



## ENVIRONMENTAL QUALITY COMMISSION MEETING AGENDA

Wednesday, September 25, 2013 at 6:30 p.m.  
Civic Center Administration Building  
City Council Conference Room  
701 Laurel Street

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### CALL TO ORDER

**ROLL CALL:** Allan Bedwell, Chris DeCardy (Chair), Kristin Kuntz-Duriseti, Scott Marshall, Mitchel Slomiak (Vice Chair), Christina Smolke

#### **A. PUBLIC COMMENT (Limited to 30 minutes)**

Under "Public Comment", the public may address the Commission on any subject not listed on the agenda. Each speaker may address the Commission 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 Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

#### **B. REGULAR BUSINESS**

**B1.** Approve August 28, 2013 Minutes ([Attachment](#))

**B2.** Issue a Determination on Four Heritage Tree Appeals at 2140 Santa Cruz Ave. ([Attachment](#))

**B3.** Receive Informational (Biannual) Arborist Report

**B4.** Discuss Informational Quarterly Report to City Council

#### **C. COMMISSION REPORTS AND ANNOUNCEMENTS**

**C1.** Staff Update on Environmental Policies to be Considered by City Council

**C2.** Commission Subcommittee Reports and Announcements

**C3.** Discuss Future Agenda Items

#### **D. ADJOURNMENT**

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At every Regular Meeting of the Commission, in addition to the Public Comment period where the public shall have the right to address the Commission 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 Commission's consideration of the item.

At every Special Meeting of the Commission, 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 consideration of the item.

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## ENVIRONMENTAL QUALITY COMMISSION MEETING MINUTES

Wednesday, August 28, 2013 at 6:30 p.m.  
Civic Center Administration Building  
City Council Conference Room  
701 Laurel Street

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Chair DeCardy called the meeting to order at 6:36 p.m.

**ROLL CALL:** Chris DeCardy (Chair), Kristin Kuntz-Duriseti, Scott Marshall, Deb Martin, Mitch Slomiak (Vice Chair), Christina Smolke (arrives at 6:42 p.m.)

**ABSENT:** Allan Bedwell

**A. PUBLIC COMMENT:** None

### **B. REGULAR BUSINESS**

**B1.** Approve July 24, 2013 Minutes ([Attachment](#))

**ACTION:** Motion and second (Slomiak/Martin) to approve the July 24, 2013 minutes passes (5-0-2), (Absent: Allan Bedwell, Abstain: Scott Marshall).

**B2.** Discuss and Consider Rescheduling November and December Environmental Quality Commission Meetings

**ACTION:** Motion and second (Slomiak/Martin) to follow staff's recommendation to reschedule both meetings one week in advance, with the venue and meeting time remaining the same. The November 27<sup>th</sup> meeting will be moved to November 20<sup>th</sup>, and the December 25<sup>th</sup> meeting will be moved to December 18<sup>th</sup>, passes (6-0-1), (Absent: Allan Bedwell).

**B3.** Discuss and Potentially Remove and Create New Environmental Quality Commission Subcommittees and Appoint Members to Subcommittees

The Commission indicated that they would like to discuss this item further at the next commission meeting.

**ACTION:** No formal action was taken on this item

**B4.** Discuss Community-Wide Greenhouse Gas Emission Targets, Funding, and Next Steps and Provide Direction to the Climate Action Plan Subcommittee ([Attachment](#))

Public Comment:

- Jessica Epstein submitted a letter to the Commission on behalf of the Silicon Valley Association of Realtors (SILVAR) indicating her organization's opposition in regards to the energy efficiency greenhouse gas reduction measure "Consider development of an ordinance for energy and water efficiency standards for transfer of title transaction" as outlined in the City's Climate Action Plan.

The Commission continued to discuss the development of the greenhouse gas reduction target workplan. The Climate Action Plan Subcommittee also provided the Commission with an update on potential funding outlets, how to facilitate stakeholder engagement, and on ways to implement the greenhouse gas reduction strategies identified in the City's Climate Action Plan.

