SPECIAL MEETING AGENDA

Date: 11/30/2016
Time: 6:30 p.m.
City Hall/Administration Building
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

B. Roll Call – Bedwell, DeCardy, Dickerson, Vice Chair London, Marshall, 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

D1. Make a determination on an appeal for one incense Cedar tree at 262 Yale Road (Attachment) – 1hr (time allocation: Appellant 10 min, City Arborist 10 min, Public Comment 10 min, EQC discussion and vote 30 min)

D2. Annual Arborist Report/Urban Forest Update – Christian Bonner – 40 min

D3. Discussion of draft Request for Proposals (RFP) for consultant to assist with Heritage Tree Ordinance (HTO) update (Attachment) – Vanessa Marcadejas - 30 min

D4. Discuss and approve cancellation of December EQC meeting – 2 min

D5. Approve September 28, 2016 Environmental Quality Commission meeting minutes (Attachment) – *2* mins

E. Reports and Announcements

E1. Informational update on General Plan and Draft Zoning Regulations discussed at Planning Commission meetings on October 19th and October 24th and City Council Meetings on November 9th, November 15th and November 29th – Vice Chair London – 10 min

E2. Informational update on Zero Waste Community Workshops – Heather Abrams – 2 min

E3. Informational update on California Public Utility Commission privacy ruling on PG&E energy data – Heather Abrams – 2 min

E4. Future agenda items – 5 mins

F. 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 City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

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CITY OF MENLO PARK

STAFF REPORT

Environmental Quality Commission
Meeting Date: **11/30/2016**
Staff Report Number: **16-011-EQC**

Regular Business: **Issue: Determination on appeal of staff's denial of one Heritage Tree removal permit at 262 Yale Rd.**

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 262 Yale Rd.

Policy Issues

The proposed action is consistent with City policies.

Background

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

On July 18, 2016 Phillip Kamangar submitted a Heritage Tree removal permit application on behalf of property owner, Arzang Development, to remove one incense cedar (*Calocedrus decurrens*) Heritage Tree located at 262 Yale Rd. The permit application was submitted with a completed arborist form and associated images (Attachment A). The following reasons were stated for removal request:

- Imminent hazard
- Property damage

The City Arborist reviewed the application and conducted Level 2, Basic Assessments on July 29, 2016 and October 17, 2016 to evaluate the tree condition and complete a tree risk assessment. On August 11, 2016 the City Arborist denied the permit application (Attachment B) based on the following:

- Tree is healthy and has a moderate risk rating, which can be mitigated to a low residual risk level.
- There is no evidence of property damage to existing structures due to proximity of subject tree.

On August 25, 2016, Phillip Kamangar filed a heritage tree appeal to the EQC to deny the permit to remove the subject tree (Attachment C).

On October 3, 2016, Phillip Kamangar submitted a proposal to the Community Development Department for the construction of a two story home with basement on the subject property. The proposal indicates the incense cedar, which is the lone Heritage Tree on the property, as, “to be removed”. (Attachment D) A revised arborist report and potential modifications to site plan and building footprint are pending the outcome of Heritage Tree appeal process (Attachment E).

Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Site Factors

- The subject tree is located in the back yard of a residential lot with a relatively level grade.
- A portion critical root zone, the root collar, and the trunk have been protected by a wood deck and railing that has been built out around approximately one half of the tree trunk. The trunk and root collar are causing minor displacement of deck and railing.

- The tree root collar is abutting a property line wood fence to the southeast and causing minor displacement.
- There is a concrete and brick patio to the southeast of the tree with minor uplifting from surfacing roots.
- There is a one story residential home (at subject address), which is approximately fifteen feet to the west of tree and a two story residential home approximately fifteen feet the southeast on the neighboring property.
- There was no visible evidence of damage to adjacent structures at time of inspection. No evidence documenting structural property damage was submitted by applicant.
- There was no visible evidence of site changes that had recently occurred at the time of inspection.
- The prevailing wind is from the northwest.

Tree Health and Species Profile

- The incense cedar is healthy with an estimated ninety five percent of the canopy being normal at the time of inspection.
- Tree vigor (growth rate) is normal for the age and species.
- There were not any visible signs or symptoms of pest infestation or disease infection at time of inspection.
- The estimated age of the tree is approximately sixty to seventy years old. Incense cedars commonly grow over one hundred and fifty years old and individual trees are known to still be growing after five hundred years.
- According to the University of California Tree Failure Report program database, there are sixty one records of incense cedar failures. Of these sixty one records, there were nine that reported included bark structural defects. That is equals point one five percent (.15%) of the five thousand nine hundred and two (5,902) total failure records in the database. (CTFRP)
- In the author's opinion, trunk failure associate with bark inclusions (see below) in incense cedars is not a common occurrence.

Tree Defects and Conditions Affecting the Likelihood of Failure

- There are two main trunks, or co-dominate stems, which are approximately the same size with a narrow union at approximately seven feet above the existing grade. The narrow union likely has included bark, which is a term used to describe a pattern of development where bark becomes embedded at the point of attachment of two stems. A third co-dominate leader with a bark inclusion is located in the crown at approximately twenty five feet above grade. Included bark does not have the same amount of holding tissue as a union with a wider angle and is considered to be a type of structural defect. (Harris, 1999).
- Significant response growth has developed in the form of a large blunted rib running longitudinal from the main union of the co-dominate stems to the base of the root collar. The rib is approximately six feet in length, twelve inches wide, and six to eight inches in thickness. Response growth is new wood that is produced by trees in the outermost cells to compensate for increased loads. The presence of a rib typically indicates internal cracking. Ribs with a pointed or sharp edge are often associated with more active cracks close to the surface. Cracks that have fully closed and are deeper below the surface display a more blunted edge on a rib. (Dunster, 2013).
- One of the two co-dominate main stems has a corrected lean toward the southwest. Corrected leans or sweeps develop over time as the primary growth is redirected upward toward light, by phototropism, and are typically considered to have a likelihood of failure that is improbable to possible under normal conditions. (Dunster, 2013)
- Cabling has been installed between the two co-dominate main stems at a height (approximately twenty and twenty five feet above the main union), which is not consistent with industry standards.

The recommended height for the installation of cable anchors is, “two-thirds the distance from the union to the ends of the branches”. (Smiley, Lilly, 2013)

- No response growth was visible in the union of the co-dominate limbs in the crown.
- There was no evidence of previous limb failure at time of inspection. Pruning history appeared to be limited to raising the canopy and cleaning of interior limbs.
- The crown of the tree is relatively symmetrical with a live crown ratio (LCR) estimated to be approximately ninety percent. LCR is the ratio of the total length of the living foliage and limbs in the crown to total tree height. A higher LCR is believed to dampen the force of wind as the lateral branches and foliage intercept and dissipate the wind force throughout a larger area of the crown and thereby reduce loading on trunk, main lateral limbs, and there unions.
- Typically a LCR of less than one third is considered to have an increased likelihood of failure.

