

Environmental Quality Commission



REGULAR MEETING AGENDA

Date: 11/15/2017

Time: 6:30 p.m.

**City Hall/Administration Building, 1st Floor Conference Room
701 Laurel St., Menlo Park, CA 94025**

A. Call To Order

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

- D1. Make a determination on an appeal for one Magnolia tree at 1730 Stanford Avenue ([Staff Report #17-020-EQC](#))
- D2. Discuss and make a recommendation to the City Council on the proposed citywide electric vehicle charging station policy (Chair will provide report from the community meeting in October)
- D3. Report from the Climate Action Plan Subcommittee on the Strategic Five Year Climate Action Plan, and proposed initiatives and goals beyond 2020

E. Reports and Announcements

- E1. Commission reports and announcements
- E2. Staff update and announcements
- E3. Future agenda items

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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STAFF REPORT

Environmental Quality Commission

Meeting Date: 11/15/2017

Staff Report Number: 17-020-EQC

Regular Business: Issue determination on appeal of staff's approval of Heritage Tree permit for removal of 1 Southern magnolia at 1730 Stanford Avenue.

Recommendation

Staff recommends the Environmental Quality Commission (EQC) deny the appeal and uphold staff's decision to approve the Heritage Tree removal permit application for 1730 Stanford Avenue.

Policy Issues

The proposed action is consistent with City policies.

Background

On February 16, 2017 the City received a call from concerned citizen regarding the potential unpermitted removal of one Southern magnolia (*Magnolia grandiflora*) Heritage Tree located in the back yard of 1730 Stanford Avenue. A City inspector visited the site and observed recent tree work that was limited to minor pruning of small limbs in the lower crown. The work was not in violation of the Heritage Tree Ordinance (Attachment A).

On April 26, 2017 the property owner of 1730 Stanford Avenue, submitted a Heritage Tree removal permit application for the removal the subject magnolia tree. The permit application was submitted with completed arborist form and associated site plans related to ongoing construction activities (Attachment B). The application stated the following reasons for removal request:

- Poor structure
- Poor location
- Installation of new landscaping

The City Arborist reviewed the application and inspected the trees to evaluate condition and property damage claim on May 12, 2017 and determined that:

- The tree structure was determined to be poor thus having a negative impact on tree health, long term value, and lifespan.
- Proximity of tree to existing high voltage utility lines and transformer creating conflict.

On May 30 2017, Stephanie Elkins, a resident of Palm Court, filed a Heritage Tree appeal to the EQC to deny the permit to remove the subject tree. Included with the appeal were two letters of support from residents of Palm Court to retain the tree (Attachment C).

Analysis

Chapter 13.24 of Menlo Park's Heritage Tree Ordinance (Municipal Code) stated intent is 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.

Section 13.24.040, of said chapter 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 approval 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 condition of the tree or trees with respect to disease, danger of falling, proximity to existing structures and interference with utility services and the long term value of the species were considered:

Condition of Tree

- The magnolia is 21" in diameter with a height of approximately 40'
- The structure of the tree is rated as poor with an unbalanced crown, aggressive suckers arising from previous topping cuts, sparse interior foliage, several main lateral limbs that are either overextended, crossing, or have weak attachments, and a lean in the trunk toward residential home.
 - Unbalanced Crown: The canopy of the tree has been repeatedly topped by utility providers due to proximity of tree to overhead high voltage utility lines and transformer. (Attachment D and Attachment E).

