



## ENVIRONMENTAL QUALITY COMMISSION AGENDA

Regular Meeting  
Wednesday, February 25, 2015 at 6:30 PM  
City Administration Building  
701 Laurel Street, Menlo Park, CA 94025

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### CALL TO ORDER

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

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

Under “Public Comment,” the public may address the advisory body on any subject not listed on the agenda within the jurisdiction of the Commission. 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. The public may address the Commission regarding items listed on the agenda during the consideration of each item.

### B. REGULAR BUSINESS

- B1.** Consider a Recommendation on a Request to Remove One Valley Oak Heritage Tree at 1025 San Mateo Drive ([Attachment](#))
- B2.** Appoint Environmental Quality Commission Representative to the Peninsula SunShare’s Evaluation Committee ([Attachment](#))
- B3.** Discuss Joint City Council Quarterly Update Meeting and Select Council Meeting Date to Deliver Update
- B4.** Debrief on City Council Meeting Discussion on Potential CIP Projects
- B5.** Receive Update from General Plan Advisory Subcommittee
- B6.** Discuss and Consider Potential Proclamations to the City Council for Exemplary Environmental Efforts in the Community
- B7.** Informational Presentation on World Council on City Data (WCCD) regarding ISO 37120: Sustainable Development of Communities: Indicators for City Services and Quality of Life
- B8.** Receive Quarterly Update on City Recycling Rates

**B9.** Approve January 28, 2014 Minutes ([Attachment](#))

**C. 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.

Any writing that is distributed to a majority of the Commission 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 Menlo Park Library, 800 Alma Street, Menlo Park, CA 94025 during regular business hours.

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## ENVIRONMENTAL QUALITY COMMISSION

February 25, 2015

**Staff Report  
Agenda Item B1**

### **REGULAR BUSINESS:**

Consider a Recommendation on a Request to Remove One Valley Oak Heritage Tree at 1025 San Mateo Drive

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### **RECOMMENDATION**

Staff recommends the Environmental Quality Commission (EQC) deny the appeal and uphold staff's decision to approve heritage tree removal permit application at 1025 San Mateo Drive.

### **BACKGROUND**

On January 5, 2015 Hossew Jalali, the property owner of 1025 San Mateo Drive applied for a heritage tree removal permit to remove one valley oak (*Attachment A*). The valley oak was approved for removal. The permit application for the valley oak was accompanied by an Arborist report (*Attachment B*) that stated the tree represented a hazard for the following reasons:

- Tree has fair vigor, but poor form.
- The 90 degree elbow above the home has two visible cavities on the upper side of the leader where stress is at its greatest.

The City Arborist reviewed the application, inspected the valley oak and completed the City Arborist's Evaluation Form (*Attachment C*). The City Arborist approved the application based on the following:

- Shear cracking with decay on upper portion of main limb leaning over house
- The presence of basal/root rot. Restricted root area.
- High risk rating: Likely to fail and impact target (house), Consequences of failure are severe.
- Tree is senescent and in decline.

On February 1, 2015, Sally Cole filed a heritage tree appeal to the EQC (*Attachment D*) to remove the valley oak and stated the following reasons:

- The previous property owner at 1025 San Mateo Drive had a leaning pine tree assessed last year; during that time the arborists did not note any defects with the valley oak.
- The trees branches seem intact and healthy.

## 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 approve the removal permit was based on criteria one (1), four (4), and eight (8) of the Heritage Tree Ordinance.

With respect to criteria one (1), concerns related to the condition of the tree with respect to disease and danger of falling were assessed;

- The crown of the valley oak tree exhibits several cavities with visible decay throughout the crown. One of these cavities is associated with a shear crack on the upper portion of a main stem leaning toward the home (Attachment D and E) Shear cracking is parallel with the wood grain and according to the USDA Forest Service, Urban Tree Risk Management Guide, "A shear crack always has a high risk of failure."
- Fungal fruiting bodies, likely from *Armillaria mellea*, were observed at the base of the trunk. Wood decay fruiting bodies are a positive indicator of the existence of internal decay. The dieback and sparse foliage in the crown of this valley oak are symptoms which often accompany advanced basal and root decay.
- The tree is growing in a 6' cutout of a concrete patio, which is restrictive to healthy root development. Restricted root space is a visual indicator of root and soil defects that can reduce tree stability.

- The crown of the tree is unbalanced which is likely due to numerous prunings on the house side of the tree. An unbalanced crown can unnaturally re-distribute the weight of the limbs and foliage unevenly making the tree more prone to failure.

With respect to criteria four (4), the long-term value of the species under consideration, particularly lifespan and growth rate was assessed.