**ACTION:** No formal action was taken on this item

**C. COMMISSION REPORTS AND ANNOUNCEMENTS**

The following updates were received by the commission:

- C1.** Staff Update on Environmental Policies to be Considered by City Council
- C2.** Commission Subcommittee Reports and Announcements
- C3.** Discuss Future Agenda Items

**D. ADJOURNMENT**

The meeting was adjourned at 8:46 p.m.

Meeting minutes prepared by Vanessa Marcadejas, Environmental Programs Specialist





## ENVIRONMENTAL QUALITY COMMISSION

September 25, 2013

Staff Report  
Agenda Item B2

### **REGULAR BUSINESS: Issue Determination on Appeal of Staff's Denial of a Heritage Tree Removal Permit for 2140 Santa Cruz Avenue**

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#### **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 2140 Santa Cruz Avenue.

#### **BACKGROUND**

On July 10, 2013, Arborwell, the appellant and representative for the property owner of 2140 Santa Cruz Ave. applied for a heritage tree removal permit to remove four Canary Island Pine trees (Attachment A). The permit application was accompanied by an Arborist report that stated the following reasons for removal:

- Large amount of debris and branch failures affecting the building's new roof
- Increased maintenance costs from property damage

The City Arborist reviewed the application, inspected the four Canary Island Pine trees, and completed the City Arborist's Evaluation Form (Attachment B). The City Arborist denied the application based on the following:

- All four trees are healthy and structurally sound.
- Concerns related to debris on the roof can be addressed through proper pruning and regular tree maintenance.

A letter was mailed to the applicant outlining the denial of the heritage tree removal application (Attachment C).

After the denial letter was mailed, the City Arborist received a letter from Charles Kinney, a resident at 2140 Santa Cruz Ave, stating that the trees should not be removed because their presence help offset the visual and acoustic impacts of the road traffic along Santa Cruz Ave and contribute a significant visual appearance for Menlo Commons (Attachment D).

On August 2, 2013, Arborwell filed a heritage tree appeal to the EQC (Attachment E) to remove the four Canary Island Pines, and stated the following reasons for removal:

- The original removal application was submitted prematurely and there is new information relating to property damage caused by the trees.
- Tree roots are lifting the foundation of the adjacent building.
- Tree roots are damaging a wall of the nearby parking garage.

On September 5, 2013, City staff received another letter from Charles Kinney, stating that he was unable to locate the property damage described in Arborwell's appeal (Attachment F).

## **ANALYSIS**

**Section 13.24.040, of Menlo Park's Heritage Tree Ordinance** (Municipal Code), 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 decision to deny the removal permit was based on criteria one, six, and eight of the Heritage Tree Ordinance.

With respect to criteria one, all four trees are in good health and appear to be structurally sound. Canary Island Pine (*Pinus canariensis*) is a drought-tolerant species resistant to many of the pests and diseases found along the peninsula, including Pitch Canker and Oak Root Fungus.

With respect to criteria six, all four trees provide shade, privacy and scenic beauty for the residents of the property. The trees create a buffer between Santa Cruz Ave and the building, reducing the noise and visual impacts of the busy roadway.

With respect to criteria eight, alternatives to removal exist. Routine maintenance and proper pruning will reduce the risk of limb failure and debris accumulation on the roof. Excavation by hand or with an Air-Spade along the foundation and retaining wall would reveal which roots might be causing damage and could be properly pruned.

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.

Signature on File

Brian Henry  
City Arborist

Signature on File

Vanessa Marcadejas  
Environmental Programs Specialist

**PUBLIC NOTICE:** Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

**ATTACHMENTS:**

- A: Heritage Tree Removal Application
- B: City Arborist Evaluation Form
- C: Heritage Tree Removal Application Denial Letter
- D: Letter from Charles Kinney Addressed to City Arborist
- E: Applicant's Appeal of the Removal Denial
- F: Letter from Charles Kinney Addressed to City Environmental Staff.

