the Society of Forensic Engineers and Scientists titled "Trees in Urban Areas: Why Risk Assessment Matters"

October 2013: One half hour presentation to the Western Chapter – International Society of Arboriculture (WC-ISA) titled "Pruning with Care: When and How to Prune to Avoid Harming Birds"

September 2015: One-hour presentation to the Society of Forensic Engineers and Scientists titled "Getting to the Root of Sidewalk Damage"

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Media and Publications:

Featured by Printed Media

American Way: September 15,1989, Mini-Splendored Things
The Fresno Bee: May 14, 1990, Editorials, Tree Spirits in Visalia
Visalia Times-Delta: 1991, Arborist takes Visalia's trees to heart
The Fresno Bee: 1991, Taking stock of Visalia's roots
Stockton Record: 1991, Sizing Up Manteca's Trees
Bay Guardian: April 16, 1997, Endangered species
San Francisco Chronicle: May 14, 2008, City takes the case of mystery manzanita
San Francisco Examiner: April 27, 2009, Art project may be putting trees at risk

Speaker via Media

Storm Report of December 1994
ABC Television: 20-minute storm report interview
ABC Radio: 10-minute interview

Publications

SF Apartment Magazine, October 2003, *Tree Dispute Resolution*
Canopy: Trees for Palo Alto newsletter, Fall 2005, *Ask the Arborist* column
Opine Experts, web article, *The Credible Expert Witness: Callous Hands that Touch Trees*
Opine Experts, web article, *The Importance of Narrative in Technical Report Writing*
Opine Experts, web article, *A Reality Check for Would-be Forensic Experts*
City of Pacifica: Author of DPW publication *Trees for Pacifica: Tree Selection and Planting Guide*
Golden Gate Audubon Society, Co-author of a brochure *Healthy Trees, Healthy Birds; Bird-Friendly Tree Care for the San Francisco Bay Area*

Public Policy:

Tree Advisory Board (volunteer): regular attendance and participation from June 1995. Appointed as voting Member by the Director of the Department of Public Works in June 1998. Appointed by the Board as Chair of the Landmark Tree Committee.

City of San Francisco: developed a partnership between corporate tree care and the Clean City Coalition to benefit DPW. Provided pro bono recommendations to DPW staff.

City of San Francisco: developed a maintenance agreement strategy to allow proper maintenance by an outdoor advertising company of previously city-maintained trees.

Tree Summit, Friends of the Urban Forest (volunteer): panel member for discussion of Urban Forestry among public and private sector stakeholders to develop the State of the Urban Forest Report, 2000.

City of San Francisco: assisted in modifications to Department of Public Works code Article 16. Ordinance changes include integration of various departments, the creation of the Bureau of Urban Forestry, and creation of the Urban Forest Council.

2008: EDAW, Inc.: San Francisco Urban Forestry Master Plan for the San Francisco Planning Department. The Consulting Arborist for a team to develop a Master Plan to integrate Arboriculture, Urban Design, infrastructure conflicts, sustainable ecology, funding strategies and maintenance alternatives.

Conservatory Foundation (non-profit): served 6 years on the Board of Directors to preserve the rare plant collection and the building, Golden Gate Park Conservatory of Flowers, San Francisco.

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City of East Palo Alto: pro bono assistance to City staff in developing a heritage tree protection ordinance.

Canopy (non-profit): pro bono assistance in formulating a public-private partnership with the City of East Palo Alto and their citizens for the first volunteer-oriented public tree planting project. Assistance to Canopy with a grant funds application to the California Department of Forestry.

Friends of the Music Concourse: provided expert assistance over more than 1 year and public testimony on several occasions to achieve landmark status for historic trees in the Music Concourse of Golden Gate Park in San Francisco. The Music Concourse and the historic grid of trees were declared a City Landmark in December 2005.

Canopy (non-profit): Board member from February 2007 to 2012. Board Secretary from 2008 to 2012.

Cypress Lawn Memorial Park: Project development, Town negotiations, management of the consulting team and author of the draft ordinance for water efficient landscape regulations ordinance revisions under AB 1881, designed to accommodate cemetery landscapes in the Town of Colma.

Professional Affiliations and Memberships:

American Society of Consulting Arborists (ASCA), Member
Society of Forensic Engineers and Scientists (SFES), Member
International Society of Arboriculture (ISA), Life Member
Western Chapter, International Society of Arboriculture (WC-ISA), Member

Related Affiliations and Memberships:

California Invasive Plants Council
California Native Plant Society
California State Parks Foundation
Canopy, Trees for Palo Alto
Conservatory of Flowers
Friends of the Urban Forest
Golden Gate Audubon Society
National Audubon Society
Natural Resources Defense Council
Nature Conservancy
Pacific Crest Trail Association
San Francisco Botanical Garden Society
Sempervirens Fund
Sierra Club

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Travel to Notable Trees

Coast Range, California: coast redwood stands
Sierra Nevada, California: giant sequoia stands
White Mountains, California: ancient bristlecone pine forest
Fairchild Tropical Garden, Boca Raton, Florida: arboretum
Milford Trek, Fjordland, New Zealand: southern beech pygmy forest and tree ferns
Northland, New Zealand: Waipoua Forest, kauri and associated species
Amazon, Peru: tropical South American species
Botswana: Southern Africa species, baobab and ebony
Kruger National Park, South Africa: native plant nursery
St Petersburg, Russia: pruning, cabling, bracing and guying techniques
Ta Prohm, Angkor Wat, Siem Reap, Cambodia: tropical trees and figs on the ancient temple with underpinning, and strategic removals
Saigon, Ho Chi Minh City, Vietnam: ancient and modern propping techniques; arboretum

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ATTACHMENT G

BONAPART & ASSOCIATES
Law and Mediation

Barri Kaplan Bonapart, Esq.

Marina Office Plaza
2330 Marinship Way, Suite 302
Sausalito, CA 94965

Phone: (415) 332-3313
Facsimile: (415) 332-4603

May 31, 2017

VIA EMAIL (city.council@menlopark.org) and U.S. Mail

City Council
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

**Re: Appeal From Denial of Tree Removal Permit at 318 Pope Street**

Dear City Council Members:

This office represents Isabelle and Louis Cole regarding the denial of their Heritage Tree Removal Permit Application by the Environmental Quality Commission. Three separate consulting arborists who have examined this tree have recommended it be removed for being at a "high" risk of failure.

First, Kielty Arborist Services, LLC found that "The leader to the south has a high risk even after possible mitigations were explored. The target of impact for this leader would be the neighbors [sic] home. Consequences of failure would be severe. The remaining leaders had a moderate risk level."[1] He concluded, "The high risk rating for the leader to the south is unacceptable by the owners [sic] standards and is the reason this tree is being recommended for removal. See Exhibit A. Urban Tree Management, Inc. also performed a risk assessment. This arborist found that the tree "has a serious structural flaw that could cause it to split in three different directions. When failure occurs the tree will cause enormous structural damages and loss of life is highly likely. The likelihood of tree failure in this instance is high." This arborist recommended "removing this tree ASAP." See Exhibit B. Finally, Tree Management Experts performed a risk assessment and concluded that one of the trunks was already in a state of failure which, upon failure, would strike a "high value target with severe consequences." This arborist also concluded that "There is no means of mitigating these risks without creating new risks." See Exhibit C.

The Staff Report on which the EQC decision was based makes some inaccurate assumptions. First, it cites to a 2015 report performed by arborist, Ray Morneau, as a basis for

[1] Because the homeowners initially were trying to keep the tree, the arborist made some recommendations for steps that could be taken to try and alleviate some of the risk, but in the end, he recommended removal.

retention as that arborist did not slate the tree for removal at that time. However, Mr. Morneau was not asked to nor did he perform a tree risk assessment on that tree. Rather, Mr. Morneau performed a tree inventory of all the trees on the property to identify which trees would be retained or removed for purposes of a proposed development of the property. Therefore, reliance on this report is misplaced.

Second, although Staff conceded that the risk of failure was "moderate" with potential consequences of such a failure ranging from "Significant" to "Severe," Staff determined that the risk levels could be mitigated through "implementation of the tree maintenance recommendations specified in a June 3, 2016, Project Arborist report. However, the assumption that the risk can be mitigated through maintenance is countered by all three arborists, including the "project arborist" cited by Staff. In addition, most consulting arborists will opine that a "moderate" risk with "severe" consequences is an unacceptable level of risk for most residential settings and that removal is almost always prudent in such a situation.

Accordingly, this tree meets the criteria for removal under § 13.24.040 (1) and (8) due to its "danger of falling" and the lack of "availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s)." If the City were to prevent or further delay the removal of this tree under these circumstances, the City may be exposing itself to liability should property damage, injury, or death occur. California law provides that a public entity may not hide behind its immunities where it either negligently created a dangerous condition or failed to cure a dangerous condition of which it has notice. In identifying the defendant or defendants with whom control resides for purposes of tort liability, the court will look to who had the power to correct the dangerous condition, as well as the power to prevent, remedy, or guard against the dangerous condition. *Arreola v. Monterey County* (2002) 99 Cal. App.4th 722 (County and water agencies found negligent, and, along with the state, liable for inverse condemnation, dangerous condition of public property, and nuisance, after businesses and individuals suffered damage from flood).

Here, you have not one, not two, but three independent arborists recommending removal of this tree in order to prevent damage or injury. These opinions from these well respected professionals should not be ignored or taken lightly. In reviewing all of the criteria in the Ordinance for granting a permit for removal, there is no legitimate reason not to err on the side of caution. For these reasons, we request that you overturn the decision by EQC to deny the application for the permit for removal and allow this tree to be removed. There is no compelling reason not to and every compelling reason in favor.

Very truly yours,

BONAPART & ASSOCIATES

Barri Kaplan Bonapart

BKB:ksa
Enclosures

# EXHIBIT A

# Kielty Arborist Services LLC

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


August 31, 2016

Isabelle Cole
1525 Webster Street
Palo Alto CA 94301

Site:318 Pope, Menlo Park

Dear Ms. Cole,

As requested on Tuesday, May 17, 2016, and again on Wednesday August 3, 2016 I visited the above site to inspect and comment on a large redwood tree proposed for removal. The large redwood tree has some form flaws that give the tree a high risk of failure. The owner would like to remove and replace the tree per the city of Menlo Park's replacement tree requirements.

**Showing tree in question from the street**

**Method:**

All inspections were made from the ground; the tree was not climbed for this inspection. The tree in question was located to me by the home owner. The tree was then measured for diameter at 54 inches above ground level (DBH or diameter at breast height). The tree was given a condition rating for form and vitality. The tree's condition rating is based on 50 percent vitality and 50 percent form, using the following scale.

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

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

**Survey:**

| Tree# | Species | DBH | CON | HT/SP | Comments |
|---|---|---|---|---|---|
| 1 | Redwood *(Sequoia sempervirens)* | 95.7 | 45 | 120/45 | Fair vigor, poor form, codominant at 15 feet, 3.5 feet from corner of existing home, cables installed, included bark on all sides of crotch, bulging can be seen in included bark area, leaders heavy in opposite directions, hazardous, leader closest to neighbors home has a significant lean. |

**Showing poor union with included bark**

**Summary:**

The large redwood tree has a diameter of 95.7 inches. The tree has fair vigor, and poor form. The tree is located on the south side of the property near the property line. The tree is only 3.5 feet away from the existing home. This tree is a codominant tree consisting of 3 separate leaders starting at a height of 15 feet. These 3 leaders all have poor unions. In particular the union formation on the west side of the tree has a large seam that runs down to the base of the tree, and a bulging area can be seen below the poor formed union. These bulging areas often indicate included bark. Included bark forms in the junctions of codominant stems where there is a narrow angle union, meaning the junction looks like a "V" rather than a "U." As the tree grows the narrow union will essentially fill with bark and create a growing area of structural weakness in the tree. Even in young trees, when you notice a very narrow angle (creating a "V" at the junction of branches) it is likely that stress put on the either of the codominant stems can cause splitting, or even cause the stem to break off at the junction. As the 3 leaders grow they have the potential to push against each other often until the point of failure. In the poor union I observed

a good amount of callus tissue indicating that the tree is under a considerable amount of stress that may have caused the union to slightly split open. Also each leader is heavy to the direction away from the trunks and creates more stress to the poor formed union area. In the past a cable has been installed in the trees canopy in order to offer extra support to the poor union. This indicates past mitigations in place to reduce the risk of failure. The installed cables are not strong enough to hold such a large amount of weight and would likely snap if the tree were to fail. The leader of most concern leans slightly towards the neighbors property on the south side of the tree.

**Showing close up of union with callus tissue**

A basic tree risk assessment was performed on this tree. The leader to the south has a high risk even after possible mitigations were explored. The target of impact for this leader would be the neighbors home. Consequences of failure would be severe. The remaining leaders had a moderate risk level. Because of the large seam in combination with included bark on the leader to the south, its risk rating did not change from high, even after mitigations were explored. The high risk rating for the leader to the south is unacceptable by the owners standards and is the reason this tree is being recommended for removal. Removing this tree will alleviate all risk associated with this tree. The owners have plans to replant per Menlo Park replacement tree procedures.

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

Sincerely,

Kevin R. Kielty
Certified Arborist WE#0476A

David P. Beckham
Certified Arborist WE#10724A
Tree Risk Assessment Qualification

# EXHIBIT B

urbantreemanagement inc.

**11/2/16**

Isabelle Cole
318 Pope Street
Menlo Park, CA 94025

Re: **Redwood Removal Request**

To Whom It May Concern:

**Assignment**

It was my assignment to inspect the large Redwood (*Sequoia sempervirens*) in the back yard and offer my professional assessment of the structural stability of this tree.

**Summary**

This Redwood (see images to right) is enormous. Quite simply this is a very large peg in a very small hole. All of that would be a non-issue except this tree has a serious structural flaw that could cause it to split in three different directions. When failure occurs the tree will cause enormous structural damages and loss of life is highly likely. The likelihood of tree failure in this instance is high. Rather than living with this enormous threat I recommend removing this tree ASAP.

**Discussion**

The Redwood was rated based upon the following table. As an example, a tree may be rated "good" under the Health column for excellent/vigorous appearance and growth, while the same tree may be rated "fair/poor" in the Structure column if structural mitigation is needed.



650-321-0202 | 408-399-8063 | po box 971 los gatos ca 95031 | urbantreemanagement.com
contractors license # 755989 certified arborist WC-ISA # 923 certified tree risk assessor #599

| Rating | Health | Structure |
|---|---|---|
| **Good** | excellent/vigorous | flawless |
| **Fair/good** | healthy | very stable |
| **Fair** | fair | routine maintenance needed such as pruning or end weight reduction as tree grows, minor structural corrections needed |
| **Fair/poor** | declining | significant structural weakness(es), mitigation needed, mitigation may or may not preserve the tree |
| **Poor** | dead or near dead | hazard |

This Redwood has a trunk diameter (DBH) of 95.7". It stands approximately 120' tall and 45' wide. This tree is in Good Health but the Structure is Fair/Poor – Poor due to the three codominant limbs that make up the tree's main structure.

The tree is located 3.5' from the right rear corner of the home at 318 Pope, and right along the right side fence line (see images to right).

The main problem with this tree is the three main codominant leaders starting 15' above grade (see images to lower right). Codominant leaders, especially when they have included bark, are prone to splitting apart because they are not attached where they appear to be growing together (http://www.umass.edu/urbantree/factsheets/35codominantstems_rev1.html).

This tree has three main co-dominant leaders with included bark and the three leaders are not well attached to each other. In fact, each year the three main stems of this tree grow apart more and more. The union between these tree main stems is weak and highly prone to splitting apart. This is a well-known fact among trained Arborists. There is no disputing it. This isn't a matter of IF this tree will fail; it's a matter of WHEN.

The level of risk presented by this tree falling apart is extremely high. The combination of the height of this tree, the weight of the wood and the proximity of this house and the neighbors within striking distance – there are *at least* two – mandates that the risk be mitigated.

Mitigating the risk of a tree this large can only be done by removing the risk factor (ie. whole tree removal). If the tree were smaller a series of cables could be used to try to cable the three leaders together, in an attempt to have them not split apart in a high wind event. This tree currently has cables, but it is my opinion that they are non-functional. While there are Industry Best Practices for cabling trees – this tree is too large to be able to say that proper cabling would truly mitigate the risk of a large limb failure. Trees have not been engineered and the mitigation would not be engineered, thus the reliability of the cables would be a "best guess" at best. Due to the size of this tree and the threat of loss of life; a best guess is not acceptable.

The only acceptable mitigation for the risk represented by this tree is to remove the risk: tree removal.

While removing a tree of this size is always an unfortunate loss to the community and our environment, loss of life is unacceptable. The codominant leaders should have never been allowed to form on this tree, but that mistake was made many years ago and now we are faced with devising a resolution. The resolution, in this case, is to remove the Redwood tree.

Please contact me directly should you have any further questions.

Respectfully,

Michael P. Young

# EXHIBIT C

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**Isabelle Cole**
**1525 Webster St.**
**Palo Alto, CA 94301**

**RE: 318 Pope St, Menlo Park**

**Date: 5/30/17**

# ARBORIST REPORT

## Assignment

- Provide a site inspection of the property at 318 Pope Street, Menlo Park.
- Evaluate one 3-stem coast redwood (*Sequoia sempervirens*) at the right of the house.
- Consider tree service options suggested by others.
- Evaluate risk and residual risk based on tree service options.
- Provide an Arborist Report of findings and recommendations.

## Executive Summary

The coast redwood is re-grown from an old stump, has developed 3 co-dominant competing stems each at 120 feet tall, and is failure prone. Two crack ribs have developed making one of these stems particularly prone to failure, and that stem would strike the neighbor's house upon failure.

Tree service options of pruning and cabling would increase the chances of a top failing, that already being an above-average risk, and leading to failure of a 36-foot long piece above the cabling point. The cabling would be undersized and unable to support the stem with crack ribs that has already partially failed.

Use of the International Society of Arboriculture (ISA) standard method of tree risk assessment (TRAQ) indicates that this tree poses a **high risk** for trunk failure with consequences of such a failure being **severe**. This tree is recommended for removal.

## Findings

Tree Structural Evaluation

I evaluated one coast redwood at 318 Pope Street in Menlo Park on 4/26/17. This tree is comprised of a stump that is about 12' tall, with three (3) 100-foot tall stems above the old stump. The stems are co-dominant, each growing roughly at the same speed and to the same size and magnitude. Because these are growing off of the same stump, the bark of each of the individual stems is trapped between the stems, and the attachment is inherently weak, and compromises the stability and structure of the tree.

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Below the attachment point, where those three stems join and attach to that old stump from years ago, there is a rib of wood that has formed on the street side of the trunk between and directly below two of the three stems. This rib extends almost all the way to the ground, and is nearly a foot thick. This rib is the result of an internal crack (called a crack rib), and is an indication of an internal weakness that originated with the included bark which is trapped between, and is now creating a crack as those stems have gotten larger and have pushed one another apart.

The stem that is on the right side of the two stems facing the street, which is the stem that is directly over the neighbor to the right at 310 Pope St, has another crack rib. This crack rib runs from about 3 feet above ground level to just below the lowest limb at around 25 feet up. This is a second rib that has formed, and relates to another crack that is internal to this stem. That particular stem is more likely to fail than any other large part of the tree, and strike that house. I think this is the biggest concern with this tree.

Tree Service Options

Pruning is of limited value because the branch structure is protecting itself from wind where the limbs are shielding one another and buffering one another from wind. If thinning were done in this tree it would increase the chances for limb failures because wind with higher velocities would get through and have a greater effect on the remaining limbs. Thinning is counterproductive to safety, in terms of limb failure.

If thinning were used as a means to reduce chances of a whole stem failure, you could relieve some of the pressure through thinning, but current research does not support this approach, and thinning does not actually work as well as we at one time we thought it would. At this time, we are tending to keep trees full and avoid thinning cuts. Thinning cuts are not beneficial in terms of biomechanics and transferring stress into trees. The mass damping is removed through thinning, and trees tend to fail much more readily when thinning is done. Failures as a consequence of thinning would likely include side limbs and the tops of the tree.

The idea of using a cabling system to try to reinforce the three co-dominant stems would have only a limited amount of benefit or value since the size of the stems being reinforced far exceed the specifications for available cabling hardware. Undersized hardware would be insufficient and ineffective reinforcement where the hardware would fail under loads. The cabling system would also be insufficient to offset preexisting failure patterns with cracks, crack ribs, and failures occurring in one of the three stems. Putting a cable in now would be akin to putting a band-aid on a broken leg.

According to industry standards, cabling in a tree is to be done at 2/3rds the length of the stems. This would be at about 84 feet above ground level (72 feet from the juncture point of the stems), and about 36 feet from the top of the stems. The cabling system would be attached to very large wood at that point, and holes would be drilled all the way through to

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have secure attachments, and would weaken the stems at that point. Given that the wood of this species, when open-grown, is relatively weak, a further weakness from drilling would increase the likelihood of a failure of one or more of the tops. The tops above the cabling would be about 36 feet long, and upon failure, would fall from 84 feet onto whatever is below. The shock load from winds after cabling could cause a smaller top to break from higher up, and falling even further. It is my opinion that this is not a prudent or wise direction to go, since this would reduce risk from one failure pattern by increasing risk of another failure pattern.

Limb failures (the side limbs) are relatively small parts, but are still up to several inches across and 15 to 20 feet long. Should they fail, they would potentially punch a hole in the roof, maybe break a window, and any individual limb therefore does not pose a lot of risk. The issue is that you have a lot of these limbs in the tree, and there are many opportunities for a limb to break. Any limb failure poses risk, and that risk is cumulative. Although any one potential limb failure is low risk, the cumulative risk from 100 or so limbs is no longer low and is arguably at least moderate risk. As far as one of the main stems, the co-dominant stems failing, the size of that piece is very large, so the consequences would be severe, and a home would be completely destroyed along with anything in it, including people and other contents. This would be a completely different magnitude of harm, and risk posed would be high.

In conclusion, the tree lacks stability because it has grown from an old stump, one of the three stems appeared to be particularly weak and prone to failure, and this stem has in fact partially failed. Given that there is a problem with that one stem, and there is a target beneath it which is 310 Pope St, that creates a situation that has such severe consequences that we wouldn't want to allow that to ever occur. Having that stem complete its failure pattern, which is already going on, beginning and established, having that continue and that stem fall would be an unacceptable outcome. It is my opinion that this tree should be removed based on its structural condition being compromised, and that the stem will strike a fixed, permanent and high value target with severe consequences. There is no means of mitigating these risks without creating new risks. This tree is currently high risk and will continue to be high risk regardless of what tree service options are employed.

Tree Risk Assessment (TRAQ)

The Tree Risk Assessment Qualification (TRAQ) method of evaluating trees characterizes almost all trees as low risk. This is based on my experience looking and many thousands of trees for Municipalities, private property owners and agencies where more than 99 percent of the trees are low risk trees. In casually looking at trees surrounding the subject tree, all other trees in view with the possible exception of one large valley oak far off in the distance, were likely low risk trees. Low risk trees are the norm.

Given this statistical model, any tree that is rated as moderate, high or extreme risk is the exception to the rule, is not a "normal" tree, and has a distinctly elevated level of risk. It should not be expected that someone would voluntarily be willing to own a home and to live

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beneath a moderate risk tree. I don't think that is a reasonable expectation that people can and should live beneath moderate risk trees. Moderate risk trees have known problems or issues, and if those issues cannot be mitigated, then the risk is elevated and will continue to elevate further.

Moderate risk trees are normally retained in the tree population if and only if they can be maintained and managed as low risk trees by some means. It may be a pruning strategy, installing cabling, or moving a target away from a tree. If these options are ineffective at reducing risk to a low level, the targets (people and property) will continue to be exposed to elevated levels of risk. It is my opinion that pruning and cabling this tree are not effective mitigation options to reduce risks to below moderate levels. Please see the attached TRAQ form completed for this tree.

Appraised Value

The City Arborist has asserted that this tree is valuable. According to the Guide For Plant Appraisal, 9th ed., Page 28 (see attached), a tree should not be appraised for amenity monetary value when it poses an unreasonable risk. A moderate or high risk tree poses substantially higher risk than normal trees, and this is an unreasonable level of risk. It is my opinion that this tree is not an asset, and is instead a liability.

**Recommendations**

I recommend that a permit to remove this tree be granted, and that the tree be removed prior to fall of 2017 when it is likely that storm events will occur that could lead to catastrophic failure of one of the co-dominant stems.

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## Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Title and ownership of all property considered are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible. The consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. Various diagrams, sketches and photographs in this report are intended as visual aids and are not to scale, unless specifically stated as such on the drawing. These communication tools in no way substitute for nor should be construed as surveys, architectural or engineering drawings.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written or verbal consent of the consultant.
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8. This report represents the opinion of the consultant. In no way is the consultant's fee contingent upon a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule, an agreement or a contract.
10. Information contained in this report reflects observations made only to those items described and only reflects the condition of those items at the time of the site visit. Furthermore, the inspection is limited to visual examination of items and elements at the site, unless expressly stated otherwise. There is no expressed or implied warranty or guarantee that problems or deficiencies of the plants or property inspected may not arise in the future.

## 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 to 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 any medicine, cannot be guaranteed.

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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, and other issues. An arborist cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

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

### Certification of Performance

I, Roy C. Leggitt, III, Certify:

- That we have inspected the trees and/or property evaluated in this report. We have stated findings accurately, insofar as the limitations of the Assignment and within the extent and context identified by this report;
- That we have no current or prospective interest in the vegetation or any real estate that is the subject of this report, and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions and conclusions stated herein are original and are based on current scientific procedures and facts and according to commonly accepted arboricultural practices;
- That no significant professional assistance was provided, except as indicated by the inclusion of another professional report within this report;
- That compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

I am a member in good standing of the American Society of Consulting Arborists and a member and Certified Arborist with the International Society of Arboriculture.

I have attained professional training in all areas of knowledge asserted through this report by completion of a Bachelor of Science degree in Plant Science, by routinely attending pertinent professional conferences and by reading current research from professional journals, books and other media.

I have rendered professional services in a full time capacity in the field of horticulture and arboriculture for more than 25 years.

*Signed:* Roy C. Leggitt, III

*Date:* 5/30/17

# ISA Basic Tree Risk Assessment Form

Client Isabelle Cole Date 4/26/17 Time 2 PM

Address/Tree location 318 Pope St, Menlo Park, CA Tree no. _____ Sheet _____ of _____

Tree species Sequoia sempervirens dbh 96" (est) Height 120' (est) Crown spread dia. 60' (est a

Assessor(s) Roy C. Leggitt, III Time frame 1 year Tools used Mallet, camera

## Target Assessment

| Target number | Target description | Target zone: Target within drip line | Target zone: Target within 1 x Ht. | Target zone: Target within 1.5 x Ht. | Occupancy rate (1–rare 2–occasional 3–frequent 4–constant) | Practical to move target? | Restriction practical? |
|---|---|---|---|---|---|---|---|
| 1 | Residence at 310 Pope Street (the neighbor) | ✓ | | | 4 | No | No |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |

## Site Factors

**History of failures** Two internal cracks with crack ribs formed **Topography** Flat ■ Slope ☐ _____% **Aspect** _____

**Site changes** None ■ Grade change ☐ Site clearing ☐ Changed soil hydrology ☐ Root cuts ☐ Describe _____

**Soil conditions** Limited volume ■ Saturated ☐ Shallow ☐ Compacted ☐ Pavement over roots ☐ _____% Describe Confined by two houses

**Prevailing wind direction** NW **Common weather** Strong winds ■ Ice ☐ Snow ☐ Heavy rain ☐ Describe Seasonal

## Tree Health and Species Profile

**Vigor** Low ☐ Normal ☐ High ■ **Foliage** None (seasonal) ☐ None (dead) ☐ Normal 100 % Chlorotic _____% Necrotic _____%

**Pests** None **Abiotic** None

**Species failure profile** Branches ■ Trunk ■ Roots ☐ Describe Branch failures common. Co-dominant stem failures common. Top failures co

## Load Factors

**Wind exposure** Protected ☐ Partial ☐ Full ■ Wind funneling ☐ _____ **Relative crown size** Small ☐ Medium ☐ Large ■

**Crown density** Sparse ☐ Normal ☐ Dense ■ **Interior branches** Few ☐ Normal ☐ Dense ■ **Vines/Mistletoe/Moss** ☐ _____

**Recent or planned change in load factors** None

## Tree Defects and Conditions Affecting the Likelihood of Failure

### — Crown and Branches —

Unbalanced crown ☐ LCR 80 %

Dead twigs/branches ☐ ____% overall Max. dia. _____

Broken/Hangers Number _____ Max. dia. _____

Over-extended branches ■

**Pruning history**

Crown cleaned ■ Thinned ☐ Raised ☐

Reduced ☐ Topped ■ Lion-tailed ☐

Flush cuts ☐ Other _____

Cracks ☐ _____ Lightning damage ☐

Codominant ☐ _____ Included bark ☐

Weak attachments ☐ _____ Cavity/Nest hole ____% circ.

Previous branch failures ☐ _____ Similar branches present ☐

Dead/Missing bark ☐ Cankers/Galls/Burls ☐ Sapwood damage/decay ☐

Conks ☐ Heartwood decay ☐ _____

Response growth _____

Main concern(s) Limb failures during storm events

**Load on defect** N/A ☐ Minor ☐ Moderate ■ Significant ☐

**Likelihood of failure** Improbable ☐ Possible ■ Probable ☐ Imminent ☐ During storm event

### — Trunk —

Dead/Missing bark ☐ Abnormal bark texture/color ☐

Codominant stems ■ Included bark ■ Cracks ■

Sapwood damage/decay ☐ Cankers/Galls/Burls ☐ Sap ooze ☐

Lightning damage ☐ Heartwood decay ☐ Conks/Mushrooms ☐

Cavity/Nest hole _____ % circ. Depth _____ Poor taper ☐

Lean _____° Corrected? _____

Response growth 2 crack ribs

Main concern(s) Two long internal cracks are affecting one dominant stem that upon failure would strike 310 Pope St

**Load on defect** N/A ☐ Minor ☐ Moderate ☐ Significant ■

**Likelihood of failure**

Improbable ☐ Possible ☐ Probable ■ Imminent ☐

### — Roots and Root Collar —

Collar buried/Not visible ☐ Depth _____ Stem girdling ☐

Dead ☐ Decay ☐ Conks/Mushrooms ☐

Ooze ☐ Cavity ☐ _____% circ.

Cracks ☐ Cut/Damaged roots ☐ Distance from trunk _____

Root plate lifting ☐ Soil weakness ☐

Response growth _____

Main concern(s) _____

**Load on defect** N/A ☐ Minor ☐ Moderate ■ Significant ☐

**Likelihood of failure**

Improbable ■ Possible ☐ Probable ☐ Imminent ☐

## Risk Categorization

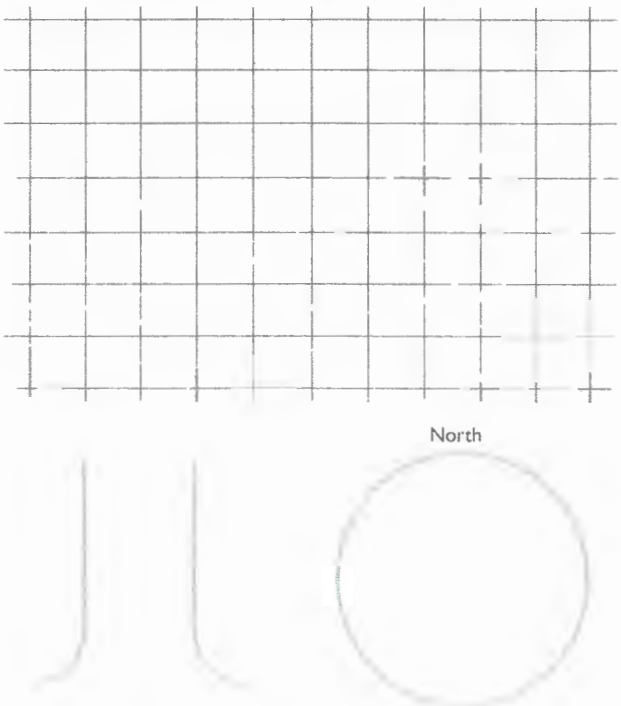
| Condition number | Tree part | Conditions of concern | Part size | Fall distance | Target number | Target protection | Likelihood: Failure: Improbable | Likelihood: Failure: Possible | Likelihood: Failure: Probable | Likelihood: Failure: Imminent | Likelihood: Impact: Very low | Likelihood: Impact: Low | Likelihood: Impact: Medium | Likelihood: Impact: High | Likelihood: Failure & Impact (from Matrix 1): Unlikely | Likelihood: Failure & Impact (from Matrix 1): Somewhat | Likelihood: Failure & Impact (from Matrix 1): Likely | Likelihood: Failure & Impact (from Matrix 1): Very likely | Consequences: Negligible | Consequences: Minor | Consequences: Significant | Consequences: Severe | Risk rating of part (from Matrix 2) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Trunk | Weak attachment and 2 cracks | 48" | 30' | 1 | No | ○ | ○ | ● | ○ | ○ | ○ | ○ | ● | ○ | ○ | ● | ○ | ○ | ○ | ○ | ● | High |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| 2 | Limb | Over-extended limbs | 6" | 30' | 1 | No | ○ | ● | ○ | ○ | ○ | ○ | ● | ○ | ● | ○ | ○ | ○ | ○ | ● | ○ | ○ | Low |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| 3 | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| 4 | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |
| | | | | | | | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | |

*Matrix 1*. Likelihood matrix.

| Likelihood of Failure | Likelihood of Impacting Target | | | |
|---|---|---|---|---|
| | Very low | Low | Medium | High |
| Imminent | Unlikely | Somewhat likely | Likely | Very likely |
| Probable | Unlikely | Unlikely | Somewhat likely | Likely |
| Possible | Unlikely | Unlikely | Unlikely | Somewhat likely |
| Improbable | Unlikely | Unlikely | Unlikely | Unlikely |

*Matrix 2*. Risk rating matrix.

| Likelihood of Failure & Impact | Consequences of Failure | | | |
|---|---|---|---|---|
| | Negligible | Minor | Significant | Severe |
| Very likely | Low | Moderate | High | Extreme |
| Likely | Low | Moderate | High | High |
| Somewhat likely | Low | Low | Moderate | Moderate |
| Unlikely | Low | Low | Low | Low |




**Notes, explanations, descriptions** The low risk rating for one limb is low, but cumulative risk from perhaps 100 limbs is cumulative and is greater than low.

**Mitigation options** Thinning and cabling; ineffective at reducing risk due to undersized hardware and increased risks for limb failures and top failures

**Residual risk** Moderate to High

**Residual risk** _____

**Residual risk** _____

**Overall tree risk rating** Low ☐ Moderate ☐ High ■ Extreme ☐

**Work priority** 1 ■ 2 ☐ 3 ☐ 4 ☐

**Overall residual risk** Low ☐ Moderate ■ High ■ Extreme ☐

**Recommended inspection interval** Remove before fall

**Data** ■ Final ☐ Preliminary **Advanced assessment needed** ■ No ☐ Yes-Type/Reason _____

**Inspection limitations** ■ None ☐ Visibility ☐ Access ☐ Vines ☐ Root collar buried Describe _____

# Guide for Plant Appraisal

9th Edition

Council of Tree & Landscape Appraisers®

International Society of Arboriculture
Champaign, Illinois

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**Cover**

The trunk of a typical mature European beech (*Fagus sylvatica*) is being measured at 4.5 ft by Ellis Allen to calculate the cross-sectional area of the trunk. As viewed by the camera, it appears the trunk has a smaller diameter farther down; however, the diameter of the trunk at right angles to the plane of the photograph may be sufficiently smaller that the trunk circumference at 4.5 ft is smaller than any measurement lower. (See the discussion of tree size measurement, pages 35–38 and 44–45.)

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## Condition

*Trees posing unreasonable risks should* ***not*** *be appraised for amenity monetary value: Removal should be recommended. A separate hazard tree evaluation or tree structure evaluation may be required for trees in poor condition. Hazard trees may have firewood value, or a tree may be important to wildlife and could be kept if the tree does not stand near a high-use target, such as a sidewalk, driveway, or home.* (Matheny and Clark 1994).

*The many factors involved in assessing the Condition of a plant require the skill of a qualified plant appraiser.*

The **Condition** of a plant is determined by evaluating its present structural integrity and state of health and, if necessary, its structure and health *prior* to being destroyed or damaged. The many factors involved in assessing the **Condition** of a plant require the skill of a qualified plant appraiser. Interviews with the property owner to ascertain the plant's history and symptoms seen in other seasons may be important. Prior photographs and tree maintenance history should be investigated by the plant appraiser.