- The valley oak is a California native tree and typically considered a high value species. However, the subject valley oak is stressed and in senescence. As trees age, vigor decreases and fewer resources are allocated toward growth. A multitude of stresses can weaken a tree causing significant reduction in growth and eventually decline. Some of the more common stressors attributing to early decline are excessive pruning, prolonged drought, and root damage. A tree in senescence is predisposed to insect infestation and disease infection. Once in decline, mature trees often enter a, “mortality spiral”, where it cannot uptake and/or produce enough resources necessary for physiological processes and disease/pest defenses.

With respect to criteria eight (8), the availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s) was assessed:

- Current industry best management practices on addressing oak root and basal rot focus on improving tree health and limiting conditions for the fungus to spread. These methods can be effective if tree vigor is likely to be restored and the extent of the decay is not advanced. Neither is the expected to be the case with the subject tree. The use of fungicide to treat root rot is typically very costly (multiple ongoing treatments are required) and likely to be ineffective.
- Due to the subject tree’s state of existing decline, the pruning necessary to substantially mitigate risk by reducing end weight on defect limbs leaning toward house would accelerate decline by compounding stressors.
- While cabling may temporarily mitigate risk of limb failure in crown, it can be costly and it would not address risk of whole tree failure associated with oak root rot.

Staff recommends the Environmental Quality Commission (EQC) deny the appeal and uphold staff’s decision to approve heritage tree removal permit application based on these findings.

Signature on File  
Christian Bonner  
City Arborist

Signature on File  
Sheena Ignacio  
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 Permit Application
- B. Applicant’s Arborist Report
- C. City Arborist’s Evaluation
- D. Heritage Tree Appeal Letter



# 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. HTR2015-00020

PAID

JAN 05 2015

CITY OF MENLO PARK

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: 1025 SAN MATEO DRIVE

Name of Applicant: HOSSEIN JALALI Phone: 740-2233 FAX: 329-9450

Mailing Address: 5 SPIROS WAY MENLO PARK CA 94025 Email: hjalali@chncal.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:

[Signature]

Date: 1/5/15

Type of Tree: OAK

Location on property: BACKYARD

Reasons for Request:

SICK TREE

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: [Signature]

Date: 1/22/15

Print name and title: C. BOUNETT, CITY ARBORIST



## Arborist Form

PAID  
JAN 05 2015  
CITY OF MENLO PARK

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

Site Address: 1025 San Mateo

### ARBORIST INFORMATION:

Name of Certified Arborist: Kevin Kieley

ISA or ASCA number: WE0476A Menlo Park Business License number:

Company: Kieley Arborist Services

Address: PO Box 6187 San Mateo CA 94403

Phone: 315-9783 (650) FAX:  Email: KKARD0476@yahoo.com

### TREE INFORMATION:

Date of Inspection: 12/15/14

Common Name: Valley Oak Botanical Name: Quercus Lobata

Location of Tree: Rear near house Height of Tree: 50'

Diameter of tree at 54 inches above natural grade: 33.4"

Circumference of tree at 54 inches above natural grade:

### Condition of Tree:

Fair vigor, poor form  
decay on leader above house

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

Poor form, Potential Hazard

### Suggested Replacement Tree:

Valley Oak, Coast live Oak

Signature of Arborist: KK

Date: 12/24/14

Print Form

Reset Form

# Kielty Arborist Services

Certified Arborist WE#0476A

P.O. Box 6187

San Mateo, CA 94403

650-515-9783

December 24, 2014

Mr. Hasein Jalali  
5 Spiros Way  
Menlo Park, CA 94025

Site: 1025 San Mateo, Menlo Park, CA

Dear Mr. Jalali,

As requested on Monday, December 15, 2014, I visited the above site to inspect and comment on a large oak tree in the rear of the property. The tree has obvious form flaws and you concern as to the future health and safety of the tree has prompted this visit.

## Method:

All inspections were made from the ground; the tree was not climbed for this inspection. The tree in question was located on a "Not-to-Scale" map provided by me. 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 trees' 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.

**Poorly formed valley oak near the rear of the house.**





**Observations:**

The tree in question is a valley oak with a diameter at breast height of 33.4 inches. The tree is located in the rear of the property 4 feet from the existing house. The estimated height of the oak is 50 feet with a total crown spread of 60 feet. The vigor for the tree is fair to good with normal shoot growth for the species. The form of the oak is poor with codominant leaders at 7 feet and two heavy decayed leaders from that point.

The decay in the leaders were caused by large limb removal or failed limbs. The leader closest to the home has two cavities at the top of a large elbow near the home. The entire tree is generally heavy to the west away from the home.

**This 90 degree elbow has two visible cavities on the upper side of the leader where stress is at its greatest.**

**Summary:**

The tree in question has fair vigor but poor form. The poor form includes a lean to the west and a large leader that has two cavities at a 90 degree elbow where stress on the leader is at its highest. The target if the leader were to fail would be the existing home or the landscape area below the oak.