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July 3, 2013

City of Menlo Park  
Engineering Division  
701 Laurel Street  
Menlo Park, CA 94025

**Re: Removal of four (4) Canary Island Pines at 2140 Santa Cruz Avenue, Menlo Park**

To whom it may concern,

We would like to submit a request to remove four *Pinus canariensis* trees located between the front building of Menlo Commons Apartments and the street, at 2140 Santa Cruz Avenue. Our client is concerned about debris and more branch failures affecting the new roof of the building the trees are adjacent to, and they want to mitigate any potential further damage. The trees are in poor to moderate health, and are located too close to the adjacent building. Our client intends to replace the trees, but a species has not yet been decided upon. We will alert you to their decision once the attached application has been processed.

Please accept this as a formal request to remove and replace the subject pines, and do not hesitate to contact me at 925.596.4214 with any questions or concerns.

Sincerely,



Evin Lambert  
Certified Arborist # WE-9776A





Figure 1: Trees 54, 56, 58, 60, left to right (4 tallest in picture).

2337 AMERICAN AVE, HAYWARD, CA 94545

2949 EDISON WAY, REDWOOD CITY, CA 94063

1592 LITTLE ORCHARD STREET, SAN JOSE, CA 95110

3207 FITZGERALD ROAD, RANCHO CORDOVA, CA 95742

5601 EASTGATE DRIVE, SAN DIEGO, CA 92121

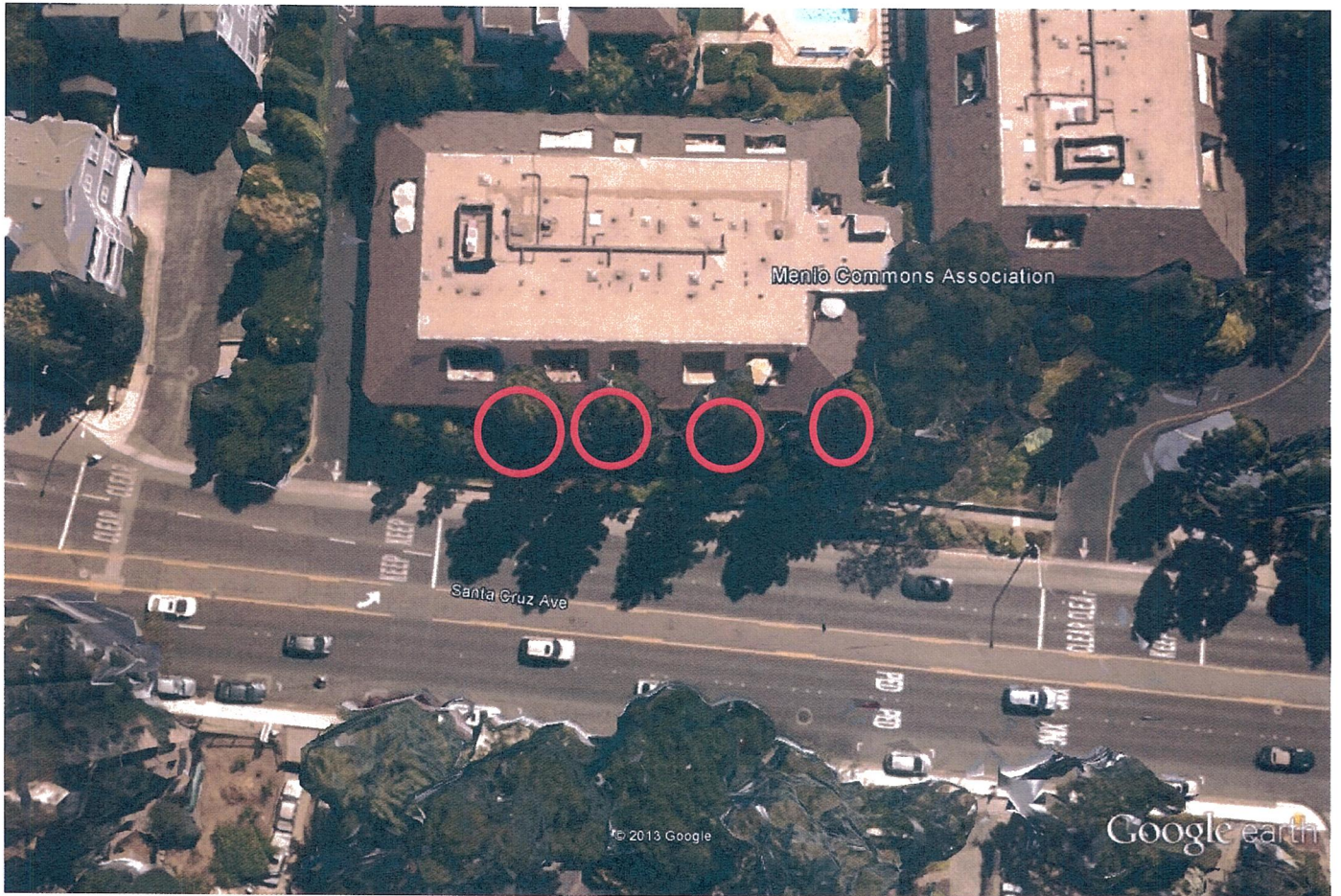
2150 CAYMAN WAY, SUITE 151, LAKE FOREST, CA 92630

