

# Environmental Quality Commission



## SPECIAL MEETING AGENDA

**Date:** 12/9/2015

**Time:** 6:30 p.m.

**Senior Center**

**110 Terminal Ave., Menlo Park, CA 94025**

**A. Call To Order**

**B. Roll Call – Barnes, Chair Bedwell, DeCardy, Kuntz-Duriseti, Marshall, Vice Chair Martin, Smolke**

**C. Public Comment**

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.

**D. Regular Business**

Item D1 will be heard out of order, after item F5

D1. Consider a recommendation on a request to remove one Norway Spruce heritage tree at 219 Santa Margarita ([Attachment](#)) – 60 mins

D2. Discuss and possibly approve the 2016 EQC meeting dates and locations – 15 mins

D3. Approve October 28, 2015 Environmental Quality Commission regular meeting minutes ([Attachment](#)) – 2 mins

**E. Committee/Subcommittee Reports**

E1. Heritage Tree Subcommittee – Provide update on Heritage Tree Ordinance –15 mins

E2. GPAC Subcommittee – Provide update on General Plan and Zoning Amendments – 15 mins

E3. San Franciscquito Creek Subcommittee Update on San Francisquito Creek JPA storm preparedness efforts

E4. Future agenda items – 5 mins

## **F. Reports and Announcements**

- F1. Update on Water Efficient landscaping Ordinance (WELO) – 5 mins
- F2. Update of Solid Waste Rates – 5 mins
- F3. Community Choice Energy (CCE) update – 5 mins
- F4. Environmental Programs elevated to City Manager's Office – 2 mins
- F5. Future agenda items – 2 mins

## **G. 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](http://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](http://menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting Heather Abrams, Environmental Services Manager, at 650-330-6765. (Posted: 12/4/2015)

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 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 Commission meetings, may call the City Clerk's Office at 650-330-6620.

**STAFF REPORT****Environmental Quality Commission****Meeting Date:** 12/9/2015**Staff Report Number:** 15-009-EQC

**Regular Business:** Issue Determination on Appeal of Staff's Denial of a Heritage Tree Removal Permit for 219 Santa Margarita Avenue

**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 219 Santa Margarita Avenue.

**Policy Issues**

The proposed action is consistent with City policies.

**Background**

On April 20, 2015 Ken and Beth Fluharty, property owners of 219 Santa Margarita Avenue, applied for a Heritage Tree removal permit to remove one spruce Heritage Tree. The permit application was submitted with an arborist report (Attachment A) and stated the following reasons for removal request:

- Poor health
- Proposed improvements on property

The City Arborist reviewed the application, inspected the spruce tree (Attachment B), and completed the City Arborist's Evaluation Form (Attachment C). The City Arborist denied the application based on the following:

- The foliage of the spruce tree is normal and the tree is in overall good health
- Well-balanced canopy with overall good structure
- Proposed site improvements do not necessitate tree removal of spruce tree. Planning Commission approved project specifying actions to retain tree (Attachment D)

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

On November 30, 2015, Ken and Beth Fluharty filed a heritage tree appeal to the EQC (Attachment F) to remove the spruce tree and stated the following reasons for removal:

- Impact to approved remodel project
- Major safety and liability concerns for family and visitors to property

## 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 and eight of the Heritage Tree Ordinance.

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

- The spruce tree does not show symptoms of disease or pest infestation. The sap flow on the trunk is likely the result of the trees natural response to previous pruning wounds. The presence of other common spruce pests (spruce spider mite, aphids, sawflies and Cooley spruce gall adelgids) were not found at notable levels.
- The tree canopy of the spruce tree is well balanced. It is lacking a central dominate central leader in the upper crown and existing lateral branches are reestablishing dominance. There is a lack of new vigorous suckers or water sprouts arising from the previous leader, which would be more prone to failure than the existing lateral branches, in the upper crown. The subject Heritage Tree has good overall structure that is a low risk to existing and proposed structures.

With respect to criteria eight, alternatives to removal exist.

- Submit a revised arborist report specifying tree protection measures for the spruce for the proposed development.

- Revise project plans to limit potential impact on spruce tree during development.