Remove and replace this tree as future failure of the large leader is likely. Trimming within ANSI standards cannot improve the form of the tree or guarantee the safety of the tree. Removal and replacement is the only method that will eliminate all hazards and liabilities associated with the tree.

The site has 8 other heritage tree around the perimeter and the removal of the oak will not greatly affect the surrounding environment. The replacement tree should be a valley or coast live oak planted in a location where the tree can flourish.

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









## City Arborist Evaluation Form

**Address:** 1025 San Mateo **Permit #** 2015-00020

**Type of tree:** Quercus lobata

Private property Yes ☒ No ☐ Residential ☒ Commercial ☐

Structure Poor/Fair Approximate Height 40

Health Fair Diameter (at 4 feet) 33

Overall Poor/Fair

### Observations:

Mainstem (s) 5-6" pruning wound on main stem over house. Shear cracking (16-18" length) on tension side of main stem over house. Loose bark at base.

Other branches Unbalanced crown. Moderate dieback and thinning throughout crown

Roots Restricted root space. Signs & symptoms of basal/root decay visible.

Cavities Multiple 2-3" cavities at branch terminal ends. 5-6" cavity on main stem over house. 16-18" linear cavity from shear cracking on main stem over house

Decay Fungal fruiting visible at base of root collar. Decay visible in cavities.

Growth Stunted - In decline.

Conditions around tree 6' x 6' concrete cut out in backyard patio.

Other heritage trees nearby Pine, bay tree, cedar

Other comments High risk rating: Likely failure & impact, Significant consequences

### Category (check one):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Structural problem | <input type="checkbox"/> Property Damage      |
| <input type="checkbox"/> Possibly hazardous            | <input type="checkbox"/> Construction related |
| <input type="checkbox"/> Diseased                      | <input type="checkbox"/> Emergency            |
| <input type="checkbox"/> Dead (or nearly dead)         | <input type="checkbox"/> Other                |

### Conclusions:

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

Signed  City Arborist. Date 1/22/15









February 1, 2015

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

REC'D FEB 09 2015

Dear Members of the Commission,

I recently received a notice informing me that the City has approved the removal of a Valley Oak, a heritage tree, in my neighbor's backyard, at 1025 San Mateo Avenue. I am writing to appeal this decision.

In 2014, shortly before the previous owner of 1025 San Mateo Avenue, John Bartelme, died, he hired an arborist to assess the trees on his property. John, who was a dear friend of mine, was concerned not about the Valley Oak but about a pine tree on his property that was leaning. The arborist that he hired looked at all the trees on his property and advised him to remove the leaning pine. To help John, I asked the arborist at Apple, Inc, where I work, to come to my house and take a look at John's trees as well. He also concluded that the leaning pine tree posed a hazard and should be removed. Neither of these trained and certified arborists found anything to worry them about the Valley Oak on the property that the City has now, just a short time later, approved for removal.

The reason given for the removal of this gorgeous heritage tree is "structural defects." But what structural defects have been found less than one year later that would require the removal of the entire tree? Valley Oaks are not prone to root decay. The branches, which are all clearly in view from my property, all seem intact and healthy. If there are defects, they might be manageable defects. Is there any evidence that the City considered any other remediation options other than the drastic one of removing a heritage tree in a City that prizes its heritage trees? There are tree preservation techniques - have any of them been tried?

Additionally, Valley Oaks are rare. It is not a small decision to destroy a Valley Oak in this ecosystem. The company that I work for has taken pains to preserve its Valley Oaks while the city that I live in plans to remove one that is healthy.

My 10 year old son and I moved to our home in Menlo Park two and a half years ago. We moved here from San Francisco, where we were quite happy, precisely because I wanted him to be closer to nature and grow up in a place where the natural world is valued and preserved. I am an active volunteer and donor to local land preservation organizations like the Peninsula Open Space Trust and Acterra. We look across the back fence of our property and we have the great pleasure to see the gorgeous Valley Oak at 1025 San Mateo Avenue. Our property and the one to the right of it also have oak trees. When you look across these lots you feel



like you live in a beautiful place that values nature. That is exactly what I hope for for my son and for all his classmates who are growing up in Menlo Park.

I urge the Commission to revisit the decision to remove this wonderful heritage Valley Oak, of which there are so few remaining. Please don't do it just because someone wants to build a bigger house. There will always be big houses, but there will not always be Valley Oaks, if we destroy them this way.

I would like the opportunity to bring my own arborist in to examine the oak and to have him have the opportunity to assess whether there are other alternatives to destroying the tree which would still address any defects the tree may have.

Many thanks for your consideration,

Respectfully,

A handwritten signature in cursive script that reads "Sally Cole (Sarah A. Cole)". The signature is written in dark ink and is positioned to the right of the typed name "Sally Cole".