OFFICE: (888) 969-8733

MAIN FAX: (510) 881-5208

WWW.ARBORWELL.COM





Google earth

feet 200  
meters 70







# Heritage Tree Removal Permit Application

This application must be submitted with the Arborist Form

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

Application No. HTR2013-00159

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: 2140 Santa Cruz Avenue, Menlo Park

Name of Applicant: Arborwell, Inc. - Evin Lambert Phone (925) 596-4214 FAX (510) 881-5208

Mailing Address: 2337 American Ave., Hayward, 94545 Email: elambert@arborwell.com

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:

I managing agent for Date: 7/1/13  
menlo Commons

Type of Tree: Pinus CANARIENSIS Location on property: Along Santa Cruz Avenue

Reasons for Request:

Please see attached arborist report.

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: Brian Henry

Date: 7.19.13

Print name and title: BRIAN HENRY, 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:

2140 SANTA CRUZ AVE., MP

### ARBORIST INFORMATION:

Name of Certified Arborist Evin Lambert

ISA or ASCA number: WE-9776A Menlo Park Business License number: 58352

Company: Arborwell, Inc.

Address: 2337 American Ave. Hayward, CA 94545

Phone: (925) 596-4214 FAX: (510) 81-5208 Email: elambert@arborwell.com

### TREE INFORMATION:

Date of Inspection: 7/2/13

Common Name: CANARY ISLAND PINE Botanical Name: PINUS CANARIENSIS

Location of Tree: ALONG FRONT OF BUILDING Height of Tree: ~

Diameter of tree at 54 inches above natural grade: 21.5 INCHES

Circumference of tree at 54 inches above natural grade 67.5"

Condition of Tree:

TREE #54 - MODERATE HEALTH, SOME DIEBACK, POOR STRUCTURE.

If recommending removal or pruning, please list all reasons: (INCLUDING BRANCH FAILURES)  
TREES PRODUCE LARGE AMOUNTS OF DEBRIS, WHICH HAS AN ADVERSE  
EFFECT ON NEW ROOFS, AS WELL AS INCREASED MAINTENANCE COSTS.  
WE RECOMMEND REMOVAL BEFORE FURTHER DAMAGE IS SUSTAINED.

Suggested Replacement Tree:

TBD - PLEASE CONTACT US ONCE PERMIT APP HAS BEEN REVIEWED.

Signature of Arborist:

Evin Lambert

Date: 7/3/13



## Arborist Form

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

Site Address:

2140 SANTA CRUZ AVE., MP

### ARBORIST INFORMATION:

Name of Certified Arborist: Evin Lambert

ISA or ASCA number: WE-9776A Menlo Park Business License number: 58352

Company: Arborwell, Inc.