Load Factors

- The incense cedar tree height is approximately fifty feet with a forty foot crown spread making the crown size large relative to adjacent trees.
- The co-dominate main stems are approximately twenty five inches in diameter at point of attachment and co-dominate stems in crown are approximately six to eight inches in diameter.
- The site is partially protected from wind exposure. Existing adjacent trees growing to a height of approximately thirty feet are located to the northwest, and reduce exposure.
- Seasonal rains are common in the area from October to April with an average annual rainfall of sixteen inches. (NOAA)
- Multiple storm events with significant rain and wind loading have occurred, with no trunk or limb failure, since the initial permit application was submitted identifying the likelihood of failure as an, “immediate hazard”.

Likelihood of Failure

- The likelihood of failure is the potential for a tree or limb to fail within a time frame based on the species, defect, anticipated loads and response growth is. The time frame specified for this report is three years. The ISA risk categorization system rates likelihood of failure as improbable, possible, probable, or imminent. The likelihoods for this report are defined as follows:
    - Possible - failure could occur, but is unlikely during normal weather conditions within a given time frame.
    - Probable is defined as - failure may be expected under normal weather conditions within the specified time frame.
    - Imminent - failure is actively occurring or is most likely to happen in the near future, even if there is no significant wind load.
- The Likelihood of failure of the co-dominate main stem with bark inclusion, response wood and corrected lean was determined to be **possible**. Given the extent of response wood, its location in proximity to the defect and its shape, there is no indication that failure is actively occurring or will take place in the near future.
- The likelihood of failure of the co-dominate stems with bark inclusion in the crown was estimated to be **possible**. See Attachment F for different examples of likelihood of failure.

Target Assessment

- Targets are people and property that have the potential to be impacted in the event of tree or limb failure within the target zone. The target zone in this case is a sixty foot radius area around the tree, which equal to the tree height. The potential targets identified if the co-dominate main stem were to fail include the following:
    - Neighboring home

  - Occupants inside neighboring home
  - Fence
- The potential targets identified if the co-dominate stems in the crown were to fail include the following:
  - Hot tub and deck
  - Occupants using hot tub and deck
  - Small out building in back yard
  - Occupants inside the out building

Occupancy Rates

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

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

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

.

- The size of the defective part was considered as it influences the force of impact. The location of the size of part is evaluated where the likely impact would occur, not necessarily where the location of the defect part is in all cases. The following are the estimated sizes of tree parts for each specified target:
  - Main co-dominate over neighboring house and occupants - twenty inches in diameter
  - Main co-dominate over fence – twenty five inches in diameter
  - Co-dominate in the crown over hot tub, deck, and occupants - fifteen inches in diameter
  - Co-dominate in the crown over out-building, and occupants - eight inches in diameter

- A falling tree or part will increase in speed and force of impact as it falls. The shorter the distance of fall, the lesser the force of impact. “If the distance from a tree trunk to a well-built, multi-story house is short, a tree that falls may simply lean against the house, causing minor damage.” (Dunster, 2013). The following are the estimated distance of fall for each tree part to specified target:
  - Main co-dominate over neighboring home and occupants - fifteen feet
  - Co-dominate in the crown over hot tub, deck, and occupants - twenty feet
  - Co-dominate in the crown over out-building, and occupants – thirty feet

Likelihood of Failure and Impact

- Considering both the likelihood of failure and the likelihood of impact, which is effected by the location of the target, direction of fall, target protections (see below), and the occupancy rate. ISA

categorizes likelihood of failure and impact as Unlikely, Somewhat likely, Likely, Very Likely. The following matrix is used to consider these factors and determine likelihood of failure and impact.

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

- The following likelihoods for each specified target were determined using the matrix:
  - Main co-dominate over neighboring home - Somewhat likely
  - Main co-dominate over occupants in the home - Unlikely
  - Co-dominate in the crown over hot tub, deck and occupants – Somewhat likely
  - Co-dominate in the crown over out-building – Unlikely
  - Occupants of out building – Unlikely

Consequences of Failure

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

- Using these descriptions, the following are the consequences of failure and description for each of the specified targets are estimated as following taking into account target protections, part size and distance of fall:
  - Neighboring home - Minor
  - Occupants in the home – Minor
  - Hot tub and deck - Minor
  - Occupants of hot tub and deck - Significant
  - Out building - Minor
  - Occupants of out building – Minor

Risk Rating

- The risk rating is the combination of the likelihood of the tree or part falling and impacting a target and the severity of the consequences. Using the matrix below the following Risk Ratings were estimated for each tree part and target:
  - Main co-dominate over neighboring home - **Low**
  - Main co-dominate over occupants in the home - **Low**
  - Co-dominate in the crown over hot tub, deck and occupants – **Moderate**
  - Co-dominate in the crown over out-building – **Low**
  - Occupants of out building – **Low**

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

Overall Risk Rating

- The overall risk rating is taken from the highest risk rating of any tree part and target (in this case the moderate risk rating of the Co-dominate stem in the crown over hot tub, deck and occupants). Therefore, the overall risk rating for the subject tree is Moderate

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

Mitigation Measures

- The following routine tree care practices will effectively reduce the risk rating from moderate to low residual risk:
    - Prune to reduce the co-dominate leader with the corrected lean over the neighboring home and the co-dominate leader in the crown. This will effectively reduce end weight and decrease the length of limb, which acts as a lever arm, thereby reducing the force on the union.
    - Upon completion of end weight reduction pruning, install cabling in upper crown in accordance with ISA best management practices.
    - Monitor condition of tree and cabling by certified arborist annually at a minimum.

Recommendations

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

Impact on City Resources

There are no additional City resources required for this item.

Environmental Review

An Environmental Review is not required for this item.