Even though a plant may appear to be healthy and have a strong structure, the species may be known to be short-lived, have brittle branches and/or branch attachments, be subject to serious insect or disease problems that persist in the area, not be hardy to the lowest temperatures on record, or be susceptible to another species-related malady. The **Condition** rating should not be adjusted to reflect such possibilities. These characteristics are **Species** rating concerns. A plant's existing condition is the most reasonable gauge for determining the **Condition** rating.

### Structural Integrity

A tree that appears to be healthy may have structural problems that could affect its **Condition** rating. A high degree of structural integrity is essential for a large tree located where its failure could cause personal injury or property damage. Thorough examination of a tree is a primary concern for an appraiser. It may be advisable to climb the tree and/or perform a root collar evaluation through excavation, if necessary, for a closer diagnostic inspection.

When checking the structural integrity of a large tree, the appraiser should first examine it for root conditions and stability; trunk soundness, decay, or cavities; tree branch conditions, soundness, and attachment.



Potential hazards in trees may be indicated by raised soil on one side of the trunk, broken or dead roots, a leaning trunk, conks of wood, decaying fungi, codominant stems, included bark, split branch attachments, several branches arising close together on the trunk (except for central leader trees such as conifers), and dead limbs (Matheny and Clark 1994).

If a tree problem cannot be corrected, or the tree is not worth saving, its removal should be recommended. A tree to be removed may have a negative value if its timber or firewood value is less than the removal and cleanup costs.

There may be occasions when a tree's problems can be corrected, and the tree could pose less of a risk if the **Condition**(s) can be corrected. In this situation, rate the tree as if the **Condition** had been corrected; then subtract the estimated cost of corrective work from its final value to obtain the appraised value of the tree (see Cost of Repair Method, Chapter 5). A disclaimer should accompany the value, specifying that corrective measures shall be taken by the client to improve the tree's condition.

Although it may not be considered hazardous at present, a tree could have a poor genetic structure that would be vulnerable to damage in a severe storm. Such a tree would be given a lower **Condition** rating than a tree with a stronger structure. If present, any of these **Conditions** may be only of minor concern. The appraiser must consider structure in relation to a potential target. Poor structure of a tree in a woodland site without a trail system would not be as serious as in a high-traffic area.

### Plant Health

In analyzing plant health, an appraiser must be familiar with the characteristics of a common plant of the species or cultivar being appraised, its mature size, leaf and bud size and color, shoot growth, and tree structure. The appraiser should observe these aspects of the whole plant and note plant health and obvious defects. The general health and vigor of a plant can be evaluated by the annual shoot growth from preceding years. Progressively less growth for each of the past several years and weak foliage can indicate stress or a deteriorating condition, especially in trees.

Some symptoms of a plant in poor condition are leaf discoloration, abnormal leaf size, shortened

June 6, 2017, City Council meeting

**Determination of an appeal to the denial of a heritage tree removal permit for one coast redwood at 318 Pope St.**

Attachment H - Hyperlink to Property owners' arborist videos (three videos) - https://menlopark.box.com/s/hiarox6xok07yyd9mm9q7iuyy9szmfy2

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**Curtin, Clay J**

**Subject:** FW: 318 Pope St. Neighbor Letter of support

**From:** Isabelle Cole [mailto:isabellecole@sbcglobal.net]
**Sent:** Friday, January 20, 2017 12:54 PM
**To:** Marcadejas, Vanessa A <VAMarcadejas@menlopark.org>
**Cc:** Pearl Renaker <pearl@tektivedesign.com>; kkarbor0476@yahoo.com
**Subject:** Fwd: The redwood tree

Hi Vanessa,

I would like the Environmental Review Commission to know that we have written to all of our neighbors at 318 Pope about our appeal to remove the redwood. We have heard back from our immediate neighbor, who also thinks the tree should be removed. I am including his email for the commission. I will forward more as I receive them.

Isabelle

Begin forwarded message:

**From:** Gordon Cruikshank <gcruik@yahoo.com>
**Subject: The redwood tree**
**Date:** January 20, 2017 at 9:41:53 AM PST
**To:** "isabellecole@sbcglobal.net" <isabellecole@sbcglobal.net>
**Cc:** "scottcole@sbcglobal.net" <scottcole@sbcglobal.net>
**Reply-To:** Gordon Cruikshank <gcruik@yahoo.com>

Isabelle and Scott,

I agree with you that the redwood tree should be removed. After every heavy rain and then a wind, I have wondered if this is the time it would come down.
I'm sure it would crush our garage and all of the detritus carefully stored within. Not a happy thought.

The notice of the planning department review was not received by us. I wonder what happened.

In the recent past, a neighbor on Laurel whose house is still in construction came by before the permit was issued and talked to us about his plans. I made my comments, disapproving of the location of the garage, and second living space off the alley. Also he was excited about building the largest house the regulations would allow, leaving very little open yard space. This is California; we have some of the best weather is the world. He was underwhelmed by my statements.

I am sorry we did not meet you and see your plans before you turned them.

Gordon Cruikshank

**Curtin, Clay J**

**Subject:** FW: Redwood tree at 318 Pope Street

**From:** Watrous Family [mailto:corrywatrous@gmail.com]
**Sent:** Monday, January 23, 2017 9:50 PM
**To:** Sandmeier, Corinna D
**Subject:** Redwood tree at 318 Pope Street

Dear Ms. Sandmeier,

We live at 302 Pope Street in Menlo Park. It is our understanding that an application to remove a nearby redwood tree (at 318 Pope St) was denied by the City. We further understand that the denial is being appealed by the property owners and the appeal is scheduled for the Environmental Quality Commission meeting on January 25th.

Although we are unable to make it to the meeting on January 25th, we did want to provide our public comment on the matter, which is as follows:

We recently reviewed all the arborists' reports, as well as the City's Staff Report on the issue. It looks like three arborists agree that the tree does not pose a high risk, and two recommend removal. After our review of these documents, we agree with the City's determination that the tree should stay. The City's Staff Report considered the risks closely and made a thoughtful decision. In addition to the report's conclusion that the tree poses only a low risk (with proper mitigation measures), we really appreciate the ecological value of the tree (birds, bees, squirrels, shade, scenic beauty, and privacy). On January 23, 2017, we let the property owners of 318 Pope Street know of our position via email.

Of course, we will accept the City's final decision on the matter, whatever that is.

Should you have any questions about our position, please feel free to contact us. Thank you for your time and consideration.

Sincerely,
Corry and BJ Watrous
302 Pope St
Menlo Park, CA 94025
Email: corrywatrous@gmail.com
Cell: (619)972-2679

**From:** Isabelle Cole [mailto:isabellecole@sbcglobal.net]
**Sent:** Wednesday, January 25, 2017 11:44 AM
**To:** Marcadejas, Vanessa A <VAMarcadejas@menlopark.org>
**Subject:** Fwd: Your Letter dated January 16, 2017

Hi Vanessa,

Here is another letter I received from a neighbor today. Can you add it to the file for tonight?

Begin forwarded message:

**From:** Ramanath Pai <rppai@hotmail.com>
**Subject: Your Letter dated January 16, 2017**
**Date:** January 25, 2017 at 11:36:19 AM PST
**To:** "isabellecole@sbcglobal.net" <isabellecole@sbcglobal.net>,
"scottcole@sbcglobal.net" <scottcole@sbcglobal.net>

Dear Isabelle and Scott :
We are glad you are moving to our neighborhood.
We received your letter dated January 16, 2017 indicating unstable redwood tree.
We support what ever decision you take to keep your property safe.
We will see you around and hope construction of your new home goes well.

Kind Regards
Ramanath & Shobha
313 Laurel Ave
650.433.5023

## Curtin, Clay J

**Subject:** FW: Request to change agenda April 10 meeting

**From:** Sandmeier, Corinna D
**Sent:** Tuesday, April 4, 2017 9:37 AM
**To:** Brielle Johnck
**Cc:** Katherine Strehl; Drew Combs
**Subject:** RE: Request to change agenda April 10 meeting

Brielle,

The application before the Planning Commission on April 10th is an entirely different design than the proposal that was approved in 2015. You're welcome to come by and view the plan set with the current proposal. We're open until 5:30 today.

Sincerely,
Corinna Sandmeier
Associate Planner, City of Menlo Park
650-330-6726
cdsandmeier@menlopark.org

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**From:** Brielle Johnck [mailto:gabriellejohnck@gmail.com]
**Sent:** Monday, April 03, 2017 7:25 PM
**To:** Sandmeier, Corinna D
**Cc:** Katherine Strehl; Drew Combs
**Subject:** Re: Request to change agenda April 10 meeting

Thanks Corinna,
I believe the confusion is based on the fact that the Current Applicant Scott and Isabelle Cole have submitted to the EQC their design for the property and it is none other than the design created, submitted and approved in 2015 by Timothy Gudgel. The architect is AWORKS from San Francisco. I have compared the two plans (one approved in 2015 and the other attached to the EQC application for the tree removal).

Is the new application before the Planning Commission on April 10 only because the old approval has expired and there are no other changes? As you know the notice is brief and absent of any details about the application itself. May I come to the office and view the use permit application?

Thank you
Brielle Johnck

> On Apr 3, 2017, at 6:51 PM, Sandmeier, Corinna D <cdsandmeier@menlopark.org> wrote:
>
> Ms. Johnck,
>
> I'm the project manager for this use permit application. Thank you for highlighting that the staff report for the previous proposal at 318 Pope Street was not available with the online Planning

Commission agenda from 2015, we'll add the correct staff report so it's available online. As you know, on July 20, 2015, the Planning Commission approved a use permit to demolish the existing single-story, single-family residence and construct a new two-story, single-family residence at 318 Pope Street as requested by the previous property owners. However, the existing house was never demolished and the use permit approval has expired. The current proposal consists of a new design, submitted by a new property owner.

The current property owner has applied for a heritage tree removal permit separately from the use permit application to construct a new two-story residence on a substandard lot. This heritage tree removal permit has been denied by the City Arborist and EQC, and is subject to pending City Council review. The City Council's decision on the appeal of the EQC action does not affect the feasibility of the use permit proposal as the proposed residence would be further away from the heritage redwood tree than the current residence and protection measures described in the arborist report and addendum report would protect the tree. As the Planning Commission and City Council hearings are independent of each other, we believe the Planning Commission hearing on the use permit application does not need to be delayed until after the City Council hearing on the appeal of the EQC denial of the heritage tree removal permit.

Please let me know if you have any other questions.

Corinna Sandmeier
Associate Planner, City of Menlo Park
650-330-6726
cdsandmeier@menlopark.org

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**From:** Brielle Johnck [mailto:gabriellejohnck@gmail.com]
**Sent:** Friday, March 31, 2017 9:49 AM
**To:** Katherine Strehl
**Cc:** Drew Combs; _CCIN
**Subject:** Request to change agenda April 10 meeting

Ms. Strehl and Mr. Combs,
As Chair and Vice Chair of the Planning Commission I ask that you remove from the April 10, 2017 Agenda a review of 318 Pope St use/permit issue. This hearing is prematurein that a tree removal permit will be heard by the Council on April 25, 2017. The siting plan for this house depends on the decision the Council will make regarding the removal of heritage trees on the property.

This property and its plans were heard by the Planning Commission on July 20, 2015 when a prior owner was seeking a use permit. At that time, the trees in question were protected as heritage trees. Please note that the Staff Report attached to the minutes to this Planning Commission meeting is for a different application, not 318 Pope St. Please ask that this error be corrected. I am interested in seeing the site design done in July 2015 so as to compare it with the site design requested by the current applicant Scott Cole.

This is a difficult parcel that comes with a complex growth of heritage trees and careful attention needs to be given to the permits granted. I believe that the Planning Commission reviewing the plans before the Council makes its decision regarding the removal of the redwood tree is premature.

Brielle Johnck

## Curtin, Clay J

**From:** kate zablocki
**Sent:** Thursday, April 6, 2017 2:25 PM
**To:** Curtin, Clay J
**Subject:** redwood at 318 Pope

Hello

DO NOT LET THE TREE BE REMOVED !! The homeowners should accommodate the tree in their plans.

kate zablocki
318 Laurel Ave (one block away from above !)
Menlo Park

## Curtin, Clay J

**From:** Curtin, Clay J
**Sent:** Thursday, April 6, 2017 5:32 PM
**To:** 'Darshana Maya Greenfield'
**Subject:** RE: Heritage Redwood tree at 318 Pope Street
**Attachments:** RE Request to change agenda April 10 meeting.pdf

Hi Darshana,

Thank you very much for sharing. As staff of a government agency, we can't see neighborhood-level conversations on Nextdoor (even though we can post to Nextdoor, we only see replies to our posts).

We have received several questions about the next steps on the 318 Pope St. heritage tree appeal.

As stated in the attached email string, the April 10, 2017, Planning Commission meeting will include consideration of the property owner's use permit only.
Since the tree does not impact the use permit for the development (the tree is not in the way of the planned project), it is proceeding separately from the removal permit appeal.

The City's Environmental Quality Commission agreed that the neighborhood value was important and that since the tree did not impact the development it should not be removed, in accordance with our city's Heritage Tree Ordinance.

The April 18, 2017, City Council meeting will include consideration by the City Council of whether to uphold or overturn the Environmental Quality Commission's decision to support the arborist's denial of the removal permit.
This item is now tentatively scheduled on the agenda to be the first item under General Business.

We are compiling both written and telephone comments for inclusion in the staff report to City Council on April 18.

Please let me know if I can provide any further information or feel free to send folks our way to answer questions if needed.

-Clay

Clay J. Curtin
Assistant to the City Manager/
Interim Sustainability Manager
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025
tel 650-330-6615
cel 650-391-3850

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**From:** Darshana Maya Greenfield [mailto:darshanamaya@icloud.com]
**Sent:** Thursday, April 6, 2017 5:20 PM
**To:** Curtin, Clay J <cjcurtin@menlopark.org>
**Subject:** Heritage Redwood tree at 318 Pope Street

You may already be following the big discussion on Nextdoor about this tree, and the new property owner who wants to remove it.

I am against giving them an exemption from the heritage tree ruling, and against them removing the tree.

They knew clearly when they purchased the property that we have a tree ordinance in Menlo Park, and were fully informed that a 2-story house plan had been completed (by the previous owner) that allowed for the tree to safely remain.

They should not be allowed to remove a heritage tree that adds so much to our entire neighborhood.

Please consider how we depend on our big trees for fresh air, cooler climate, stress-relief and great beauty, and do not allow this removal.

Thank you,
Darshana Maya Greenfield
1905 Menalto Ave., Menlo Park CA 94025

> **From:** Nextdoor The Willows <reply@rs.email.nextdoor.com>
> **Subject: Re: Heritage Redwood tree in danger**
> **Date:** April 6, 2017 at 2:10:50 PM PDT
> **Reply-To:** reply+GEZDOMZTL5YHE33EOVRXI2LPNZPVAT2TKRPTINZRHE3TAMRU@thewillows.nextdoor.com


Brielle Johnck, The Willows

Here is the email address of the interim Sustainability Manager for the City of Menlo Park who is now overseeing the process by which the redwood tree at 318 Pope street will undergo. cjcurtin@menlopark.org The use permit application that will be heard by the Planning Commission on April 10 should consider the distance from the new proposed house and the redwood tree. Also, here is the email address of the Planning Commission if you are unable to attend this Monday night's meeting planning.commission@menlopark.org.

Original post by Joseph Ashton from The Willows (35 replies):

A month ago many a few of us attended a MP Planning Commision meeting to save the very healthy, iconic, heritage Redwood at 318 Pope. All left the meeting relieved to hear that the City Arborist and...
Apr 5 in General to 30 neighborhoods

## Curtin, Clay J

**Subject:** FW: redwood tree at 318 Pope St

**From:** Sandmeier, Corinna D
**Sent:** Thursday, April 6, 2017 5:47 PM
**To:** kate zablocki
**Subject:** RE: redwood tree at 318 Pope St

Ms. Zablocki,

Thank you for your email. I'm the project manager for the use permit application. The property owner has applied for a heritage tree removal permit separately from the use permit application to construct a new two-story residence on a substandard lot. This heritage tree removal permit has been denied by the City Arborist and EQC, and is subject to pending City Council review. The City Council's decision on the appeal of the EQC action does not affect the feasibility of the use permit proposal as the proposed residence would be further away from the heritage redwood tree than the current residence and protection measures described in the arborist report and addendum report would protect the tree. The City Council will separately hear an appeal of the EQC action, tentatively scheduled for April 18, 2017.

Please let me know if you have any questions.

Corinna Sandmeier
Associate Planner, City of Menlo Park
650-330-6726
cdsandmeier@menlopark.org

**From:** kate zablocki [mailto:zoomblocki@gmail.com]
**Sent:** Thursday, April 06, 2017 2:28 PM
**To:** _Planning Commission
**Subject:** redwood tree at 318 Pope St

Dear Commissioners

Please save this heritage treet !! DO NOT LET THE TREE BE REMOVED !! Whatever plans the homeowners
have should accommodate the tree,

Sincerely
kate zablocki
318 Laurel Avenue (one block from above tree)
Menlo Park

## Curtin, Clay J

**From:** EDUARDO PELEGRI-LLOPART
**Sent:** Thursday, April 6, 2017 8:01 PM
**To:** Curtin, Clay J
**Subject:** Re: Heritage tree on 318 Pope Street

Dear Sustainability Manager for the City of Menlo Park

I am a resident of The Willows, at 413 Gilbert Avenue. We moved to that location in 1998; we are within a block of 318 Pope. I regularly walk through The Willows streets and back alleys, while walking the dog, usually twice a day, and all the trees of The Willows are a key component of the character of our neighborhood. From our backyard we can see two of the big redwoods in our area, the one on 318 Pope and that on 327 Pope. Our next door neighbor, on 310 Nova Ln, has several redwoods.

The City of Menlo park has a Heritage Tree Ordinance; its purpose is described as:

*"The City of Menlo Park desires to protect and preserve the scenic beauty and natural environment of the city, prevent erosion of topsoil and sedimentation in waterways, encourage quality development, provide shade and wildlife habitat, counteract pollutants in the air and decrease wind velocities and noise"*

I believe this particular redwood tree is an excellent example of these properties. The tree is healthy and beautiful. I see the top of the tree on 327 and I regularly see large raptors there, I live by the trees in 310 Nova lane and I know how many birds and squirrels live there. I expect the ecosystem on 318 Pope to be similar. I know that the property has changed owners twice recently; I appreciate that the owner that bought in 2014 carefully planned a house that would preserve the tree. I don't see why the new owners, that bought in 2016, cannot do the same.

The City of Menlo Park created the Ordinance for a reason; if we don't apply it here, under what case will it apply? Please help us preserve the trees in The Willows.

Thanks,

- Eduardo Pelegri-Llopart, 413 Gilbert Avenue.

## Curtin, Clay J

**Subject:** FW: Heritage tree on 318 Pope Street

**From:** Sandmeier, Corinna D
**Sent:** Friday, April 7, 2017 10:05 AM
**To:** EDUARDO PELEGRI-LLOPART
**Subject:** RE: Heritage tree on 318 Pope Street

Mr. Pelegri-Llopart,

Thank you for your email. I'm the project manager for the use permit application scheduled for the April 10th Planning Commission hearing. The property owner has applied for a heritage tree removal permit separately from the use permit application to construct a new two-story residence on a substandard lot. This heritage tree removal permit has been denied by the City Arborist and EQC, and is subject to pending City Council review. The City Council's decision on the appeal of the EQC action does not affect the feasibility of the use permit proposal as the proposed residence would be further away from the heritage redwood tree than the current residence and protection measures described in the arborist report and addendum report would protect the tree. The City Council will separately hear an appeal of the EQC action, tentatively scheduled for April 18, 2017.

Please let me know if you have any questions.

Corinna Sandmeier
Associate Planner, City of Menlo Park
650-330-6726
cdsandmeier@menlopark.org

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**From:** EDUARDO PELEGRI-LLOPART [mailto:epelegrillopart@gmail.com]
**Sent:** Thursday, April 06, 2017 8:01 PM
**To:** Curtin, Clay J; _Planning Commission
**Subject:** Heritage tree on 318 Pope Street

Dear Planning Commission for the City of Menlo Park,
Dear Sustainability Manager for the City of Menlo Park

I am a resident of The Willows, at 413 Gilbert Avenue. We moved to that location in 1998; we are within a block of 318 Pope. I regularly walk through The Willows streets and back alleys, while walking the dog, usually twice a day, and all the trees of The Willows are a key component of the character of our neighborhood. From our backyard we can see two of the big redwoods in our area, the one on 318 Pope and that on 327 Pope. Our next door neighbor, on 310 Nova Ln, has several redwoods.

The City of Menlo park has a Heritage Tree Ordinance; its purpose is described as:

*"The City of Menlo Park desires to protect and preserve the scenic beauty and natural environment of the city, prevent erosion of topsoil and sedimentation in waterways, encourage quality development, provide shade and wildlife habitat, counteract pollutants in the air and decrease wind velocities and noise"*

I believe this particular redwood tree is an excellent example of these properties. The tree is healthy and beautiful. I see the top of the tree on 327 and I regularly see large raptors there, I live by the trees in 310 Nova lane and I know how

many birds and squirrels live there. I expect the ecosystem on 318 Pope to be similar. I know that the property has changed owners twice recently; I appreciate that the owner that bought in 2014 carefully planned a house that would preserve the tree. I don't see why the new owners, that bought in 2016, cannot do the same.

The City of Menlo Park created the Ordinance for a reason; if we don't apply it here, under what case will it apply? Please help us preserve the trees in The Willows.

Thanks,

- Eduardo Pelegri-Llopart, 413 Gilbert Avenue.

## Curtin, Clay J

**From:** Karen Weiss <karenyweiss@gmail.com>
**Sent:** Thursday, June 1, 2017 2:37 PM
**To:** Curtin, Clay J
**Subject:** removal of tree at 318 Pope Street

I am sending this email to urge you to remove the unsafe tree at 318 Pope Street in Menlo Park. I would hope that after three arborists recommended removal, that you would allow the tree to be removed for safety reasons.

Thank you,
Karen Weiss
615 Magnolia Street
Menlo Park, Ca

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**STAFF REPORT**

**City Council**
**Meeting Date:** **6/6/2017**
**Staff Report Number:** **17-132-CC**

**Regular Business:** **Introduce an ordinance to authorize modifications to the process to remove on-street parking based on safety concerns and to establish restrictions to electric vehicle charging spaces**

## Recommendation

Staff recommends the City Council introduce an ordinance to modify the "no parking" zone and timed parking restriction installation process and to establish restrictions to electric vehicle charging spaces. Staff recommendations for potential changes to the Ordinance and process are summarized below.

## Policy Issues

Changes to the City's Municipal Code are policy considerations that require City Council authorization.

## Background

On May 23, 2017, the City Council received an informational report on the proposed ordinance changes to authorize modifications to the process to remove limited on-street parking based on safety concerns and establish restrictions to electric vehicle charging spaces. The following background information is repeated here for ease of reference.

The City regularly receives requests to install "no parking" zones from residents, businesses and institutions. Per the Menlo Park Municipal Code Section 11.24.025, "The transportation manager is authorized to designate a no parking zone and to paint the curbs red within six feet (6') of a driveway if the transportation manager determines that cars parked within such distances are causing an obstruction of the driveway or are interfering with reasonable ingress and egress from the driveway." The City Council can designate "no parking" zones and other parking restrictions beyond 6 feet. The Transportation Commission has typically provided advisory recommendations to the City Council on parking Restrictions. Staff anticipates the Complete Streets Commission will now provide that role.

In 2016, staff received an increased number of parking removal requests (11 compared to a few per year) as shown in Attachment A. This increase in requests has resulted in additional staff time developing staff reports and public notifications along with additional Transportation Commission and Council time reviewing the items which ultimately has resulted in a slower implementation time. Based on this information, staff has identified the need to streamline the process in efforts to reduce staff, Commission, and Council review time and expedite implementation, improving roadway safety.
The current process is outlined below:

1. Staff receives and reviews request
2. Staff conducts field investigation and analysis
3. Staff prepares notification to residents/property owners (varies by request, but typically postcards

sent to residents, property owners within 500', 2 weeks minimum notice) prior to the Complete Streets Commission
4. Staff prepares staff report and presents recommendations to Complete Streets Commission
5. If approved, staff prepares notification to residents/property owners (varies by request, but typically postcards sent to residents, property owners within 500', 2 weeks minimum notice) prior to the City Council
6. Staff prepares staff report and presents recommendations to City Council
7. City council considers staff recommendation
8. If approved, staff implements change

Implementation from the time staff begins the review varies by request, but with the current process is typically at least four to six months. The timeline is also dependent on available Complete Streets Commission and Council meeting dates.

In addition to the "no parking" zone and timed parking restrictions process, staff has received concerns from a Complete Streets Commissioner, the Police Department and residents regarding the lack of turnover at electric vehicle charging spaces. Issues include electric vehicles parked at charging spaces without active charging or vehicles over-staying parking time limits while charging at the parking plazas. Electric vehicle charging spaces are currently provided in parking plaza 2 downtown and at Burgess Park. The City is continuing to evaluate the potential for additional charging locations through future projects.

## Analysis

### *"No Parking" Zone and Timed Parking Restriction Installation Process*

Staff compiled a list of "no parking" and parking restriction zone installation requests that went to Council and were approved by Council from 2005 to present (Attachment A). Based on the list, 21 out of 40 (52%) of these no parking changes involve five parking spaces or less. It should also be noted that all parking requests falling within the proposed limits in 2016 were approved by the Transportation Commission as regular business items and by City Council on consent.

Staff identified potential process improvements to increase efficiency and better allocate staff, Commission and Council time. The Transportation Commission reviewed the proposal and provided feedback at their March 8, 2017 and April 12, 2017 meetings. The Transportation Commission expressed the desire to keep the Commission meetings as part of the process to allow for greater public input and community notification, but saw the benefits in modifying the process.

The proposed modifications are based on safety concerns and are limited in the number of parking spaces considered in each request. Safety concerns include parked vehicles adjacent to driveways intersections and crosswalks that are obstructing visibility, interfering with reasonable ingress and egress, or obstructing safe bike lane travel requiring striping adjustments. Separate from these safety concerns, timed parking restrictions are recommended to be included as part of the proposed process modifications. These safety concerns and timed parking restrictions were described in detail in the informational item transmitted on May 23, 2017, included as Attachment B.

### ***Proposed Process***

Staff recommends modifying the "no parking" zone installation process by authorizing to the Complete Streets Commission to designate "no parking" zones based on issues with sight distance and visibility, access, or obstructing safe paths of travel:

- Up to five spaces for roadways outside of the area designated as the “Downtown/Station Area” in the El Camino Real/Downtown Specific Plan
- Up to three spaces for roadways within the area designated as the “Downtown/Station Area” in the El Camino Real/Downtown Specific Plan

The “Downtown/Station Area” is approximately bounded by Menlo Avenue, Oak Grove Avenue, University Drive and Alma Street.

On April 12, 2017, the Transportation Commission unanimously passed a motion 4-0-0-2, with Commissioners Levin and Walser absent, to recommend the City Council approve a City ordinance modifying the parking restriction process as proposed by staff for “No Parking” zones and timed parking restriction installations. Although the Transportation Commission recommended their decisions to be final as part of the proposed parking process, all other commissions with delegated authority have an identified appeal process to City Council. Staff has included an appeal process consistent with other City Commission authority, but City Council can direct otherwise.

The proposed approval process for the described requests is described below:

1. Staff receives and reviews request (Same as existing process)
2. Staff conducts field investigation and analysis (Same as existing process)
3. Staff prepares notification to residents/property owners (varies by request, but typically postcards sent to residents, property owners within 500’, 2 weeks minimum notice) prior to the Complete Streets Commission meeting summarizing the proposed modifications (Same as existing process)
4. Staff prepares staff report and presents recommendations to Complete Streets Commission (Same as existing process)
5. Complete Streets Commission considers staff recommendation
6. If approved, residents and property owners may appeal the decision to the City Council within fifteen (15) days after the decision of the Commission.
7. If appeal is received, City Council re-considers staff recommendation.
8. Staff implements change after approval and appeals are completed and/or the time for filing an appeal has expired.

With this modified parking restriction process, the approval process could be completed at the Commission level. Following the proposed process could result in reducing implementation time (by at least a month in most cases). The proposed ordinance language is included in Attachment C.

### *Fire District Staging Requirements*

On occasion, the Menlo Park Fire Protection District requires on-street parking to be removed to provide emergency access to the property. With redevelopment of smaller parcels with higher buildings especially in the downtown area, the only space available for a fire staging area in some cases is located on street along the project’s frontage and may require removal of the parking spaces. In these cases, on-street parking removal may be required for a development project to receive Fire District approval. Staff reviews all development plans prior to approvals to ensure impacts to the transportation network as a result of proposed parking and transportation changes are minimized.

To help facilitate the development review process, staff is requesting that the Council formalize past practice to consider parking removals required for Fire District access as part of a development project’s review. Since these projects are typically reviewed in public meetings by the Planning Commission, these parking restrictions would be evaluated in the context of the development project, without requiring a separate approval process for the parking changes. This process was used for projects including 1706 El

Camino Real, which required removal of a small number of parking spaces for the development of the site. On April 12, 2017, the Transportation Commission reviewed parking removal due to fire access requirements and recommended including it as part of the Complete Streets Commission authorization, but staff recommends the Planning Commission or City Council action, as required by the project approval process, serve to approve parking changes to increase efficiency, streamline review process, and better allocate staff and Complete Streets Commission resources. The proposed ordinance language is included in Attachment C.

***Electric Vehicle Charging Space Restrictions***

In addition to the proposed parking changes, the Transportation Commission provided feedback to request formalizing parking restrictions on electric vehicle charging spaces to encourage the turnover of vehicles, allowing others to use the spaces. Since there is no ordinance in place to address the use of electric vehicle charging spaces, the Police Department cannot cite vehicles not actively charging. Palo Alto and other cities have begun implementing time restrictions to encourage turnover and similar actions are recommended for consideration in Menlo Park. For example, Palo Alto currently prohibits vehicles from parking in electric vehicle charging spaces for longer than three hours. Menlo Park does not currently charge for electric vehicle charging spaces use in public parking spaces.

On April 12, 2017, the Transportation Commission unanimously passed a motion 4-0-0-2, recommending establishing a City ordinance requiring electric vehicles to be actively charging while adhering to the parking restrictions established in the parking lot and imposing a fine of $100.00 for each violation. Staff is recommending establishing these restrictions on public electric vehicle spaces, with the exception of a specific citation fee. Citation fees are determined by the Menlo Park Police Department. The proposed ordinance language is included in Attachment C.

***Next Steps***

To implement a new process and to establish parking restrictions on electric vehicle charging spaces as described above, amendments to the Municipal Code are required. The first step is the introduction (or first reading of the ordinance). The second step is the adoption (or second reading of the ordinance). If adopted, the amendments would go into effect 30 days thereafter.

## Impact on City Resources

The increased number of parking requests due to sight distance and access issues, has resulted in additional staff time developing staff reports and public notifications for both Complete Streets Commission and City Council meetings. The identified process improvements and policy changes would increase efficiency and better allocate staff resources.

## Environmental Review

The installation of “no parking” zones is categorically exempt under Class 1 of the California Environmental Quality Act. Class 1 allows for minor alterations of existing facilities, including highways and streets, sidewalks, gutters, bicycle and pedestrian access, and similar facilities, as long as there is negligible or no expansion of use.

## Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

A. No Parking" Zone and Timed Parking Restriction Installations Approved by City Council (2005-Present)
B. City Council Staff Report, 5/23/2017
C. Ordinance

Report prepared by:
Octavio Duran Jr., Assistant Engineer

Report reviewed by:
Nicole H. Nagaya, Assistant Public Works Director

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STAFF REPORT

**City Council**
**Meeting Date:** **6/6/2017**
**Staff Report Number:** **17-133-CC**

**Informational Item:** **Update on proposed revisions to the approved Facebook Campus Expansion Project at 301-309 Constitution Drive**

## Recommendation

This is an informational item and no action is required.

## Policy Issues

The proposed conditional development permit (CDP) amendment will require the City Council to consider the merits of the project, including project consistency with the City's current General Plan, Municipal Code, and other adopted policies and programs. The Council will also need to consider the proposed modified development standards and project phasing in the requested CDP amendment along with the environmental review associated with the proposed changes.

## Background

### *Site Location*

The subject site is located at 301-309 Constitution Drive. Using Bayfront Expressway in an east to west orientation at the subject site and Willow Road in a north to south orientation, the subject site extends from the corner of Chilco Street and Bayfront Expressway east toward Building 20, located at 1 Facebook Way, near the intersection of Willow Road and Bayfront Expressway. Chilco Street wraps around the western side and a portion of the southern side of the property. The campus is adjacent to Bayfront Expressway on the north across from the former salt ponds. A location map identifying the entire Facebook West Campus is included as Attachment A.

### *Project History*

On February 7, 2017, Hibiscus Properties LLC, on behalf of Facebook, submitted an application for an amendment to the previously approved CDP for the Campus Expansion Project located at 301-309 Constitution Drive. The Facebook Campus Expansion Project included two new office buildings totaling 962,400 square feet, a 200-room limited service hotel, publicly accessible open space, and bicycle and pedestrian bridge and was approved by the City Council on November 1, 2016. The approved project was expected to be constructed in two phases: Phase 1 (Building 21) and Phase 2 (Building 22 and Hotel). The public open space and bicycle and pedestrian bridge would be completed in Phase 2 but the permitting process for the bridge was required to be initiated by the applicant in Phase 1. The applicant subsequently began construction on Phase 1 (Building 21) in December 2016. Due to the existing tenant (TE Connectivity) remaining at the site longer than anticipated, the applicant submitted an application for a revised project for Phase 2 and staff is currently reviewing the application and preparing the associated environmental analysis. The applicant submitted a project description letter (Attachment B) that describes

the proposed revisions in more detail.

## Analysis

Buildings at 301-306 Constitution Drive and the chemical transfer facility (CTF) building, also located on site, would need to be demolished to allow for the construction of Building 22, based on the previously approved site plan associated with the approved CDP. Therefore, TE Connectivity would need to completely vacate the site to allow for the construction of Building 22. Facebook has stated that its current lease agreement with TE Connectivity extends to September 2022, with options for TE to leave prior to the end of the current lease agreement (potentially in 2020). Since TE Connectivity could be at the site through September 2022, Facebook has modified the project site plan to allow for TE Building 305 to continue to be located on site, while allowing for the concurrent construction and occupancy of Building 22. The project plans are included in Attachment C. The proposed revised project includes the following modifications from the previously approved CDP:

- Modify the design of Building 22 to encompass a four-story building of approximately 449,500 square feet of gross floor area (maximum approved under previous CDP) with a reduced building footprint;
- Relocate the surface parking beneath Building 22 into a stand-alone eight-story parking garage structure;
- Increase the maximum height (as measured from finished grade) of the parking garage structure from 75 feet in height to approximately 83 feet for the safety railing and vehicle screening, with the parking deck limited to a maximum of 75 feet in height;
- Increase in the height of Building 21 to approximately 87 feet to allow for skylights to exceed the 75 foot height limit;
- Construct new electric vehicle charging facilities (encompassing approximately 97,500 square feet of site area) for Facebook's fleet of electric shuttle buses and trams;
- Increase the amount of private landscaped open space by approximately five acres after the demolition of Building 305;
- Retain Building 305 and associated manufacturing operations in an interim phase prior to TE's lease expiration;
- Reduce the required parking for Building 22 and 23 by approximately 20 spaces during the interim phase;
- Increase the size of the publicly accessible open space, which includes the plaza, emergency vehicle access lanes, pedestrian/bike pathways, and bio-treatment areas; and
- Modify the timeline for delivery of the full extent of the publicly accessible open space to accommodate the retention of Building 305 in the interim phase.

Section 6 (Modifications) of the previously approved CDP sets up the review process for modifications to the approved project. The review process includes four distinct scenarios based on the extent of the proposed project revisions outlined in the table below.