Address: 2337 American Ave. Hayward, CA 94545

Phone: (925) 596-4214 FAX: (510) 81-5208 Email: elambert@arborwell.com

### TREE INFORMATION:

Date of Inspection: 7/2/13

Common Name: CANARY ISLAND PINE Botanical Name: PINUS CANARIENSIS

Location of Tree: ALONG FRONT OF BUILDING Height of Tree: ~ 75 FEET

Diameter of tree at 54 inches above natural grade: 23.5 INCHES

Circumference of tree at 54 inches above natural grade: 74"

Condition of Tree:

TREE #56 - MODERATE HEALTH, SOME DIEBACK, THIN CANOPY.

If recommending removal or pruning, please list all reasons:

PLEASE SEE PREVIOUS APPLICATION.

Suggested Replacement Tree:

TBD

Signature of Arborist:

*Evin Lambert*

Date: 7/3/13



## Arborist Form

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

Site Address:

2140 SANTA CRUZ AVE., MP

### ARBORIST INFORMATION:

Name of Certified Arborist Evin Lambert

ISA or ASCA number: WE-9776A Menlo Park Business License number: 58352

Company: Arborwell, Inc.

Address: 2337 American Ave. Hayward, CA 94545

Phone: (925) 596-4214 FAX: (510) 81-5208 Email: elambert@arborwell.com

### TREE INFORMATION:

Date of Inspection: 7/2/13

Common Name: CANARY ISLAND PINE Botanical Name: PINUS CANARIENSIS

Location of Tree: ALONG FRONT OF BUILDING Height of Tree: ≈ 70 FEET

Diameter of tree at 54 inches above natural grade: 22.5 INCHES

Circumference of tree at 54 inches above natural grade 70.5"

Condition of Tree:

TREE # 58 - POOR TO FAIR HEALTH, MODERATE DIEBACK, THIN CANOPY

If recommending removal or pruning, please list all reasons:

PLEASE SEE PREVIOUS APPLICATION.

Suggested Replacement Tree:

TBD

Signature of Arborist:

Evin Lambert

Date:

7/3/13



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## Arborist Form

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

Site Address:

2140 SANTA CRUZ AVE., MP

### ARBORIST INFORMATION:

Name of Certified Arborist Evin Lambert

ISA or ASCA number: WE-9776A Menlo Park Business License number: 58352

Company: Arborwell, Inc.

Address: 2337 American Ave. Hayward, CA 94545

Phone: (925) 596-4214 FAX: (510) 81-5208 Email: elambert@arborwell.com

### TREE INFORMATION:

Date of Inspection: 7/2/13

Common Name: CANARY ISLAND PINE Botanical Name: PINUS CANARIENSIS

Location of Tree: ALONG FRONT OF BUILDING Height of Tree: X 70 FEET

Diameter of tree at 54 inches above natural grade: 22.5 INCHES

Circumference of tree at 54 inches above natural grade 70.5"

Condition of Tree:

TREE # 60 - MODERATE HEALTH, SOME DIEBACK

If recommending removal or pruning, please list all reasons:

PLEASE SEE PREVIOUS APPLICATION.

Suggested Replacement Tree:

TBD

Signature of Arborist:

Evin Lambert

Date:

7/3/13

## City Arborist Evaluation Form

Address: 2140 SANTA CRUZ AVE Permit # HT2013-00159

Type of tree: CANARY ISLAND PINE #54

Private property Yes ☒ No ☐

Residential ☒

Commercial ☒

MENDO  
COMMONS

Structure GOOD Approximate Height 70'

Health GOOD Diameter (at 4 feet) 21.5"

Overall GOOD

### Observations:

Mainstem (s) STRONG CENTRAL LEADER, APPEARS STRUCTURALLY SOUND.

Other branches WELL-BALANCED CANOPY.

Roots NO VISIBLE CONCERN WITH ROOTS.

Cavities NO VISIBLE CAVITIES.