- Tree has responded to previous topping cuts with numerous weakly attached watersprouts located primarily in the upper crown and at the ends of overextended main lateral limbs. Watersprouts are vigorous upright growing branches, which have inherently weak attachments that arise from dormant or latent buds immediate below the surface of the bark. (Attachment F)
- The interior of the crown has sparse foliage, which can disproportionately redistribute primary (outward) at the cost of secondary growth (diameter growth). This structure can cause overextended limbs with inadequate girth to support end weight, which are more likely to fail than limbs with a more even ratio of diameter to length.
- There is a major overextended lateral limb located in the lower canopy that is approximately 8" in diameter with excessive end weight, a bark inclusion and no wind loading protections. The limb has developed a disproportionate structure as result of pruning interior limbs to clear utility lines. Overextended limbs are more likely to fail with additional weight located at the end of the limb creating more force on the point of attachment at the trunk. Bark inclusions are narrow angles of attachment with a higher likelihood of failure (than a limb with a wider attachment angle) due to the lack of holding tissue (Attachment G).
- There is a co-dominate crossing limb approximately 6" in diameter that is growing back into the canopy, which crosses within a few inches of several other major scaffold limbs. Co-dominate limbs have a similar diameter as their parent stem at the point of attachment and can be more likely to fail due to excessive loading. Crossing limbs are typically considered poor structure in branch architecture due to the potential for the limbs to rub and cause damage to one another (Attachment H).
- The trunk of the tree has a minor lean away from the high voltage utility lines and toward the residential home. Most of the weight of the unbalanced canopy is located on the same side of the trunk lean. (Attachment I). A trunk lean, especially associated with an unbalanced crown, increases the likelihood of root or trunk failure.
- The work performed in February of 2016 appeared to be limited to two small limbs (less than 2" in diameter). While stub cuts were remaining, the work was done in accordance with the Heritage Tree Ordinance and did not have a significant impact on tree structure.
- The tree is rated as being in fair health with minor dieback, heartwood decay from previous pruning cuts, and watersprouts in crown.
 - The minor dieback in crown is indicative of drought stress & increases the like likelihood of limb failure. Dieback is foliage and twigs, which start to die in the outer portion of limbs first and the dead tissue progresses to the inner portion of the crown. This is typically caused by inadequate soil moisture, root disturbance, or a disorder that limits the transportation of water in a tree's vascular system.
 - There is heartwood decay visible in lateral limbs and trunk where previous pruning cuts have been made. When aggressive pruning is reoccurring, resources used to limit the infection and spread of disease are limited. (Attachment J)
 - The watersprouts in the crown are an indicator of plant stress. The tree is "pushing out" new growth in response to severe loss of photosynthetic area by aggressive pruning in an attempt to produce more food.
 - Southern magnolia trees have to potential to live over 150 years in cultivation. The aggressive pruning that is a result of the proximity of the tree to utilities (see below), will significantly reduce the health, value, and lifespan of subject tree.

Proximity to Existing Structures and Interference with Utility Services

- Electric utility providers are required by law to clear vegetation from high voltage distribution and transmission lines to reduce hazards associated with fire and electrocution and to minimize the potential for outages.
- The subject tree is growing in a location where repeated topping will take place to maintain required clearances. This continued clearance work will exasperate existing structural imbalances, create pruning wounds which are vectors for decay and disease, and reduce the tree's ability to produce the energy required to maintain normal physiological processes necessary for healthy growth, pest, and disease resistance.
- Best management industry practices promote choosing the right tree for the right place. The planting of large canopy trees, which will be in conflict with overhead high voltage lines, significantly reduces the health and longevity of trees while increasing maintenance costs and risk. It is the City's policy to plant smaller canopy trees under existing high voltage utility lines to achieve greater sustainability in our urban forest.

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

- The structural defects identified in this report that have the potential to be addressed with pruning – watersprouts, overextended limbs, and crossing limbs – would require the removal of greater than one fourth of the canopy of the tree. Such aggressive pruning in this tree, already exhibiting signs of stress, would likely cause continued accelerated decline.
- The unbalanced crown of the tree cannot be restored.
- Cost of undergrounding overhead high voltage utility lines is cost prohibitive and can disturb roots causing further stress and potential structural stability.