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

Christian Bonner  
City Arborist

Signature on File

Vanessa Marcadejas  
Environmental Programs Specialist

### **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. Heritage Tree Removal Application
- B. Photograph of the Heritage Tree
- C. City Arborist Evaluation Form
- D. Planning Commission's Decision on Heritage Tree Removal
- E. Application Denial Letter
- F. Applicant's Appeal of the Removal Denial

Report prepared by:

Christian Bonner, City Arborist

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## Kiely Arborist Services LLP

Certified Arborist WE#0476A

P.O. Box 6187

San Mateo, CA 94403

650-515-9783

March 31, 2015

Mr. Ken Fluharty  
219 Santa Margarita  
Menlo Park, CA 94025

Site: 216 Santa Margarita, Menlo Park, CA

Dear Mr. Fluharty,

As requested on Saturday, March 22, 2015, I visited the above site to inspect and comment on a spruce tree in the rear of the property. New construction is planned for this site making the area around the tree a heavily used target. Your 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 |

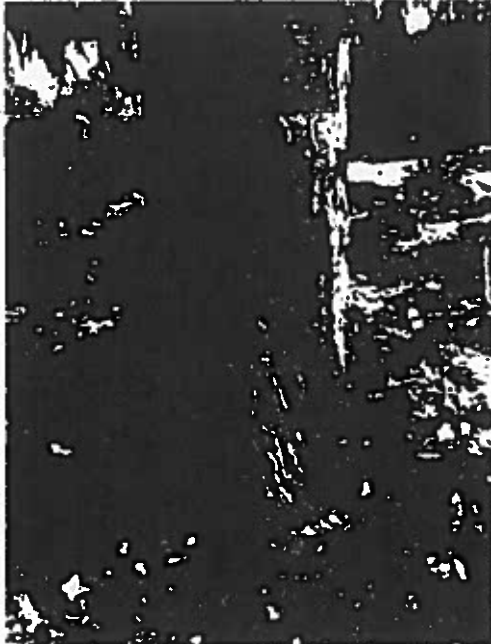
The height of the tree was measured using a Nikon Forestry 550 Hypsometer. The spread was paced off. Comments and recommendations for future maintenance are provided.

**Spruce tree in the rear of the property. The tree has a history of limb failure and limits the use of the property.**



**Observations:**

The tree in question is a Norway spruce (*Picea abies*) with a diameter at breast height of 25.4 inches. The tree is located in the rear of the property northwest of the home. The estimated height of the spruce is 55 feet with a total crown spread of 40 feet. The vigor of the spruce is fair with normal shoot growth for the species and some decline in the canopy. The form of the tree is poor with a past topping at 50 feet and a slight lean to the south. The spruce has a recent history of limb loss.

**Summary:**

The medium sized spruce is in fair condition with poor form. The past topping has contributed to recent limb failure and future limb failure is expected.

Overextended limbs are common when trees have been topped leading to limb and leader failure. Future limb failure is likely.

Though the planned construction will have no effect on the spruce the tree should be removed as the spruce reduces the usable space in the property. With young children using the property the likelihood of limb failure makes the tree an immediate hazard. Remove and replace the spruce as removal is the only method that will eliminate all hazards and liabilities associated with the tree.

**The sap flow on the trunk may be contributing to the trees declining canopy.**

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 WF#0476A







## Arborist Form

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

Site Address: 219 Santa Margarita

ARBORIST INFORMATION: Kevin Kilty

Name of Certified Arborist: \_\_\_\_\_

ISA or ASCA number: WED476A Menlo Park Business License number: \_\_\_\_\_

Company: Kilty ARBORIST SERVICES

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

Phone: 650 513 9783 FAX: \_\_\_\_\_ Email: \_\_\_\_\_

### TREE INFORMATION:

Date of Inspection: 3/22/15

Common Name: Norway Spruce Botanical Name: Picea abies

Location of Tree: Rear of lot Height of Tree: 55'

Diameter of tree at 54 inches above natural grade: 25.4"

Circumference of tree at 54 inches above natural grade: \_\_\_\_\_

### Condition of Tree:

Poor - fair sap oozing from trunk  
foliar decline Topped

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

Reduces use of Property  
history of limb failure

### Suggested Replacement Tree:

Red Oak, Red maple Chinese pistache

Signature of Arborist: \_\_\_\_\_ Date: \_\_\_\_\_

Print Form

Reset Form

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# ATTACHMENT B



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# City Arborist Tree Evaluation Form ATTACHMENT C

Address/Tree Location 214 SANTA MARGARITA Permit #HTR 2015 - 00107  
 Tree Species PICEA ABIES DBH 25 Height 50'  
 Assessor (s) LCB Planning Commission: Yes ☒ No ☐ DEAD (Appeal Waived) ☐