Decay NO VISIBLE DECAY.

Growth NORMAL GROWTH HABIT FOR SPECIES.

Conditions around tree IRRIGATED SLOPE, ABOUT 8' FROM FOOT.

Other heritage trees nearby CANARY ISLAND PINES, DAK

Other comments SCREEN/BUFFER BTWN ROAD & BUILDING.

### Category (check one):

- ☐ Structural problem
- ☐ Possibly hazardous
- ☐ Diseased
- ☐ Dead (or nearly dead)

- ☐ Property Damage
- ☐ Construction related
- ☐ Emergency
- ☒ Other

DENIED

### Conclusions:

- ☐ Permit Approved
- ☐ No Permit decision at this time. Further evaluation by the City is recommended.

Signed  City Arborist.

Date 7.19.13

## City Arborist Evaluation Form

Address: 2140 SANTA CRUZ AVE Permit # HTR2013-00159

Type of tree: CANARY ISLAND PINE #56

Private property Yes ☒ No ☐

Residential ☒

Commercial ☒ MENLO COMMONS

Structure GOOD Approximate Height ~70'

Health GOOD Diameter (at 4 feet) 13.5"

Overall GOOD

### Observations:

Mainstem (s) STRONG CENTRAL LEADER, APPEARS STRUCTURALLY SOUND

Other branches WELL-BALANCED CANOPY

Roots NO VISIBLE CONCERN WITH ROOTS.

Cavities NO VISIBLE CONCERN WITH CAVITIES.

Decay NO VISIBLE DECAY.

Growth NORMAL GROWTH HABIT FOR SPECIES.

Conditions around tree IRRIGATED SLOPE, ABOUT 8' FROM FOOT.

Other heritage trees nearby CANARY ISLAND PINES, OAK

Other comments TREE CREATES SCREEN/BUFFER BTWN ROAD & BLDG.

### Category (check one):

- ☐ Structural problem
- ☐ Possibly hazardous
- ☐ Diseased
- ☐ Dead (or nearly dead)

- ☐ Property Damage
- ☐ Construction related
- ☐ Emergency
- ☒ Other

DENIED

### Conclusions:

- ☐ Permit Approved
- ☐ No Permit decision at this time. Further evaluation by the City is recommended.

Signed [Signature]

City Arborist.

Date 7.19.13



## City Arborist Evaluation Form

Address: 2140 SANTA CRUZ AVE Permit # HTR2013-00159

Type of tree: CANARY ISLAND PINE #58

Private property Yes ☒ No ☐

Residential ☒ Commercial ☒ MENLO COMMONS

Structure GOOD Approximate Height ~70'

Health GOOD Diameter (at 4 feet) 22.5"

Overall GOOD

### Observations:

Mainstem (s) STRONG CENTRAL LEADER, APPEARS STRUCTURALLY SOUND.

Other branches WELL-BALANCED CANOPY.

Roots NO VISIBLE CONCERN WITH ROOTS.

Cavities NO VISIBLE CAVITIES.

Decay NO VISIBLE DECAY.

Growth NORMAL GROWTH HABIT FOR SPECIES.

Conditions around tree IRRIGATED SLOPE, ABOUT 8' FROM ROOT.

Other heritage trees nearby CANARY ISLAND PINES, OAK

Other comments TREE CREATES SCREEN/BUFFER BTWN ROAD & BUILDING.

### Category (check one):

- ☐ Structural problem
- ☐ Possibly hazardous
- ☐ Diseased
- ☐ Dead (or nearly dead)

- ☐ Property Damage
- ☐ Construction related
- ☐ Emergency
- ☒ Other

DENIED

### Conclusions:

- ☐ Permit Approved
- ☐ No Permit decision at this time. Further evaluation by the City is recommended.

Signed [Signature]

City Arborist.