Public Notice

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

Attachments

A. Heritage Tree Removal Permit Application
B. City Arborist Tree Evaluation Form
C. Heritage Tree Appeal Letter
D. Use Permit Application Data Sheet
E. Planning Department Application Confirmation Notice
F. ISA Tree Risk Assessment Manual, Likelihood of Failure
G. Literature Cited

Report prepared by:
Christian Bonner, City Arborist

Report Reviewed by:
Vanessa Marcadejas, Senior Sustainability Specialist

ATTACHMENT A

Heritage Tree Removal Permit Application

This application must be submitted with the Arborist Report Form
Please submit completed forms to:
701 Laurel Street, Menlo Park, CA 94025

Application No. HTR2016-00166

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: 262 Yale Rd. 650-814-8610

Name of Applicant: Philip Kamangar Phone [redacted] FAX 650-600-8081

Mailing Address: 8 Haywood Ln. Menlo Pk Email: apKamangar@gmail.com
CA-94025

Type of Tree: Cedar Location on property: → Right Rear

Reasons for Request:
see report

IF TREE IS DEAD or DAMAGING STRUCTURE PLEASE ATTACH PHOTOS DEMONSTRATING CONDITION.

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 40 feet or more, is to be installed in the time frame indicated below.

PAID
JUL 15, [illegible]
CITY OF MENLO PARK

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.

Incomplete applications will not be processed.

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

[signature] Date: 7/14/16

PLEASE DO NOT WRITE BELOW THIS LINE

PERMIT APPROVED ☐ **PERMIT DENIED** ☒

TIMING OF REMOVAL	TIMING OF REPLANTING
☐ Upon receipt of this approved permit	☐ Within 30 days of Heritage Tree removal
☐ After applying for a Building Permit for associated construction	☐ Prior to final building inspection of associated construction

Staff Signature: [signature] **Date:** 8/11/16

Print name and title: CITY ARBORIST

Summary:
The large cedar tree has a long history of severe form flaws. Cables have been installed to help support the split and callused crotch. Cables often help support poor crotch formations but do not guarantee the safety of the poor crotch.

Remove and replace the large poorly formed cedar as trimming within ANSI standards will not improve the form of the tree or lessen the chances of failure, making the tree an immediate hazard. Removal and replacement of this tree is the only method that will eliminate all hazards and liabilities associated with the tree. The neighbor whose house is the likely target should be informed of the possible risks associated with this tree.

Roots from the tree are destroying the foundation of the home but at this time is not as critical as the safety of this tree. Removal of the cedar for the reasons listed above will eliminate the future damages to home.

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

Kielty Arborist Services LLC

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

July 5, 2016

Arzang Development LP
Attn: Mr. Phillip Kamangar
8 Maywood Lane
Menlo Park, CA 94025

Site: 262 Yale, Menlo Park, CA

Dear Mr. Kamangar,

As requested on Thursday, June 23, 2016, I visited the above site to inspect and comment on a large cedar tree in the rear of the property. The tree has obvious form flaws and 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. The Matheny and Clark 12 point risk assessment method was used to help quantify the degree of risk.

Large incense cedar near southeastern property line. The poor crotch of the tree is a safety concern.

Observations:
The tree in question is an incense cedar *(Calocedrus deccurans)* with a diameter at breast height of 53.9 inches. The tree is located in the rear of the property on the southeastern property line. The estimated height of the cedar is 55 feet with a total crown spread of 50 feet. The vigor, of the cedar is good with normal shoot growth for the species. The form of the cedar is poor with codominant leaders at 5 feet with a very poor crotch formation. The tree receives an overall condition rating of 40 on a 1-100 scale.

The crotch formation has a very narrow attachment with included bark and a large swollen seam extending from the top of the crotch to the ground. The swollen seam is evidence of a past splitting of the crotch. Two cables were installed in the past to help support the poor split crotch.

The poor narrow crotch formation shows evidence of a past splitting. Cables installed to help support the crotch will do little to insure the safety of the tree.

Matheny and Clark 12 point method:
The 12 point system uses three factors in determining risk. The size of the part most likely to fail, the chance of failure and the target which will most likely be damaged.

The size of the part that is most likely to fail is a large codominant leader. The likelihood of failure is great do to the past split crotch. The target is the neighbor's home.

Size of Part	Likelihood of Failure	Target	Total
4	4	4	12

A rating of 12 points is the highest point score a tree can receive making the tree an immediate hazard. Removal should strongly be considered for the tree.

August 11, 2016

Phillip Kamangar
8 Maywood Lane
Menlo Park, CA 94025

Subject: Application to remove one (1) incense Heritage Tree at 262 Yale Rd.

Dear Phillip Kamangar

This letter is to inform you that the City has received and reviewed the application for the removal of the incense cedar Heritage Tree at 262 Yale. The application for removal has been denied. The tree is healthy and in good condition with a moderate risk rating. Concerns regarding potential risk can be mitigated by reducing end weight of co-dominate leader and reinstalling cables in accordance with and International Society of Arboriculture Best Management Practices.

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

Sincerely,

Christian Bonner
City Arborist
Public Works Department

Cc: Vanessa Marcadejas, Environmental Programs Specialist

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ATTACHMENT C

RECEIVED

AUG 26 2016

City Clerk's Office
City of Menlo Park

August 25, 2016

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

RE: 262 Yale Road

Dear Commission Members,

We would like to appeal the denial decision to remove an Incense Cedar Tree on our property on 262 Yale Road.

Much to our surprise we received the denial decision letter to remove this tree dated August 11th 2016, even though a Certified Arborist's report has clearly shown this tree to have form flaws, poor crotch formation, trunk split, as well as danger of splitting and falling onto the neighbors home and this report recommends and supports the removal of the tree.

This tree is very large and its two splitting branches/trunks that have had cables installed in the past that only support that imminent danger exists of the tree falling onto my neighbors home and/or both homes. In the event this happens approximately 1/3 of the neighbors home will be damaged or destroyed by the falling tree.

Danger of potential injury or human life is even of greater concern in case of an accident. This issue has large liability implications that we are absolutely not willing to be responsible and be liable for.

Furthermore, the tree's overgrown roots has lifted our wood deck, offset the property fence and lifted the neighbor's concrete walkway, with possible damage to both foundations.

We have spoken to our right hand side neighbor at 250 Yale Rd., Dr. Stephen KcKenna, and he is in full support of the removal of this tree as well. The potential danger and damages from this tree directly affects his home and property.

As a reassurance measure we hired a second Certified Arborist to have a second independent opinion on this tree. Their detailed and thorough report is attached and also confirms the original arborist repot to have the tree removed. This report is also of the belief that the tree has poor form, significant defects, and that no form

of pruning can entirely remove the risk of potential danger. Please note the photos showing damage to both properties as well as defect of the tree.

Its clear that this tree does pose a potential danger to both properties and we are not clear why our reasonable request that is in the benefit of all parties involved has been denied. The Denial letter states that the danger and risk can be mitigated by pruning measures to only ***reduce*** the risk, but these measures clearly do not entirely ***remove*** the risk and dangers associated with a catastrophic accident from this tree.