**Table 1**

| Section | Title | Acting Body |
|---|---|---|
| 6.1.1 | Substantially Consistent Modifications | Planning Division Staff |
| 6.1.2 | Minor Modifications | Planning Division Staff with notification to Planning Commission and subject to Commissioner request for additional review |
| 6.1.3 | Major Modifications | Planning Commission |
| 6.1.4 | Design Review | Planning Commission; Limited to review of architectural review of Building 22 and Hotel, provided project plans consistent with CDP |
| 6.1.5 | CDP Amendments | City Council, with review and recommendation by Planning Commission |

The proposed revisions to the project would result in material modifications to the conditions of approval, modifications of allowed uses (parking garage structure and on-site recharging facility and vehicle storage), the relaxation of some development standards, and would generally not be consistent with the project description in the CDP. Therefore the proposed revised project would require a CDP amendment, as set forth in Section 6.1.5. In addition to amending the CDP, the Development Agreement (DA) for the project may also need to be revised to ensure that the DA is consistent with the amended CDP. Further, the DA may need to be revised to ensure that the expected timing for economic benefits negotiated with the previously approved project are realized. As staff continues to review the project, modifications to additional land use entitlements, such as the heritage tree removal permits and Below Market Rate (BMR) Housing Agreement, may also need to be revised.

**Current Status and Planning Commission Review**

Upon receipt of the application, staff began its review of the project, including the applicable environmental analysis. Since an EIR was certified for the project, the City contracted with the same consultant (ICF International) to conduct a consistency analysis between the proposed revised project and the certified EIR. That analysis is underway and in the preliminary stages.

As part of the initial review for the project, planning staff scheduled a study session for the proposed revised project with the Planning Commission. On May 22, 2017 the Planning Commission reviewed the project at a study session, which provided an opportunity for the applicant to present the revised project to the Commission, for members of the public to comment on the proposed revised project, and for the Commission to ask questions and provide feedback to the applicant and staff. In general, the Planning Commission generally voiced support for the overall design of Building 22, and the modification to the timing of the demolition of Building 305. However, the Planning Commission provided guidance to the applicant on the design of the garage. The Planning Commission requested that the applicant provide modulation of the garage structure's façade, evaluate alternatives for the exterior materials, and explore options for lowering the height of the garage and reducing the massing of the garage structure, including the potential splitting of

the garage structure into two structures with a shared ramp and including a below grade parking level. Further, the Commission provided additional guidance on the need to provide more articulation on the northern (Bayfront Expressway) façade of Building 22 and for the applicant to explore options to reduce the massing and height of the mechanical equipment enclosures. In addition, the applicant's proposed mechanical screening does not meet the requirements of the zoning ordinance with regard to opacity and the Commission expressed a desire for the massing of the mechanical screening to be reduced. The Commission also noted that the preliminary design of the public open space may not effectively draw people into the full space and should be modified. The Commission did also acknowledge that the proposed revised project would delay the anticipated timeline for delivery of the hotel and its associated revenue to the City. Depending on when TE vacates the site, the hotel may not be operational until mid-2022 or mid-2024 according to the applicant.

**Next Steps**

City staff is reviewing the project plans, associated documents, and managing the environmental review process. The applicant will consider the Planning Commission's comments and work to modify the plans to address its comments accordingly. Once all the required information is submitted by the applicant and deemed complete, and the environmental analysis is finished, the project will be scheduled for a Planning Commission meeting and ultimately for a future City Council meeting. If the environmental review consistency analysis determines that the revised project is consistent with the certified EIR, an addendum to the certified EIR will be prepared for the consideration of the Planning Commission and City Council.

At this time, the environmental review is anticipated to be complete in late summer 2017, with the entitlement hearings taking place in the fall of 2017.

**Impact on City Resources**

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

**Environmental Review**

An EIR was prepared for the previously approved project. The proposed revised project is being evaluated for consistency with the previously certified EIR. If the proposed revised project is consistent with the certified EIR, then an addendum to the EIR will be prepared for review and consideration of the Planning Commission and City Council as part of the overall project review process.

**Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

A. Location Map
B. Project Description Letter
C. Project Plans

Report prepared by:
Kyle Perata, Senior Planner

Report reviewed by:
Mark Muenzer, Assistant Community Development Director

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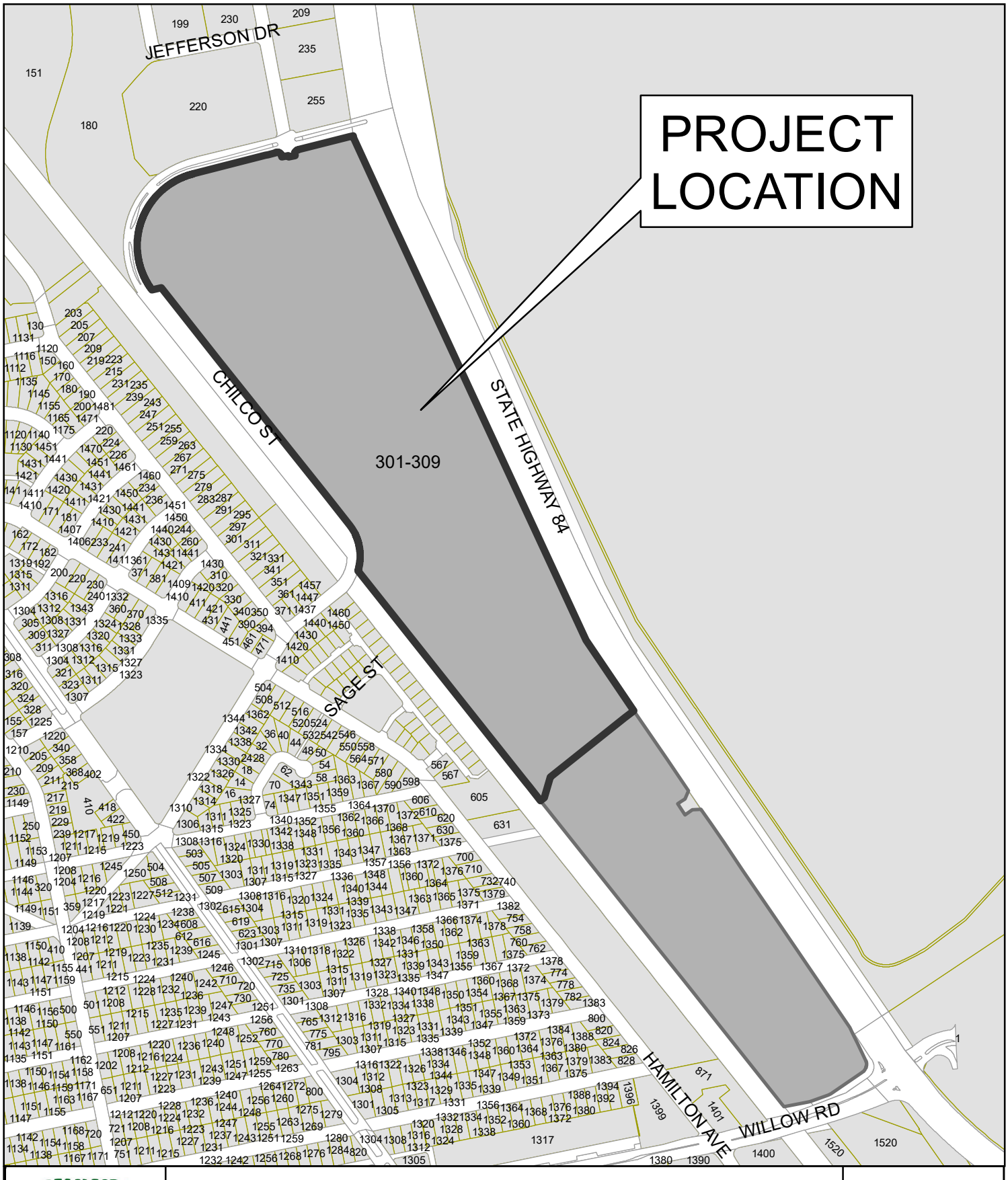
ATTACHMENT A




# CITY OF MENLO PARK

## LOCATION MAP

## 301-309 CONSTITUTION DRIVE & 1 FACEBOOK WAY

DRAWN: TAS CHECKED: KTP DATE: 05/22/17 SCALE: 1" = 300' SHEET: 1

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# Facebook Campus Expansion Project (Revised 4-25-17)

## Building 22 Design Review and Request for Conditional Development Permit Amendment

## Preliminary Project Description

## I. Introduction

Facebook is requesting design review for Building 22, as well as corresponding revisions to the site and phasing plan for the Facebook Campus Expansion Project. These changes generally include (i) shifting the parking program from surface parking beneath Building 22 into a stand-alone parking structure, (ii) reducing the footprint of Building 22, (iii) creating additional landscape reserve space, and (iv) installing new recharging facilities for Facebook's fleet of shuttle buses and trams. No material changes are proposed to the hotel, which has not yet been designed and construction of which is still anticipated to commence after TE vacates the site.

The revised program reflects a refined architectural design for Building 22 and a site plan that was designed to stay within the scope of the Environmental Impact Report (EIR) and CDP in order to avoid any significant new impacts or any substantial increase in the severity of previously identified impacts. Facebook is not requesting any new uses or square footage. None of the requested changes would affect Facebook's financial or other obligations under the CDP or Development Agreement.

As described below and based on preliminary conversations with City staff, Facebook believes that the proposed changes may require amendments to the Amended and Restated Conditional Development Permit Amendment for the Project.

As of April 27, 2017, this project description has been revised to include the following:

- Facebook will commit to demolishing Building 305 within twelve months of the date that TE vacates Building 305 (subject to receipt of all applicable permits and approvals, including any permits and approvals from state or federal agencies). In addition, Facebook agrees not to provide TE with any additional renewal or extension rights above and beyond what is in TE's existing lease (i.e., September 2022 will remain the "outside expiration date" for TE's lease).
- Facebook anticipates that there will be no net increase in the number of workers and visitors on-site during the interim period when Building 22 and Building 305 could both be occupied (which is anticipated to be no more than three years). TE currently has approximately 110 workers within Building 305 working in 8-hour shifts, 24 hours a day (for a total of approximately 330 employees). While this existing condition could remain through September 2022 if TE exercises its renewal right, at the latest, the number of TE workers on-site is anticipated to be less than the number of workers and guests anticipated to be present at the hotel.

## II. Background

In November 2016, the City Council approved the Facebook Campus Expansion project. An EIR was prepared and certified to analyze the environmental impacts from the project pursuant to the

California Environmental Quality Act (CEQA). The EIR analyzed the overall effects of the project and identified mitigation measures to mitigate the project's significant impacts where feasible.

The project approvals included a Development Agreement, the CDP, a zoning ordinance text amendment (to accommodate the proposed hotel), a lot line adjustment, heritage tree removal permits, and a below-market rate housing agreement, among other approvals (collectively, the Approvals). The City Council also adopted CEQA Findings and a Mitigation Monitoring and Reporting Program for the project, as well as a Statement of Overriding Considerations concluding that the project's substantial benefits outweigh its environmental effects.

The project as described in the EIR contains two office buildings (Buildings 21 and 22) and a 200 room hotel, as well as a pedestrian and bicycle bridge across the Bayfront Expressway and a new, approximately two-acre publicly accessible plaza and open space. As described in the EIR's project description and on the City's website for the project, the project would be phased in over time as the existing tenants (Pentair and TE Connectivity) vacate the site.

In November 2016, the Planning Commission and City Council approved Building 21 through the City's design review process, concurrently with their approval of the project. Facebook commenced construction of Building 21 in December 2016, and anticipates completing Building 21 in mid-2018.

## A. <u>The Approved Project</u>

The approved project as described in the EIR and the Approvals involves two office buildings, comprising approximately 962,000 gsf of office and amenity uses, and a 200 room hotel to be constructed on a portion of a 58 acre site located at 300 to 309 Constitution Drive within the City of Menlo Park. The project is subject to a site-wide trip cap to limit the number of peak hour and daily trips to and from the site.

Pursuant to the CDP and the Approvals, development on the site is limited to a .45 FAR for office uses and a maximum of .55 FAR for all uses (including the hotel), a building height limit of 75', and a minimum requirement of 3,533 parking spaces for the two new office buildings, hotel, and Building 23.

### 1. Building 21

Building 21 will be located in the eastern portion of the Project site and contain approximately 512,900 gsf of office and event uses. Building 21 will be a multi-story building on a podium structure above an at-grade parking lot. Facebook commenced construction of Building 21 in December 2016 after City approval in November 2016.

No changes are proposed to Building 21, with the exception of the location of the proposed open-air bridge connecting Building 21 and Building 22.

### 2. Building 22

Building 22 will be located in the northwestern portion of the Project site and contain approximately 449,500 gsf of office and event uses, and be approximately 75 feet in height. At the time the EIR was

prepared and as described in the Approvals, Building 22 had not yet been designed and it was contemplated that design review for Building 22 would occur in the future.

As described in the EIR, Building 22 was anticipated to be similar to Building 21. It was to include a ground level that had multiple lobbies and parking spaces for approximately 1,294 vehicles, a first floor accommodating office and amenity space, and potentially a mezzanine level. Useable open space would be provided on the roof, which would include landscaped areas, walking paths, and HVAC equipment, similar to Building 21. An outdoor terraced area was also anticipated to be located adjacent to the food court/dining area on the south side of Building 22. The food court would be separated from the main level by the outdoor terraced area, which would allow for outdoor dining. It was also anticipated that Building 22 would be connected to Building 21 through an open-air bridge.

In late 2016, Facebook commenced the design process for Building 22. After reviewing more than fifty different design schemes prepared by Gehry Partners, Facebook selected a preferred design. The revised design for Building 22 is further described below, including changes from the conceptual design that was evaluated in the EIR.

### 3. Hotel

The project includes a 200-room hotel that could be developed as part of a future phase near the corner of Chilco Street and SR 84. Although the hotel had yet to be designed, the EIR studied a maximum hotel envelope that provided approximately 73,200 gsf of hotel and support space, approximately 1,800 gsf of office space, approximately 13,700 gsf of amenities, and 86,100 gsf of circulation, wall, structure, and stair space. Included in the amenities would be food and beverage areas for the public, multi-function space, a fitness room, a pool, and deck areas. The hotel was also assumed to be approximately 75 feet in height.

No changes are proposed to the hotel, which still has not yet been designed and would be subject to a future design review process. Facebook has also been actively meeting with potential hotel developers/partners and expects to select a preferred developer/partner within the next 12-18 months.

### 4. Publicly Accessible Pedestrian and Bicycle Bridge; Publicly Accessible Plaza

As part of the Approvals, Facebook committed to constructing a new publicly accessible pedestrian and bicycle bridge across the Bayfront Expressway and a two-acre publicly accessible park for passive recreational uses and community events.

No changes are proposed to the publicly accessible pedestrian and bicycle bridge or the public park in connection with the current application. However, the overall scope and geographic limits of the public park have been refined in consultation with City staff, and the updated plans have significantly expanded the usable footprint of the public park by adding an additional pedestrian path and passive recreation space into the area occupied by the original footprint of Building 22.

## B. Project Phasing and Schedule

### 1. MPK 21 (Phase 1)

Phase 1 involves construction of Building 21 as well as the permitting and construction of the pedestrian and bicycle bridge. Consistent with the schedule identified in the EIR, grading and utility work for Building 21 began in late fall 2016, and foundation permits were issued in December 2016. The permitting process for the pedestrian and bicycle bridge is well underway. No changes are proposed with respect to construction of Phase 1 of the project.

### 2. MPK 22 and Hotel (Phases 2 and 3)

As described in the EIR and contemplated in the Approvals, construction of the project will be phased to allow existing tenants to continue operating. The construction schedule analyzed in the EIR contemplated that construction of Building 22 would start in early 2018 with demolition of Buildings 301-306 and the CTF, and that construction of the hotel would commence in early 2019. This schedule was proposed by Facebook in order to ensure the most conservative environmental analysis possible under a scenario in which the existing tenants on the site vacate prior to the expiration of their leases. Although Pentair has vacated the site, TE continues to occupy buildings 302, 303/304/306, 305, and the CTF, all of which are located within the western portion of the site. Level 10 construction currently occupies Building 301, but is anticipated to move into temporary construction trailer facilities in mid-2017.

TE's lease rights for Buildings 302, 303, 304, 305 and 306 and the CTF expires in September 2019. TE has one option to extend the term of its lease (as to any or all of the buildings) for an additional 3 years (i.e., until September 2022). TE also has the right to terminate its lease early (as to any or all of the buildings). If TE extends its lease for Building 305, there is also an incentive for TE to terminate its lease early (in September 2020); if TE elects not to exercise this early termination option and vacate Building 305 in September 2020, it will forego this incentive payment. At this time, it is anticipated that TE will vacate buildings 302, 303/304/306, and the CTF by mid-2017 and move into alternative facilities elsewhere in the Bay Area. However, TE is not anticipated to vacate Building 305 until later (i.e., in September 2020 – assuming TE elects to take advantage of its incentive option - or September 2022 at the latest). Facebook has had discussions with TE regarding a potential early termination of the lease of Building 305, too, but as of this time it does not appear that TE will surrender that building early as it remains necessary for TE's operations.

Because it now appears that TE may remain in Building 305 until September 2020 (or 2022 at the very latest), Facebook has made modifications to the site plan for Phase 2 and refined the design for Building 22 to allow construction to occur while Building 305 remains occupied. Accordingly, the anticipated construction phasing schedule is as follows:

**Phase 2**

Demolition of Buildings 301, 302, 303/304/306 and the CTF, would occur during Phase 2. It is anticipated that demolition would begin in mid-2017. Construction of the parking structure would start in late 2017 with grading and utility work followed immediately by the foundations and structure. The parking structure is anticipated to be complete in early 2019. Construction of Building 22 would start in mid-2018 with grading and utility

work. Foundations would start in mid-2018, construction of the core and shell would start in late 2018, and tenant improvements would start in mid-2019. Construction of Building 22 is expected to be complete by late 2019.

**Phase 3**

Phase 3 would begin upon demolition of Building 305 which is anticipated to occur in late 2020 or late 2022 depending on when TE vacates the site.

If TE vacates Building 305 in September 2020, then construction of the hotel could start in late 2020 with demolition of the surface parking. Grading and utility work would start in early 2021, foundations would start in mid-2021, and construction of the core and shell would start in late 2021. Construction of the hotel would take approximately 18 months, with full buildout by mid-2022. Completion of the open space improvements and recharging facilities is anticipated to take approximately 12 months would be completed by late 2021.

If TE vacates Building 305 in September 2022, then construction of the hotel could start in late 2022 with demolition of the surface parking. Grading and utility work would start in early 2023, foundations would start in mid-2023, and construction of the core and shell would start in late 2023. Construction of the hotel would take approximately 18 months, with full buildout by mid-2024. Completion of the open space improvements and recharging facilities would be completed by late 2023.

### 3. Other Timing Considerations under the Project Approvals.

Neither the CDP nor the DA requires a specific phasing schedule (e.g., that demolition of Building 305 precede construction of Building 22). Section 4.4 (Timing) of the DA expressly states that ". . . no moratorium or other limitation affecting the development and occupancy of the Project or the rate, timing or sequencing thereof shall apply to the Project." The only requirement with respect to TE's lease occurs under the DA, which provides that Facebook's transient occupancy tax guarantee payment obligation is triggered two years after the "TE Vacation Date." That term is defined as the date lease agreement between Facebook and Tyco Electronics Corporation has been terminated and TE has vacated all buildings leased by TE on the Property, which is September 2022 (assuming TE exercises its extension option) unless TE agrees to terminate the lease and vacate the buildings early.

However, the City has expressed some concern about further delays that might arise if TE were able to extend the term of its lease beyond what is now permitted under the lease and a desire for more certainty surrounding the ultimate demolition of Building 305. In response to that concern, Facebook will commit to demolishing Building 305 within twelve months of the date that TE vacates Building 305 (subject to receipt of all applicable permits and approvals, including any permits and approvals from the Department of Toxic Substances Control and/or the U.S. Environmental Protection Agency). In addition, Facebook agrees not to renew or extend TE's lease beyond the outside expiration date of September 2022 (assuming that TE exercises its existing renewal option and foregoes its incentive to vacate in 2020).

## III. Building 22 Design and Changes to the Project

In late 2016, Facebook requested that Gehry Partners undertake a reevaluation of the conceptual drawings for Building 22. Gehry Partners and Facebook determined that the footprint of the overall building could be reduced in size without altering the overall envelope or impact of the project, such that Building 22 would remain well within the previously approved footprints and square footage envelopes while accommodating TE's continued use of Building 305 through the end of its lease.

The revised project conforms to the permitted FAR limits, setback requirements, building coverage and minimum open space requirements, maximum height limit of 75', and total number of parking spaces permitted. In addition, the revised project does not require any change in the permitted uses, density or intensity of uses, provisions for the reservation or dedication of land, restrictions or requirements relating to subsequent discretionary actions, any monetary obligations of Facebook, or any conditions or covenants limiting or restricting the use of the site.

The only change with respect to the overall site calculations is that total building coverage (at full buildout) will be reduced from approximately 1,311,977 square feet (52% of the site) to 1,019,293 square feet (approx. 40% of the site). During the interim phase where Building 305 remains on-site, total building coverage will be approximately 1,216,530 square feet (approximately 48% of the site).

With respect to FAR limits, construction of Building 22 would not exceed the site's .45 FAR requirement for office uses. While Building 305 remains, total FAR on-site would remain below the site's .55 FAR limit. As contemplated in the Project Approvals, including the Development Agreement, construction of the hotel could commence after TE fully vacates the site, which would ensure that at no point in time would the site's FAR exceed 0.55.

### 1. Building 22 Design Narrative

The design for Building 22 contemplates a 75' tall, four-story office building with an adjacent parking structure to the west. Access to the building will be provided through lobbies that are located at the east, center, and west ends of the building. A bus and tram stop/terminal will be located north of the building. Pedestrian bridges will connect the west lobbies to the parking structure. The design approach aims to provide a highly functional office building for Facebook while respecting the characteristics of the adjacent neighborhood. The office program includes a variety of conference meeting rooms, offices, food service venues, and extensive support spaces, consistent with the program analyzed for Building 22 in the EIR. It is the design intent to bring as much natural light as possible into the office work spaces, including through the use of an interior atrium space that would extend throughout the building, and provide easy access to the outdoors. The office space is planned to consist of open floor plans totaling approximately 449,500 sf., also consistent with the CDP and EIR. The building is oriented to face the Belle Haven neighborhood south of the site, and aims to enhance the local environment with California native vegetation.

In addition, Facebook is anticipating requesting clarifications in the CDP to permit architectural skylights that would partially extend beyond the 75' foot height limit, which may entail corresponding revisions in the CDP. The current design anticipates that the skylights would not extend higher than the proposed rooftop mechanical equipment, and would not create additional visual obstruction.

Facebook therefore requests that this design feature be included as part of the City's design review process.

### 2. Parking Structure

As discussed above, parking would be consolidated in a new 8-story, 75' tall parking structure (measured from average finished grade to the roof deck pursuant to Section 2.5 of the CDP), with rooftop railing and screening, elevator hoistways, and a solar canopy that would extend above the height limit as permitted under the CDP. The parking structure is currently anticipated to accommodate approximately 1,736 spaces, which conforms to the CDP's parking requirements.

With respect to the hotel, no change in the parking configuration is anticipated. Approximately 245 parking spaces would be provided at grade below the hotel and would be available for hotel employees and guests, consistent with the analysis provided in the EIR.

### 3. Intensity of Use

No change in the intensity of the uses on-site is anticipated. While the existing conditions at Building 305 could remain for some limited duration while Building 22 is occupied, the total number of workers associated with Building 305 is well below the projected number of workers, visitors and guests for the hotel, and the site would remain subject to the peak hour and daily trip caps established in the CDP that apply to the entire site (including the existing buildings).

### 4. Site Access and Circulation

No changes are proposed with respect to site access. Circulation on the western portion of the site would be refined to reflect the consolidation of parking for the office buildings in a new parking structure. Preliminary analysis from Fehr & Peers has confirmed that the proposed circulation would not create queuing issues or modify the conclusions reached in the traffic analysis conducted for the EIR. Truck access would continue to be provided through a controlled driveway on Chilco Street at Constitution Drive, and would serve TE's interim use of Building 305 so long as it occupies the premises.

### 5. Landscaping, Site Design and Open Space

Compared to the proposed site plan evaluated in the EIR, the refined site plan would increase the amount of landscaping and other pervious materials on-site, and result in additional natural areas including stormwater treatment areas. The additional landscaped area would provide passive recreational space for workers, as well as provide flexibility and reserve space for potential future uses. No reduction in the amount of replacement trees is sought.

### 6. Final Site Plan post-Building 305 Demolition

Although the scope of improvements that would be installed after Building 305 is demolished are still undergoing refinement, the current proposal is to replace the existing asphalt parking lots with additional landscaping, a shuttle and tram drop-off area, as well as recharging facilities for Facebook's shuttle buses and trams in an area previously identified as a surface parking lot. The unenclosed facility

would be screened and accommodate approximately 50 shuttle buses and up to 23 trams in the area located east of Building 23.

## IV. Modifications to the CDP

Section 6 of the CDP addresses permitted modifications to the approved project plans and identifies four different types of modifications that are permitted, each of which follows a distinct approval process.

### A. "Substantially Consistent Modifications"

Under Section 6.1.1 of the CDP, "substantially consistent modifications" to the project may be approved by the Community Development Director based on a determination that the proposed modifications are in substantial compliance with and/or substantially consistent with the Project Plans and the Project Approvals. Substantially consistent modifications are generally not visible to the public and do not affect permitted uses, density or intensity of use, restrictions and requirements relating to subsequent discretionary actions, monetary obligations, or material modifications to the conditions of approval.

### B. "Minor Modifications"

Under Section 6.1.2 of the CDP, "minor modifications" to the approved plans may be approved by the Community Development Director (subject to Planning Commission review). Minor Modifications are similar to substantially consistent modifications, except that Minor Modifications are generally visible to the public and result in minor exterior changes to the Project aesthetics.

### C. "Major Modifications"

Under Section 6.1.3 of the CDP, "major modifications" are defined as:

> "[C]hanges or modifications to the Project that are not in substantial compliance with and/or substantially consistent with the Project Plans and Project Approvals. Major modifications include, but are not limited to, significant changes to the exterior appearance of the buildings or appearance of the Property, and changes to the Project Plans, which are determined by the Community Development Director (in his/her reasonable discretion) to not be in substantial compliance with and/or substantially consistent with the Project Plans and Project Approvals."

Major modifications are subject to Planning Commission review and approval, based on a determination that the proposed modifications are compatible with other building and design elements or onsite/offsite improvements of the approved CDP and will not have an adverse impact on safety or the character and aesthetics of the site.

### D. Modifications that Require Council Approval and CDP Amendment

Lastly, Section 6.1.5 of the CDP addresses three types of changes which would require a public amendments to the CDP by the City Council. These three types of changes which require Council approval include:

- Revisions to the project which involve relaxation of the development standards identified in Section 2;
- Material changes to the uses identified in Section 3; or
- Material modifications to the conditions of approval identified in 7 (Trip Cap), 9 (General Project Conditions), 10 (Undercrossing Improvements), 11 (Bicycle and Pedestrian Bridge), 12 (Public Open Space), 13 (On-Site Recycled Water), 14 (Access Parcel) or 15 (Mitigations Carried Forward from Building 20 Approval).

**E. The Changes to the Site Plan and Incorporation of a Parking Structure Constitute Conditional Development Permit Amendment to the CDP.**

As described above, Facebook is requesting several changes to the approved project plans,[1] including (i) the consolidation of surface parking for Buildings 22 and 23 into a parking structure, (ii) a reduction in the building footprint for Building 22 and a change in design from a one-story structure located on a podium above surface parking to a 4-story building (with no change in height), (iii) the addition of a shuttle, bus and tram recharging facility, and (iv) a revised site and circulation plan. These modifications involve significant changes to the exterior appearance of the buildings and the appearance of the property, as well as certain schematic changes to the overall project (specifically, the inclusion of a new parking structure and a dedicated space for recharging electric bus and tram vehicles).

As set forth above, the design for Building 22 and the proposed changes to the project have been planned to conform to the development standards in the CDP and the development envelope studied in the EIR (with the exception of the parking structure). No changes in the trip cap or permitted uses (or intensity) are requested. Facebook is also not requesting any increase in square footage nor the relaxation of any development standards in the CDP. Finally, the proposed changes to the project would result in an equally compelling design scheme and no adverse impacts on health or safety.

No revisions to relax the development standards in Section 2 of the CDP are sought, and Facebook is not seeking any material changes to the uses identified in Section 3. Facebook is also not seeking any material modifications to the conditions of approval. However, based on conversations with City staff, the proposed changes may require amending the following provisions of the CDP:

- **Section 1 (General Information):** revise the general description of the project to include references to a parking structure and the proposed bus/tram electric recharging space; clarify

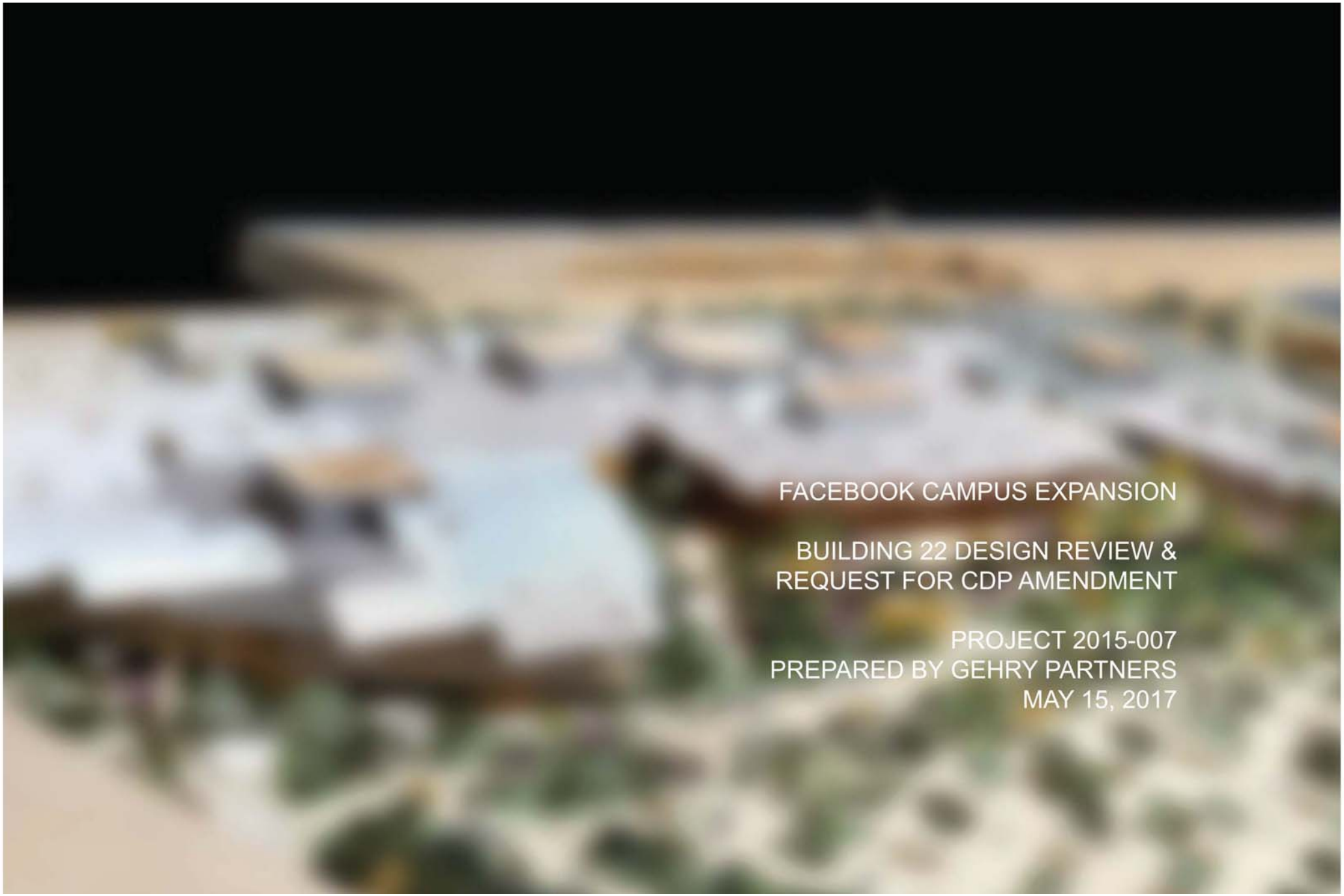
[1] The CDP defines "Project Plans" as the "plans submitted by Gehry Partners, LLC dated September 20, 2016 consisting of 127 plan sheets, recommended for approval to the City Council by the Planning Commission on September 26, 2016 (Project Plans), and approved by the City Council on November 1, 2016, except as modified by the conditions contained herein and in accordance with Section 6 (Modifications) of [the CDP]."

that the existing structures on-site may continue to be occupied pending redevelopment of the site.

- **Section 2 (Development Standards):** No changes to the development standards, but amend the description of the project to make explicit reference to a parking structure and the proposed bus/tram electric recharging space. In addition, Facebook is requesting an additional exclusion from the building height limits to accommodate architectural skylights (provided that they extend no higher than any rooftop mechanical equipment). It may also be necessary to clarify that perimeter safety railings on the top level of the parking structure are permitted to exceed the height limit.
- **Section 3 (Uses):** Clarify that permitted uses include existing uses on-site (i.e., occupancy of the existing buildings by tenants prior to redevelopment), and that a bus/tram electric recharging space is an ancillary use.
- **Section 7 (Trip Cap):** Conforming changes to clarify that the trip cap applies to the entire TE Site, consistent with the existing Trip Cap Monitoring and Enforcement Policy.
- **Section 9 (Project Specific Conditions):** Technical changes to clarify that certain conditions apply to each "phase" of development as opposed to each "building," and proposed changes to permit the partial use of Tier 2 and/or Tier 3 pile rigs modified with diesel particulate filters (with all remaining equipment to remain Tier 4), with no material difference in air quality emissions. The City previously approved the use of modified Tier 2 and Tier 3 pile rigs for Building 21 as a "substantially consistent modification" to the CDP after confirming that no material change in air quality emissions would occur; this analysis was peer reviewed by the City's independent consultant, ICF.

In addition, to the extent that Building 305 will remain occupied by TE for an interim period while Buildings 21 and 22 are constructed and occupied, Building 305's use is considered a non-conforming use and is thus permitted under the City's zoning rules. To the extent that the phasing of demolition and building permits differs from the chronology contemplated in the EIR, Section 8 of the CDP gives the City Building Official the authority to determine the sequencing of building permits and sub-phases for each building/phase of construction. Nonetheless, clarifying revisions may be appropriate to clarify that Building 305 may remain occupied for the duration of TE's lease term while other phases of the project are constructed.