Date 7.19.13

## City Arborist Evaluation Form

Address: 2140 SANTA CRUZ AVE Permit # HTR2013-00159

Type of tree: CANARY ISLAND PINE #60

Private property Yes ☒ No ☐

Residential ☒

Commercial ☒

MENLO COMMONS

Structure GOOD

Approximate Height ~70'

Health GOOD

Diameter (at 4 feet) 12.5"

Overall GOOD

### Observations:

Mainstem (s) STRONG CENTRAL LEADER, APPEARS STRUCTURALLY SOUND.

Other branches WELL-BALANCED CANOPY, EVEN FOLIAGE DISTRIBUTION + COLOR.

Roots NO VISIBLE CONCERN WITH ROOTS.

Cavities NO VISIBLE CAVITIES.

Decay NO VISIBLE DECAY.

Growth NORMAL GROWTH HABIT FOR SPECIES.

Conditions around tree IRRIGATED SLOPE. TRUNK IS ABOUT 8' FROM ROOT.

Other heritage trees nearby CANARY ISLAND PINES, OAK

Other comments TREE CREATES SCREEN/BUFFER BTWN ROAD + BUILDING.

### Category (check one):

- ☐ Structural problem
- ☐ Possibly hazardous
- ☐ Diseased
- ☐ Dead (or nearly dead)

- ☐ Property Damage
- ☐ Construction related
- ☐ Emergency
- ☒ Other

DENIED

### Conclusions:

- ☐ Permit Approved
- ☐ No Permit decision at this time. Further evaluation by the City is recommended.

Signed

[Signature]

City Arborist.

Date

7.19.13





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## *Public Works Department*

July 19, 2013

Evin Lambert  
Arborwell, Inc.  
2337 American Ave  
Hayward, CA 94545

**Subject: Application to remove four Heritage Trees at 2140 Santa Cruz Ave**

Dear Evin Lambert,

This letter is to inform you that the City has received and reviewed the application you submitted for the removal of four Canary Island pines at 2140 Santa Cruz Ave. There is no contact information listed on your application for the resident, please relay the following message.

All four trees are denied for removal. All the trees are structurally sounds and in good health. Concerns related to debris on the roof can be addressed through proper pruning and tree maintenance.

You 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 for the first tree and \$100 for each of the other three trees 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,

Brian Henry  
City Arborist  
Public Works Department

Cc: Vanessa Marcadejas, Environmental Programs Specialist

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Charles M. Kinney  
2140 Santa Cruz Avenue E-306  
Menlo Park, CA 94025  
650-854-5554 m-ckinney@sbcglobal.net

June 20, 2013

Mr. Brian Henry  
City of Menlo Park Arborist  
701 Laurel Avenue  
Menlo Park, CA 94025

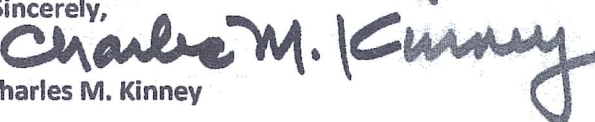
Re: Removal of 4 Heritage Canary Island Pines  
Menlo Commons 2140 Santa Cruz Avenue, Menlo Park, CA 94025

Dear Mr. Henry,

On June 17, 2013, the Menlo Commons HOA Board voted 3-2 in favor of removing 4 large heritage trees, Canary Island Pines, located between Building B and Santa Cruz Avenue. These trees were first planted in the late 1970's, (40 + years old), when the Menlo Commons development was built. The apparent reasons given for the trees removal were the needle droppings that create maintenance issues and the potential fire hazard for anyone cooking outside on their decks with needles cascading downward or needles having accumulated on their exterior decks. Also, an eleven year old decision, by a previous Board to have these same trees removed and replaced with other pine trees was noted but could not be verified. The replacement pine trees have been planted a number of years ago in front and down slope of the Pine trees in question immediately to the rear of a retaining wall along the Santa Cruz Avenue sidewalk. They do not appear to be doing well. Further, Arborwell, the arborist company that gave a bid for the 4 trees to be removed, misspoke when reviewing the trees noting that these trees were approximately 70 years old and at the end of their lifetime.