Only the removal of this tree can fully guarantee the future safety of both properties and its occupants as well as removing any risk and future liability associated with keeping it.

We appreciate the commission's attention and understanding in this matter and kindly ask your reconsideration to allow the removal of this dangerous tree. We do propose to replace the removed tree with 2 or 3 new trees planted at safer and proper locations on the property.

Sincerely,

Phillip Kamangar
262 Yale Road
Menlo Park, CA 94025
Tel: 650-814-8610
apkamangar@gmail.com

Mayne Tree Expert Company, Inc.

ESTABLISHED 1931 STATE CONTRACTOR'S LICENSE NO. 276793

CERTIFIED FORESTER • CERTIFIED ARBORISTS • PEST CONTROL • ADVISORS AND OPERATORS

RICHARD L. HUNTINGTON
PRESIDENT

JEROMEY INGALLS
CONSULTANT/ESTIMATOR

535 BRAGATO ROAD, STE. A
SAN CARLOS, CA 94070-6311

TELEPHONE: (650) 593-4400
FACSIMILE: (650) 593-4443
EMAIL: info@maynetree.com

August 23, 2016

Mr. Phillip Arash Kamangar
Arzang Development LP
P.O. Box 151
Menlo Park, CA 94026

Dear Mr. Kamangar,

RE: 262 YALE ROAD, MENLO PARK

At your request, I visited the above site on August 22, 2016. The purpose of my visit was to inspect and comment on an Incense Cedar tree located at the back right corner of the home.

Limitations of this report

This report is based on a visual-only inspection that took place from ground level. I accept no responsibility for any unseen or undocumented defects associated with the tree in this report.

Method

The diameter of the tree was found by measuring 54 inches above the natural grade as described in the City of Menlo Park Heritage Tree Ordinance. The height and canopy spread of this tree was estimated to give the tree's approximate dimensions. A condition rating has been given to the tree. This rating is based on form and vitality and can be further defined by the following table:

0	–	29	Very Poor
30	–	49	Poor
50	–	69	Fair
70	–	89	Good
90	–	100	Excellent

Lastly, a comments section has been provided to give more individual detail about the tree and its surroundings.

Tree Survey

Tree #	Species	Diameter (inches)	Condition (percent)	Height (feet)	Spread (feet)
1	Incense Cedar	53.7	40	60	48
Comments	A deck, soil, and other organic material cover the root crown of this tree; the lower trunk and roots are causing damage to the deck, the property line fence, and the neighbor's walkway/patio; this tree splits into a codominant attachment at 6 feet with included bark on the main trunk and has a codominant attachment with included bark at 15 feet on the northern-most stem; I found two cables supporting the main codominant stems, one at 15 feet and one at 20 feet; the overall canopy of this tree appears to be healthy and green.				

Observations

This tree is located along the right property line approximately 8 feet away from the right rear corner of the home (Picture #1). Roughly 50 percent of this tree's lower trunk is surrounded by an elevated deck (Pictures #2 and #3). Soil and other organic material cover the root crown of this tree. The deck appears to be slightly lifted around the base of the tree and the railing of the deck is in contact with the trunk, which has caused the railing to shift inward toward the center of the deck.

The property line fence is within 1 foot of the trunk of this tree and has been shifted out of alignment. The fence is leaning slightly towards the neighboring property and is no longer straight (Pictures #4 and #5).

Upon looking over the fence, I noticed the neighbors have a walkway and a concrete patio within 2 feet of the property line. This patio is cracked and lifted in several areas, especially near the downspout of the gutter (Pictures #6 and #7).

The trunk of this tree splits into a codominant stem at 6 feet. There is included bark between the main two codominant stems and a bark ridge that is an indicator of previous splitting at that attachment (Picture #8). At 15 feet high on the northern-most stem of the codominant attachment, the tree splits into an additional codominant attachment that has included bark between the stems (Picture #9). These types of codominant attachments with included bark are notorious for failing.

I found a total of two cables between the two main codominant attachments. These cables are located at 15 feet and 20 feet. The location of these two cables is not at the optimum height to provide the most amount of support according to ISA Standards.

Discussion

During my inspection, I found significant evidence of the lower trunk and roots causing damage to the surrounding environment. The deck is lifted, the property line fence is out of alignment, and the neighbor's concrete patio/walkway is cracking and lifted.

"The space between pavement and its compacted subgrade would not seem like a good place for a root, but roots grow there anyway. As the subgrade soil dries, it shrinks slightly, leaving a small air space between the underside of the paving and the soil. On hot days, water condenses on the underside of the pavement, and the paving allows little of this water to evaporate. Roots can take advantage of this situation of air and water, and grow into this space. Once roots find a good growing environment beyond the paving, they will grow larger, eventually lifting the pavement above." (Urban p. 88).

The roots from a tree of this size can extend out to 40 feet or more away from the tree's trunk in all directions sometimes double or triple the canopy spread.

"To survive, tree roots need oxygen and water, both found in the upper layer of the soil. Tree roots often grow directly under pavement in a thin layer of soil so as to get the best balance of water and air. Tree roots can grow much faster than branches, and have been measured at up to 10 feet or more per year. The need for oxygen and the rapid growth of roots mean that a tree's root system is often horizontal in structure and will cover far more territory than its crown." (Urban p. 7).

"Roots of trees grown in the open often extend two to three times the radius of the crown..." (Harris p. 49)

With the client's home only 8 feet away from the trunk and the neighbor's home approximately 15 feet away, there is a high likelihood the roots of this tree extend under both homes. These roots have a high potential to crack and lift the foundations of both the homes.

"Tree roots can exert great force on objects. If a root grows under or beside an object and later finds an area of good growing conditions, the expansion of that root can move or break objects of great weight or strength. These root qualities cause damage to paving, curbs, and walls if not understood." (Urban p. 8).

The trunk of this tree has a codominant stem at 6 feet and an additional codominant stem at 15 feet, both of which have included bark within the main attachments. These types of attachments are regarded in the field of arboriculture as weak and prone to failing.

"Included bark often occurs in sharp-angled branch attachments and between double leaders (codominant stems). The trunk is not able to grow around the branch or other stem. Limbs or stems with included bark can grow to large size before they begin to spread and increase the stress on the weak attachment. It is usually only a matter of time before failure occurs." (Harris p. 390).

"Some species of trees normally have many codominant stems with included bark. They are trees that often split in storms..." (Shigo p. 453.)

The canopy of this tree extends over the client's home and the neighboring home. If any of the codominant stems present were to fail, there is a high likelihood one or both of the homes would be damaged by the tree.