ATTACHMENT C



# FACEBOOK CAMPUS EXPANSION

## BUILDING 22 DESIGN REVIEW & REQUEST FOR CDP AMENDMENT

PROJECT 2015-007
PREPARED BY GEHRY PARTNERS
MAY 15, 2017

# *FACEBOOK CAMPUS EXPANSION*

*Prepared By:*
*Gehry Partners, LLP*

## *BUILDING 22 DESIGN REVIEW & REQUEST FOR CDP AMENDMENT*

*MAY 15, 2017*

| | DRAWING SHEET INDEX | SCALE |
|---|---|---|
| **SHEET #** | **SHEET TITLE** | |
| A0-01 | PROJECT DATA | NTS |
| | | |
| **A1** | **REGIONAL PLANS** | |
| A1-01 | EXISTING REGIONAL PLAN | 1"=300' |
| A1-02 | PROPOSED REGIONAL PLAN INTERIM PHASE | 1"=300' |
| A1-03 | PROPOSED REGIONAL PLAN FINAL PHASE | 1"=300' |
| | | |
| **A1-1** | **SITE PLANS** | |
| A1-11 | EXISTING SITE PLAN | 1"=150' |
| A1-12 | PROPOSED SITE PLAN INTERIM PHASE | 1"=150' |
| A1-13 | PROPOSED SITE PLAN FINAL PHASE | 1"=150' |
| A1-14 | PREVIOUS SITE PLAN APPROVED 11/01/2016 | 1"=150' |
| | | |
| **A2** | **BUILDING 22 & PARKING STRUCTURE FLOOR PLANS** | |
| A2-01 | BUILDING 22 FLOOR PLAN LEVEL 01 | 1/32"=1'-0" |
| A2-02 | BUILDING 22 FLOOR PLAN LEVEL 02 | 1/32"=1'-0" |
| A2-03 | BUILDING 22 FLOOR PLAN LEVEL 03 | 1/32"=1'-0" |
| A2-04 | BUILDING 22 FLOOR PLAN LEVEL 04 | 1/32"=1'-0" |
| A2-05 | BUILDING 22 ROOF PLAN | 1/32"=1'-0" |
| A2-10 | PARKING STRUCTURE LEVEL 01 & 02 | 1/32"=1'-0" |
| A2-11 | PARKING STRUCTURE LEVEL 03 - 07 | 1/32"=1'-0" |
| A2-12 | PARKING STRUCTURE ROOF PLAN | 1/32"=1'-0" |
| A2-13 | DETAIL OF TYPICAL PARKING SPACE | NTS |
| | | |
| **A3** | **SECTIONS & ELEVATIONS + MODEL PHOTOGRAPHS** | |
| A3-01 | BUILDING 21, 22, & HOTEL SITE SECTIONS | AS NOTED |
| A3-02 | BUILDING 21, 22, & HOTEL SITE SECTIONS | AS NOTED |
| A3-03 | BUILDING 21, 22, & HOTEL SITE SECTIONS | AS NOTED |
| A3-04 | BUILDING 21 ELEVATIONS | 1"=25'-0" |
| A3-05 | BUILDING 21 ELEVATIONS | 1"=25'-0" |
| A3-06 | BUILDING 21 ELEVATIONS | 1"=25'-0" |
| A3-07 | BUILDING 21 ELEVATIONS | 1"=25'-0" |
| A3-08 | BUILDING 22 NORTH & SOUTH ELEVATIONS | 1"=50'-0" |
| A3-09 | BUILDING 22 EAST ELEVATION | 1/16"=1'-0" |
| A3-10 | BUILDING 22 WEST BUILDING ELEVATION | 1/16"=1'-0" |
| A3-11 | BUILDING 22 PARTIAL SOUTH BUILDING ELEVATION | 1/16"=1'-0" |
| A3-12 | BUILDING 22 PARTIAL SOUTH BUILDING ELEVATION | 1/16"=1'-0" |
| A3-13 | BUILDING 22 PARTIAL NORTH BUILDING ELEVATION | 1/16"=1'-0" |
| A3-14 | BUILDING 22 PARTIAL NORTH BUILDING ELEVATION | 1/16"=1'-0" |
| A3-15 | PARKING STRUCTURE EAST BUILDING ELEVATION | 1/16"=1'-0" |
| A3-16 | PARKING STRUCTURE WEST BUILDING ELEVATION | 1/16"=1'-0" |
| A3-17 | PARKING STRUCTURE SOUTH BUILDING ELEVATION | 1/16"=1'-0" |
| A3-18 | PARKING STRUCTURE NORTH BUILDING ELEVATION | 1/16"=1'-0" |
| | | |
| A3-20 | MODEL PHOTOGRAPHS | NTS |
| A3-21 | MODEL PHOTOGRAPHS | NTS |
| A3-22 | MODEL PHOTOGRAPHS | NTS |
| A3-23 | MODEL PHOTOGRAPHS | NTS |
| | | |
| **A4** | **PHASING PLANS** | |
| A4-01 | PARKING PHASE 1 EXISTING & BLDG 22 UNDER CONSTRUCTION | 1"=150' |
| A4-02 | PARKING PHASE 2 INTERIM PHASE / HOTEL UNDER CONSTRUCTION | 1"=150' |
| A4-03 | PARKING PHASE 3 FINAL PHASE | 1"=150' |
| | | |
| **T1** | **TRAFFIC DIAGRAM INTERIM PHASE** | |
| T1-01 | INTERIM PHASE OVERLAY | AS NOTED |
| T1-02 | FINAL PHASE OVERLAY | AS NOTED |
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| T1-04 | FINAL PHASE INTERNAL VEHICLE ACCESS | AS NOTED |
| T1-05 | INTERIM PHASE INTERNAL BICYCLE CIRCULATION | AS NOTED |
| T1-06 | FINAL PHASE INTERNAL BICYCLE CIRCULATION | AS NOTED |
| T1-07 | INTERIM PHASE EMPLOYEE SHUTTLE BUS NORTHBOUND | AS NOTED |
| T1-08 | FINAL PHASE EMPLOYEE SHUTTLE BUS NORTHBOUND | AS NOTED |
| T1-09 | INTERIM PHASE EMPLOYEE SHUTTLE BUS SOUTHBOUND | AS NOTED |
| T1-10 | FINAL PHASE EMPLOYEE SHUTTLE BUS SOUTHBOUND | AS NOTED |
| T1-11 | INTERIM PHASE EMPLOYEE INTRA CAMPUS TRAM | AS NOTED |
| T1-12 | FINAL PHASE EMPLOYEE INTRA CAMPUS TRAM | AS NOTED |
| T1-13 | INTERIM PHASE TRUCK ACCESS | AS NOTED |
| T1-14 | FINAL PHASE TRUCK ACCESS | AS NOTED |
| T1-15 | INTERIM PHASE EMERGENCY VEHICLE ACCESS | AS NOTED |
| T1-16 | FINAL PHASE EMERGENCY VEHICLE ACCESS | AS NOTED |
| T1-17 | FINAL PHASE REGIONAL BICYCLE ACCESS | AS NOTED |
| T1-18 | FINAL PHASE REGIONAL VEHICULAR ACCESS | AS NOTED |
| T1-19 | FINAL PHASE REGIONAL PEDESTRIAN ACCESS | AS NOTED |
| | | |
| **L1** | **LANDSCAPE PLANS** | |
| L1-01 | PROPOSED LANDSCAPE PLAN INTERIM PHASE | AS NOTED |
| L1-02 | PROPOSED LANDSCAPE PLAN FINAL PHASE | AS NOTED |

| | Previously Approved Project | MPK 22 Design Review & CDP Amendment Interim Phase | MPK 22 Design Review & CDP Amendment Final Phase |
|---|---|---|---|
| | | | |
| SITE AREA TOTAL (SF) | 3,503,608 | 3,504,041 | 3,504,041 |
| MPK20 Site AREA (SF) | 963,680 | 959,565 | 959,565 |
| TE SITE AREA (SF) | 2,539,928 | 2,544,476 | 2,544,476 |
| | | | |
| | | | |
| Building Coverage (SF) | 1,838,665 | 1,743,136 | 1,545,961 |
| Building Coverage (%) | 52% | 50% | 44% |
| | | | |
| | | | |
| MPK20 (GFA) | 433,555 | 433,555 | 433,555 |
| MPK21 (GFA) | 512,900 | 512,900 | 512,900 |
| MPK22 (GFA) | 449,500 | 449,500 | 449,500 |
| MPK23 (GFA) | 180,108 | 180,108 | 180,108 |
| BLDG 305 (GFA) | | 289,718 | |
| Hotel (GFA) | 174,800 | | 174,800 |
| | | | |
| Total Office (GFA) | 1,576,063 | 1,576,063 | 1,576,063 |
| Office FAR | 0.45 | 0.45 | 0.45 |
| Total Mixed Use (GFA) | 1,750,863 | 1,865,781 | 1,750,863 |
| Mixed Use FAR | 0.50 | 0.53 | 0.50 |
| | | | |
| | | | |
| Parking Stalls | | | |
| MPK21 | 1,476 | 1,495 | 1,495 |
| MPK22 | 1,294 | 0 | 0 |
| MPK23 | 518 | 57 | 57 |
| Parking Garage | | 1,736 | 1,736 |
| Hotel | 245 | | 245 |
| Total Parking Stalls | 3,533 | 3,288 | 3,533 |

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MENLO PARK, CALIFORNIA 94025

CONSULTANTS

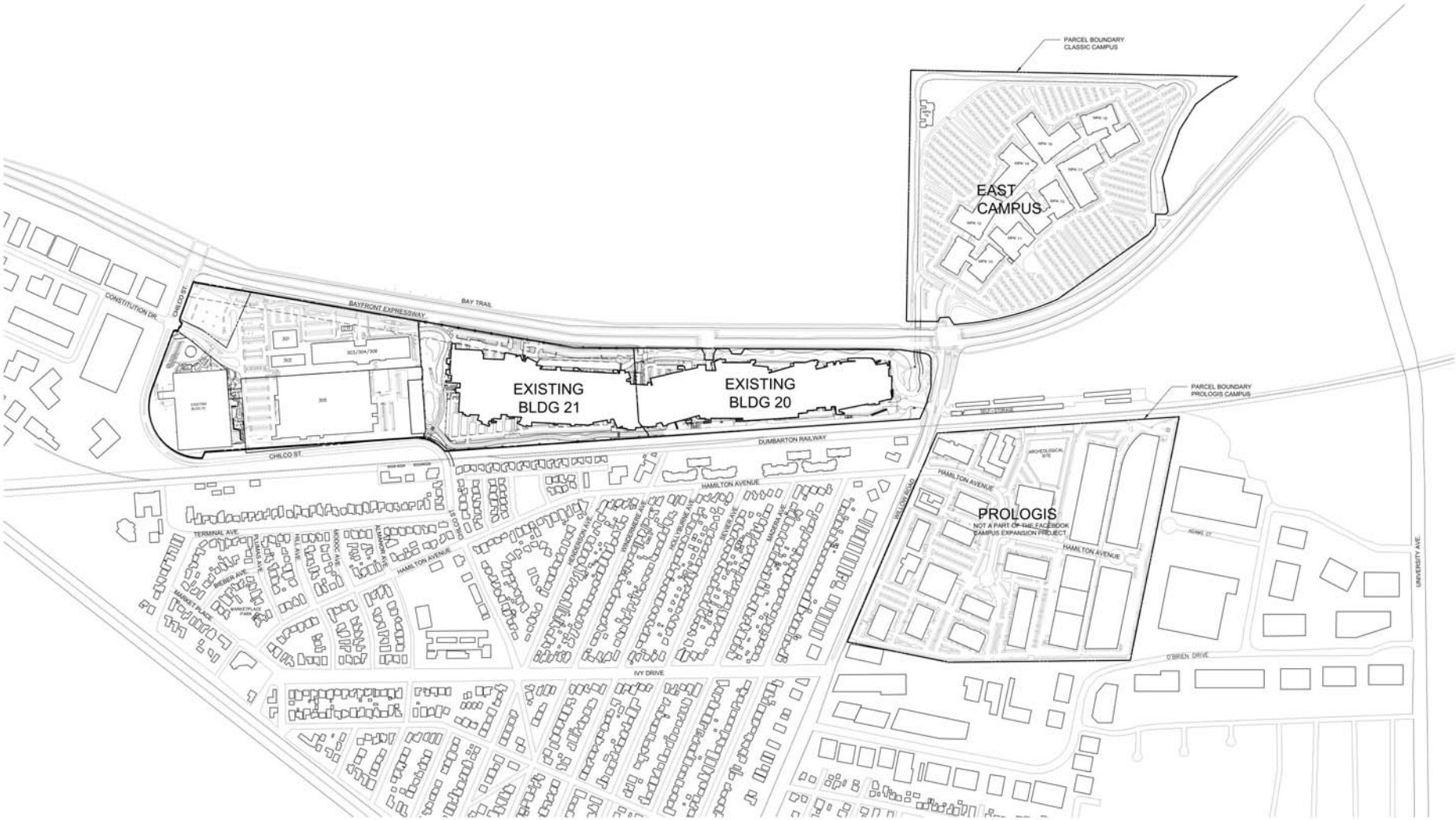
Facebook Campus Expansion
Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
PROJECT DATA

PROJECT NUMBER
2015-007
SCALE

MAY 15, 2017
11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A0-01

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
EXISTING REGIONAL PLAN

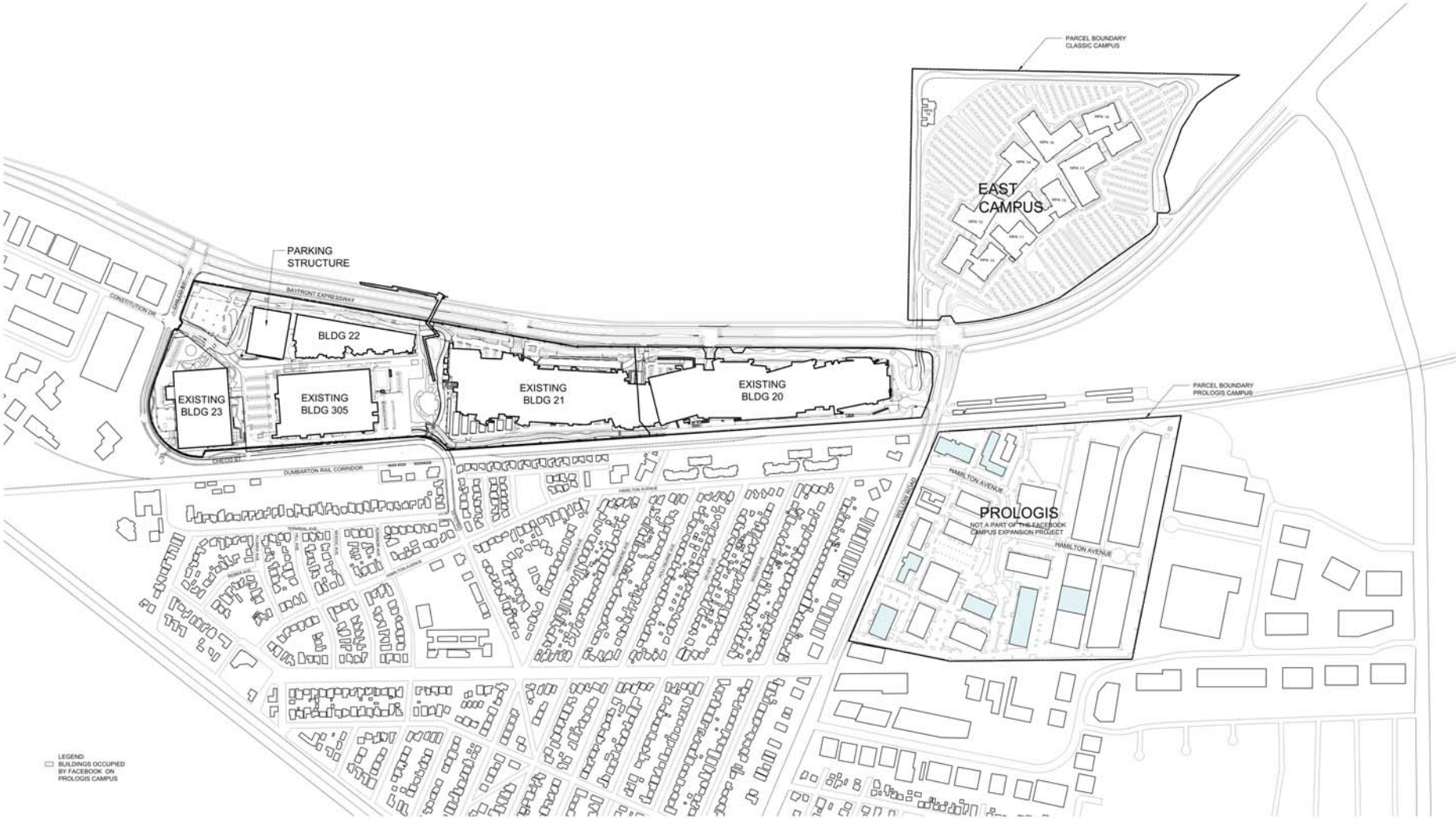
PROJECT NUMBER
2015-007

SCALE
1" = 300'

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A1-01

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
PROPOSED REGIONAL PLAN
INTERIM PHASE

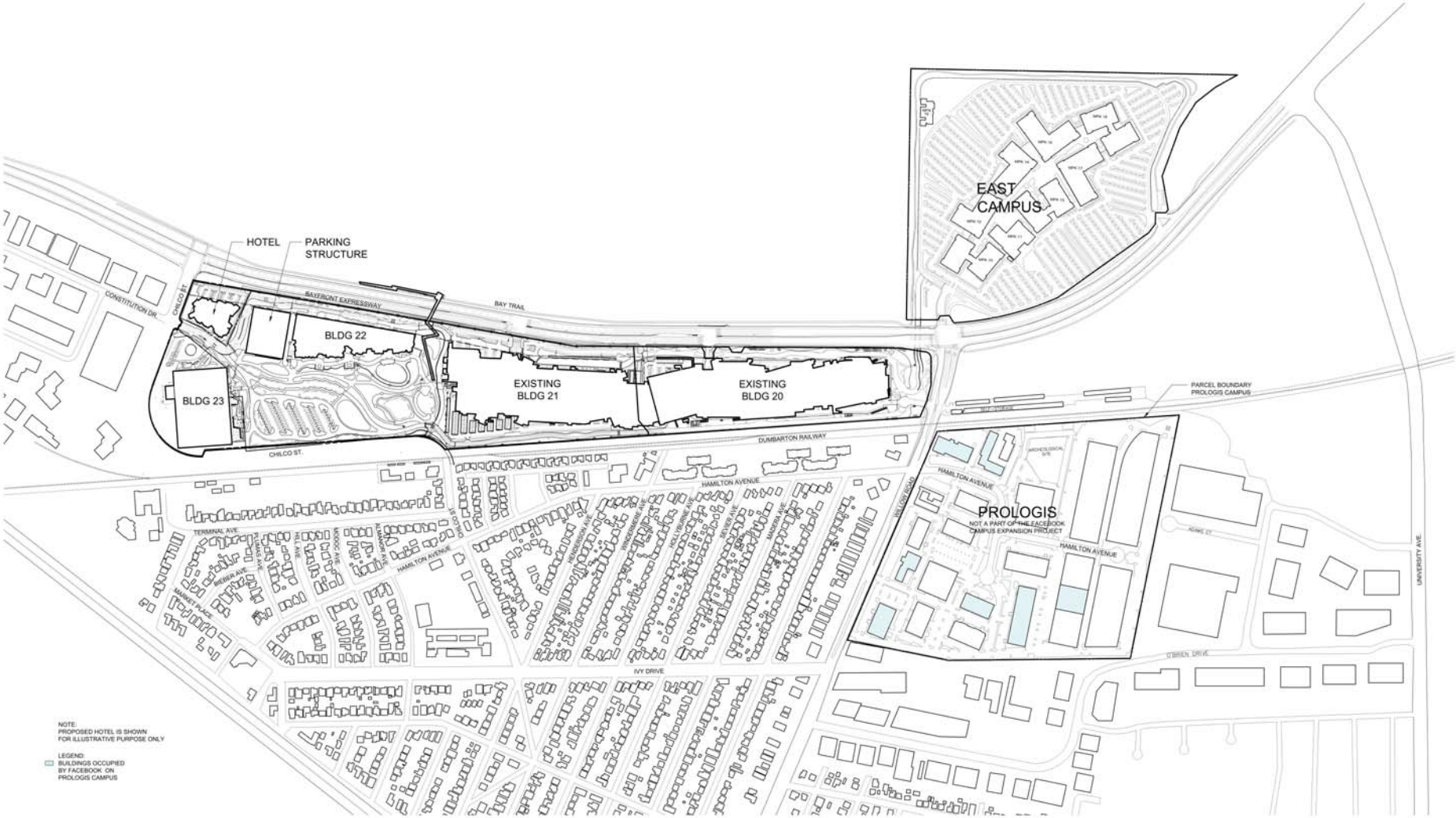
PROJECT NUMBER
2015-007

SCALE
1" = 300'

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A1-02

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
PROPOSED REGIONAL PLAN
FINAL PHASE

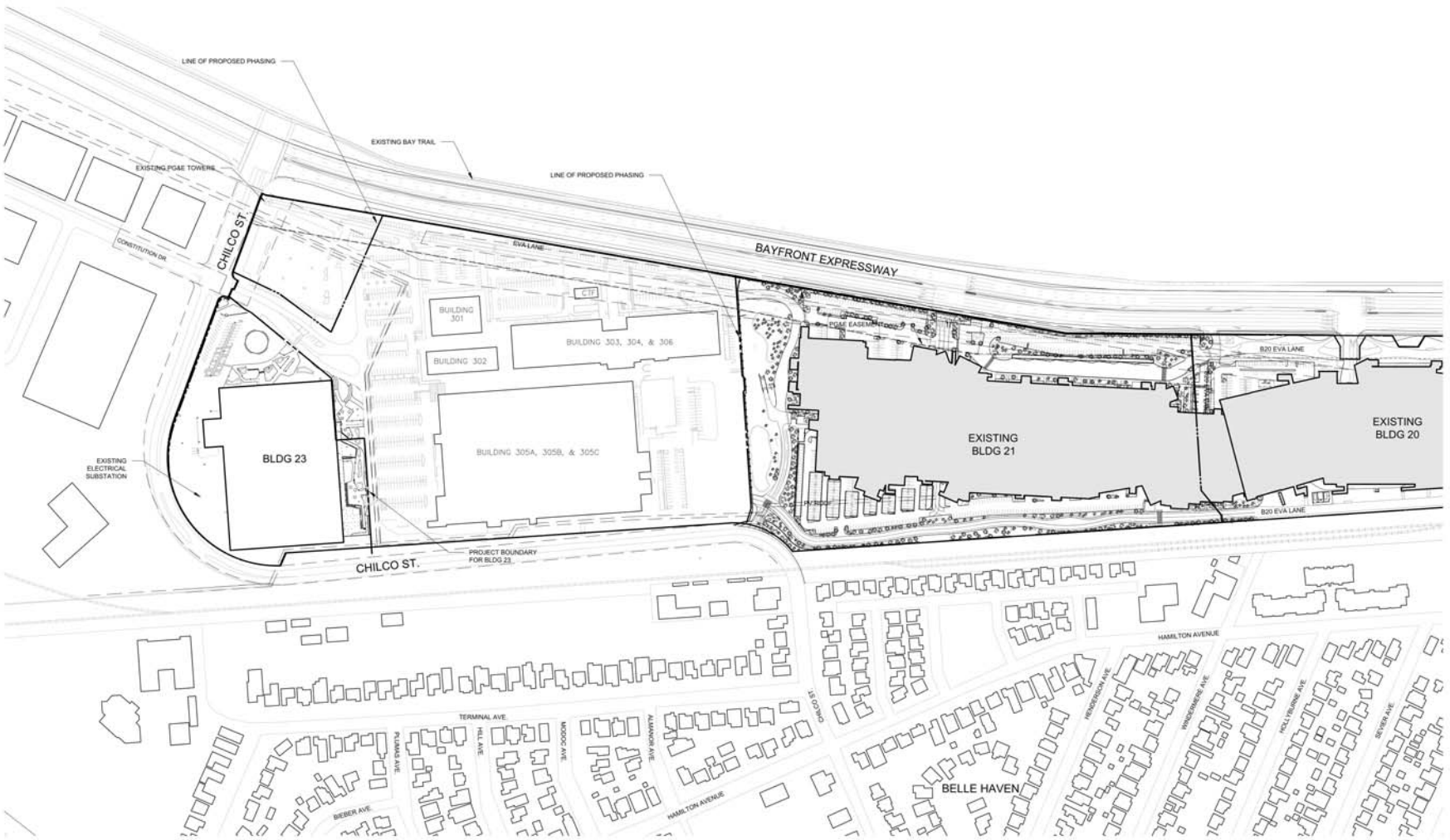
PROJECT NUMBER
2015-007

SCALE
1" = 300'

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A1-03

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
EXISTING SITE PLAN

PROJECT NUMBER
2015-007

SCALE
1" = 150'

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A1-11


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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
PROPOSED SITE PLAN
INTERIM PHASE

PROJECT NUMBER
2015-007

SCALE
1" = 150'

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A1-12


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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
PROPOSED SITE PLAN
FINAL PHASE

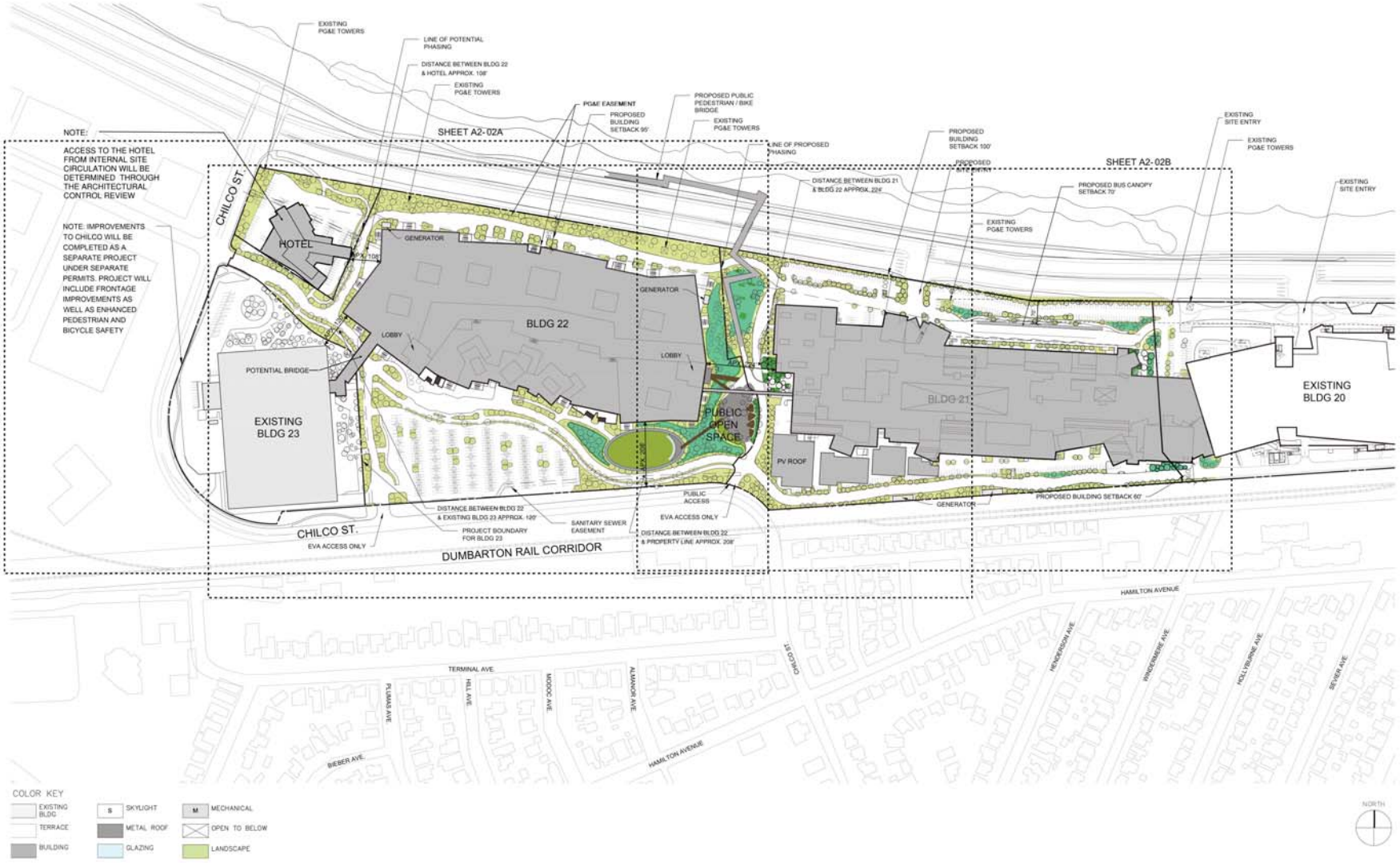
PROJECT NUMBER
2015-007

SCALE
1" = 150'

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A1-13




# Facebook Campus Expansion

Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## PREVIOUSLY PROPOSED SITE PLAN | **A1-14**

SCALE : 1"= 150'

11X17 SCALE IS 1"=300'

SEPTEMBER 02, 2016


1 LEVEL 1
1/32" = 1'-0"

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
BUILDING 22
FLOOR PLAN LEVEL 01

PROJECT NUMBER
2015-007

SCALE
1/32" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A2-01


1 LEVEL 2
1/32" = 1'-0"

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
BUILDING 22
FLOOR PLAN LEVEL 02

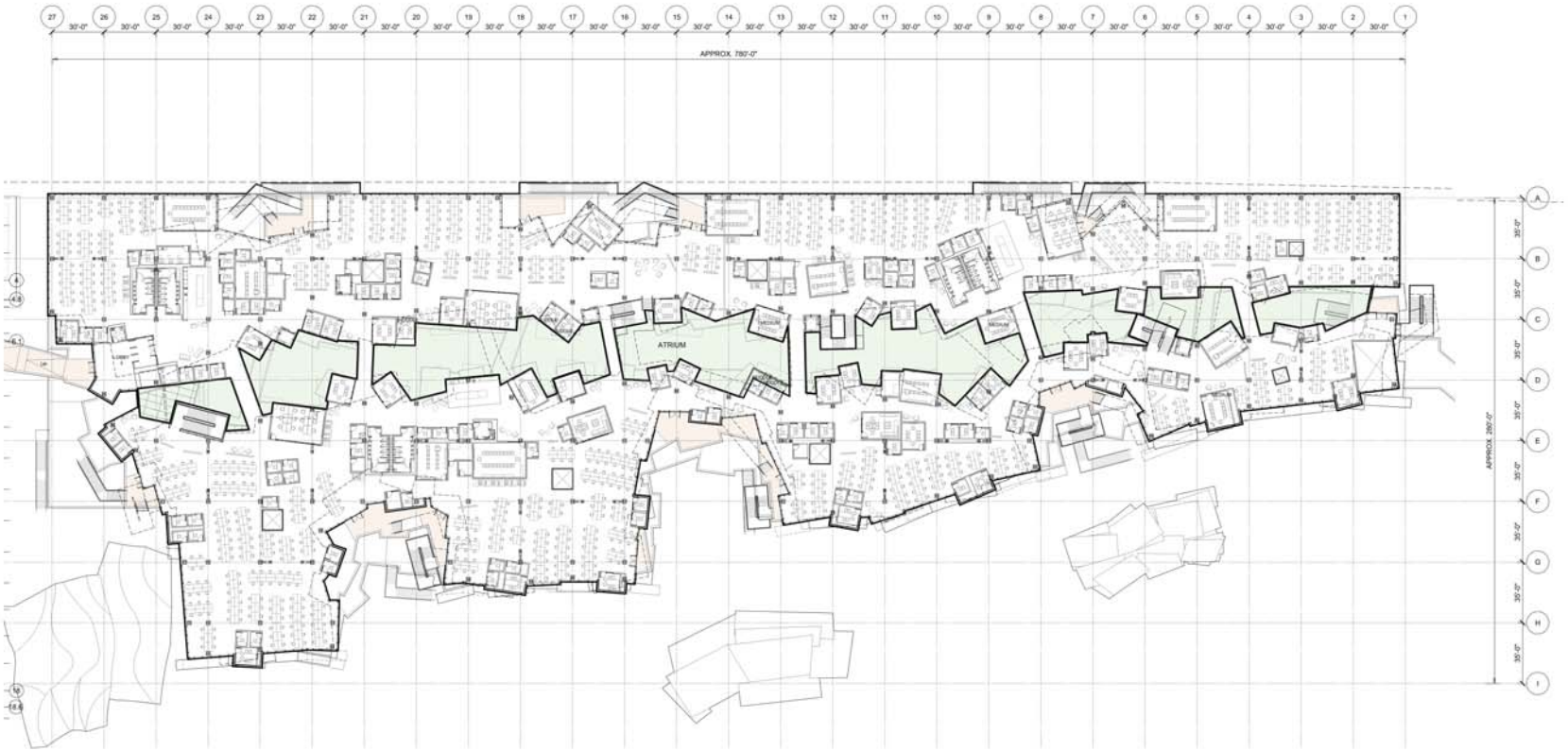
PROJECT NUMBER
2015-007

SCALE
1/32" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A2-02




1 LEVEL 3
1/32" = 1'-0"

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
BUILDING 22
LEVEL 03 FLOOR PLAN

PROJECT NUMBER
2015-007

SCALE
1/32" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A2-03


LEGEND:
ATRIUM
TERRACE

1 LEVEL 4
1/32" = 1'-0"

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CONSULTANTS

# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
BUILDING 22
LEVEL 04 FLOOR PLAN

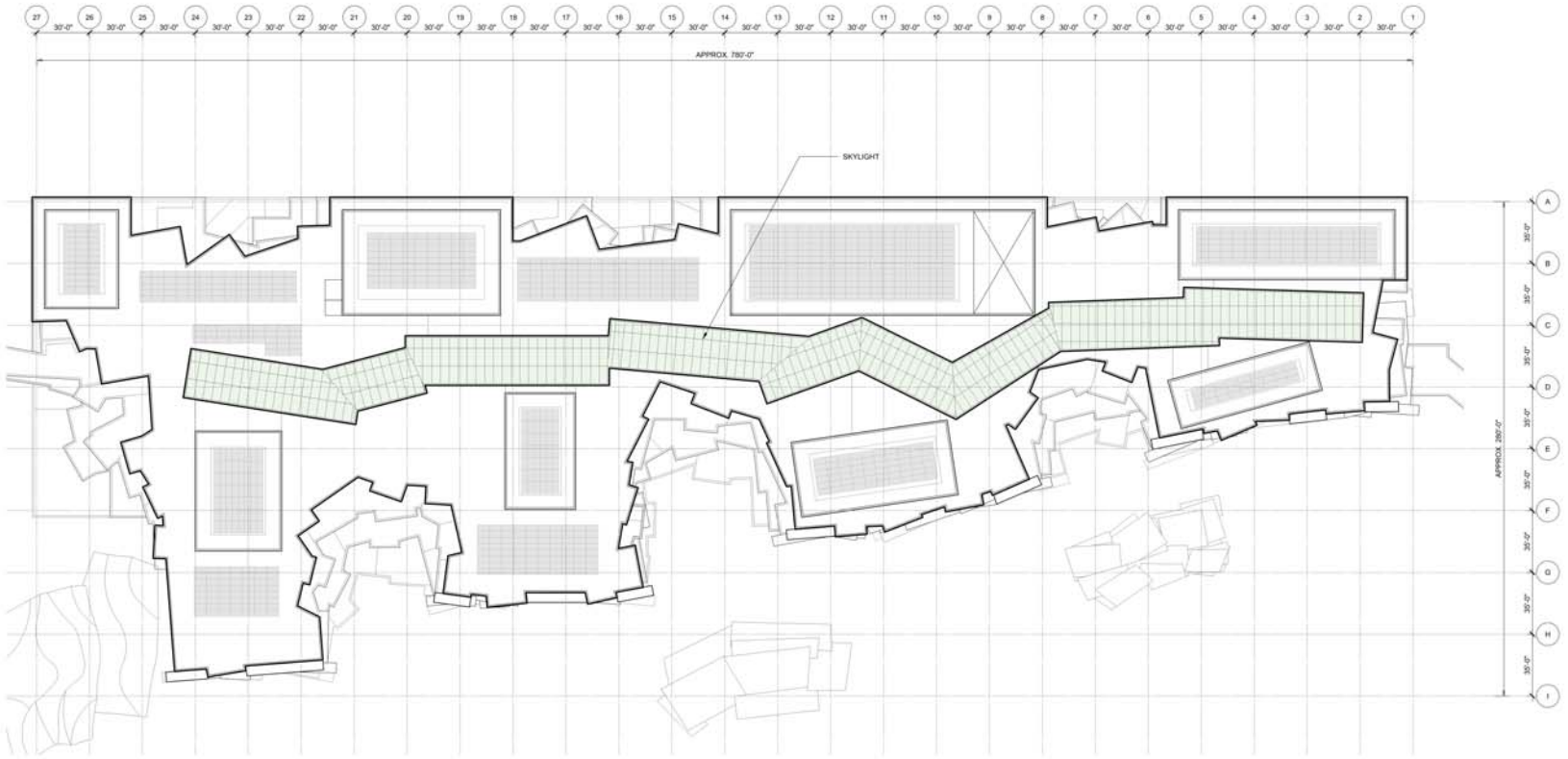
PROJECT NUMBER
2015-007

SCALE
1/32" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A2-04




1 ROOF
1/32" = 1'-0"

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
BUILDING 22
ROOF PLAN

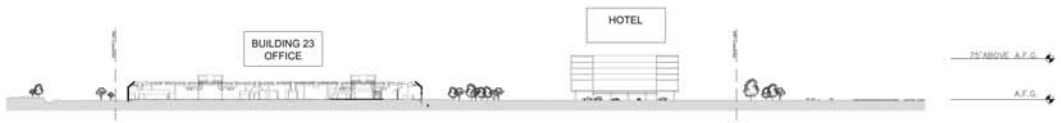
PROJECT NUMBER
2015-007

SCALE
1/32" = 1'-0"

MAY 15, 2017

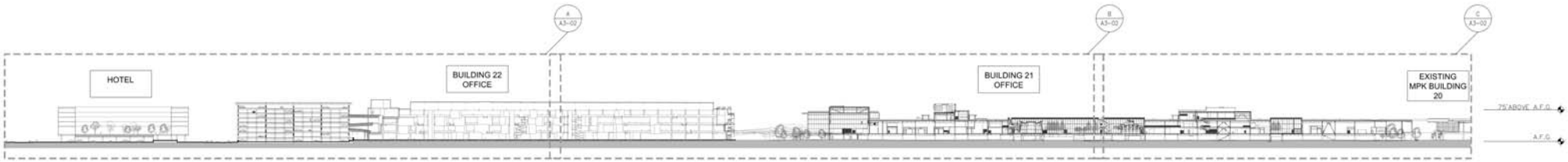
11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A2-05