## SITE FACTORS

Topography Flat ☒ Slope ☐ \_\_\_\_\_ % Other Heritage Trees nearby: BED WOOD  
 Site Changes None ☒ Grade Change ☐ Site Clearing ☐ Root Cuts ☐  
 Comments: \_\_\_\_\_  
 Soil Conditions Limited Volume ☐ Saturated ☐ Shallow ☐ Compacted ☐ Pavement Over Roots ☐ \_\_\_\_\_ %  
 Comments: \_\_\_\_\_

## TREE HEALTH AND SPECIES PROFILE

Vigor Low ☐ Normal ☒ Foliage None (seasonal) ☐ None (dead) ☐ Normal 90% Chlorotic 5% Necrotic 5%  
 Pest/Disease \_\_\_\_\_ Abiotic \_\_\_\_\_  
 Tree Health Poor ☐ Fair ☐ Good ☒

## TREE STRUCTURE & CONDITIONS

### - Crowns and Branches -

Unbalanced crown ☐ LCR 95% Dieback ☒ Cracks ☐ Lightning Damage ☐  
 Dead Twigs/Branches ☐ \_\_\_\_\_ % overall Max. Dia. \_\_\_\_\_ Co-dominant ☐ Included Bark ☐  
 Broken/Hangers Number \_\_\_\_\_ Max. Dia. \_\_\_\_\_ Weak Attachments ☐ Cavity/Nest Hole \_\_\_\_\_ % circ.  
 Over-Extended Branches ☐ Cankers/Galls/Burls ☐ Sap Ooze ☒ - PRUNING CUTS, NORMAL  
 Previous Branch Failures ☐ \_\_\_\_\_  
**Pruning History**  
 Crown Cleaned ☐ Thinned ☒ Raised ☒ Reduced ☐ Topped ☐  
 Lion-Tailed ☐ Flush Cuts ☐ Cabling ☐ Vines/Mistletoe ☐ Dead/ Missing Bark ☐ Response Growth ☐  
 Other ☐ \_\_\_\_\_ Conks ☐ Heartwood Decay ☐ Sapwood Damage/Decay ☐  
 Concern(s)/Notes: MINOR DIEBACK UPPER CROWN / INTERIOR DEAD TWIGS  
 Crown Density Sparse ☐ Normal ☐ Dense ☒ Reduced ☐ Interior Branches Few ☐ Normal ☒ Dense ☐

### - Trunk -

Dead/ Missing Bark ☐ Abnormal Bark Texture/Color ☐  
 Co-dominant Stems ☐ Included Bark ☐ Cracks ☐  
 Sapwood Damage/Decay ☐ Cankers/Galls/Burls ☐  
 Sap Ooze ☒ Lightning Damage ☐ Heartwood Decay ☐  
 Conks/Mushrooms ☐ Exit Holes/Pitch Tubes ☐ Frass ☐  
 Cavity/Nest Hole \_\_\_\_\_ % circ. Depth \_\_\_\_\_ Poor Taper ☐  
 Lean 45' Corrected? YES  
 Response Growth: \_\_\_\_\_  
 Concern(s)/ Notes: SAP FROM PRUNING - NORMAL

### - Roots and Root Collar -

Collar Buried/Not Visible ☐ Depth \_\_\_\_\_ Surfacing Roots ☐  
 Girdling Roots ☐ Stem Girdling ☐ Dead ☐ Decay ☐ Sap Ooze ☐  
 Conks/Mushrooms ☐ Cavity ☐ \_\_\_\_\_ % circ. Depth \_\_\_\_\_  
 Cracks ☐ Cut/Damaged Roots ☐ Distance From Trunk \_\_\_\_\_  
 Root Plate Lift ☐ Soil Weakness ☐ Property Damage ☐ \_\_\_\_\_  
 Response Growth: \_\_\_\_\_  
 Concern(s)/ Notes: GOOD

Tree Structure Poor ☐ Fair ☐ Good ☒

## CATEGORY

Structural Defect(s) ☐ Diseased/Pest Infestation ☐ Property Damage ☐ Emergency ☐ High Risk/Hazard ☐  
 Dead/Severe Decline ☐ Construction/Development ☐ Other ☐

## CONCLUSIONS

Permit Approved ☐ Permit Denied ☐ Tentative Permit Approval (Subject to Planning) ☐  
 No Permit Decision (Further Evaluation is Recommended) ☐ Tentative Permit Denial (Subject to Planning) ☐  
 Relative Tolerance of Development Impacts Poor ☐ Fair ☒ Good ☐ N/A ☐ Suitability for Retention Poor ☐ Fair ☐ Good ☒ N/A ☐