The cables in the canopy provide inadequate support and are no guarantee to stop the tree from failing. Installation of new cables might support the tree for a time; however, still cannot guarantee the tree will be safe and stable.

Summary

The location and size of this tree poses many problems with its surrounding environment. The roots of this tree are lifting the deck, shifting the property line fence, lifting and cracking the neighbor's patio/walkway, and have a high potential to damage the foundations of both homes. The neighbor's lifted patio (caused by the tree roots) is a tripping hazard and can make the area under its canopy a hazard to children and any elderly people with balance issues. No pruning can mitigate all the potential damage that may occur from the roots without making the tree unstable and unhealthy.

This tree has poor form with several significant defects that are known to be precursors to failing leaders. In the event of a failure occurring, there is a high likelihood of damage to one or both homes and a potential to injure people living in or playing outside near them. Structural pruning may reduce the chance of failures occurring but cannot completely make the area under the tree safe.

I believe this tree poses a substantial number of problems such as the potential for the roots to damage the homes' foundations, the misaligned property line fence, the lifted deck, and the tripping hazards present in the neighboring patio/walkway. Additionally, the several structural defects, i.e., codominant attachments with included bark, are widely documented as sources of failures. Because both the roots and the structure of this tree are creating hazards, normal mitigation, such as root cutting or structural pruning, are not viable options.

In conclusion, the above evidence leads me to strongly recommend removal and replacement of this tree as soon as possible to eliminate the hazards that are present and to avoid the likelihood of damage to the nearby homes and injury to the inhabitants of the property and their guests.

I believe this report is accurate and based on sound arboricultural principles and practices. If I can be of further assistance, please contact me at my office.

Sincerely,

Jeromey A. Ingalls
Certified Arborist WE #7076A

JAI:pmd

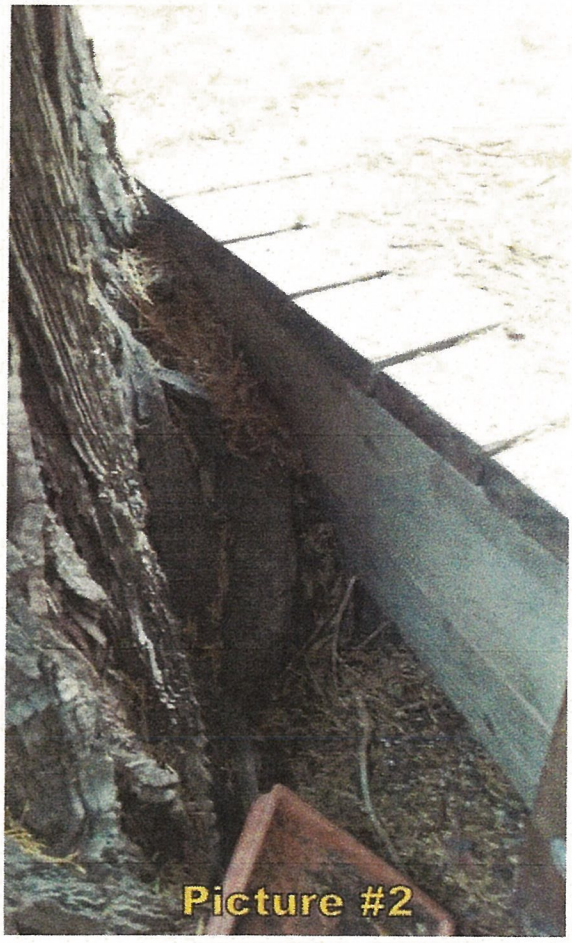
Works Cited

Harris, Richard Wilson. *Arboriculture: Integrated Management of Landscape Trees, Shrubs, and Vines*. 2nd. Champaign: International Society of Arboriculture, 1992. Print.

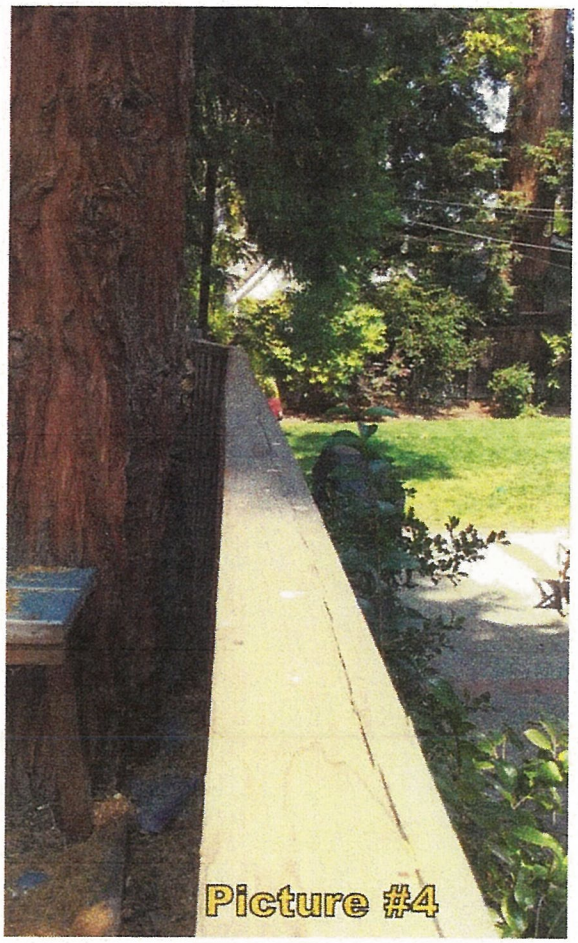
Shigo, Alex L. *A New Tree Biology, Facts, Photos, and Philosophies on Trees and Their Problems and Proper Care*. Durham, N.H.: Shigo and Trees, 1986. Print.