D FULL SECTION A-A
1" = 100'


C FULL SECTION B-B
1" = 100'

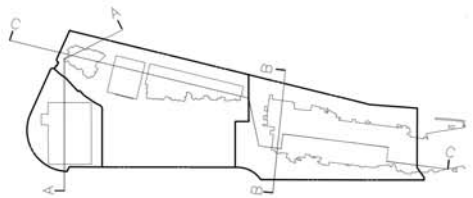



B FULL SECTION C-C
1" = 100'


A FULL SECTION C-C
1" = 150'

NOTES:

1. PROPOSED HOTEL IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY
2. NO OCCUPIED FLOOR AREA ABOVE HEIGHT LIMIT




1 KEY PLAN
NTS

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CONSULTANTS

# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
BULDING 21,22 & HOTEL
SITE SECTIONS

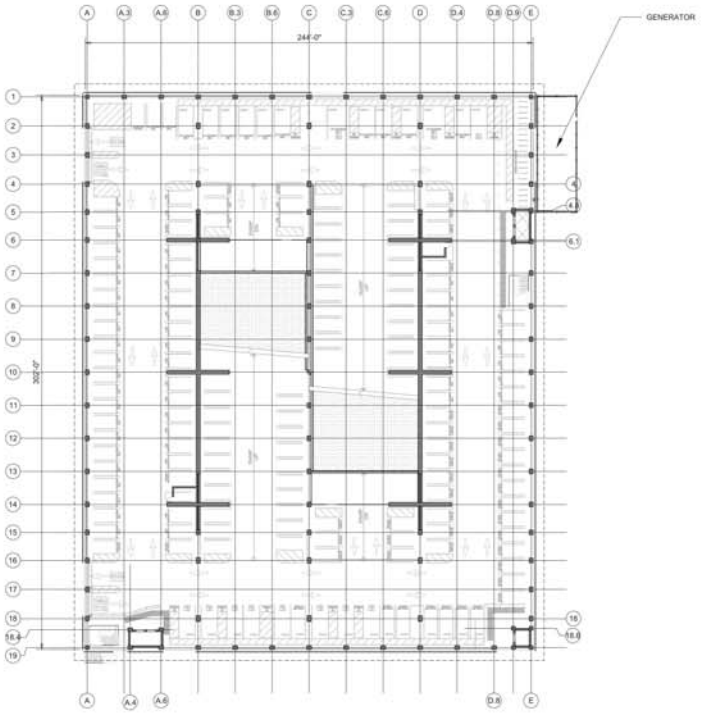
PROJECT NUMBER
2015-007

SCALE
AS NOTED

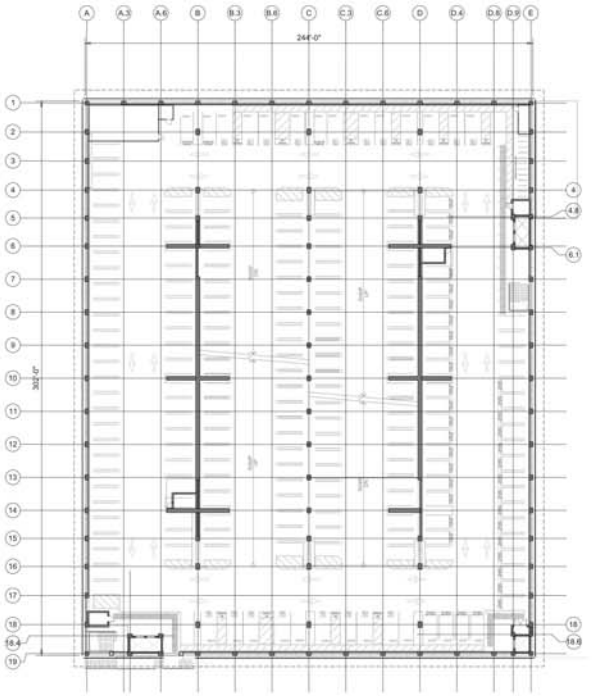
MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A3-01




1 LEVEL 1
1/32" = 1'-0"




2 LEVEL 2
1/32" = 1'-0"

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OWNER
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MENLO PARK, CALIFORNIA 94025

CONSULTANTS

# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
LEVEL 1 & 2
MPK-22

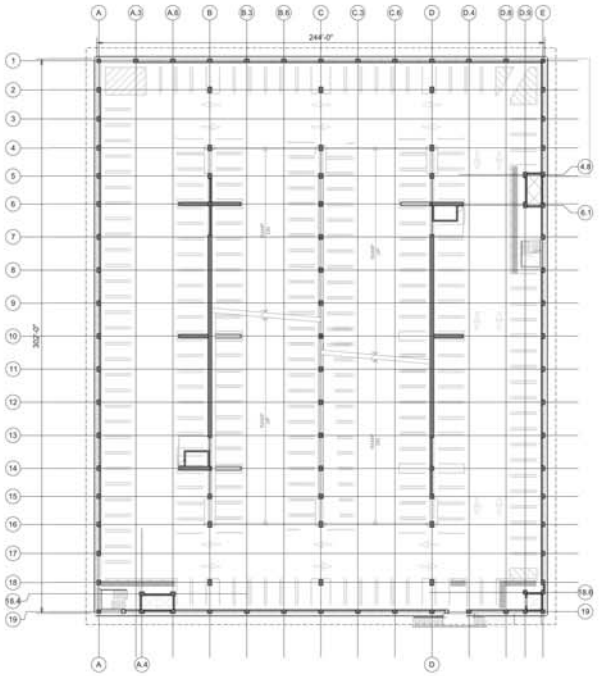
PROJECT NUMBER
2015-007

SCALE
1/32" = 1'-0"

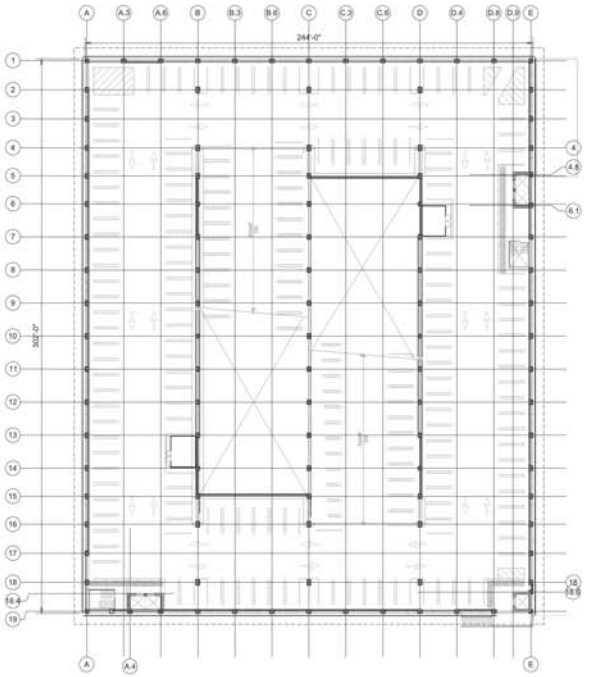
MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A2-10



1 TYP. FLOOR 3-7
1/32"=1'-0"



2 LEVEL 8
1/32"=1'-0"

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
LEVEL 3 - 7
MPK-22

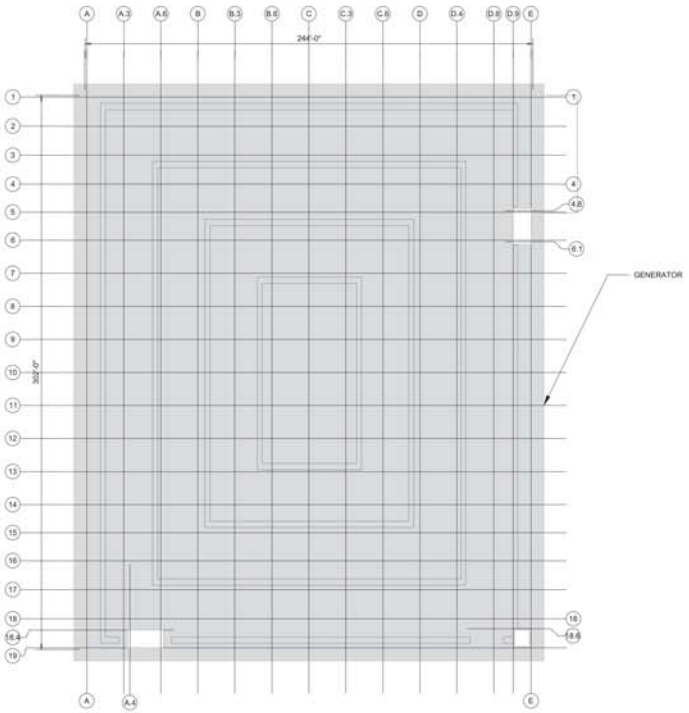
PROJECT NUMBER
2015-007

SCALE
1/32" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A2-11




1 ROOF
1/32" = 1'-0"

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
ROOF
MPK-22

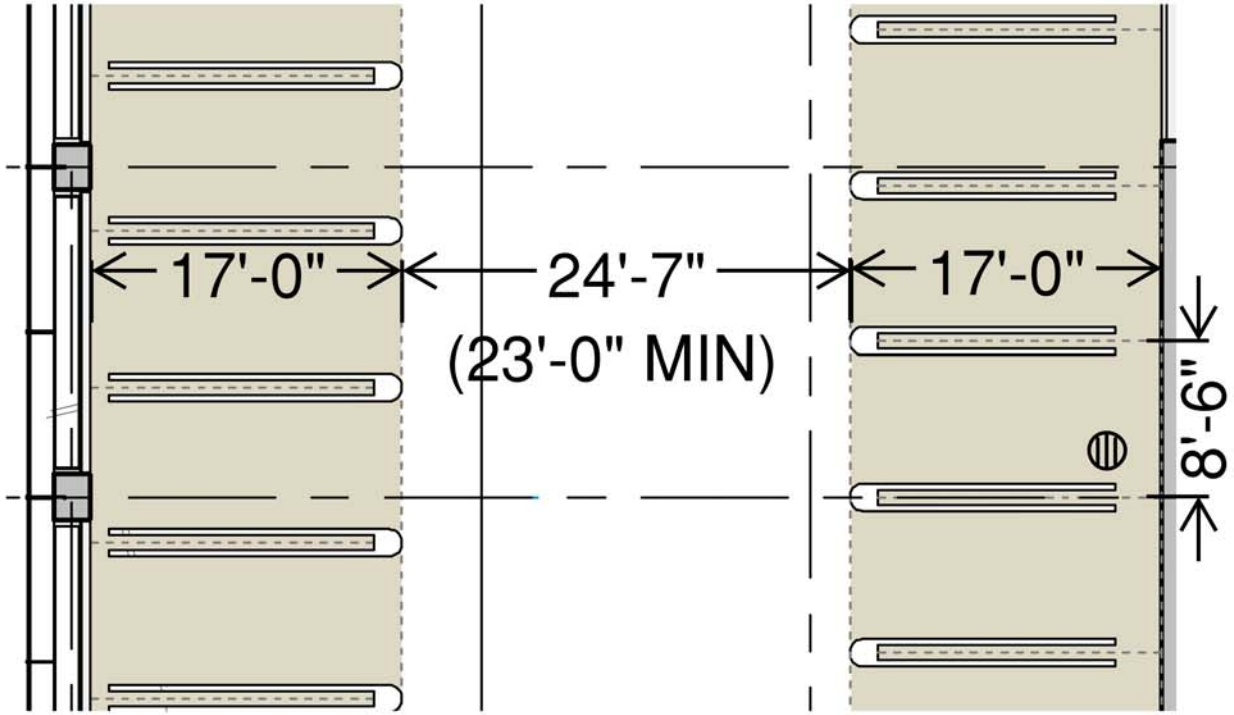
PROJECT NUMBER
2015-007

SCALE
1/32" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A2-12

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Facebook Campus Expansion
Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
DETAIL OF TYPICAL PARKING SPACE

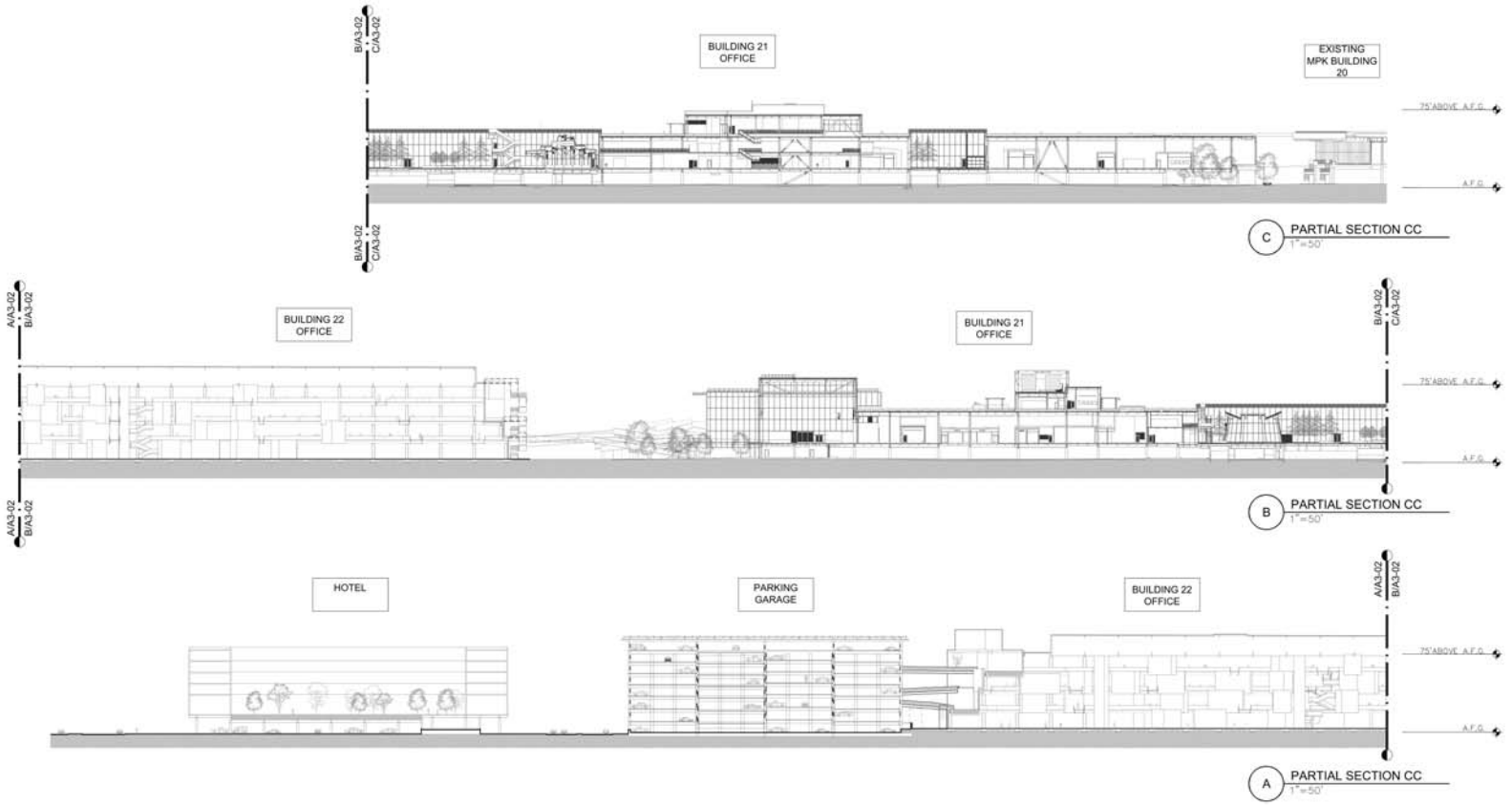
PROJECT NUMBER
2015-007

SCALE

MAY 15, 2017

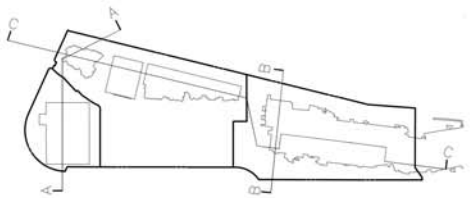
11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A2-13




NOTES:

1. PROPOSED HOTEL IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY
2. NO OCCUPIED FLOOR AREA ABOVE HEIGHT LIMIT




1 KEY PLAN
NTS

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
BULDING 21,22 & HOTEL
SITE SECTION

PROJECT NUMBER
2015-007

SCALE
AS NOTED

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

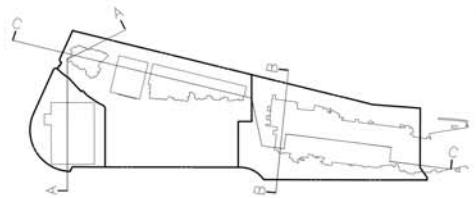
SHEET NUMBER
A3-02


B FULL SECTION B-B
1" = 50'


A FULL SECTION A-A
1" = 50'

NOTES:

1. PROPOSED HOTEL IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY
2. NO OCCUPIED FLOOR AREA ABOVE HEIGHT LIMIT




1 KEY PLAN
NTS

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
BULDING 21,22 & HOTEL
SITE SECTIONS

PROJECT NUMBER
2015-007

SCALE
AS NOTED

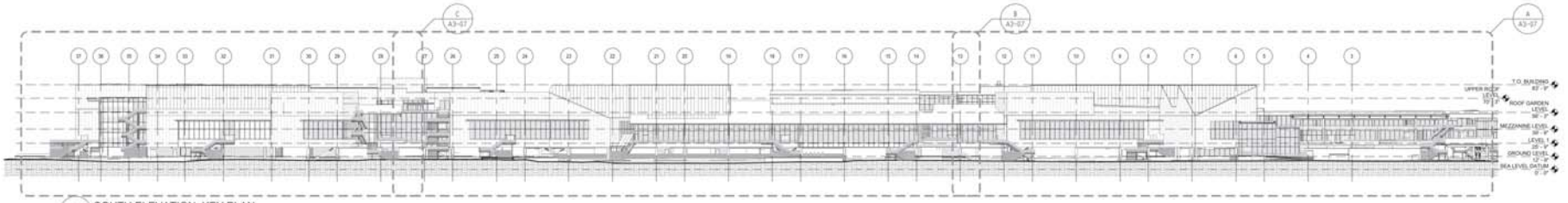
MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

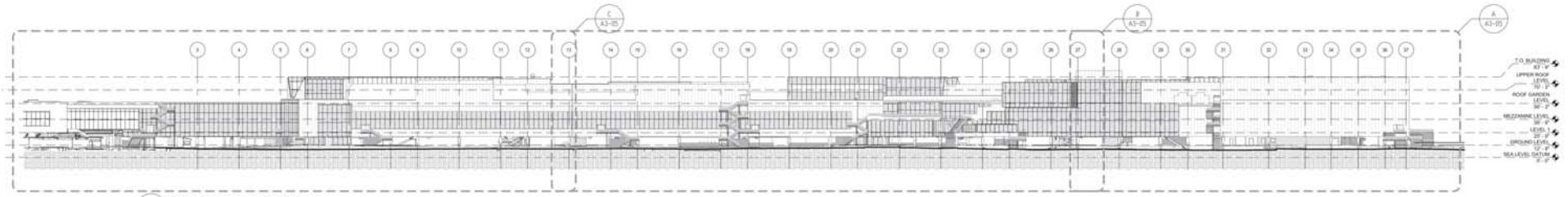
SHEET NUMBER
A3-03

NOTES:

1. BUILDING 21 ELEVATIONS ARE PREVIOUSLY APPROVED
1. THESE ELEVATIONS ARE SHOWN FOR CONTEXT ONLY AND ARE NOT PART OF THE PROJECT




B SOUTH ELEVATION KEY PLAN
SCALE: 1" = 50'




A NORTH ELEVATION KEY PLAN
SCALE: 1" = 50'



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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK21
NORTH & SOUTH
BUILDING ELEVATIONS

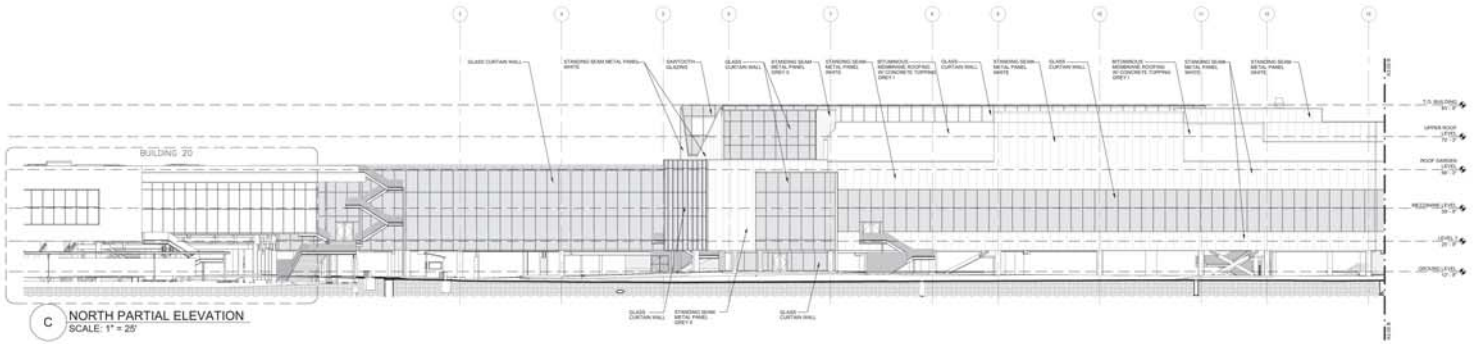
PROJECT NUMBER
2015-007

SCALE
1" = 50'

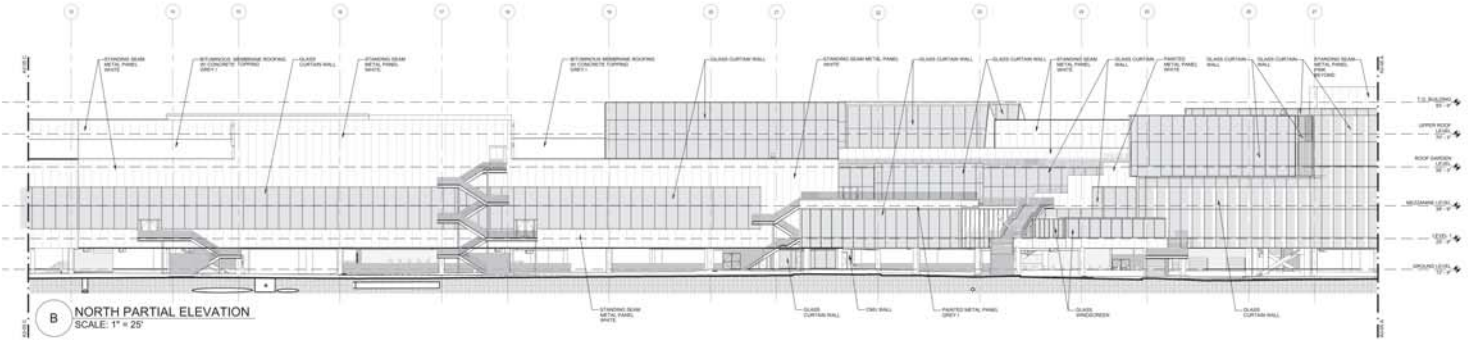
MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

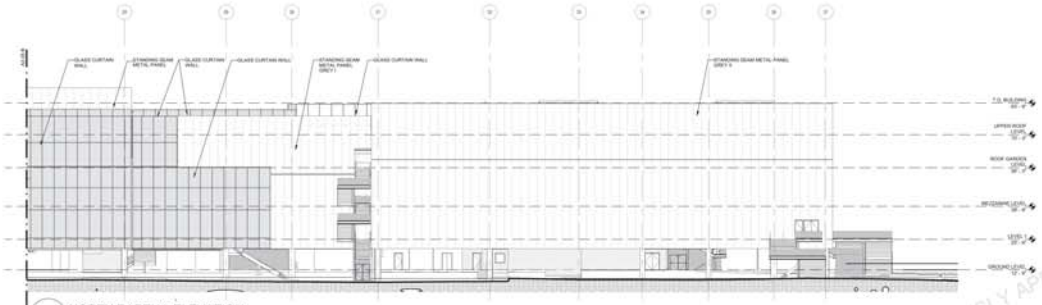
SHEET NUMBER
A3-04




C NORTH PARTIAL ELEVATION
SCALE: 1" = 25'



B NORTH PARTIAL ELEVATION
SCALE: 1" = 25'



A NORTH PARTIAL ELEVATION
SCALE: 1" = 25'

NOTES:

1. BUILDING 21 ELEVATIONS ARE PREVIOUSLY APPROVED
1. THESE ELEVATIONS ARE SHOWN FOR CONTEXT ONLY AND ARE NOT PART OF THE PROJECT



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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK21
NORTH
BUILDING ELEVATIONS

PROJECT NUMBER
2015-007

SCALE
1" = 25'

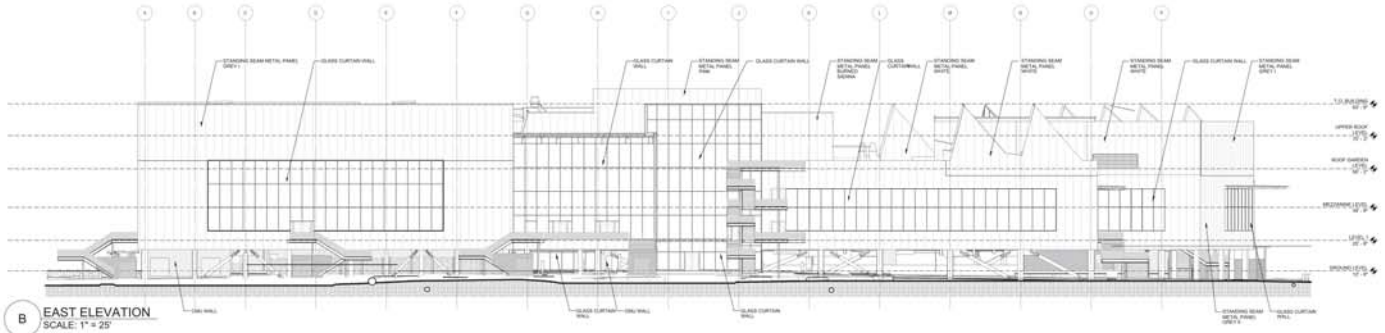
APPROVED 5/2/2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

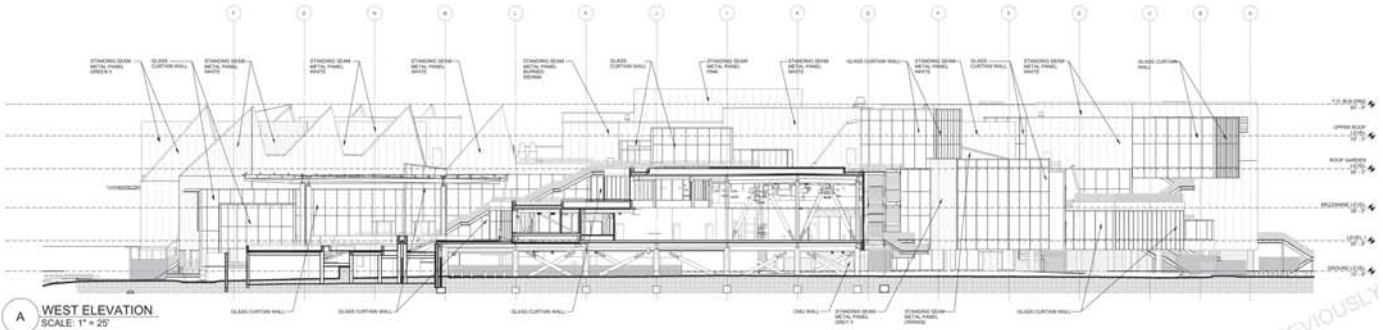
SHEET NUMBER
A3-05

NOTES:

1. BUILDING 21 ELEVATIONS ARE PREVIOUSLY APPROVED
1. THESE ELEVATIONS ARE SHOWN FOR CONTEXT ONLY AND ARE NOT PART OF THE PROJECT



B EAST ELEVATION
SCALE: 1" = 25'



A WEST ELEVATION
SCALE: 1" = 25'



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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK21
EAST & WEST
BUILDING ELEVATIONS

PROJECT NUMBER
2015-007

SCALE
1" = 25'

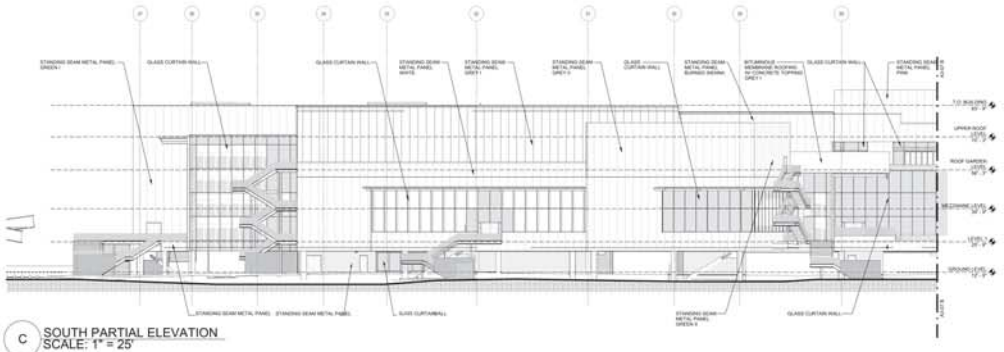
MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

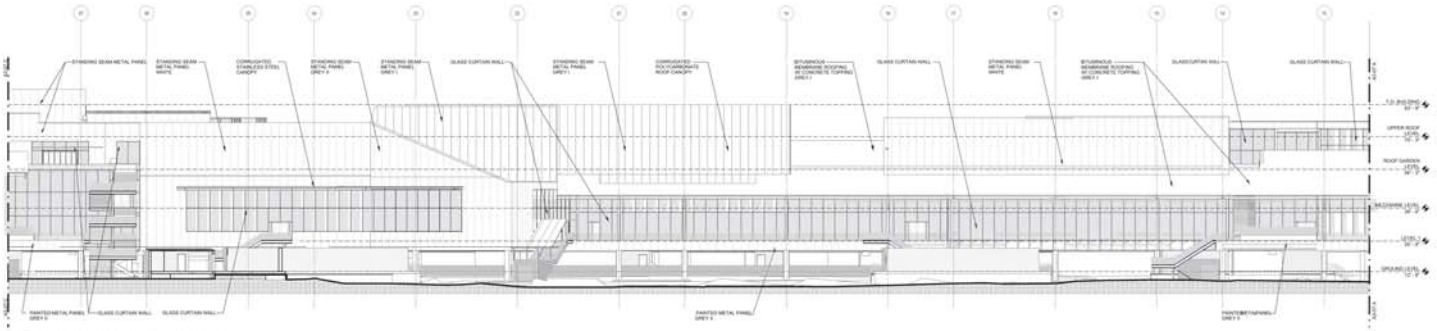
SHEET NUMBER
A3-06

NOTES:

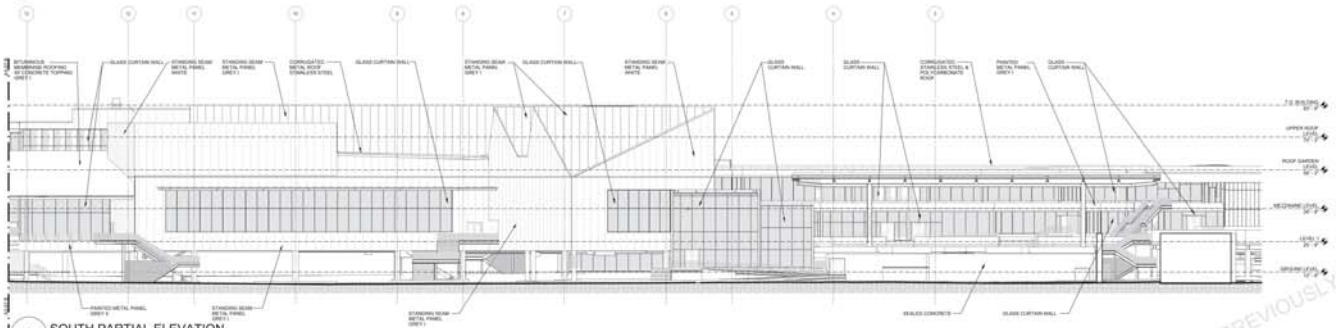
1. BUILDING 21 ELEVATIONS ARE PREVIOUSLY APPROVED.
1. THESE ELEVATIONS ARE SHOWN FOR CONTEXT ONLY AND ARE NOT PART OF THE PROJECT



C SOUTH PARTIAL ELEVATION
SCALE: 1" = 25'



B SOUTH PARTIAL ELEVATION
SCALE: 1" = 25'



A SOUTH PARTIAL ELEVATION
SCALE: 1" = 25'



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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

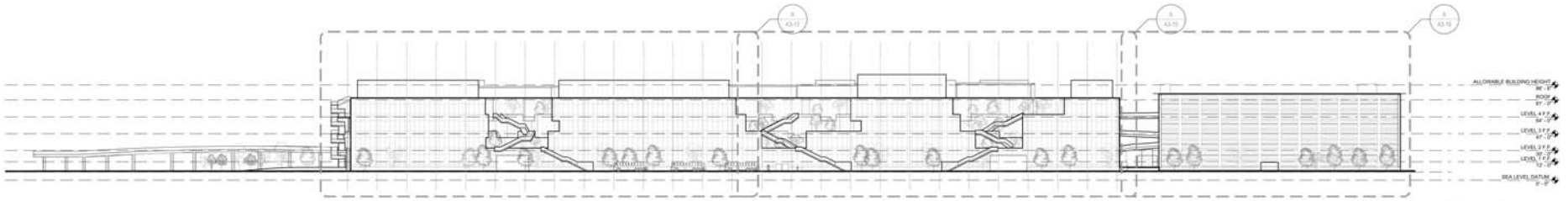
TITLE
MPK21
SOUTH
BUILDING ELEVATIONS

PROJECT NUMBER
2015-007

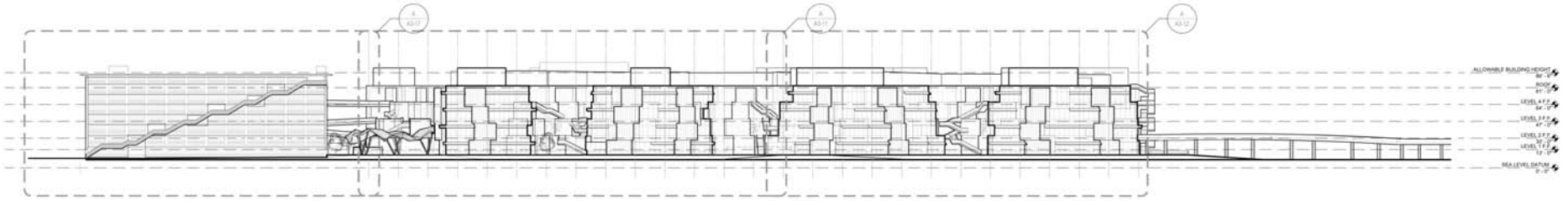
SCALE
1" = 25'

ORIGINAL SHEET SIZE:
24" x 36"

SHEET NUMBER
A3-07




B NORTH ELEVATION KEY PLAN
SCALE 1"= 50'-0"




A SOUTH ELEVATION KEY PLAN
SCALE 1"= 50'-0"

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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK22
NORTH AND SOUTH
BUILDING ELEVATIONS

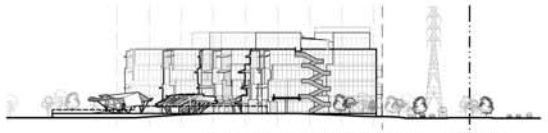
PROJECT NUMBER
2015-007

SCALE
1" = 50'