## SIGNATURE

X [Signature] Date \_\_\_\_\_

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ATTACHMENT D  
Community Development



October 21, 2015

Lauren Goldman  
2269 Chestnut Street, #131  
San Francisco, CA 94123  
([lauren@loro-designs.com](mailto:lauren@loro-designs.com))

Dear Lauren:

This letter serves to inform you of the decision of the Planning Commission on **October 19, 2015** to **approve** your request for a use permit at **219 Santa Margarita Avenue**. This action becomes effective after 15 days (November 4, 2015) unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

A formal copy of the recorded action is enclosed. Please be aware that specific conditions attached to your approval must be met in order for your application to be in effect. The specific conditions are enclosed and are also on file at the Planning Division office. Please note that you are required to apply for a building permit within one year from the date of approval for the use permit to remain in effect.

Also, please note there will potentially be invoice(s) for staff time spent reviewing this project through the appeal date. Invoices are sent quarterly, and you may not receive your final invoice for several months depending on your approval date and the billing cycle.

If you have any questions regarding the action taken, please call the Planning Division at (650) 330-6702.

Sincerely,

Michele T. Morris  
Assistant Planner  
[mtmorris@menlopark.org](mailto:mtmorris@menlopark.org)

CC: Kennith and Elizabeth Fluharty, 219 Santa Margarita Ave., Menlo Park, CA 94025 ([bethfluharty@gmail.com](mailto:bethfluharty@gmail.com))

|  |                                      |                                  |  |
|--|--------------------------------------|----------------------------------|--|
| <b>LOCATION:</b> 219 Santa Margarita Avenue  | <b>PROJECT NUMBER:</b> PLN2015-00064 | <b>APPLICANT:</b> Lauren Goldman | <b>OWNER:</b> Kenneth and Elizabeth Fluharty |
| <b>REQUEST:</b> Request for a use permit to construct a rear addition and conduct interior modifications to an existing nonconforming single-story residence in the R-1-U (Single-Family Urban) zoning district. The value of the proposed work would exceed 75 percent of the replacement cost of the existing structure. As a part of the proposal, a heritage tree (Norway spruce) in the rear yard is proposed for removal.  |                                      |                                  |  |
| <b>DECISION ENTITY:</b> Planning Commission  | <b>DATE:</b> October 19, 2015        | <b>ACTION:</b> Approved          |  |
| <b>VOTE:</b> 7-0 (Combs, Ferrick, Goodhue, Kadvany, Kahle, Onken, Strehl in favor)   |                                      |                                  |  |
| <b>ACTION:</b> <ol style="list-style-type: none"> <li>1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.</li> <li>2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.</li> <li>3. Approve the use permit subject to the following <b>standard</b> conditions: <ol style="list-style-type: none"> <li>a. Development of the project shall be substantially in conformance with the plans prepared by L'Oro Designs, consisting of 16 plan sheets, dated received September 25, 2015, and approved by the Planning Commission on October 19, 2015 except as modified by the conditions contained herein, subject to review and approval by the Planning Division.</li> <li>b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.</li> <li>c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.</li> <li>d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.</li> <li>e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.</li> <li>f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.</li> <li>g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.</li> </ol> </li> <li>4. Approve the use permit subject to the following <b>project-specific</b> condition: <ol style="list-style-type: none"> <li>a. Simultaneous with the submittal of a complete building permit application, the applicant shall</li> </ol> </li> </ol> |                                      |                                  |  |



|  |                                      |                                  |  |
|--|--------------------------------------|----------------------------------|--|
| <b>LOCATION:</b> 219 Santa Margarita Avenue  | <b>PROJECT NUMBER:</b> PLN2015-00064 | <b>APPLICANT:</b> Lauren Goldman | <b>OWNER:</b> Kennith and Elizabeth Fluharty |
| <b>REQUEST:</b> Request for a use permit to construct a rear addition and conduct interior modifications to an existing nonconforming single-story residence in the R-1-U (Single-Family Urban) zoning district. The value of the proposed work would exceed 75 percent of the replacement cost of the existing structure. As a part of the proposal, a heritage tree (Norway spruce) in the rear yard is proposed for removal.  |                                      |                                  |  |
| <b>DECISION ENTITY:</b> Planning Commission  | <b>DATE:</b> October 19, 2015        | <b>ACTION:</b> Approved          |  |
| <b>VOTE:</b> 7-0 (Combs, Ferrick, Goodhue, Kadvany, Kahle, Onken, Strehl in favor)   |                                      |                                  |  |
| <b>ACTION:</b><br><br>submit a revised arborist report with tree protection measures for the Norway spruce tree in the rear yard. The revised arborist report shall be subject to review and approval of the Planning Division. If revisions to the project plans (for example, adjustments to the location or size of the patio) are recommended by the project arborist, City Arborist or as the result of an appeal of the decision regarding this project by the Planning Commission, such changes shall be subject to review and approval of the Planning Division. This condition shall not be applicable if a Heritage Tree Removal permit is granted for the Norway spruce tree. |                                      |                                  |  |