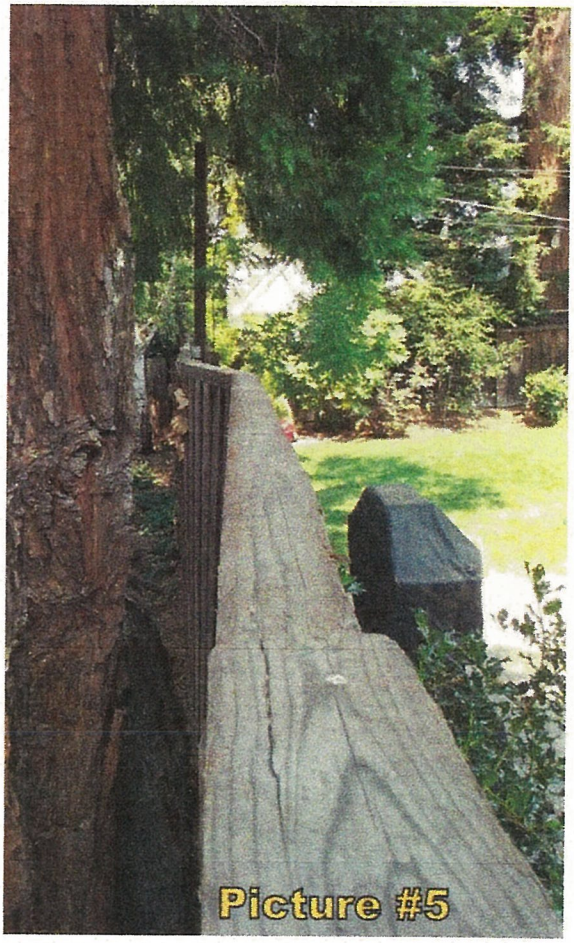
Urban, James. *Up by Roots: Healthy Soils and Trees in the Built Environment*. Champaign: International Society of Arboriculture, 2008. Print.


Picture #1


Picture #2


Picture #3


Picture #4


Picture #5


Picture #6


Picture #7


Picture #8


Picture #9

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ATTACHMENT D

CITY OF MENLO PARK

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
701 Laurel Street
Menlo Park, CA 94025
phone: (650) 330-6702
fax: (650) 327-1653
planning@menlopark.org
http://www.menlopark.org

DATA SHEET

Please provide the appropriate information pertaining to your application. It is important to complete the existing and proposed development items even if the existing structure is being demolished or if there is no specific zoning ordinance requirement.

LOCATION: 262 YALE ROAD	
EXISTING USE: SINGLE FAMILY RESIDENCE	**APPLICANT:** ARZANG DEVELOPMENT
PROPOSED USE: SINGLE FAMILY RESIDENCE	**PROPERTY OWNER(S):** ARZANG DEVELOPMENT
ZONING: R-1-U	**APPLICATION(S):** NEW 2-STORY SINGLE FAMILY RESIDENCE

DEVELOPMENT STANDARDS	PROPOSED PROJECT	EXISTING DEVELOPMENT	ZONING ORDINANCE
Lot area	7493.50 sf	7493.50 sf	sf min.
Lot width	49.99' ft.	49.99' ft.	ft. min.
Lot depth	149.92', 149.90' ft.	149.92', 149.90' ft.	ft. min.
Setbacks			
Front	20'-4" ft.	29'-3" ft.	20'-0" ft. min.
Rear	62'-2" ft.	54'-1" ft.	20'-0" ft. min.
Side (left)	5'-2" ft.	9-1" ft.	5'-0" ft. min.
Side (right)	5'-1" ft.	5'-0" ft.	5'-0" ft. min.
Building coverage	2577.33 (34%) sf %	2115 (28%) sf %	2622.72 (35%) sf max. % max.
FAR (Floor Area Ratio)*	NOT APPLICABLE sf %	---N/A--- sf %	---N/A--- sf max. % max.
FAL (Floor Area Limit)**	2922.55 sf	2115 (28%) sf	2923.37 sf
Square footage by floor			
below grade	1510.53 (basement) sf	0 sf	
1ST	1537.24 sf	1657 sf	
2ND	966.78 sf	sf	
garage	418.52 sf	458 sf	
accessory building(s)	0 sf	183 sf	
other	393.56 sf	sf	
Square footage of buildings	2922.55 (w/o basement) sf	2115 sf	sf max.
Building height	25' ft.	15' ft.	28' ft. max.
Landscaping***	955 SF (12.7%) sf %	0 SF (0%) sf %	sf min. % min.
Paving***	884 SF (11.7%) sf %	800 SF (10%) sf %	sf min. % min.
Parking	2-COVERED spaces	2-COVERED spaces	spaces
Define Basis for Parking	(Example: 1 covered/1 uncovered per residential unit or # of spaces/X square feet) 2-COVERED PARKING ATTACHED GARAGE		
Trees	# of existing **Heritage** trees 1	# of existing **non-Heritage** trees 6	# of new trees 3
	# of existing **Heritage** trees to be removed 1	# of **non-Heritage** trees to be removed 5	**Total #** of trees 4

*** Commercial and Multiple-residential properties | ** Single family residential and R-2 zoned properties | *** Commercial, Multiple-residential, and R-2 zoned properties**

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COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
701 Laurel Street
Menlo Park, CA 94025
phone: (650) 330-6702
fax: (650) 327-1653
planning@menlopark.org
http://www.menlopark.org

APPLICATION CONFIRMATION NOTICE

DATE: November 3, 2016
TO: Arzang Development L.P. apkamangar@gmail.com
Phillip Kamangar
8 Maywood Lane, Menlo Park, CA 94025

RE: 262 Yale Road – Use Permit
PN: PLN2016-00100

On October 3, 2016, you submitted plans for the following application:

☒	Use Permit	☐	Conditional Development Permit
☐	Rezoning	☐	Planned Development Permit
☐	General Plan Amendment	☐	Subdivision
☐	Architectural Control	☐	Environmental Review
☐	Variance	☐	Other _____

DESCRIPTION:
Request for a use permit to demolish an existing single-story home and detached garage, and build a new two-story residence on a substandard lot with respect to width. The subject property is in the R-1-U (Residential Single Family Urban) zoning district. The project includes a request to remove a heritage Incense cedar tree in the rear yard.

Please be advised that your application for the above project has been reviewed for completeness of application submittal requirements and has been found to be:

☐ **COMPLETE**. With regards to basic application components, the application for a use permit is complete.

☒ **INCOMPLETE**. Please provide the following information to make your application complete. Further clarification and/or additional information may be needed upon review of the revised information.

Other Agency Review

1. The Menlo Park Fire Protection District (170 Middlefield Road, Menlo Park, CA 94025), is a separate entity from the city, and project plans need to be submitted to them separately for their review. Please submit the proposed plans to the Fire District. Once obtained, please submit a copy of the Fire District's letter to me. Planning will need their approval prior to scheduling the Planning Commission meeting.

Planning Division Comments

Please contact Yesenia Jimenez (650-330-6732 or yjimenez@menlopark.org) of the Planning Division with questions regarding the following comments:

General Comments

Project Description letter

2. Please update the letter to include a summary of the specific neighborhood outreach that was conducted and note the feedback that was received from neighbors and any resulting changes. Please also correct the typographical errors on the 1st and 4th paragraph of the letter.

Historic Evaluation Form

3. The Historic Evaluation Form is incomplete, as Part 2 of the form is not filled out (questions 1-9). Please reconcile.