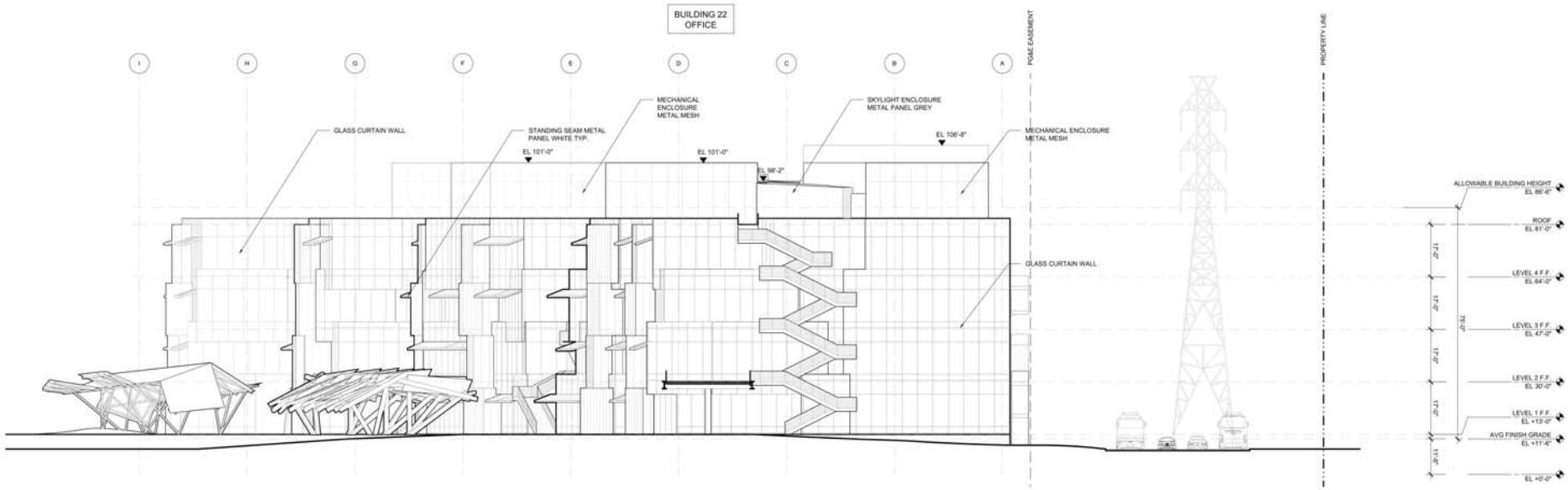
MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A3-08



B EAST ELEVATION WITH LANDSCAPE
1/64" = 1'-0"




A EAST ELEVATION
1"=16'-0"

NOTES:

1. NO OCCUPIED FLOOR AREA ABOVE HEIGHT LIMIT
2. LANDSCAPE REMOVED FOR CLARITY AS DIRECTED BY CITY OF MENLO PARK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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK22
EAST BUILDING ELEVATION

PROJECT NUMBER
2015-007

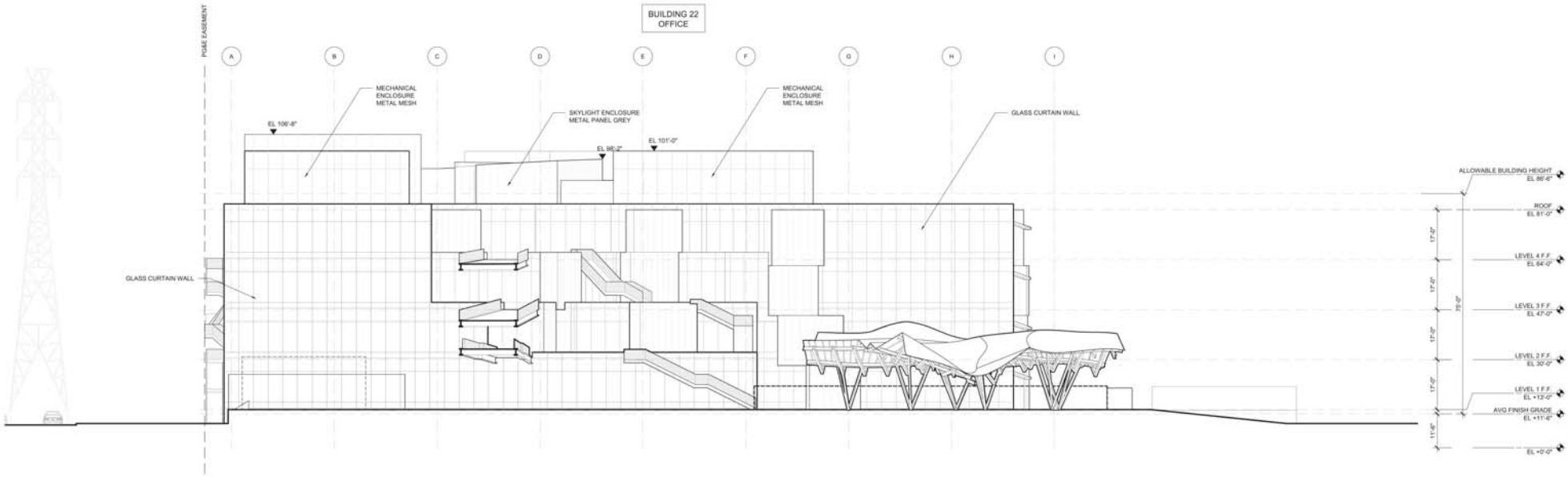
SCALE
1/16" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A3-09

B WEST ELEVATION WITH LANDSCAPE
1/64" = 1'-0"




A WEST ELEVATION
1/16" = 1'-0"

1. NO OCCUPIED FLOOR AREA ABOVE HEIGHT LIMIT
2. LANDSCAPE REMOVED FOR CLARITY AS DIRECTED BY CITY OF MENLO PARK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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK22
WEST BUILDING ELEVATION

PROJECT NUMBER
2015-007

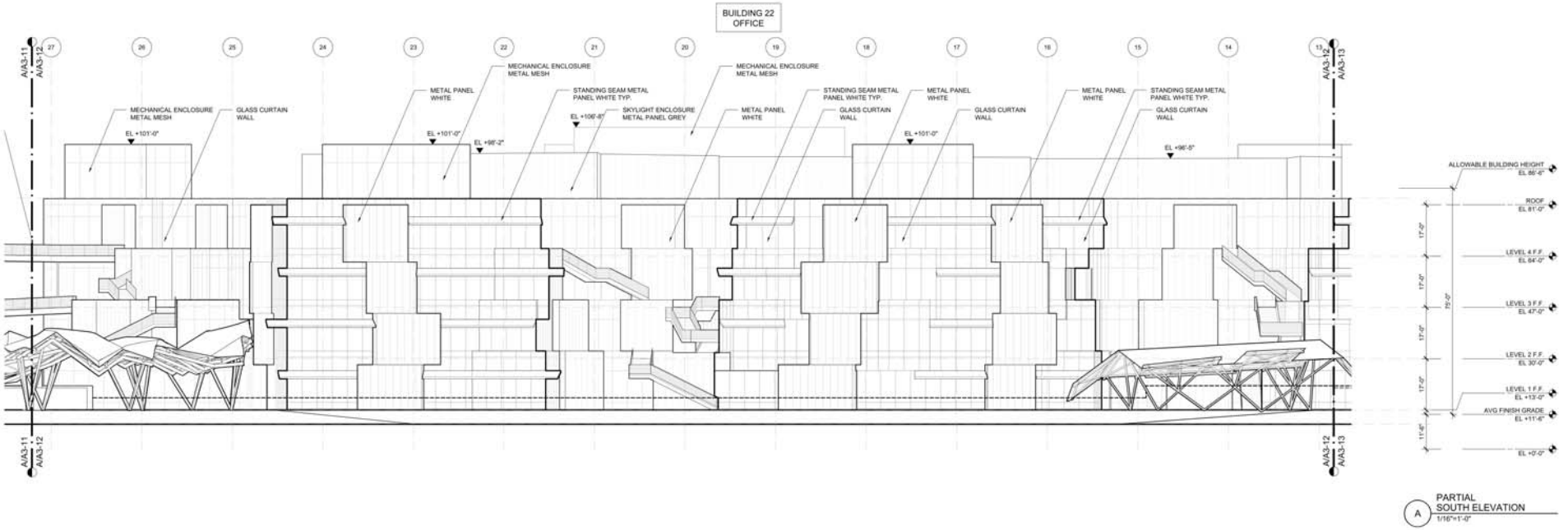
SCALE
1/16" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A3-10

B PARTIAL SOUTH ELEVATION WITH LANDSCAPE
1/64" = 1'-0"







A PARTIAL SOUTH ELEVATION
1/16"=1'-0"

1. NO OCCUPIED FLOOR AREA ABOVE HEIGHT LIMIT
2. LANDSCAPE REMOVED FOR CLARITY AS DIRECTED BY CITY OF MENLO PARK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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK22
SOUTH
BUILDING ELEVATIONS

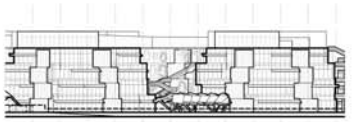
PROJECT NUMBER
2015-007

SCALE
1/16" = 1'-0"

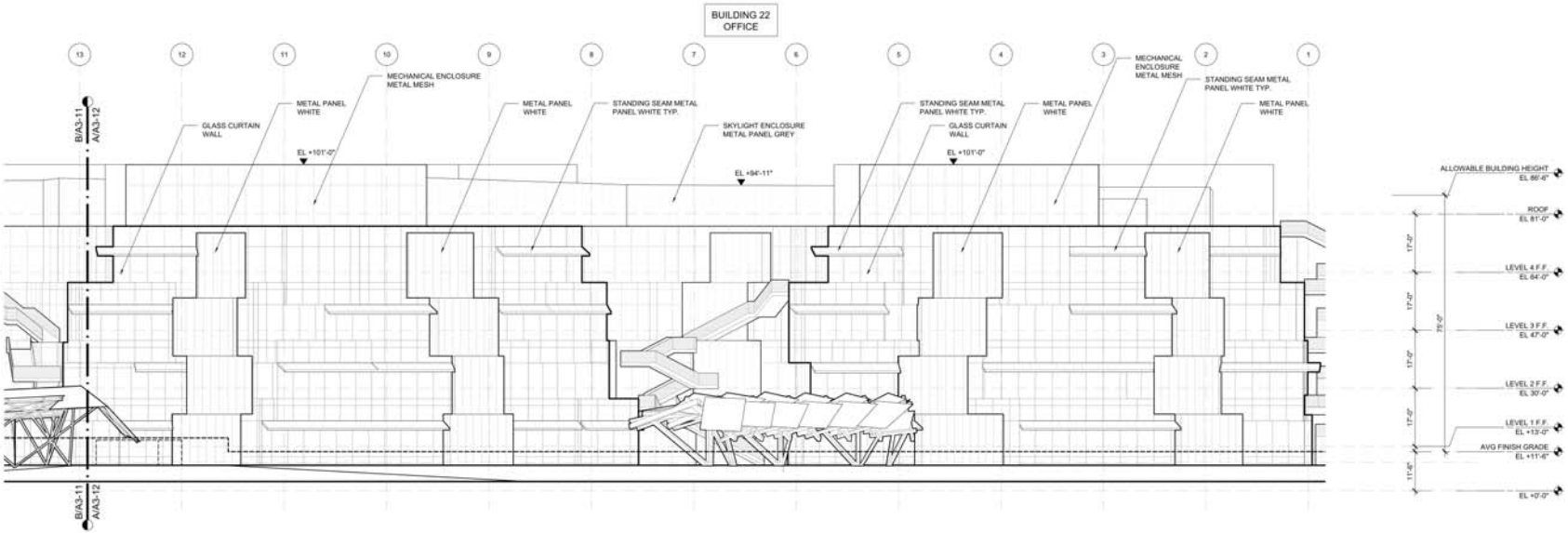
MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A3-11



B PARTIAL SOUTH ELEVATION WITH LANDSCAPE
1/64" = 1'-0"




A PARTIAL SOUTH ELEVATION
1/16"=1'-0"

1. NO OCCUPIED FLOOR AREA ABOVE HEIGHT LIMIT
2. LANDSCAPE REMOVED FOR CLARITY AS DIRECTED BY CITY OF MENLO PARK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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK22
SOUTH
BUILDING ELEVATIONS

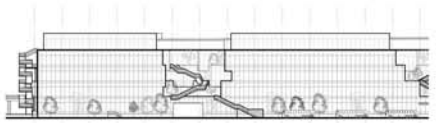
PROJECT NUMBER
2015-007

SCALE
1/16" = 1'-0"

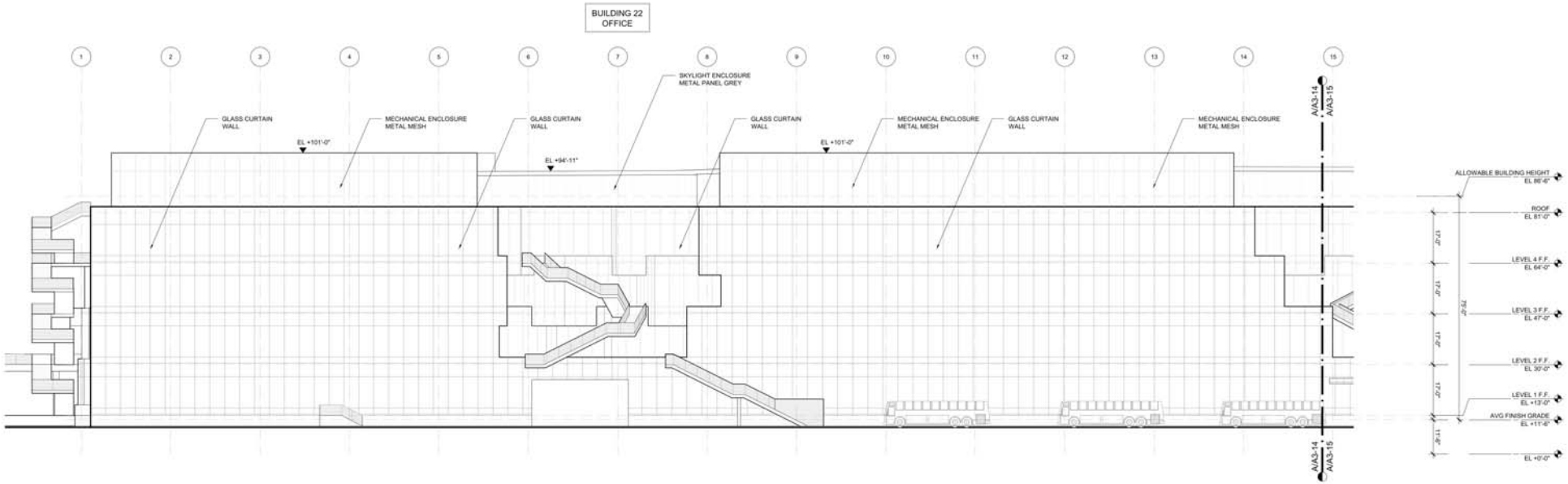
MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A3-12



B PARTIAL NORTH ELEVATION WITH LANDSCAPE
1/64" = 1'-0"




A PARTIAL NORTH ELEVATION
1/16"=1'-0"

1. NO OCCUPIED FLOOR AREA ABOVE HEIGHT LIMIT
2. LANDSCAPE REMOVED FOR CLARITY AS DIRECTED BY CITY OF MENLO PARK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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK22
NORTH
BUILDING ELEVATIONS

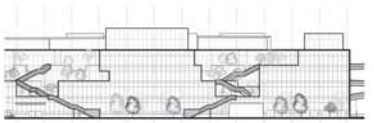
PROJECT NUMBER
2015-007

SCALE
1/16" = 1'-0"

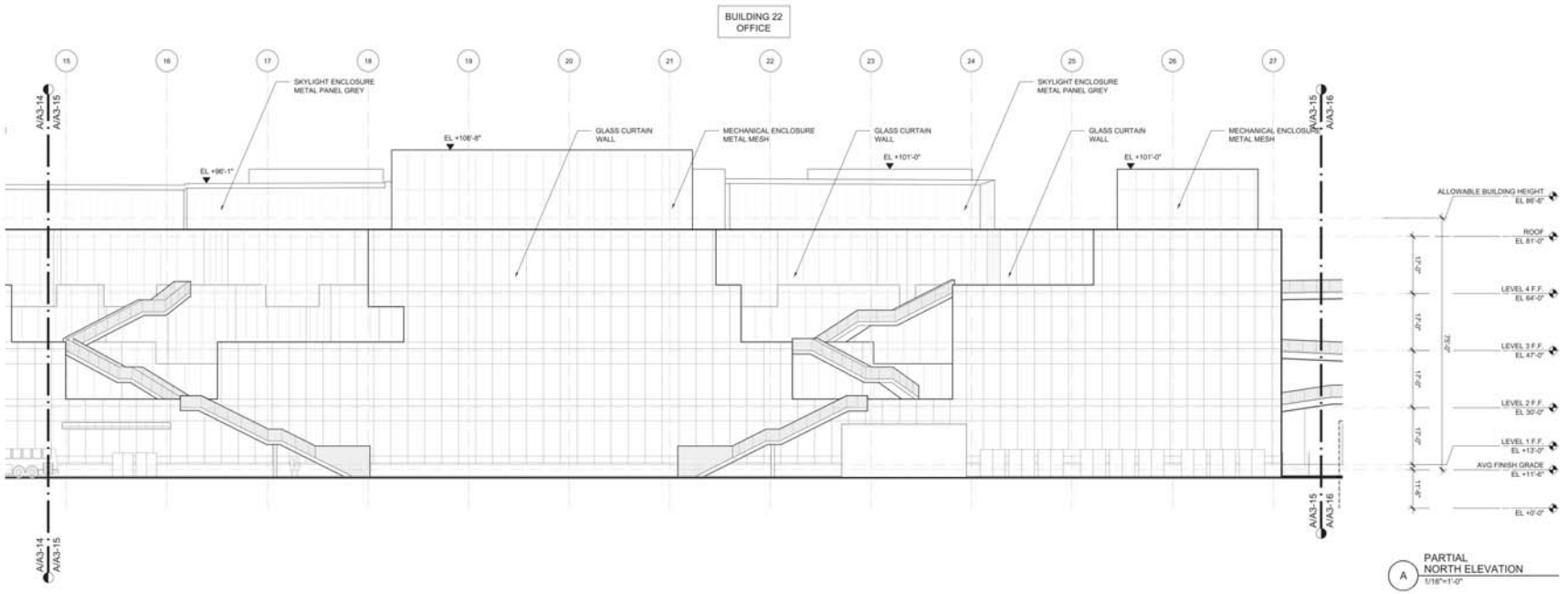
MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A3-13



B PARTIAL NORTH ELEVATION WITH LANDSCAPE
1/64" = 1'-0"




A PARTIAL
NORTH ELEVATION
1/16"=1'-0"

1. NO OCCUPIED FLOOR AREA ABOVE HEIGHT LIMIT
2. LANDSCAPE REMOVED FOR CLARITY AS DIRECTED BY CITY OF MENLO PARK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# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK22
NORTH
BUILDING ELEVATIONS

PROJECT NUMBER
2015-007

SCALE
1/16" = 1'-0"

MAY 15, 2017

TIMT SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

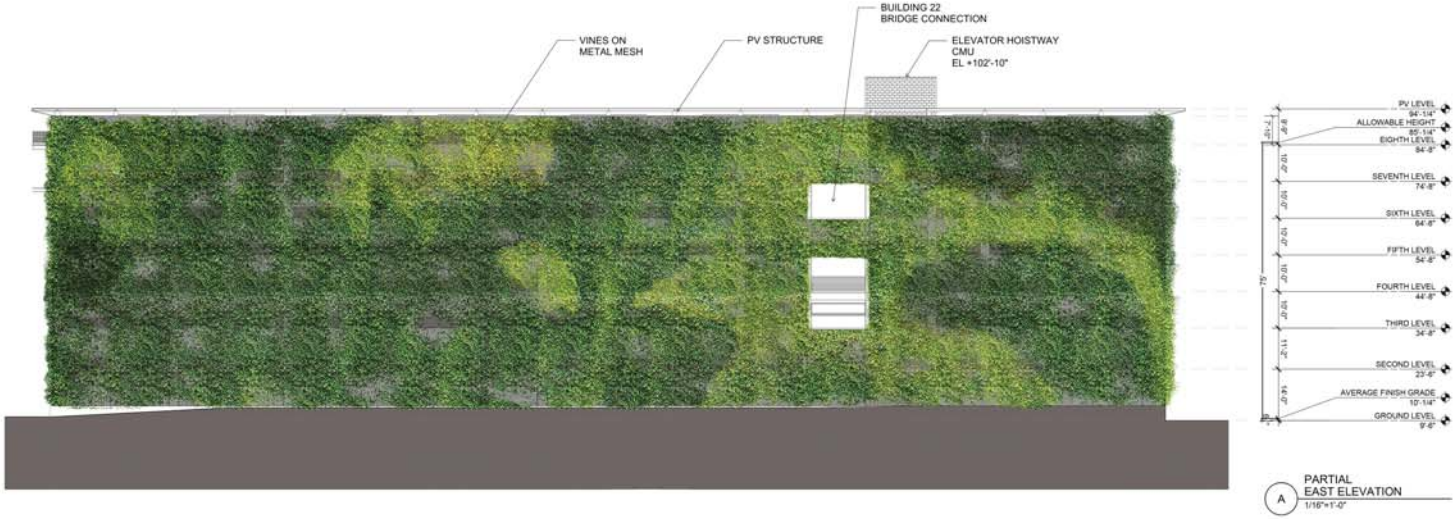
SHEET NUMBER
A3-14

NORTH WEST VIEW INTERIM PHASE

NORTH WEST VIEW FINAL PHASE

SOUTH WEST VIEW INTERIM PHASE

SOUTH WEST VIEW FINAL PHASE




WATRY DESIGN, INC.
ARCHITECT
2099 GATEWAY PL, #550,
SAN JOSE, CA 95110
(408) 392-7900

FACEBOOK
OWNER
1 HACKER WAY
MENLO PARK, CALIFORNIA 94025

CONSULTANTS

# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE

PARKING STRUCTURE
EAST
BUILDING ELEVATION
(YEAR 3)

PROJECT NUMBER
2015-007

SCALE
1/16" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER

A3-15


WATRY DESIGN, INC.
ARCHITECT
2099 GATEWAY PL, #550,
SAN JOSE, CA 95110
(408) 392-7900

FACEBOOK
OWNER
1 HACKER WAY
MENLO PARK, CALIFORNIA 94025

CONSULTANTS

# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE

PARKING STRUCTURE
WEST
BUILDING ELEVATION
(YEAR 3)

PROJECT NUMBER
2015-007

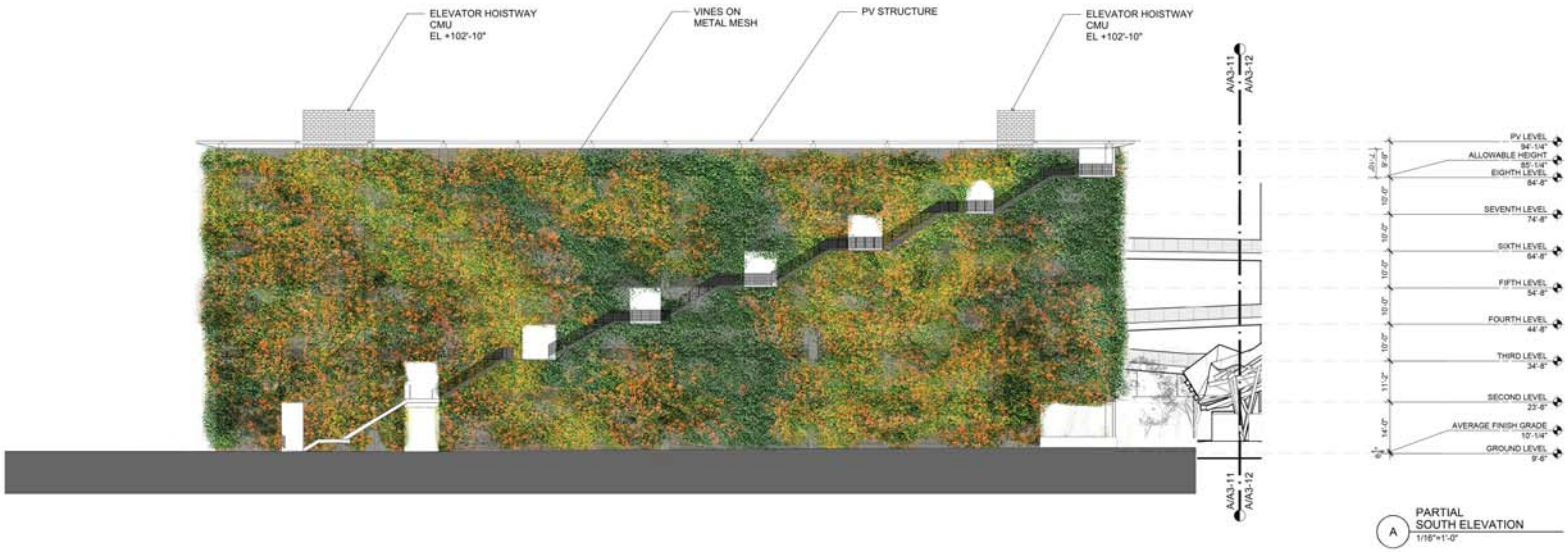
SCALE
1/16" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER

A3-16




WATRY DESIGN, INC.
ARCHITECT
2090 GATEWAY PL #550,
SAN JOSE, CA 95110
FACEBOOK
OWNER
1 HACKER WAY
MENLO PARK, CALIFORNIA 94025

CONSULTANTS

# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
MPK22
SOUTH
GARAGE ELEVATIONS
(YEAR 3)

PROJECT NUMBER
2015-007

SCALE
1/16" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A3-17


WATRY DESIGN, INC.
ARCHITECT
2099 GATEWAY PL, #550,
SAN JOSE, CA 95110
(408) 392-7900

FACEBOOK
OWNER
1 HACKER WAY
MENLO PARK, CALIFORNIA 94025

CONSULTANTS

# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE

MPK22
NORTH
BUILDING ELEVATIONS
(YEAR 3)

PROJECT NUMBER
2015-007

SCALE
1/16" = 1'-0"

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER

A3-18


KEY

| | | NUMBER OF SPACES |
|---|---|---|
| 1 | BUILDING 21 | 1,495 |
| 2 | BUILDING 23 | 57 |
| 3 | TOTAL | 1,552 |

NORTH

GEHRY PARTNERS, LLP
ARCHITECT
12541 BEATRICE STREET
LOS ANGELES, CALIFORNIA 90066
(310) 482-3000

FACEBOOK
OWNER
1 HACKER WAY
MENLO PARK, CALIFORNIA 94025

CONSULTANTS

# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
PARKING PHASING 1
MPK21 BUILT
MPK22 UNDER CONSTRUCTION

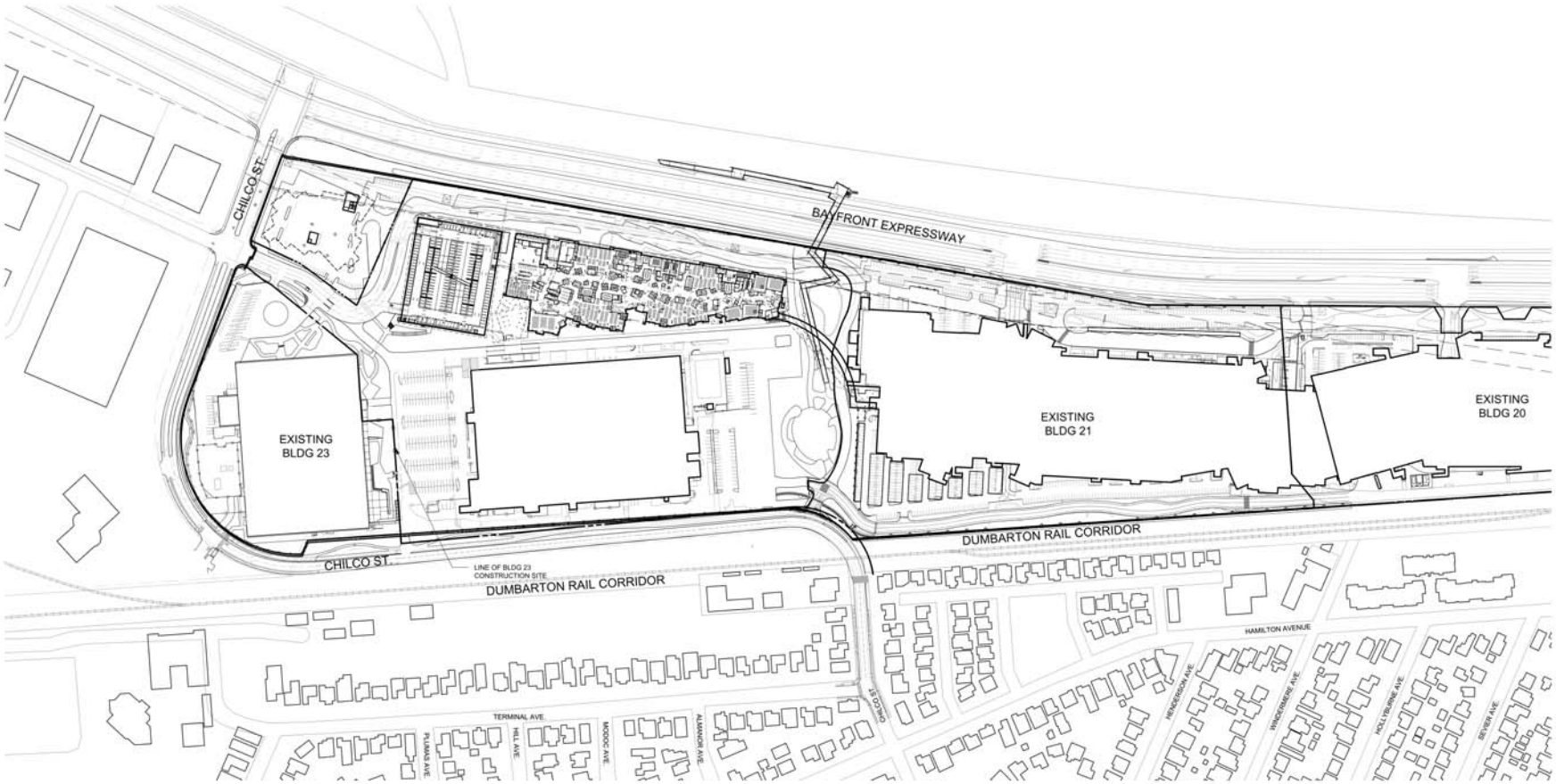
PROJECT NUMBER
2015-007

SCALE
1" = 150'

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A4-01




KEY

| | | NUMBER OF SPACES |
|---|---|---|
| 1 | BUILDING 21 | 1,495 |
| 2 | BUILDING 22 | 0 |
| 3 | BUILDING 23 | 57 |
| 4 | PARKING GARAGE | 1,736 |
| | TOTAL | 3,288 |

NORTH

GEHRY PARTNERS, LLP
ARCHITECT
12541 BEATRICE STREET
LOS ANGELES, CALIFORNIA 90066
(310) 482-3000

FACEBOOK
OWNER
1 HACKER WAY
MENLO PARK, CALIFORNIA 94025

CONSULTANTS

# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
PARKING PHASING 2
INTERIM PHASE
HOTEL UNDER CONSTRUCTION

PROJECT NUMBER
2015-007

SCALE
1" = 150'

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A4-02


KEY

| | | NUMBER OF SPACES |
|---|---|---|
| 1 | BUILDING 21 | 1,495 |
| 2 | BUILDING 22 | 0 |
| 3 | BUILDING 23 | 57 |
| 4 | PARKING GARAGE | 1,736 |
| 5 | HOTEL | 245 |
| | TOTAL | 3,533 |

NORTH

GEHRY PARTNERS, LLP
ARCHITECT
12541 BEATRICE STREET
LOS ANGELES, CALIFORNIA 90066
(310) 482-3000

FACEBOOK
OWNER
1 HACKER WAY
MENLO PARK, CALIFORNIA 94025

CONSULTANTS

# Facebook Campus Expansion

Facebook Building 21, 22 & Hotel Site
300-309 Constitution Drive

TITLE
PARKING PHASING 3
FINAL PHASE

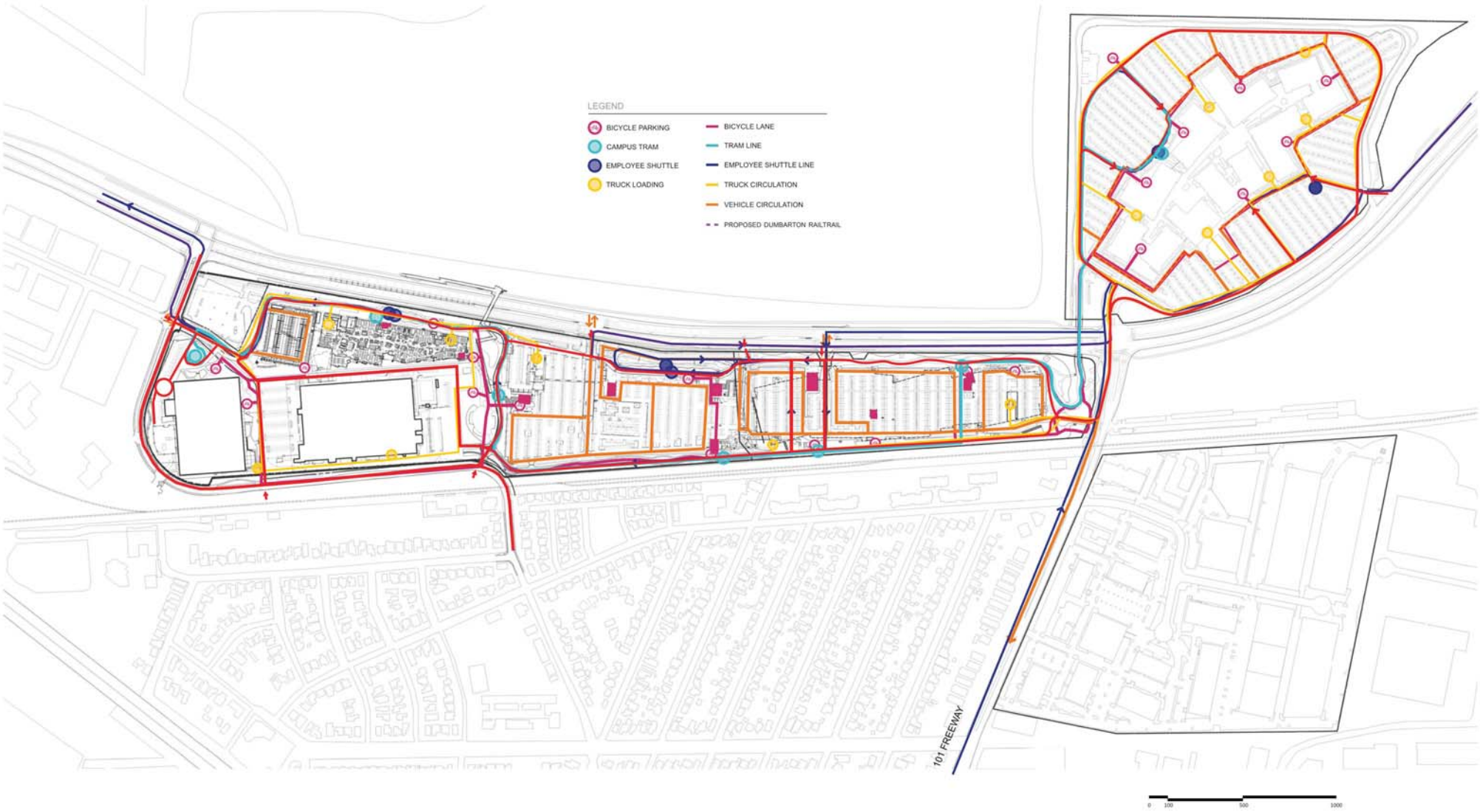
PROJECT NUMBER
2015-007

SCALE
1" = 150'

MAY 15, 2017

11x17 SHEET SIZE: N.T.S.
ORIGINAL SHEET SIZE: 24" x 36"