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*Public Works Department*

November 2, 2015

Kennith and Elizabeth Fluharty  
219 Santa Margarita Ave.  
Menlo Park, CA 94025

**Subject: Application to remove Heritage Tree at 219 Santa Margarita Ave.**

Dear Kennith and Elizabeth Fluharty,

This letter is to inform you that the City has received and reviewed the application you submitted for the removal of one (1) spruce at 219 Santa Margarita. The Heritage Tree Removal Permit Application has been denied. The tree is in good health with good structure. Concerns regarding impact of proposed development on subject tree can be addressed with revisions to the project plans.

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  
Michelle Morris, Assistant Planner

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To Who it may concern,

We are requesting to appeal the denial of our request to remove the Heritage tree located at 219 Santa Margarita Ave. We are a family of 4 (6 year old boy & 3 year old girl) who have simply outgrown our 3 bedroom, 1 bath 1,180 square foot home. When completed, the proposed project will be a modest 3 bedroom, 2 bathroom house with only 600 additional square footage. As a family who spends roughly 75% of our time in our backyard, maintaining a usable and safe environment for our children is our top priority. As a result we are requesting to remove the spruce tree, as it directly impacts the proposed addition, as well as puts the safety of our children at risk.

1. Impact to Approved Remodel Project

- a. Tree directly interferes with our intended design
  - i. Original 2 story project was sacrificed for more modest 1 story addition in order to conform to the look of our neighborhood with the understanding that this would only be ideal if we could remove the tree.
- b. Tree limbs hang directly on and above the new addition
- c. Concern over ongoing maintenance and damage costs to remodel due to close proximity of Spruce (limb, sap, debris)
- d. Usable yard/play area for children is completely eliminated due to placement of Spruce on lot.
- e. Tree is currently growing directly into (5) additional trees already on property and extends into neighbors yard located on the north side of property.
- f. Negative impact on property value due to elimination of usable yard

2. Major Safety and Liability Concerns for Family and Visitors to Property

- a. Children will now be forced to play directly under Spruce based on elimination of usable yard due to remodel.
- b. Tree was recommended for removal by Kielty Arborist Services based on the following:
  - i. Poor form, a slight lean south and declining canopy.
  - ii. Past topping which has contributed to recent limb failure and projected future limb failure.
  - iii. Hazardous condition especially concerning with children on property.

In summary we believe the removal of the Spruce is the only option to maintain an ideal safe environment and yard for our family due to the remodel extending into our current usable yard. Following the removal of the Spruce we would be more than happy to work with the city on a tree restoration project to insure a more healthy and safe plan for the property.

Thank you for your time.

Sincerely,

Kenny and Beth Fluharty



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AGENDA ITEM D-3  
Environmental Quality Commission



**REGULAR MEETING MINUTES - DRAFT**

**Date:** 10/28/2015  
**Time:** 6:30 p.m.  
**City Council Conference Room, 1<sup>st</sup> Floor**  
**Administration Building**  
**701 Laurel St., Menlo Park, CA 94025**

**A.** Vice Chair Martin called the meeting to order at 6:40 p.m.

**B. Roll Call**

Present: Barnes, DeCardy, Kuntz-Duriseti, Marshall, Vice Chair Martin, Smolke

Absent: Chair Bedwell

Staff: Environmental Services Manager Heather Abrams, Environmental Services Specialist Sheena Ignacio

**C. Public Comment**

- Doug Devine expressed concern regarding the effects of excavation on two (2) Coastal Redwood heritage trees at 1020 Hermosa Way
- David Alfano commented on potential effects of herbicide overspray on trees

Smolke arrives at 6:42 pm

Scott arrives at 6:46 pm

**D. Regular Business**

- D1. Discuss and possibly recommend to City Council the Bicycle Commission proposed Oak Grove-University bike boulevard ([Handout](#)) – 15 mins

**ACTION:** Motion and second (Marshall/Martin) to write a letter of support endorsing the Oak Grove/University Bike Boulevard pilot, passes 5-1-1 (Ayes: DeCardy, Kuntz-Duriseti, Marshall, Vice Chair Martin, Smolke; Nays: Barnes; Absent/Abstain: Chair Bedwell).