Arborist Report

4. Thank you for providing an arborist report. It is my understanding that an appeal for the cedar heritage tree (that is proposed to be removed) is pending, and that the meeting will likely be heard by the Environmental Quality Commission (EQC) in November. If the EQC determines that the tree has to remain, the arborist report would need to be updated to reflect that and to incorporate any necessary mitigation measures. This may result in a modification to the site plan and/or building footprint. City arborist comments are therefore forthcoming.

   The arborist report however, is missing a site plan. A site plan identifying each tree in the report is required. Those trees that would be removed need to be marked with an 'x'. The tree protection zone and/or fencing should be shown here as well. The project plans should incorporate the information in the arborist report, i.e., show the proposed tree protection fencing referenced in the report; should specify the materials and height of the fencing; and include all of the relevant tree protection details identified in the report (you can include keynotes). The project plans need to be consistent with the arborist report site plan, as the arborist report will be included as an attachment to the Planning Commission staff report and everything that is in the arborist report needs to match up with what is on the plans. Again, because the EQC meeting is pending, additional comments on the arborist report will follow.

Survey

5. Please clarify how the submitted survey is a field-based boundary survey if there are no monuments shown. A field-based boundary and topographic survey is required for all discetiionary/Use Permit applications (such as this one), and it needs to show the monuments found, and show (with bearings and distances) how they trace back to the subject property. Please refer to the *Boundary and Topographic Survey* handout (http://www.menlopark.org/DocumentCenter/Home/View/246) for a complete list of survey compliance requirements and revise the survey to satisfy the listed requirements.

Plan Set Comments

Sheet CS-1 – Cover Sheet

6. Please correct the Menlo Park zip code to 94025.
7. The location map is very hard to read on the reduced 11" x 17" sets. Please zoom in on the map and/or revise it in order to make it clearly legible on the reduced sets, as these will be given to the Planning Commission for review.

Sheet A-1 – Architectural Site Plan

8. Please remove the data sheet from the plans, as the sheet will likely be modified with every resubmittal. The submitted loose data sheet is sufficient.
9. Please provide a note indicating that the fence can be no more than 4 feet within the front yard (20 feet).
10. Show all of the trees on the site plan including the ones proposed to be removed.
11. Please verify and confirm that the location, size, and type of all trees is accurate; and that all heritage trees located on adjacent parcels within approximately 10 feet of the property line are shown. All trees should be numbered and labeled according to the arborist report.
12. Should the tree removal appeal be granted, you will need to identify and label the proposed heritage replacement tree.
13. Please show the existing and proposed grade elevations of the property (if grade differential on the property is greater than 3 feet). If grade is to remain unchanged, note that on the site plan.
14. Please show the building pad and finished floor elevations for the existing home and the proposed home.

Sheet A-1a – Diagrams, Streetscape, Area Plan

15. On the area plan:
    - show the driveways of all the surrounding properties
    - show at least a partial footprint of the homes at the rear
    - show all of the trees, including those to be removed (mark those with an "x"); but show only the trunk and dripline instead of the canopies
    - unbold the text and enlarge the font because the notations are illegible
    - remove the assessor parcel numbers

16. On the floor area Diagrams:
    - fireplaces do not count as floor area- they count as building coverage only and therefore can be exempt from floor area if you wish
    - please provide a total floor area calculation table and place it near the lot coverage calculation table. Also enlarge the font size of the calculations for improved readability.
    - correct the following typographical error: basement floor area "diagra."

Sheet A-3 – Proposed Floor Plan

17. Dimension the interior length and width of the garage. Note that a minimum 20' x 20' space needs to be provided free and clear of any obstructions.
18. On the second floor plan, please only show the general outline of the first floor roof below.
19. Label the covered porch skylights.

Sheet A-5 – Proposed Roof Plan

20. On the roof plan:
    - show the slopes and material of the roof;
    - label the skylights.
    - remove the floor plan
    - show and label the chimney

Sheet A-6, A-7 – Proposed Elevations

21. Grades, Building Height, and Daylight Plane:
    - Please show the existing, proposed, and average natural grades;
    - Building height should be measured from average natural grade, which is the vertical distance from the average level of the highest and lowest points of the natural grade of the portion of the lot covered by the structure to the topmost point of the structure. As shown, it is not clear that the building height was measured from the average natural grade; and,
    - On a relatively flat lot, the daylight plane would be measured at the side setback lines from the average natural grade. Please also show the height of the daylight plane as measured. Daylight plane should be measured 19'-6" vertically from required side setback line and angled inwards 45 degrees. As shown, it is not clear that the daylight plane was measured from the average natural grade.

22. A significant number of materials are proposed but without a cohesive approach. Consider simplifying the design and use of materials. Also, please be advised that the site layout, with a prominent garage, is not well-regarded by the Planning Commission, particularly in the Allied Arts neighborhood that the property is in. To minimize privacy impacts to neighbors, sill heights of at least 3 ½ feet are encouraged. It is encouraged to speak to your neighbors about the second-story windows to see if they have any concerns.

23. Please provide the materials of the garage door, entrance door and windows.
24. The 1/8" to 1' scale for the elevations appears to be incorrect. Please reconcile.
25. The vents shown on the right-side elevation seem rather high- you may want to consider lowering them.
26. Dimension the eave encroachment on the left side of the front elevation and ensure all eaves encroach no more than 18" into the side setbacks. The eave on the right side of the front elevation dimensions an encroachment of 18" but it appears that the encroachment is slightly over 18 inches.

27. On the right side elevation: can you clarify what the rectangular box is to the left of the decorative chimney (and the small square box right on it)?
28. Label and dimension the property line on the rear elevation.
29. As noted above, the maximum eave encroachment into the side setback is 18"; the rear elevation depicts a 2" encroachment and another that is dimensioned at 18" but appears to be slightly more than that. Please reconcile.
30. Two gas fireplaces are shown but only 1 chimney is proposed. Please confirm if this is what is proposed.

Sheet A-8 Building Sections

31. Interior space height is measured above the finished floor. Please show the finished floor elevation. Please note that any interior space, including skylights, which has a ceiling height greater than 12 feet from finished floor level, other than the stairwells, shall be counted at 200% floor area. This same area shall also be counted at 100% toward the maximum allowed second floor square footage. Please refer to page 6 of the following handout for more information: http://menlopark.org/DocumentCenter/Home/View/252

32. Please provide sections through the skylights and dimension the finished floor-to-ceiling height. Clarify if a clear lens would be installed at the skylights. The clear lens would need to be flush with the ceiling in order not to count as additional floor area. If no lenses are proposed and the floor-to-skylight height is greater than 12 feet, then the area(s) greater than 12 feet in height would need to count as 200% floor area limit.