SHEET NUMBER
A4-03




# Facebook Campus Expansion

Buildings 21, 22 & Hotel Site

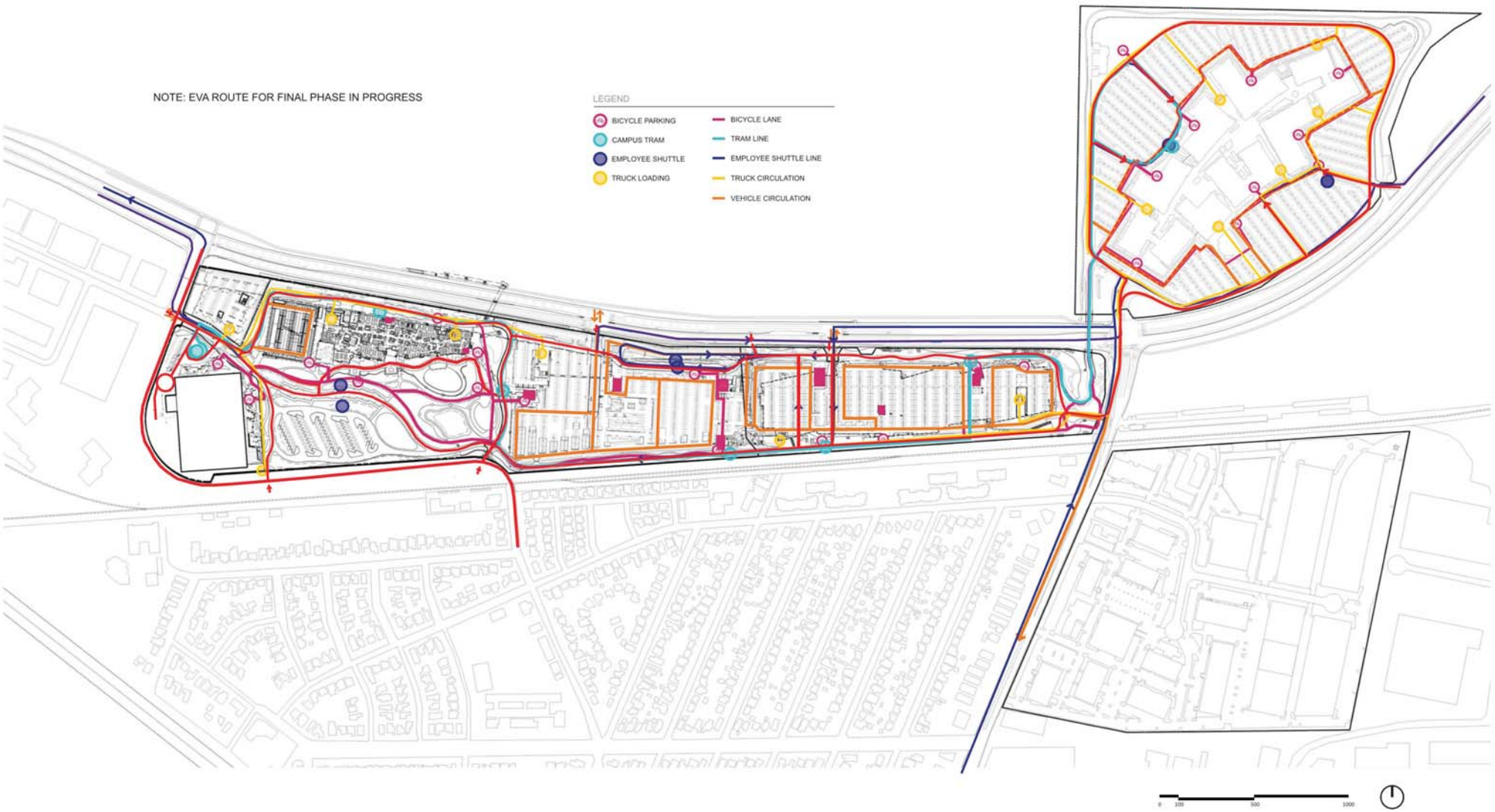
301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-01 TRAFFIC DIAGRAMS - INTERIM OVERLAY

MAY 15, 2017

NOTE: EVA ROUTE FOR FINAL PHASE IN PROGRESS




# Facebook Campus Expansion

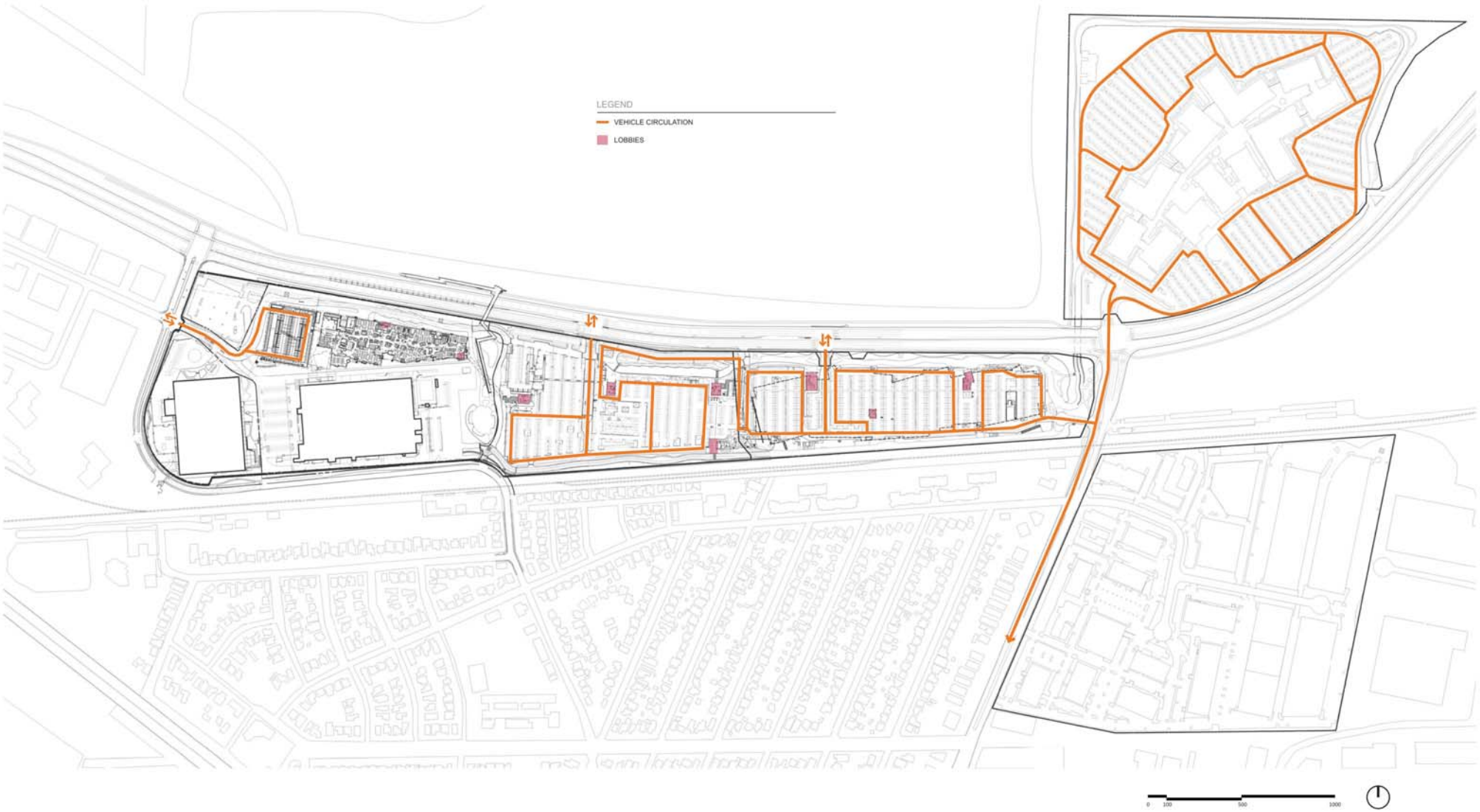
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-02 TRAFFIC DIAGRAMS - FINAL OVERLAY

MAY 15, 2017




# Facebook Campus Expansion

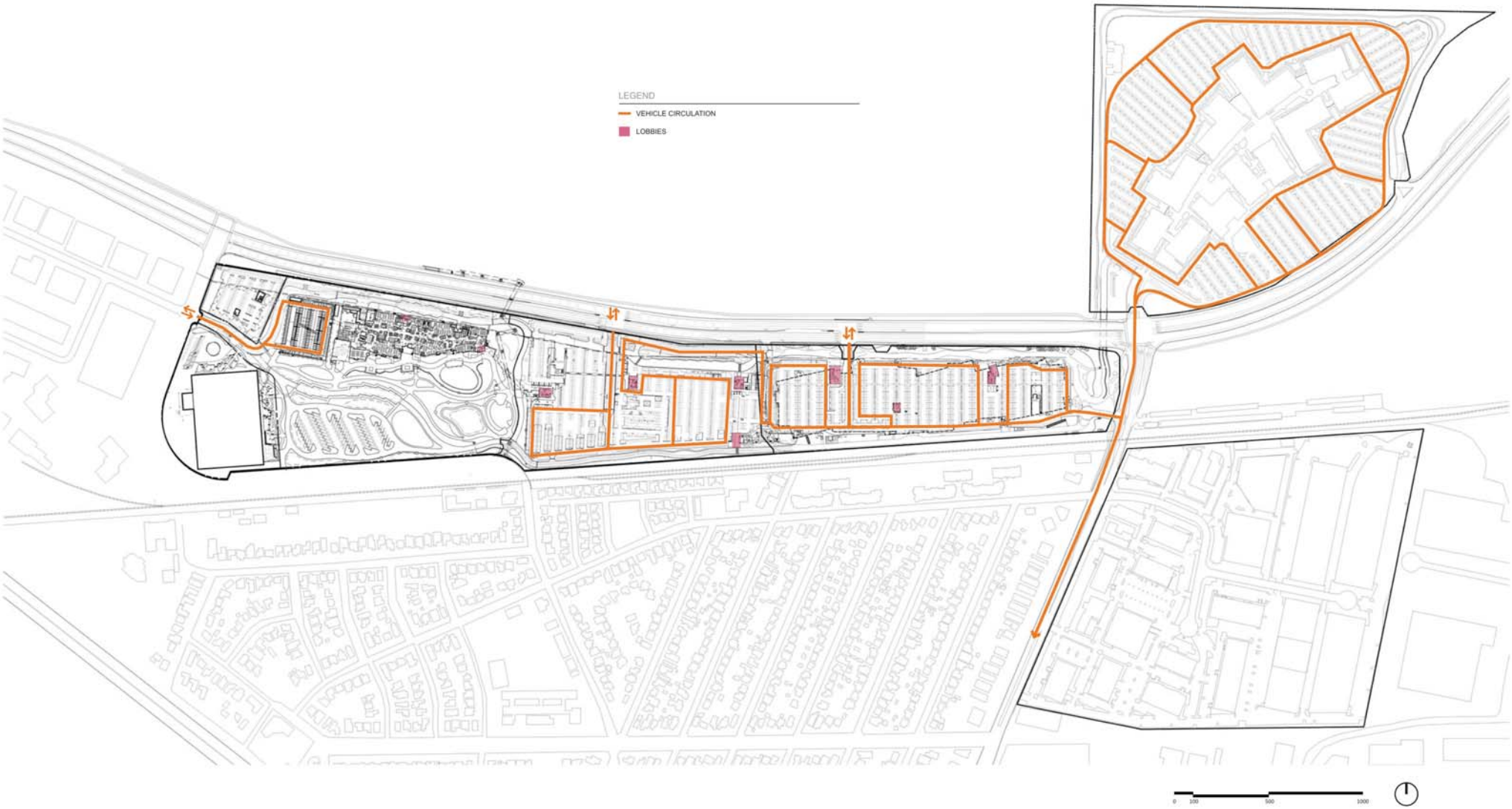
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-03 TRAFFIC DIAGRAMS - INTERIM INTERNAL VEHICLE ACCESS

MAY 15, 2017




# Facebook Campus Expansion

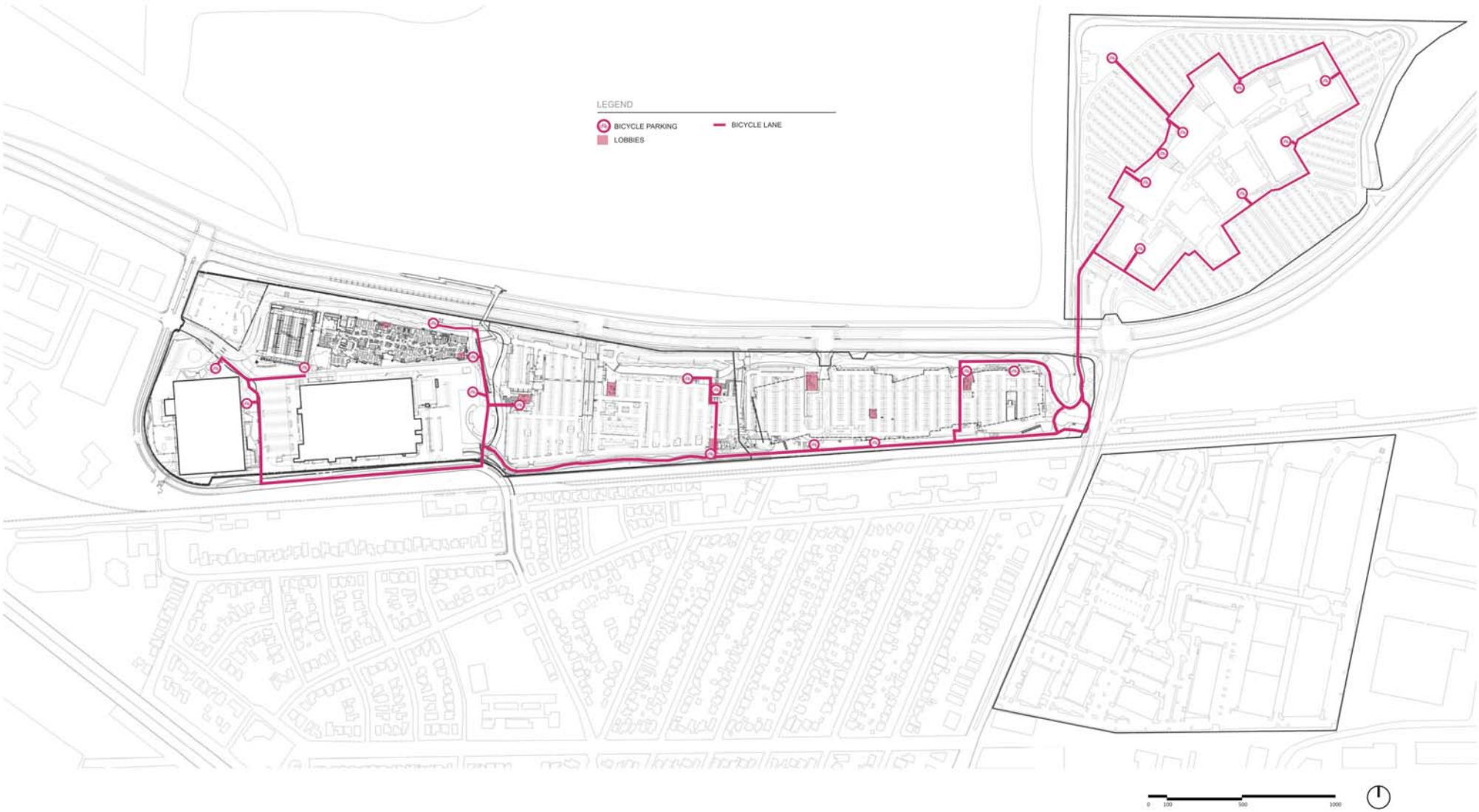
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-04 TRAFFIC DIAGRAMS - FINAL INTERNAL VEHICLE ACCESS

MAY 15, 2017




# Facebook Campus Expansion

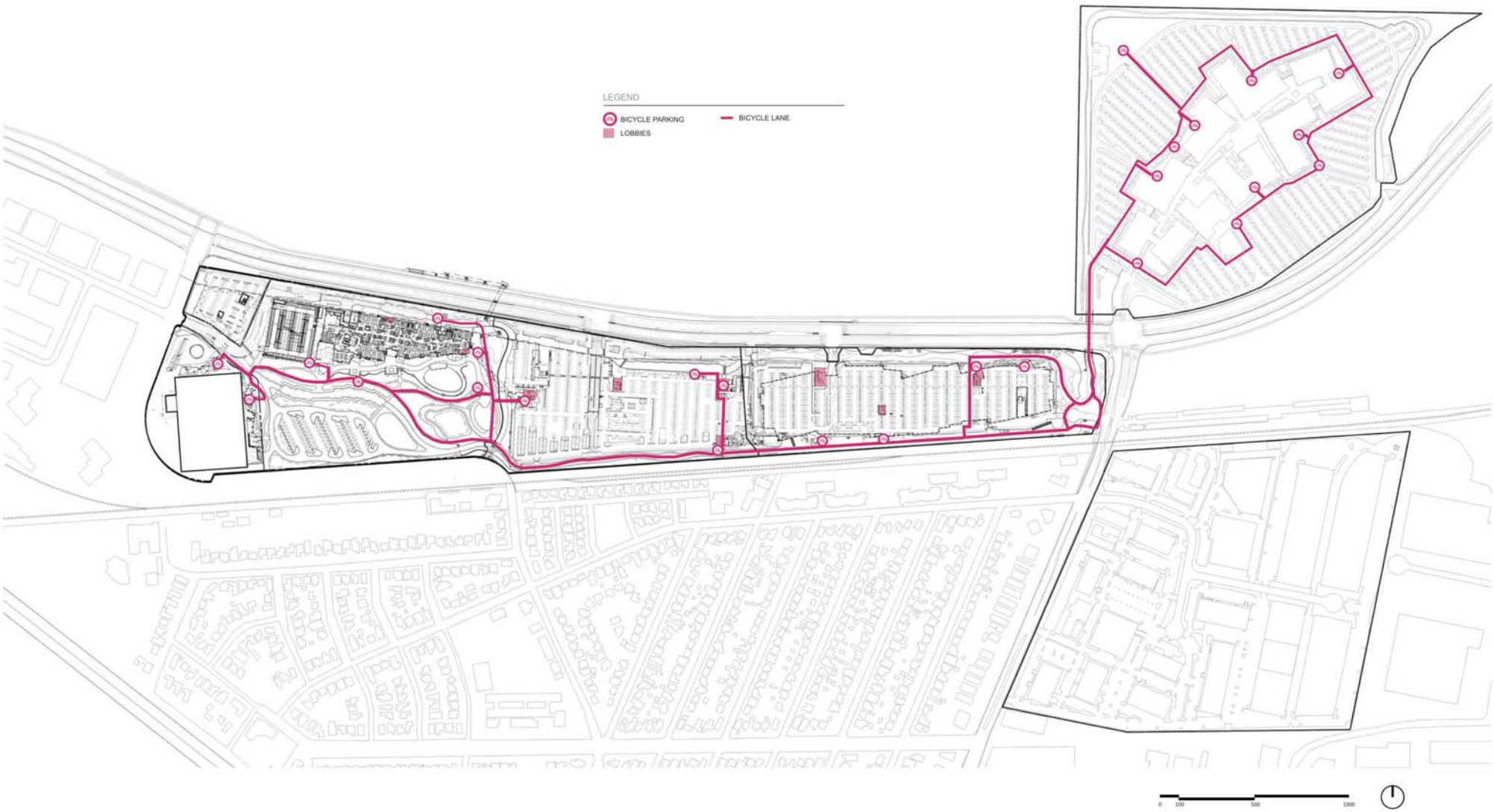
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-05 TRAFFIC DIAGRAMS - INTERIM INTERNAL BICYCLE CIRCULATION

MAY 15, 2017




# Facebook Campus Expansion

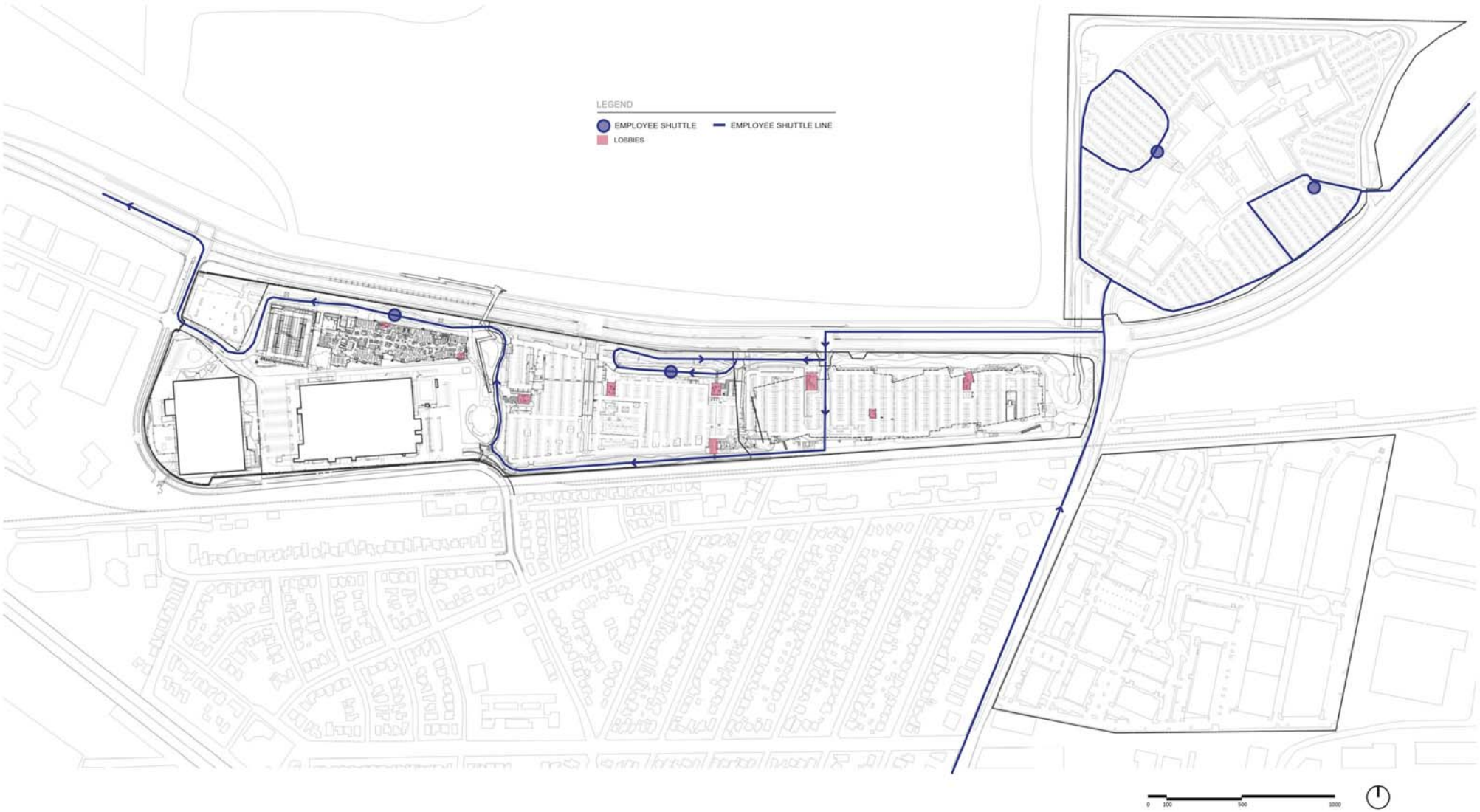
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-06 TRAFFIC DIAGRAMS - FINAL INTERNAL BICYCLE CIRCULATION

MAY 15, 2017




# Facebook Campus Expansion

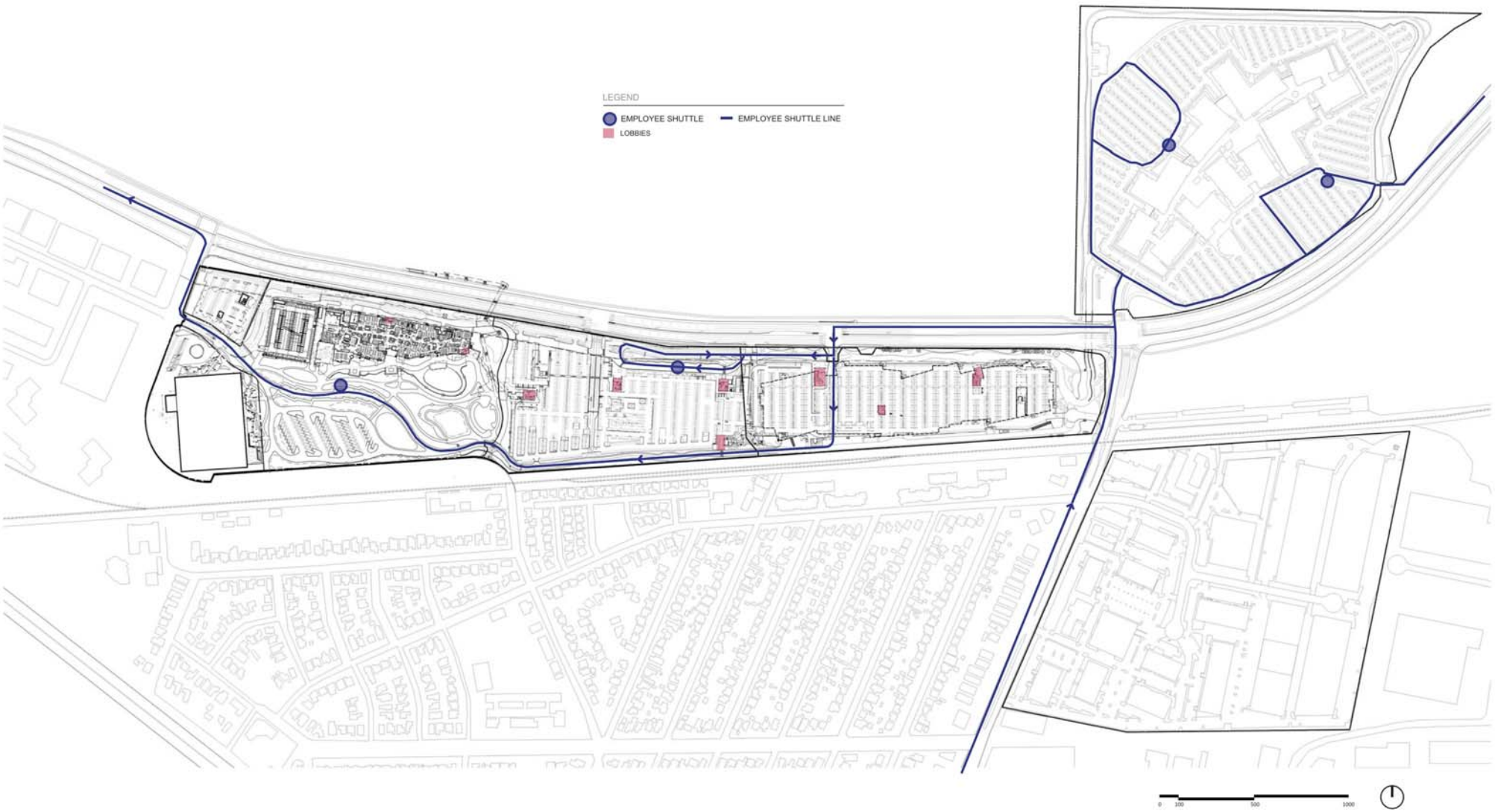
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-07 TRAFFIC DIAGRAMS - INTERIM EMPLOYEE SHUTTLE BUS NORTHBOUND

MAY 15, 2017




# Facebook Campus Expansion

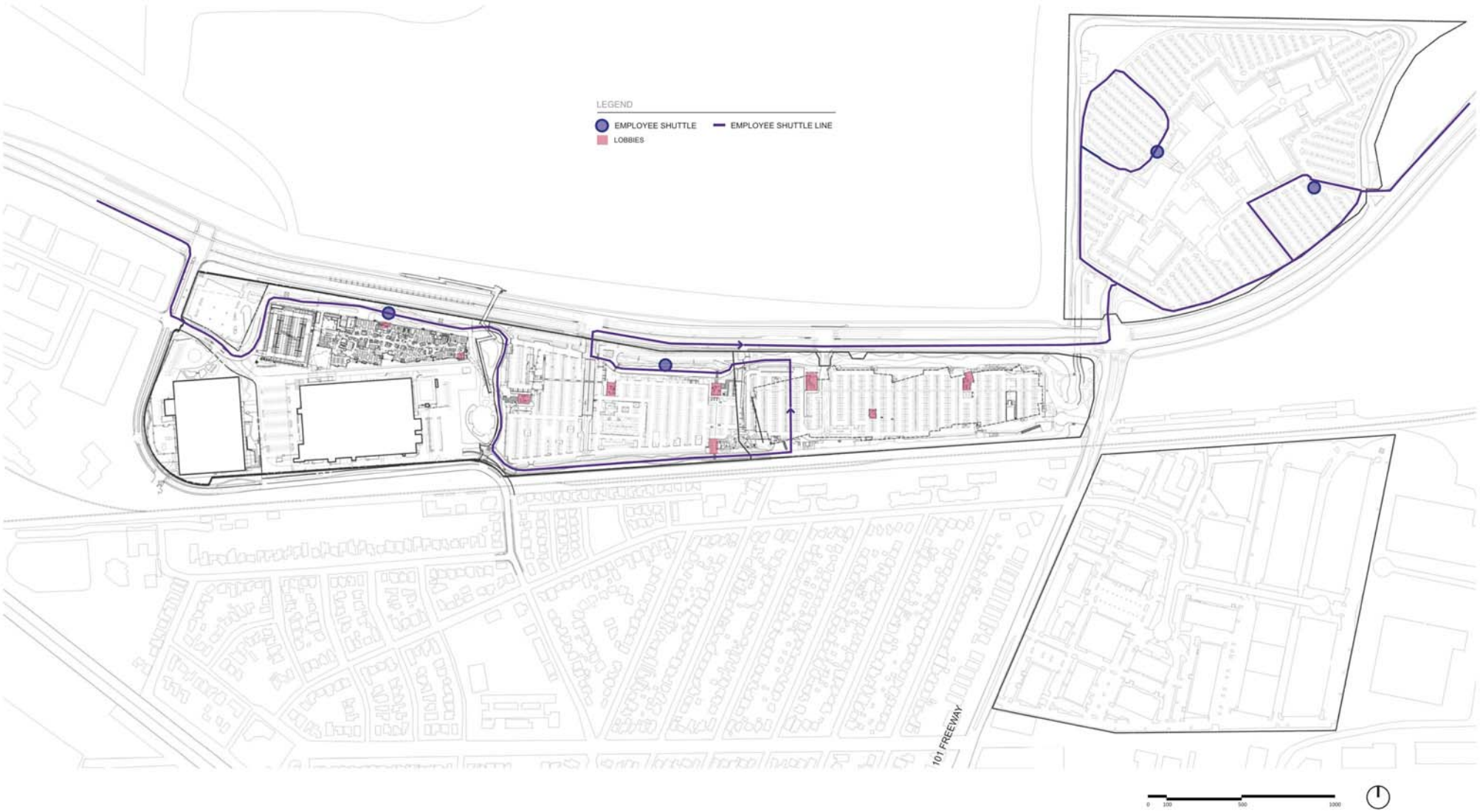
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-08 TRAFFIC DIAGRAMS - FINAL EMPLOYEE SHUTTLE BUS NORTHBOUND

MAY 15, 2017




# Facebook Campus Expansion

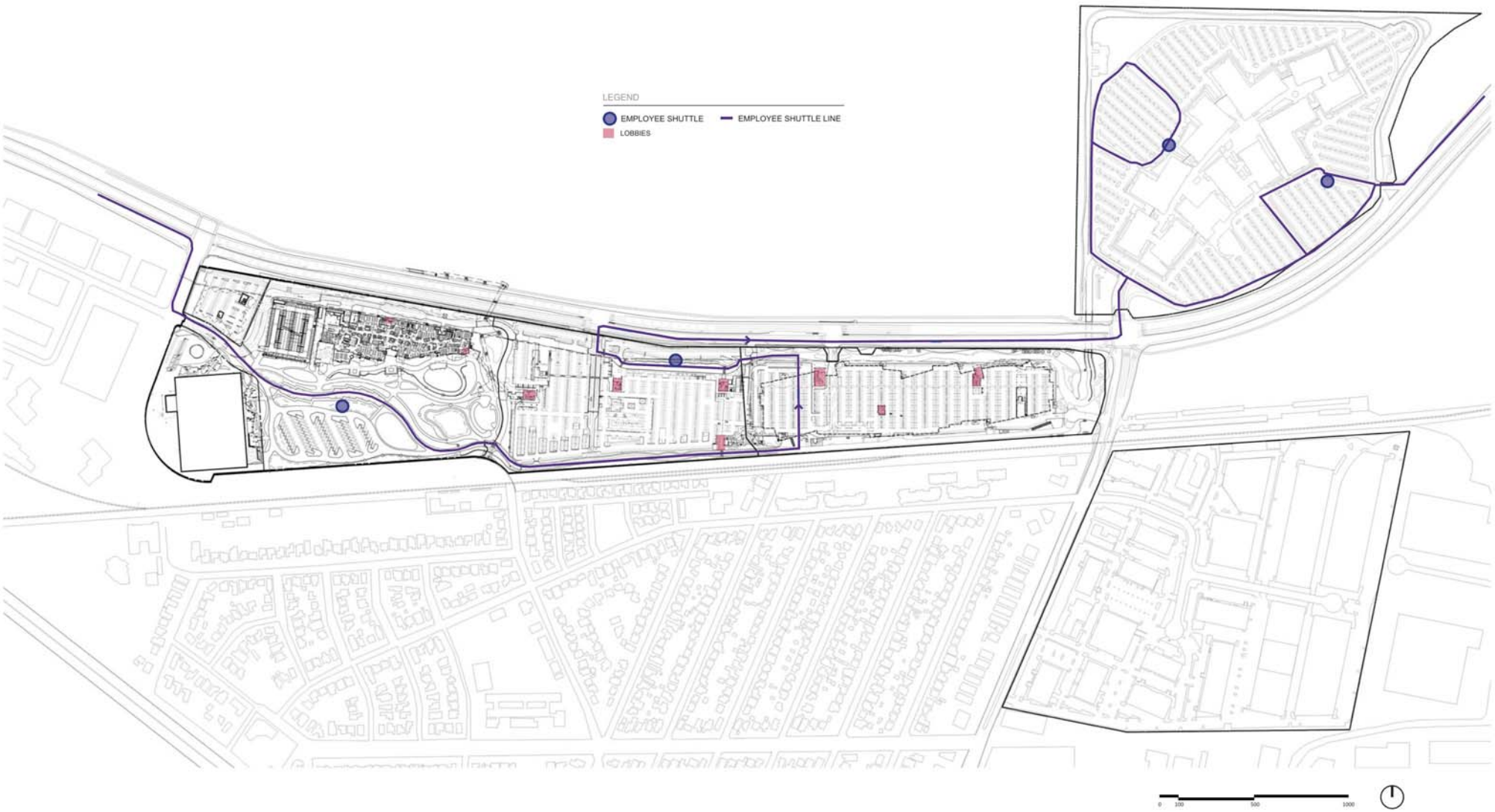
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-09 TRAFFIC DIAGRAMS - INTERIM EMPLOYEE SHUTTLE BUS SOUTHBOUND

MAY 15, 2017




# Facebook Campus Expansion

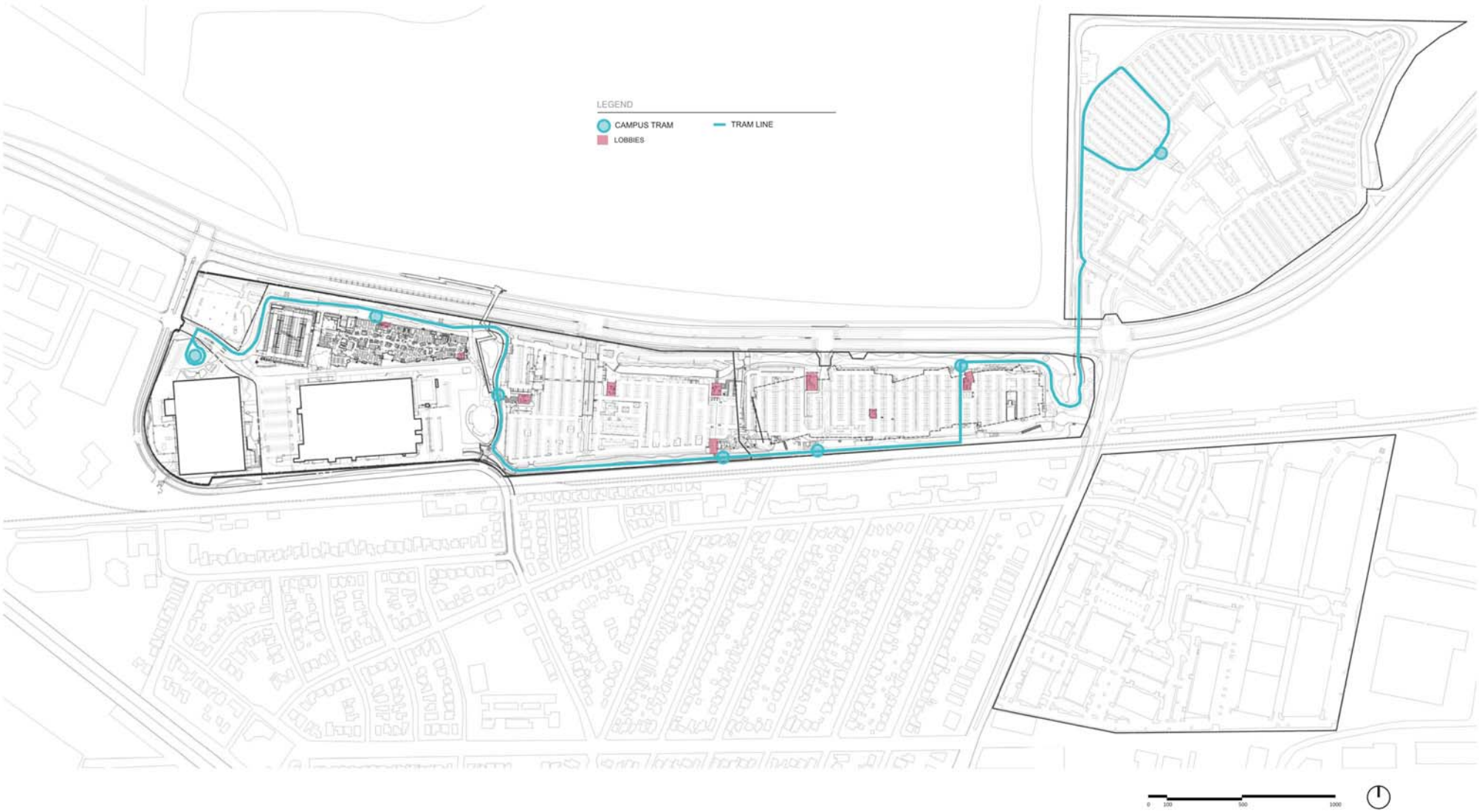
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-10 TRAFFIC DIAGRAMS - FINAL EMPLOYEE SHUTTLE BUS SOUTHBOUND