Motion and second (Barnes/DeCardy) to endorse the Oak Grove/University Bike Boulevard pilot, passes 6-0-1 (Ayes: Barnes, DeCardy, Kuntz-Duriseti, Marshall, Vice Chair Martin, Smolke; Absent/Abstain: Chair Bedwell).

- D2. Receive informational arborist report ([Handout](#)) – 30 mins

**ACTION:** No formal action was taken on this item. Christian Bonner, City Arborist, provided the commission with a status update on the City's urban canopy.

- D3. Discuss and potentially make a recommendation to City Council on San Mateo County Community Choice Energy ([Attachment](#)) ([Handout](#)) – 30 mins

**ACTION:** Motion and second (Kuntz-Duriseti/Barnes) to pursue the participation in the formation of the San Mateo County Peninsula Clean Energy with the goal of maximizing environmental and economic interest of Menlo Park; in addition, the commission expressed they would like to have the opportunity to continue to review and advise Council on this matter, passes (6-0-1) (Ayes: Barnes, DeCardy, Kuntz-Duriseti, Marshall, Vice Chair Martin, Smolke; Absent/Abstain: Chair Bedwell).

Smolke leaves at 9:49 pm

- D4. Discuss quarterly report to City Council – 10 mins

**ACTION:** No formal action was taken on this item. H. Abrams provided a brief updated on items discussed.

- D5. Discuss EQC Work Plan items upcoming ([Attachment](#)) – 15 mins

**ACTION:** Commission requested staff to update the EQC work plan based on the September 30, 2015 meeting. No formal action was taken on this item.

Kuntz-Duriseti leaves at 10:10 pm

- D6. Receive quarterly recycling update ([Handout](#)) – 10 mins

**ACTION:** S. Ignacio provided an informational presentation. No formal action was taken on this item.

- D7. Discuss and possibly approve the December 9, 2015 EQC meeting location – 2 mins

**ACTION:** Motion and second (Marshall/Martin) to hold the next EQC meeting at the Belle Haven Senior Center, passes 4-0-3 (Ayes: Barnes, DeCardy, Marshall, Vice Chair Martin; Absent/Abstain: Chair Bedwell, Kuntz-Duriseti, Smolke).

- D8. Approve September 30, 2015 Environmental Quality Commission special meeting minutes ([Attachment](#)) – 2 mins

**ACTION:** Motion and second (Barnes/Marshall) to approve the September 30, 2015 minutes, with corrections to subcommittee membership, passes 4-0-3 (Ayes: Barnes, DeCardy, Marshall, Vice Chair Martin; Absent/Abstain: Chair Bedwell, Kuntz-Duriseti, Smolke).

## **E. Committee/Subcommittee Reports**

- E1. General Plan Subcommittee – 10 mins

Brief update from subcommittee regarding comments delivered to City Council on October 6, 2015 and meeting with Planning Department staff.



E2. Future agenda items – 5 mins

- San Francisquito Creek subcommittee to provide an update on San Francisquito Creek JPA storm preparedness Efforts

**F. Informational Items**

F1. Update on WELO informational item delivered to City Council on October 6, 2015 ([Attachment](#)) – 2 mins

H. Abrams provided the commissioners with an update.

F2. Menlo Park blog update from October 9, 2015 – 2 mins

H. Abrams provided the commissioners with an update regarding San Francisquito Creek activity in anticipation of large storms.

F3. Climate Action Plan (CAP) update on informational item delivered to City Council on October 20, 2015 ([Attachment](#)) – 2 mins

H. Abrams provided commissioners with a brief update.

F4. Future agenda items – 2 mins

- Provide update on City Council's study session about CCE
- WELO Ordinance
- Solid Waste Rate Increase

**G. Adjournment**

Vice Chair Martin adjourned the meeting at 10:39 p.m.

Meeting minutes taken by EQC Commissioners Kuntz-Duriseti, Chris DeCardy

Meeting minutes prepared by Sheena Ignacio, Environmental Services Specialist

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