From my vantage point, having a master's degree in landscape architecture and an undergraduate degree in architecture and having been a State of California licensed landscape architect with professional design experience in 100's of projects both in the USA and Europe, I believe these pine trees should not be removed. Their presents help to offset the impacts of Santa Cruz Avenue and give a significant visual appearance for Menlo Commons, in particular Building B, in a context of being located adjacent to a very busy roadway. If these trees were to be removed Menlo Commons, in particular Building B, would be highly more impacted both visually and acoustically by the road traffic along Santa Cruz Avenue. When reviewing the application for the removal of these 4 heritage trees I would appreciate if you would take the above comments into consideration. Please contact me if you have any questions I may be able to answer in your decision making process. .

Sincerely,

  
Charles M. Kinney

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July 22, 2013

City of Menlo Park  
Environmental Quality Commission  
701 Laurel Street  
Menlo Park, CA 94025


**Re: Removal of four (4) Canary Island Pines at 2140 Santa Cruz Avenue, Menlo Park**

To whom it may concern,

We recently submitted a request to remove four *Pinus canariensis* trees located between the front building of Menlo Commons Apartments and the street, at 2140 Santa Cruz Avenue. Our application for a permit was denied, as we omitted some information regarding the fact that the roots of the subject pines are lifting the foundation of the adjacent building and damaging the wall of a parking garage nearby. This information was not evident to me at the time of inspection, but was brought to my attention after I submitted the application prematurely. Our client is very concerned about the costly repairs to the foundation and parking garage wall that will inevitably be incurred should the trees remain in place.

Please accept this as a formal request to appeal the decision to deny the removal of the subject pines, and do not hesitate to contact me at 925.596.4214 with any questions or concerns. Thank you.

Sincerely,



Evin Lambert  
Certified Arborist # WE-9776A

**PAID**

**CITY OF MENLO PARK**

**REC'D AUG 02 2013**

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CHARLES M. KINNEY  
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September 3, 2013

Ms. Vanessa Marcadejas  
Environmental Specialist  
Environmental Quality Commission  
701 Laurel Street  
Menlo Park, CA 94025

Re: Removal of four (4) Canary island Pines at 2140 Santa Cruz Ave., Menlo Park

Dear Commission Members,

I reviewed the July 22, 2013 letter which the EQC received from Ms. Evin Lambert of Arborwell, professional tree management company, concerning the above topic. Arborwell claims: that the subject pines "are lifting the foundation of the adjacent building and damaging the wall of a parking garage nearby." And "Our client is very concerned about the costly repairs to the foundation and parking garage wall that will inevitably be incurred should the trees remain in place." These claims are totally without merit and are untrue. I recommend if you have the time do visit the site and see for yourselves.

The trees were planted as part of this residential development project some 38 years ago in their present location. Visually checking the walls in the garage I found two very short, 24 inch long hair line very thin cracks along a 100 foot length of garage wall, but no major cracks or indications of any structural cracks leading to the belief of the upheaval of the wall is emanate. The trees are approximately centered 20 feet in front of this garage wall identified in the Arborwell letter of July 22<sup>nd</sup> and 20 feet behind a stone retaining wall located along the sidewalk of Santa Cruz Ave. in front of the trees in question. This stone wall does not exhibit any cracks and is not uneven or showing any signs of upheaval the same as the garage wall. Thirty eight years is a long time in which the impact of tree root infiltration could take place and yet there is none. When and if, you do visit the site, please review the condition of both walls.

While I am a resident of Menlo Commons and am on the HOA Board of Directors and voted against the removal of these trees please note that I am communicating with you as a resident of Menlo Park who has a master's degree in landscape architecture with a continuing interest in our community, especially trees. I agree with the findings of the July 19<sup>th</sup> letter from Mr. Brian Henry, Menlo Park City Arborist, to Arborwell, that found, "All the trees are structurally sound and in good health. Concerns related to debris on the roof can be addressed through proper pruning and tree maintenance".

Sincerely,

*Charles M. Kinney*  
Charles M. Kinney

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