Staff recommends the Environmental Quality Commission (EQC) deny the appeal and uphold staff's decision to approve 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. City inspection of Heritage Tree violation
- B. Heritage Tree Removal Permit Application (HTR2017-00083)

- C. Appellants Appeal of the Removal Approval
- D. Tree Image (Canopy)
- E. Tree Image (Utilities)
- F. Tree Image (Watersprouts)
- G. Tree Image (Overextended Limb)
- H. Tree Image (Crossing Co-Dominate Limb)
- I. Tree Image (Trunk)

Report prepared by:
Christian Bonner, City Arborist

Bonner, Christian R

Subject: FW: 1730 Stanford
Attachments: FullSizeRender.jpg; ATT00001.txt

-----Original Message-----

From: Henry, Brian P
Sent: Thursday, February 16, 2017 9:35 AM
To: Bonner, Christian R <crbonner@menlopark.org>
Cc: Dong Sample, Janice <JDongSample@menlopark.org>
Subject: 1730 Stanford

Hi Christian, on 2/15 a resident came to the front counter with concerns about a tree removal at 1730 Stanford. No tree permit in tide mark. I visited the site and the crew was already gone. They trimmed a couple limbs from the magnolia in the backyard (photo attached). From the rigging and locations of the limbs they cut, it doesn't appear they intend to remove the tree. Just FYI. Thanks, Brian



Heritage Tree Removal Permit Application

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

Application No. APR 26 2017

HIR2017-00083

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: 1730 STANFORD AVE, MENLO PARK 94025
Name of Applicant: JOHN V. ELLEN Phone: 415-287-1221 FAX: 415-287-1268
Mailing Address: 148E VIRGINIA ST. #1 SJ 95128 Email: _____
Type of Tree: MAGNOLIA Location on property: LEFT REAR CORNER
Reasons for Request: NEW LANDSCAPING / NEW HOME

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.

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.

John V. Ellen

Date: 3.20.17

PLEASE DO NOT WRITE BELOW THIS LINE

PERMIT APPROVED ☒

PERMIT DENIED ☐

TIMING OF REMOVAL

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

TIMING OF REPLANTING

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

Staff Signature: Anthony B. Brown

Date: 5/12/17

Print name and title: CITY ARBORIST

May 30, 2017

Environmental Quality Commission
701 Laurel Street
Menlo Park, CA 94025

Re: Appeal to remove Heritage Magnolia tree at 1730 Stanford Avenue

To whom it may concern,

We hereby formally request to appeal the permit to remove of a healthy heritage Magnolia tree at 1730 Stanford Avenue. As adjacent neighbors, we strongly oppose the removal of a live, beautiful, blossoming tree!

Please allow me to rebut the reasons I have heard for its removal:

- 1) It's ugly since PG&E has pruned it to avoid the power lines
Rebuttal: It is a magnificent tree in the skyline, produces blossoms and most importantly, provides a fantastic screen of the power pole and box for us and our 2 other neighbors.
- 1) It is of Poor structure:
Rebuttal: It may be label poor structure based on what it could have been, but it is Not entirely poor structure or certainly wasn't a few months ago.

In fact: The owner attempted to remove the tree WITHOUT A PERMIT a couple of months ago. Thankfully, I heard the commotion and asked the tree company to cease, but not before a number of cuts were made in the opposite direction of "balance". Should the owner now be rewarded with a permit for butchering a tree to make it appear more of a "poor structure"? Please see the attached photos.

In regards to this issue: Mr. Bonner has assured me that it is in not in jeopardy of falling and causing imminent injury or property destruction.

To the issue of "long term value"..... In our opinion, this is not a reason to immediately terminate a living, beautiful tree, much like it would not be appropriate to "cut me down" because my long term value is limited. Why not let nature take its course? IF the tree were an imminent hazard, I would not be appealing, but this is not the case. As you can see from the photos, it is a lovely, lovely addition to our neighborhood.

The heritage tree ordinance mandates an owner to make an effort to maintain a tree. Please check on thisI think she really has had no interest in this tree and never has.

We respectfully request you agree with our appeal and prohibit the removal of this heritage tree.

Sincerely,

Stephanie Elkins, Brad Van Linge, 8 Palm Court, 650-400-2933

Stephanie.elkins@colliers.com



***Mr. Peter W. and Judith D. Palm
4 Palm Court
Menlo Park, California 94025-5755***

May 29, 2017

Mr. Christian Bonner
Menlo Park City Arborist

Dear Mr. Christian Bonner:

Regarding the Magnolia Tree at the rear of 1730 Stanford Avenue, across the fence our home at 4 Palm Court, Judy and Peter Palm, owners of 4 Palm Court, do NOT want the Magnolia tree removed. The tree provides camouflage of housing on that side of Stanford Avenue, preserving the wooded value of our home at 4 Palm Court

Thank you for consideration,

Handwritten signatures of Judy Palm and Peter W. Palm. Judy's signature is on the left, and Peter's is on the right.