MAY 15, 2017




# Facebook Campus Expansion

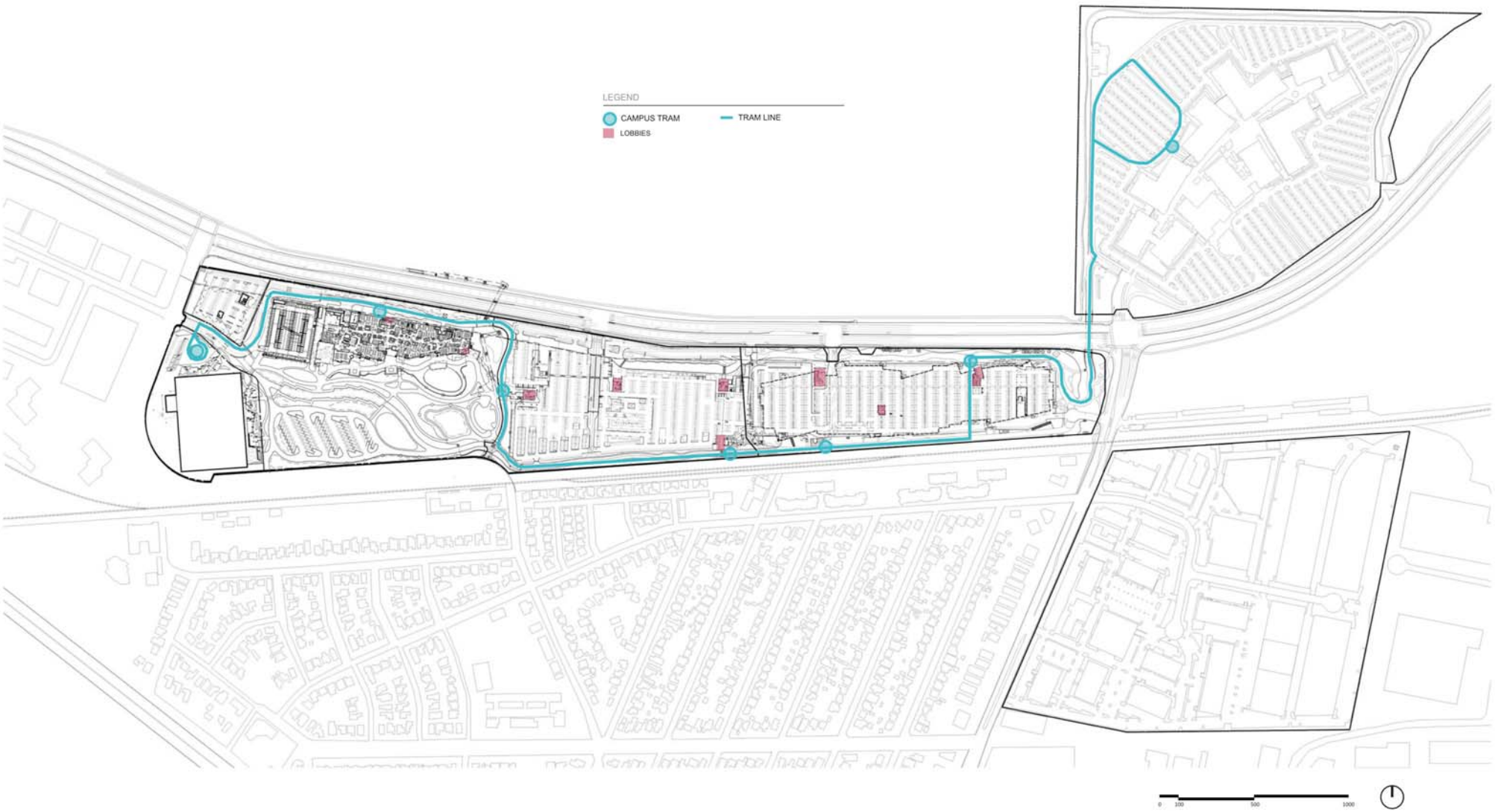
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-11 TRAFFIC DIAGRAMS - INTERIM EMPLOYEE INTRA CAMPUS TRAM

MAY 15, 2017




# Facebook Campus Expansion

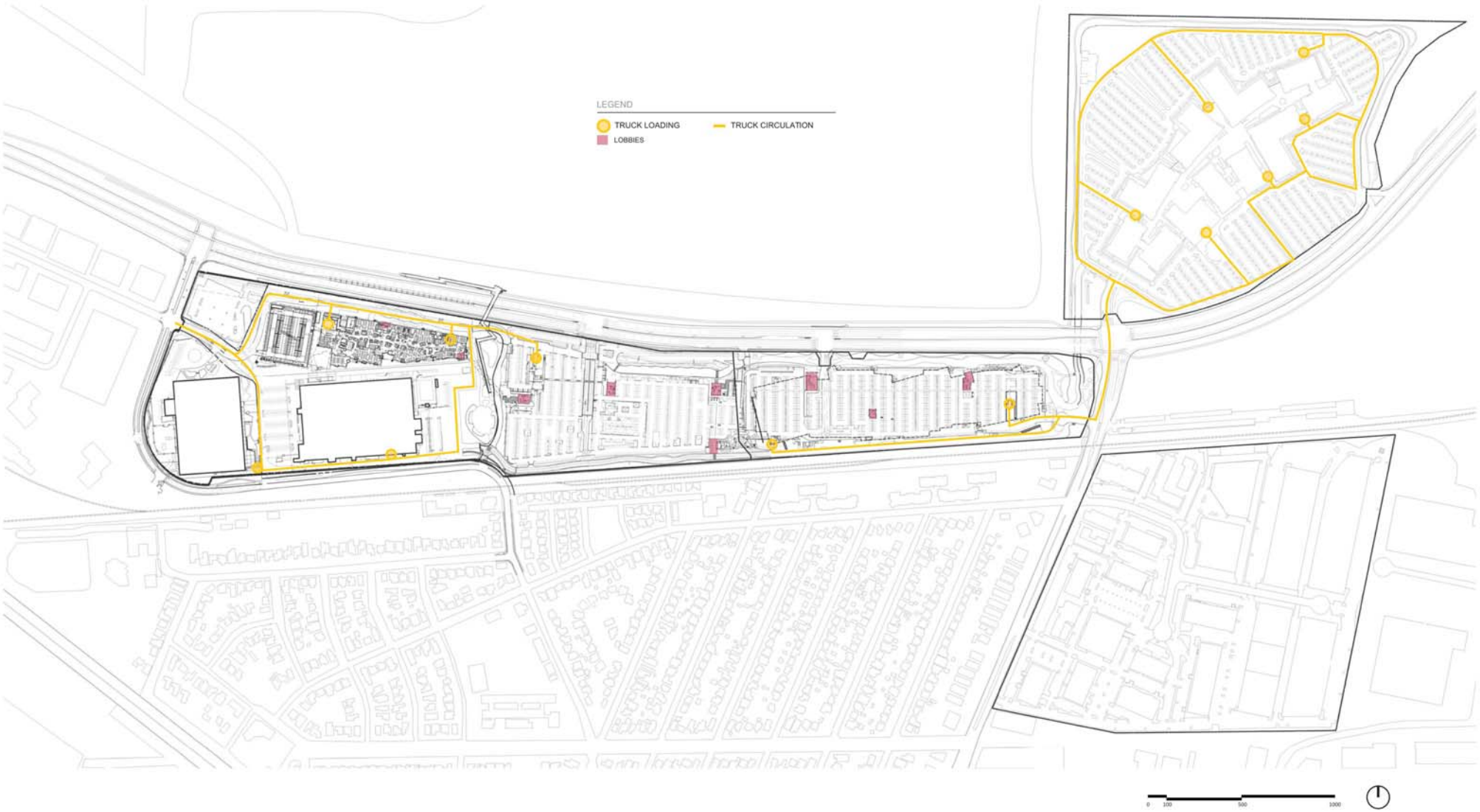
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-12 TRAFFIC DIAGRAMS - FINAL EMPLOYEE INTRA CAMPUS TRAM

MAY 15, 2017




# Facebook Campus Expansion

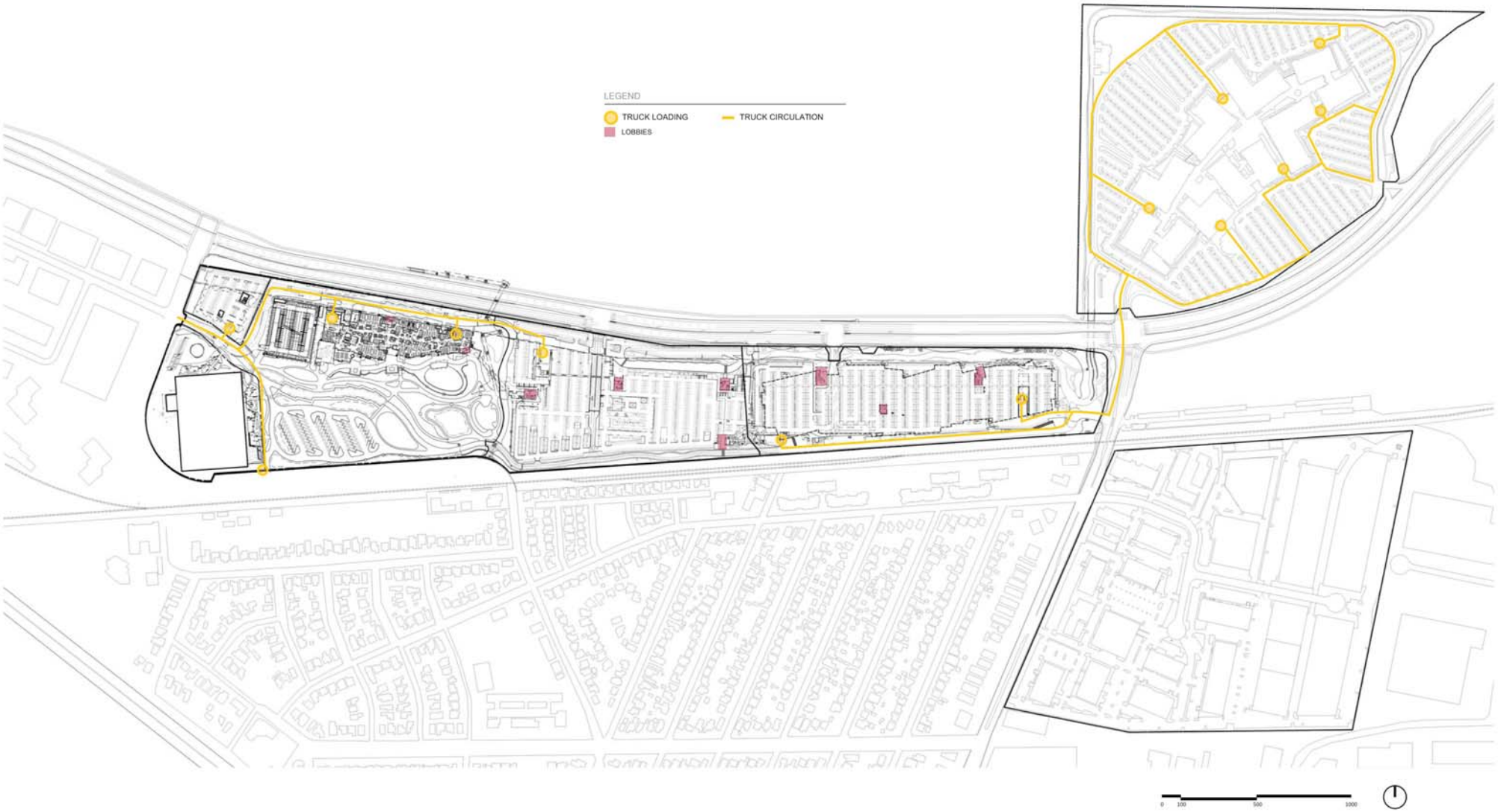
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-13 TRAFFIC DIAGRAMS - INTERIM TRUCK ACCESS

MAY 15, 2017




# Facebook Campus Expansion

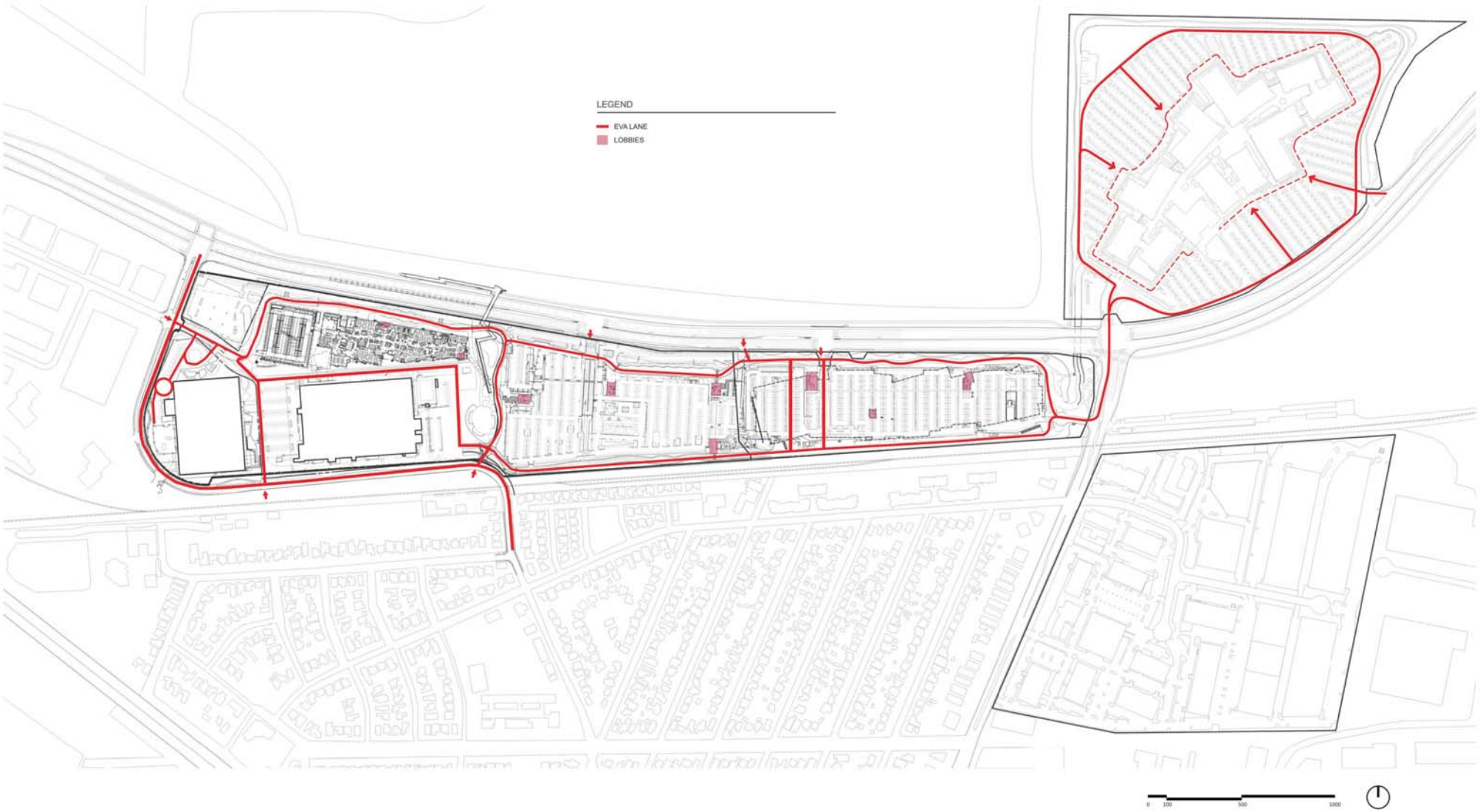
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-14 TRAFFIC DIAGRAMS - FINAL TRUCK ACCESS

MAY 15, 2017




# Facebook Campus Expansion

Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

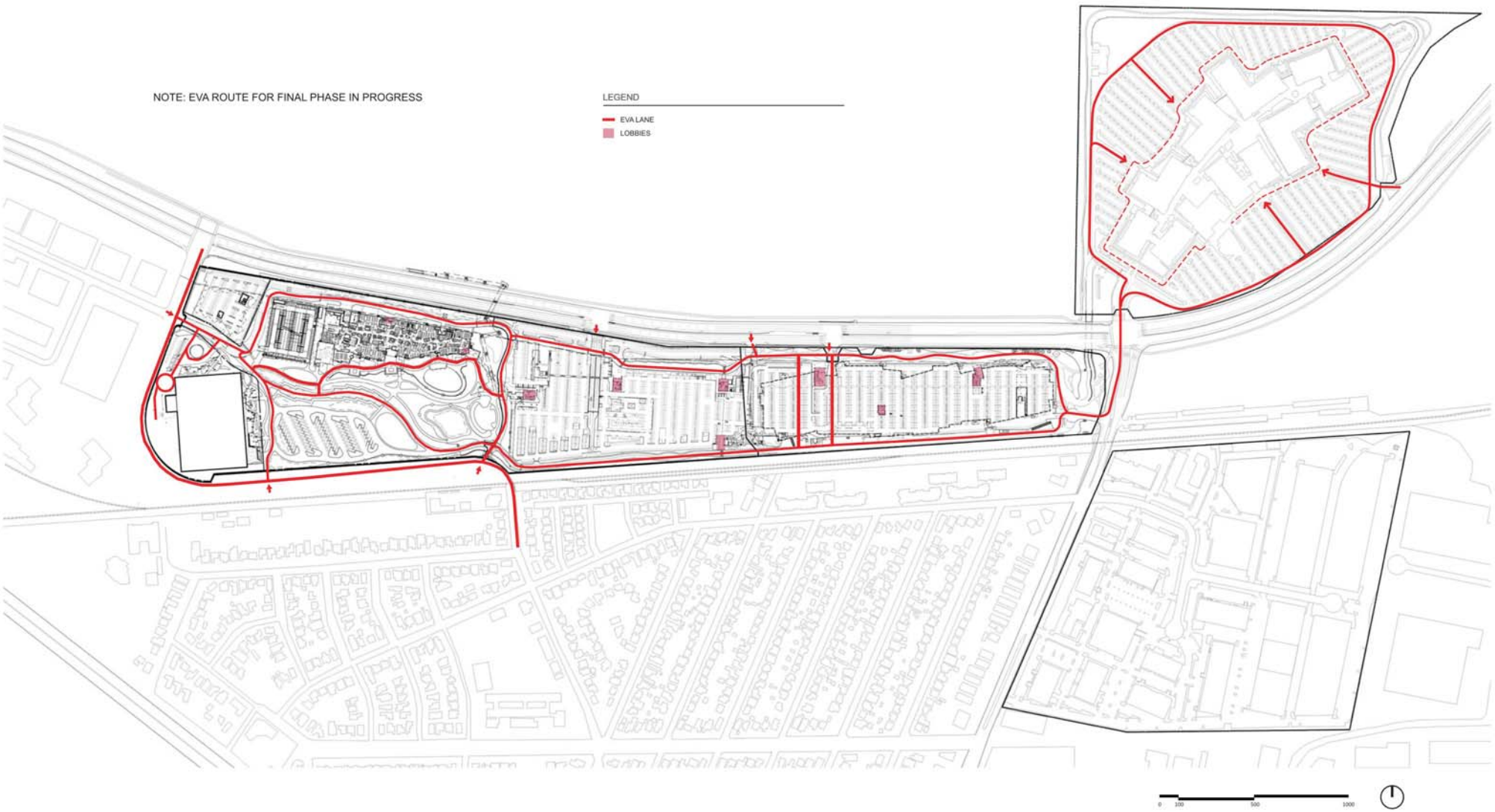
## T1-15 TRAFFIC DIAGRAMS - INTERIM EMERGENCY VEHICLE ACCESS

MAY 15, 2017

NOTE: EVA ROUTE FOR FINAL PHASE IN PROGRESS

LEGEND

- EVA LANE
- LOBBIES



# Facebook Campus Expansion

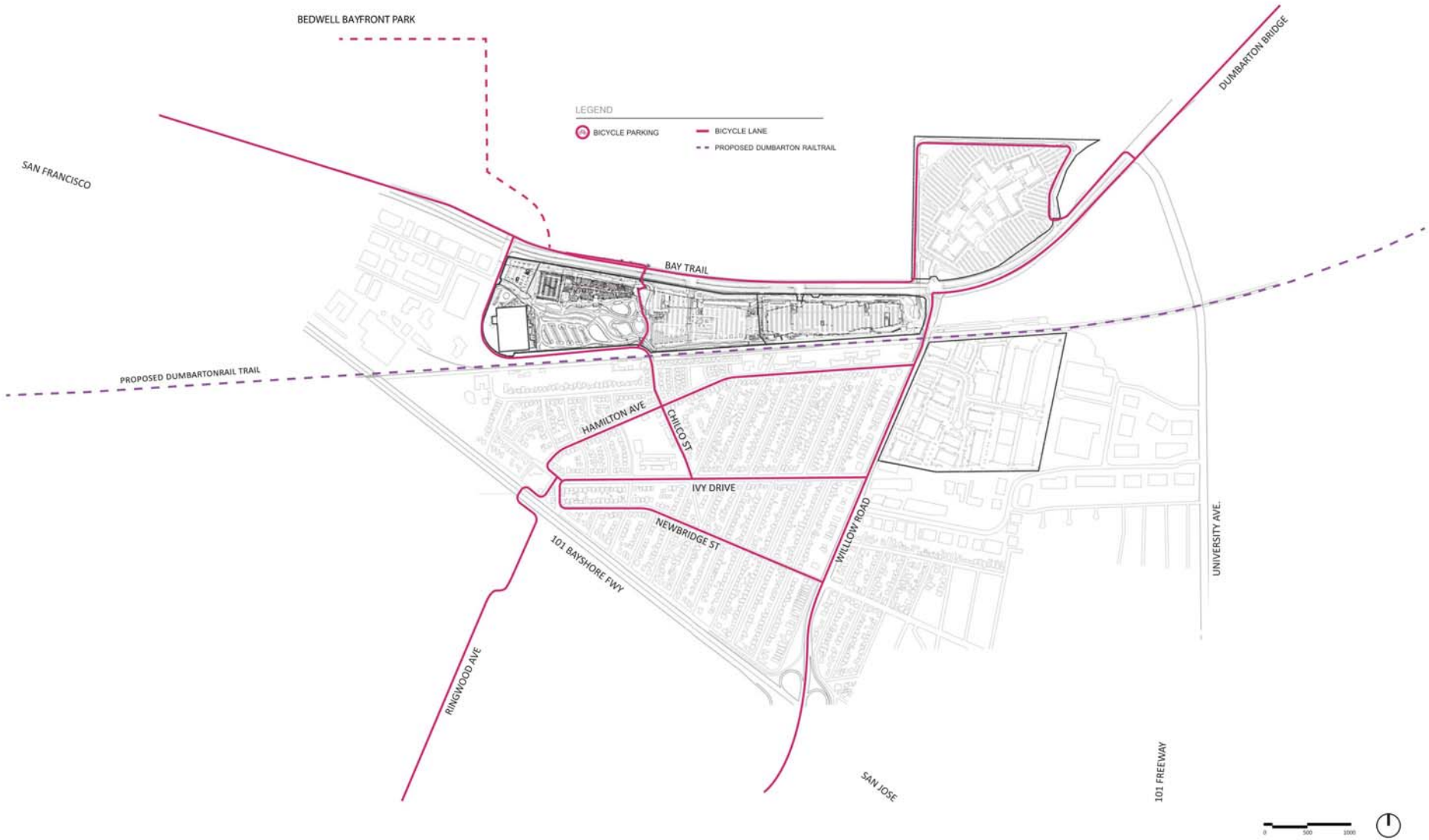
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-16 TRAFFIC DIAGRAMS - FINAL EMERGENCY VEHICLE ACCESS

MAY 15, 2017




# Facebook Campus Expansion

Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-17 TRAFFIC DIAGRAMS - FINAL REGIONAL BICYCLE ACCESS

MAY 15, 2017


# Facebook Campus Expansion

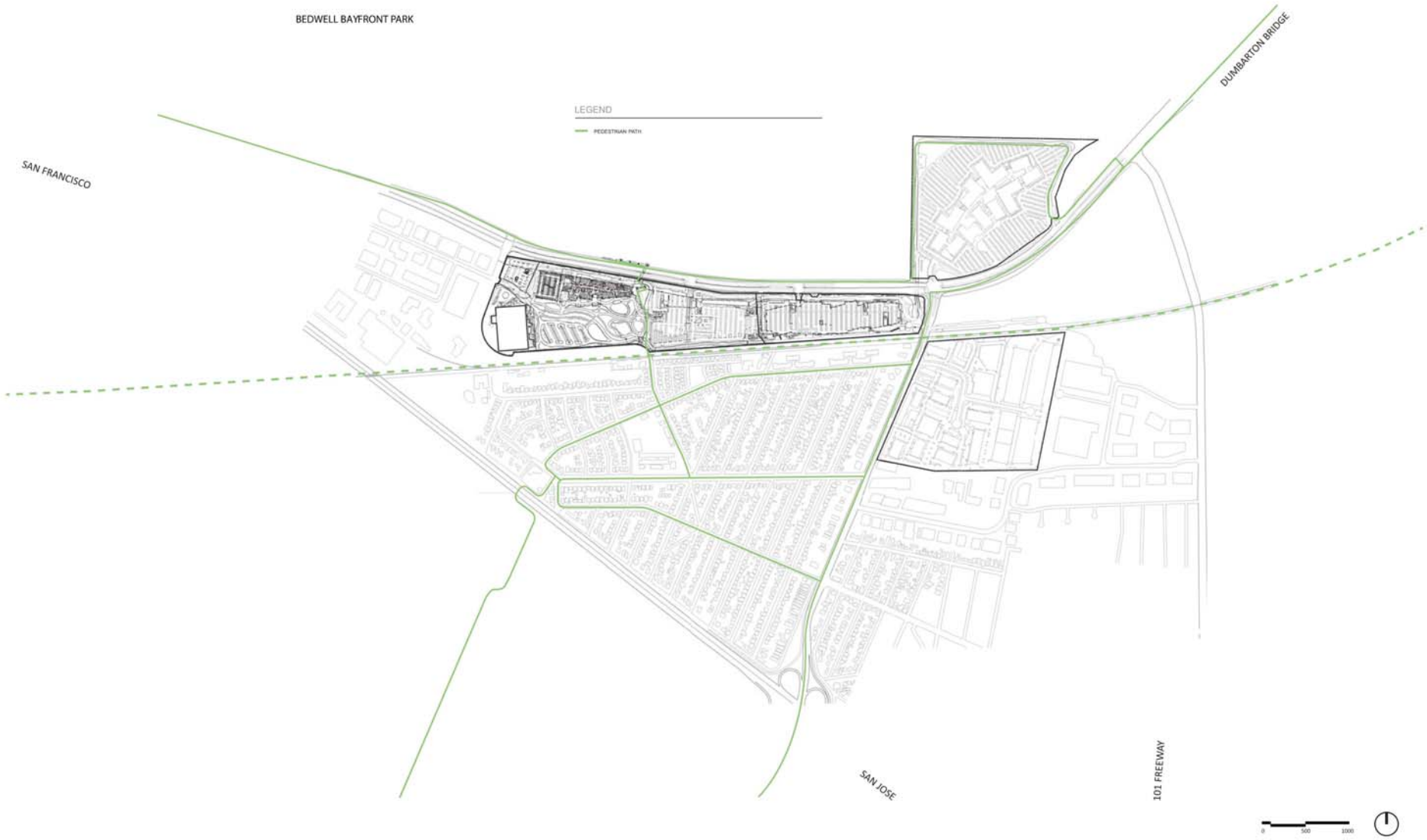
Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-18 TRAFFIC DIAGRAMS - FINAL REGIONAL VEHICULAR ACCESS

MAY 15, 2017




# Facebook Campus Expansion

Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

Gehry Partners, LLP

## T1-19 TRAFFIC DIAGRAMS - FINAL REGIONAL PEDESTRIAN ACCESS

MAY 15, 2017

# Facebook Campus Expansion

Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

CMG Landscape Architecture

INTERIM SITE PLAN

MAY 15, 2017

# Facebook Campus Expansion

Buildings 21, 22 & Hotel Site

301-309 Constitution Drive, Menlo Park, California

CMG Landscape Architecture

FINAL SITE PLAN

MAY 15, 2017

**STAFF REPORT**

**City Council**
**Meeting Date:** **6/6/2017**
**Staff Report Number:** **17-131-CC**

**Informational Item:** **Update on preparation of comment letters on the Notices of Preparation of Environmental Impact Reports for multiple projects in East Palo Alto**

## Recommendation

This is an informational item and does not require Council action.

## Policy Issues

This action is consistent with prior actions taken by the City on proposed projects located in neighboring jurisdictions that could cause environmental impacts to the City of Menlo Park.

This action is also consistent with policies and programs (i.e., LU-1.5, LU-6.7, LU-7.4, CIRC-2.11 through CIRC-2.15) stated in the 2016 City General Plan Land Use and Circulation Elements. These policies relate to land use activities, habitat preservation, groundwater protection and review of transportation impacts of new development.

## Background

In January 2017, the East Palo Alto City Council approved hiring a firm to conduct California Environmental Quality Act (CEQA) reviews for four projects, a transfer of water rights with the City of Mountain View and three redevelopment projects. More detail on the projects is provided below. In April 2017, the East Palo Alto City Council approved contracts for engineering plan review and internal staff resources to manage the projects.

On May 19, 2017, the City of East Palo Alto issued four environmental documents to initiate the CEQA review processes for the projects. The documents included:

- Notice of Intent (NOI) to Adopt Negative Declaration (ND) for water transfer with the San Francisco Public Utilities Commission (SFPUC)
- Notice of Preparation (NOP) for three Environmental Impact Reports:
  - University Plaza Phase II project
  - 2020 Bay Road Office project
  - The Primary School at 1200 Weeks Street project

Links to each of the documents are provided in Attachment A as a hyperlink (http://www.cityofepa.org/index.aspx?NID=642).

## Analysis

A description of each of the four projects identified above, including the anticipated environmental review timeline, is summarized briefly below.

### *Negative Declaration for Water Transfer*

The proposed project would transfer purchase rights of up to 1.5 additional million gallons per day (MGD) of water to the City of East Palo Alto from the SFPUC. This would permanently transfer water rights from the City of Mountain View to the City of East Palo Alto, according to the terms of the proposed Water Supply Agreement. This would expand East Palo Alto's water purchasing abilities from 1.963 MGD to 3.463 MGD and would provide entitlements for East Palo Alto to purchase from SFPUC sufficient water supplies to accommodate the development contemplated by East Palo Alto's General Plan updated in 2016.

Comments are due to the City of East Palo Alto by 5 p.m. on June 9, 2017. The City of East Palo Alto is holding a public hearing on the item on June 20, 2017 at 7:30 p.m. at 2145 University Avenue in East Palo Alto. Based on the preliminary review of the Notice of Intent and Negative Declaration, staff anticipates submitting a comment letter pertaining to the following statement "the transfer would use existing infrastructure and would not require the construction of additional infrastructure." The increase in water supply would likely result in significant changes to East Palo Alto's water distribution infrastructure to allow for the conveyance of additional flow and to meet fire suppression requirements associated with the increased development.

### *NOP for University Plaza Phase II project*

The proposed project would redevelop 2.58 acres at 2111 University Avenue, on the northwest corner of University Avenue and Donohoe Street. An eight-story structure with approximately 233,840 square feet of office space and a five-story parking structure with 772 parking spaces is proposed. Reconfiguration of the US 101 northbound on-ramp at Euclid Avenue/East Bayshore Road/Donohoe Street is also proposed as part of the project.

Comments are due to the City of East Palo Alto by 4 p.m. on June 19, 2017. Staff anticipates submitting a comment letter outlining comments as identified in the "Proposed Issues and Comments" section below.

### *NOP for 2020 Bay Road Office project*

The proposed project would redevelop the site with approximately 1.4 million square feet of office space on a corporate campus, with five eight-story office buildings and one parking structure. The parking structure would include a campus amenities building of approximately 18,430 square feet on the ninth story and a 2.1-acre garden on the tenth story. Approximately 3,500 square feet of retail space would also be included as part of the project.

Comments are due to the City of East Palo Alto by 4 p.m. on June 19, 2017. Staff anticipates submitting a comment letter outlining comments as identified in the "Proposed Issues and Comments" section below.

### *NOP for The Primary School at 1200 Weeks Street project*

The proposed project would construct a private, tuition-free school campus at 1200 Weeks Street on a vacant 3.5-acre site. The project would provide facilities for pre-school, elementary and middle school students, before and after school care, and healthcare services, as well as parent-infant community programs. The site would include amenities such as adult-learning classrooms, meeting space for parents, a parent education library, a gymnasium, and several play yards and recreation areas. The school would have capacity for 511 students and the childcare program would have capacity for approximately 150 children. The project would provide approximately 80 surface level parking spaces.

Comments are due to the City of East Palo Alto by 4 p.m. on June 19, 2017. Staff anticipates submitting a comment letter outlining comments as identified in the "Proposed Issues and Comments" section below.

***Proposed Issues and Comments***

The public comment period on the three NOP documents for the development projects closes on June 19, 2017. Staff is preparing a comment letter describing the City's specific comments on the documents. The key issues staff expects to highlight in the comment letter include:

- Transportation issues: consistency with City's Transportation Impact Analysis Guidelines for analyses of Menlo Park facilities; congestion on local and regional roadways including 15 intersections identified by East Palo Alto during the review of the Facebook Campus Expansion project; potential cut-through traffic in the Willows and Belle Haven neighborhoods; bicycle and pedestrian access and circulation issues to each site; and ability to reduce vehicle trips by requiring transportation demand management programs.
- Addressing housing demand and affordability through a housing needs assessment (HNA).
- Proposed project densities: if the office space proposed can accommodate technology companies with higher densities, the employment projects and analyses should account for this land use type (e.g., housing, traffic, vehicle miles traveled, etc.).
- School enrollment area: define proposed area for student enrollment and consider needed safe routes to school improvements from those neighborhoods to facilitate access.
- Aesthetic impacts of the project, including views of the Santa Cruz Mountains.
- Sea Level Rise impacts of the project.
- Biological resources analysis should take into the proximity of the proposed projects to the wetlands, specifically impacts on special status and endangered species in the wetlands and bird-safe building design for properties near the San Francisco Bay shoreline.
- Site contamination and hazardous materials.

Since comments are due on June 9 and June 19 for the water transfer and development projects, respectively, the timing does not permit staff to bring draft letters to the Council for review. As the environmental review of each item proceeds, the City will have future opportunities to comment on each project, including during the public review period of the Draft Environmental Impact Reports (DEIRs).

**Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

A. City of East Palo Alto Environmental Documents webpage - http://www.cityofepa.org/index.aspx?NID=642

Report prepared by:
Nicole H. Nagaya, Assistant Public Works Director

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