Sally Cole  
1235 Santa Cruz Avenue  
Menlo Park, CA  
94025





**To: Environmental Quality Commissioners**

**From: Environmental Programs Staff**

**Subject: Appoint Environmental Quality Commission Representative  
to the Peninsula SunShare's Evaluation Committee**

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### **Potential Environmental Quality Commission (EQC) Action**

Appoint Environmental Quality Commission Representative to the Peninsula SunShare's Evaluation Committee

### **Background**

The Peninsula SunShares Program is conducting a procurement process for PV solar installers on behalf of Bay Area residents. This program will benefit residents by eliminating the obstacle of comparing solar vendors and helping to reduce purchase cost (typically cost will be 15% below the market rate). The Peninsula SunShares project is being administered by Vote Solar. As part of the procurement process Vote Solar has released an RFP and is requesting one EQC member to volunteer for the Evaluation Committee to review proposals in order to choose the awardee(s).

### **Process and Time Commitment**

- Vote Solar estimates the time commitment to be no more than 10 hours over a 2 week period, during the weeks of March 2-13, 2015.
- Vote Solar will send a short email introducing the committee members to each other and will outline the scoring criteria in advance of distributing proposals on 3/2/15 or 3/3/15.
- Vote Solar will synthesize the proposal review information for the committee. This part of the process will help familiarize the committee with the review process and allow Vote Solar to respond to any questions the committee may have.
- The primary time commitment will be for proposal review. Vote Solar anticipates receiving 3-5 proposals, each needing approximately 30 minutes to review.
- The amount of time needed to review each proposal should decrease as committee members read through them.

- To aid in committee review, Vote Solar will provide a comparison table highlighting important details from each proposal, so that committee members may see specific details side-by-side. In addition, Vote Solar will be available throughout the review process to provide technical support.
- After each committee member has scored the proposals, Vote Solar will hold a 1 hour conference call to review scores and select a preferred vendor(s). In past programs, committees have often selected a firm in one call, but if a finalist round is needed, Vote Solar will extend the review time (for clarifications and additional submittals) and will schedule a second call to go over the finalist round results



## ENVIRONMENTAL QUALITY COMMISSION AGENDA

Regular Meeting  
Wednesday, January 28, 2015 at 6:30 PM  
City Administration Building  
701 Laurel Street, Menlo Park, CA 94025

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This meeting was called to order by Chair Scott Marshall at 6:48pm

**ROLL CALL** – Allan Bedwell (Vice Chair), Kristin Kuntz-Duriseti, Scott Marshall (Chair), Deborah Martin, and Mitchel Slomiak were present.

**Absent:** Chris DeCardy and Christina Smolke

### A. PUBLIC COMMENT

No comment

### B. REGULAR BUSINESS

- B1.** Receive Informational Presentation from Michael Closson on Community Choice Aggregation (CCA) ([Attachment](#))

Michael Closson, consultant for Center for Climate Protection, provided a presentation to the Commission.

(Commissioner Bedwell arrives at 6:54pm)

- B2.** Review and Discuss Potential Environmental Projects for the Draft Five-Year CIP for 2015-2020 ([Attachment](#)) ([Handout](#))

**ACTION:** Motion and second (Slomiak/Kuntz-Duriseti) to (1) appoint Commissioners Mitch Slomiak and Kristin Kuntz-Duriseti to write a letter summarizing the impacts of potential environmental CIP projects and how they align with the City Council's goals (2) recommend that the proposed CIP projects include feasibility studies and action plans estimated at \$75,000 per year over 5 years for the proposed prioritized projects to help achieve the CAP goal of 27% GHG reduction by 2020, passes (5-0-2)  
(Absent: Decardy & Smolke)

- B3.** Discuss Environmental Quality Commission 2012-2014 Work Plan Achievements for Memo to Council

(Commissioner Kuntz-Duriseti leaves at 9:00pm)

**ACTION:** Motion and second (Bedwell/Slomiak) to include the EQC achievements discussed in a memo to City Council passes 4-0-3 (Absent: DeCardy, Smolke, & Kuntz-Duriseti)

**B4.** Discuss and Consider Potential Proclamations to the City Council for Exemplary Environmental Efforts in the Community

**ACTION:** No formal action was taken. The Commission will continue discussion at next EQC meeting.

**B5.** Discuss and Potentially Cancel a Spring Environmental Quality Commission Meeting

**ACTION:** No formal action was taken. The Commission will revisit the discussion during the summer.

**B6.** Approve December 17, 2014 Minutes ([Attachment](#))

**ACTION:** Motion and second (Martin/Bedwell) to approve December 17, 2014 minutes passes 4-0-3 (Absent: DeCardy, Smolke, & Kuntz-Duriseti)

### **C. 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 9:45pm

Meeting minutes taken by Deborah Martin, Environmental Quality Commissioner

Meeting minutes prepared by Sheena Ignacio, Environmental Programs Specialist