Judy Palm and Peter Palm



Recent cuts by owner
to cut down tree
without permit..

Cuts added to "poor
structure"

Appeal Magnolia Removal
1730 Stanford Ave.



all cuts done
recently in attempt
to cut down
without permit.

Appeal Magnolia Removal
1730 Stanford Ave



views from
backyard
8 palm ct.



View from Palm Ct
(Roth home)



View from
backyard
8 Palm Ct



PG&E pole +
power box
hidden
by
Magnolia

May 30, 2017

Environmental Department
701 Laurel St.
Menlo Park, CA 94025

Re: Heritage Tree Removal @ 1730 Stanford Ave., Menlo Park

Regarding the above action approved by the city arborist we wish to express our preference to retain the Magnolia tree in question as it provides convenient screening of the telephone pole situated in the corner of the above lot contiguous with our property at 2 Palm Court

Thank you.

William E. and Phyllis Roth

William E. Roth
Phyllis A. Roth

Arborist Form

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

Site Address: 1730 Stanford Ave., Menlo Park,

ARBORIST INFORMATION

Name of Certified Arborist James Lewis

ISA or ASCA number: WE3984A Menlo Park Business License number: 67555

Company: The Tree Team, Inc.

Address: 1170 Mt. View Arviso Rd., Sunnyvale, CA 94089

Phone: (408) 747-1717 FAX: 747-0938 Email: ttteam@treeteaminc.com
(408)

TREE INFORMATION:

Date of Inspection: 3/9/2017

Common Name: Southern Magnolia Botanical Name: Magnolia grandiflora

Location of Tree: Back left corner Height of Tree: 45'

Diameter of tree at 54 inches above natural grade: 20"

~~Circumference of tree at 54 inches above natural grade:~~

Condition of Tree:

Climbing gaff damage, poor unbalanced structure
& foliage normal

If recommending removal or pruning, please list all reasons:

poor location, unbalanced canopy & unable to
install new landscaping due to excessive root loss

Suggested Replacement Tree:

Japanese maple, arbutus, or dogwood

Signature of Arborist: James R Lewis Date: 3/16/2017



1170 Mt. View-Alviso Rd.
Sunnyvale, CA 94089
Tel: (408) 747-1717
Fax: (408) 747-0938



Bonded and Insured
W.C.I.S.A Certified Arborist #3984
State Contractors License #916967

March 16, 2017

Prepared for Jon Gilligan with Golden State Builders, 148 E. Virginia St. # 1,
San Jose, CA 95112

Re: Magnolia tree located at 1730 Stanford Ave., Menlo Park, CA 94025

Dear Jon:

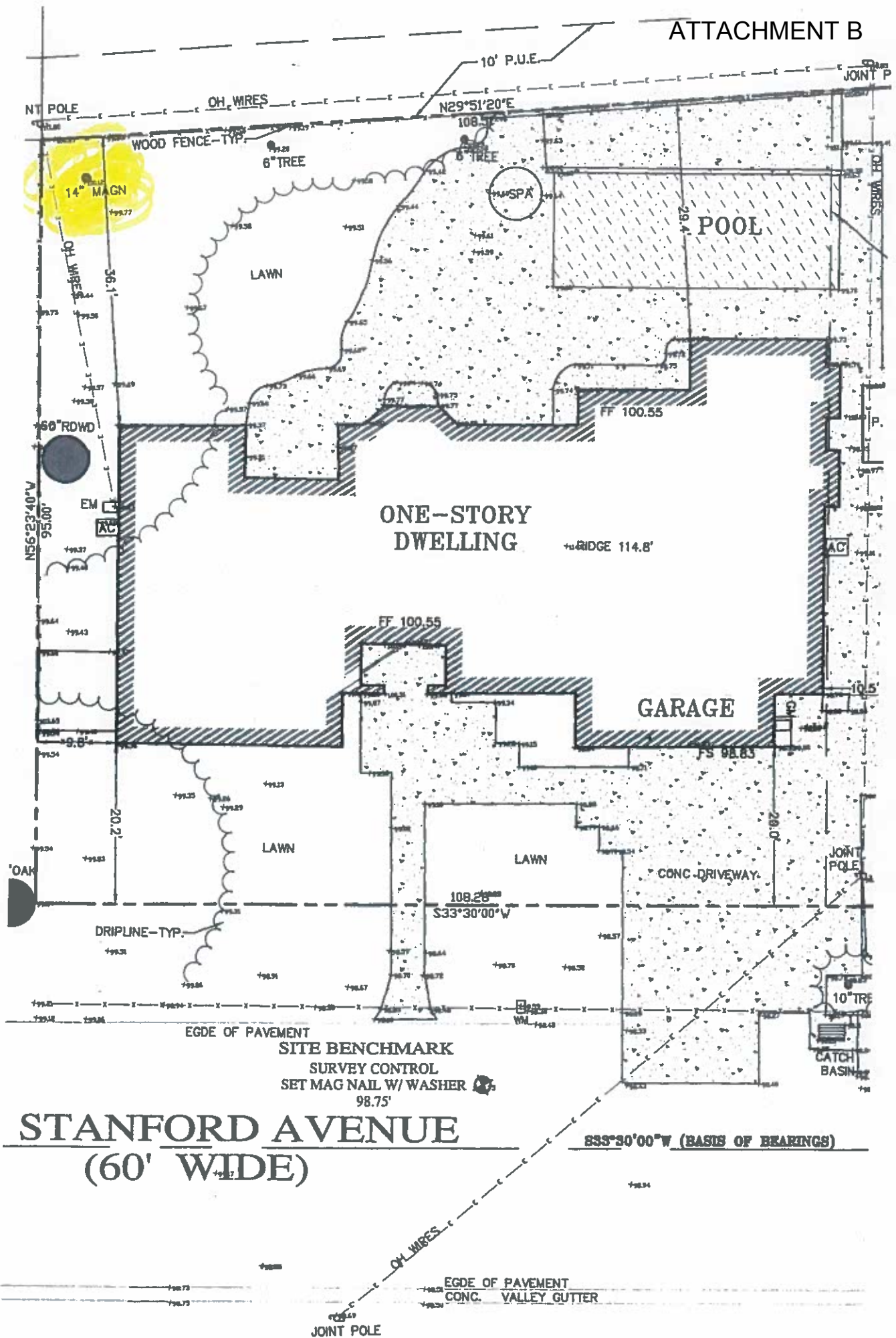
At your request, I inspected a Southern magnolia (Magnolia grandiflora) at the above-mentioned address. The tree is 20" in diameter, 45' tall with a crown spread of approximately 35'. The tree is in fair health at this time. This tree, as you know, is in the back left corner of the property against a utility pole. Due to its location, the tree has been pruned aggressively by PG&E in order to keep the power lines clear. On top of this line clearance pruning, someone had "topped" this tree in the past as well. At the time of my inspection, I noticed a few 2" – 3" diameter limbs on the ground, which had been freshly cut. I also noticed climbing gaff marks on the tree from someone who had climbed it recently. As a result of all the heavy pruning on this magnolia tree, it has developed very poor structure and is very unbalanced. This cannot be corrected by more pruning. When the new landscape is installed at this construction site, roots on this magnolia tree will have to be severed in order for new irrigation lines to be put in. This will greatly affect the tree's health & possibly due to its unbalanced crown, make it a hazard as well. My recommendation regarding this magnolia tree is to have it removed. I believe there is a better long-term tree for this location that will not interfere with the utilities or have to be pruned so heavily in the future. That tree would be either a Japanese maple, an Arbutus or possibly a Dogwood tree. All would be nice trees as replacements.

If you have any questions, I can be reached on my cell phone, 408-691-3696.

Sincerely,

James R Lewis









High Voltage
Utility Lines &
Transformer



Watersprouts

Watersprouts



High Voltage Lines & Transformer

Watersprouts

Bark Inclusion



Crossing Limb