33. The height of the structure is measured from the average natural grade of the portion of the lot covered by the structure. Please provide the average natural grade and revise the proposed building height if necessary.

Engineering Division Comments

Please contact Harris Siddiqui at hasiddiqui@menlopark.org for questions regarding the following comments:

The following items are to be addressed with the Building permit submittal:

34. Submit grading and drainage plans. Design requirements can be found at the link below. http://www.menlopark.org/696/Single-Family-Home-Projects

35. Overhead Utilities:
    a. It is not required but recommended that lateral connections to overhead electric, fiber optic, and communication lines shall be placed in a joint trench.

36. Hydrology:
    a. Submit impervious area worksheet
    b. Please provide calculations to show how the increased stormwater runoff from the new impervious areas will be retained on-site.
    c. Confirm the project maintains the same drainage pattern as pre-development. Specifically that no additional run-off is being directed to the neighboring properties and their drainage is not impeded across lots.
    d. Please note that California Building Code (CBC) §1804.A3 requires a 5% slope on pervious surfaces, and a 2% slope on "impervious" surfaces within 10 ft. of the structure. Please confirm the grading on this site conforms to California building code.
    e. Please note, any foundation drainage is considered additional run-off and must be retained on-site if total run-off from the site exceeds pre-development condition.
    f. It is recommended to retain as much stormwater as feasible on-site beyond the required net increase volume to alleviate the stress on the downstream storm system.

37. Frontage Improvements:
    a. Install new sidewalk, curb and gutter per City of Menlo Park standards and connect sidewalk, curb and gutter to adjacent properties new sidewalk, curb and gutter.
    b. Add notes on plan sheet:

i. All existing frontage improvements that are damaged, cracked, uplifted or depressed during the course of construction, or that were damaged prior to construction, shall be removed, replaced and/or repaired. Replaced and repaired sections shall meet City standards along the entire property frontage. City will not bear the costs of reconstruction.
ii. All frontage improvement work shall be in accordance with the latest version of the City Standard Details.
iii. A separate encroachment permit is required for any work within the public right of way. The applicant/contractor shall obtain the permit from the City's Engineering Division prior to start of any work within the City's right-of-way or public easement areas. The applicant shall obtain permits from utility companies prior to applying for City encroachment permit. To view encroachment permit requirements please visit the City's website at: http://www.menlopark.org/202/Encroachment-Permits

38. Landscape:
    a. If new or rehabilitated landscaping exceeds 500 and 1,000 square feet respectively, the project is subject to the City's Water Efficient Landscape Ordinance (Municipal Code 12.44). An application and detailed landscape plan will be required concurrently with the building permit submittal package. Detailed information regarding the Water Efficient Landscape Ordinance can be found on the City's webpage at: http://www.menlopark.org/361/Water-Efficient-Landscaping-Ordinance
    b. On May 5, 2015, the City Council passed Resolution 6261 in response to the 2014 Water Shortage Contingency Plan (WSCP), as required by the State of California, to address the present drought. The resolution requires that potable irrigation water be delivered only by drip or micro-spray irrigation devices.

39. Trees:
    a. Applicant must apply for a tree removal permit. If any replacement trees are required as condition of the tree removal permit, they must be shown on plans.

40. Coordination:
    a. An encroachment permit will be required for any work in the public right of way.
    b. The water provider is Cal Water Company. Coordinate appropriately to determine sufficiency of size of the existing service lateral.
    c. The sanitary sewer provider is West Bay Sanitary District – coordinate as necessary.

COMMENTS:

Please comprehensively address all comments and submit the items below as part of the revised submittal:

- Cover letter that describes how these comments have been addressed, two (2) copies
- Two (2) full size (24" x 36") plan sets
- Two (2) ledger size (11" x 17") plan sets
- Revised technical reports and documentation, one (1) copy

Please review the text below. The gist of it is that if the project is approved by the Commission, the subsequent building permit must match the approved plans. Modifications to approved plans can require additional Planning fees and review time.

If you have any questions, please contact me at yjimenez@menlopark.org or (650) 330-6732.

Please note that additional changes may be required after the resubmittal; and after an application has been accepted as complete, the Planning Division may also request the applicant to clarify, amplify, correct or otherwise supplement the information in the application.

Please note: for Use Permit applications that involve the construction or alteration of structures, the project plans that are reviewed by the Planning Commission must accurately depict all structures and site improvements as they are to be constructed. If the proposal is approved by the Planning Commission, the associated building permit

application must be substantially in conformance with the approved project plans, and the Planning Division has limited discretion to approve modifications to these plans. Plans that are not clearly in conformance with Planning Commission approvals may require additional review, including payment of fees for staff time.
Please review your proposal and verify that no substantial changes will be requested in the future. Full building permit plan sets are not required at this stage, but applicants should analyze the proposal in relation to building code requirements and projected budget. In particular, please verify that no future modifications will be requested with regard to building height, window size/placement, exterior materials, and parking and vehicle access.

Staff reports and agendas are automatically mailed to the contact person and/or the applicant. Contact persons/applicants and interested parties may pick up staff reports and agendas after 5:00 p.m. on the Thursday before the Planning Commission meeting at the Community Development Department, Planning Division, 701 Laurel Street. Office hours are 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 8:00 a.m. to 5:00 p.m. on alternate Fridays. The City offices are closed every other Friday.

Interested parties may request that the staff report be mailed to them by calling the Planning Division office by 12:00 noon the Thursday prior to the meeting date. Copies of reports are available at the Planning Commission meetings.

If you have any questions regarding your application, please contact Yesenia Jimenez at yjimenez@menlopark.org or (650) 330-6732.

V:\Application COMPLETION Notices\2016\262 Yale Road - Incomplete 11-03-16.doc

E. Thomas Smiley

Figure 7.2 Improbable: This seam from frost cracking is an example of *improbable* likelihood of failure. The tree or branch is not likely to fail during normal weather conditions and may not fail in many severe weather conditions within the specified time frame.

E. Thomas Smiley

Figure 7.3 Possible: The codominant junction shows significant response growth, indicating a *possible* likelihood of failure. Failure could occur, but it is unlikely during normal weather conditions within the specified time frame.

E. Thomas Smiley

Figure 7.4 Probable: These conks indicate widespread and serious root decay, making the likelihood of failure *probable*. Failure may be expected under normal weather conditions.

E. Thomas Smiley

Figure 7.5 Imminent: The likelihood of failure of the left codominant stem is *imminent* due to the open and active crack in the junction. Failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.

ATTACHMENT F

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Literature Cited

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

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