

Environmental Quality Commission



REGULAR MEETING MINUTES

Date: 8/19/2020

Time: 5:00 p.m.

Special Meeting Location: Zoom.us/join – ID# 915 4675 0502

A. Chair Price called the meeting to order at 5:15 p.m.

B. Roll Call

Present: Gaillard, Kabat, London, Martin, Price (Chair)

Absent: Payne (Vice Chair)

Staff: Sustainability Manager Rebecca Lucky, City Arborist Christian Bonner, Sustainability Specialist Joanna Chen

C. Public Comment

- Vishwas Ganesan commented on YellowTin, a company that provides an online platform educating community members on the benefits of electrification and clean energy.

D. Regular Business

D1. Approve June 24, 2020 minutes

Chair Price introduced item.

ACTION: Motion and second (Gaillard/ London) to approve June 24, 2020, passed 5-0-1 (Payne absent).

D2. Issue determination on appeal of staff's denial of three heritage tree removal permits at 2458 and 2460 Sharon Oaks Drive

Sustainability Specialist Joanna Chen and City Arborist Christian Bonner made a presentation (Attachment).

Appellant made a presentation (Attachment).

Permit applicant made a presentation (Attachment).

- Peter Edmonds spoke in opposition of removing the trees.
- Michael Young from Urban Tree Management spoke in support of removing the trees.

ACTION: Motion and second (Martin/ London), to uphold staff's decision to deny tree removal, passed 5-0-1 (Payne absent).

The Commission took a recess at 7:21 p.m.

The Commission reconvened at 7:29 p.m.

- D3. Review and discuss climate action plan subcommittee recommendations to move forward on strategies 2, 4, and 6 of the adopted climate action plan

Commissioner Gaillard provided an overview of the recommendations

ACTION: Motion and second (London/ Price), to form an ad hoc subcommittee consisting of Commissioner Gaillard and Commissioner London, to clarify roles and refine scope for climate action plan items 2, 4, and 6 that would have minimal impact on staff resources and return to the Environmental Quality Commission for further discussion, passed 5-0-1 (Payne absent).

- D4. Select chair and vice chair

Chair Price introduced the item.

- Peter Edmonds spoke about his experience and qualifications.

ACTION: Motion and second (Martin/ Kabat) to select Commissioner Price as chair and Commissioner London as vice chair, passed 5-0-1 (Payne absent).

E. Adjournment

Chair Price adjourned the meeting at 9:12 p.m.

Rebecca Lucky, Sustainability Manager

These minutes were approved at the Environmental Quality Commission meeting of September 16, 2020.



HERITAGE TREE APPEAL

2458 & 2460 Sharon Oaks Dr.





HERITAGE TREE APPEAL HEARING

- City staff
 - Christian Bonner, City Arborist and Joanna Chen, Sustainability Specialist

- Appellant
 - Mark Danielson, property owner of 2460 Sharon Oaks Drive

- Permit applicant
 - Rebecca Grant, President of the Sharon Oaks Homeowner's Association



GRANDFATHERED IN

- Heritage tree removal permit application and staff's decision were made before July 1 (the effective date of the current ordinance)
 - Therefore, this appeal falls under the previous heritage tree ordinance

- Previous heritage tree ordinance
 - The permit applicant or any community member may appeal staff decision's to Environmental Quality Commission
 - EQC's decision must be made based on the previous decision making criteria



PERMIT APPLICATION

- Submission date: June 15
- Permit applicant: Sharon Oaks Homeowner's Association
- Subject trees: Three coast redwoods
 - 90 feet tall, 90 feet tall, 75 feet tall
 - Standard telephone pole in US is 35-40 feet; therefore these trees are as tall as 2 telephone poles stacked on top of each other
- Removal reason: Tree roots are damaging (and may further damage) the townhouse structures, which are located at 2458 & 2460 Sharon Oaks Dr.
- Two professional reports: arborist report and foundation inspection report



PROJECT ARBORIST REPORT

Tree	Measurements (height/diameter)	Condition	Recommendation
1	90 feet/54 inches	Health and structure are rated fair.	Removal based on tree roots damaging the building structure (stairway, patio, and pathways).
2	90 feet/53.5 inches		
3	75 feet/25.5 inches		

- Trees are in fair conditions:
 - Shows initial or temporary disease, pest, or lack of vitality
 - Can improve trees' appearances and health through routine maintenance, such as weight reduction

FOUNDATION INSPECTION REPORT



■ Mr. Drew's assessment

- Notes the foundation conditions are “normally accepted tolerances for good foundation performance”
- Identifies 2 areas of interior slab distress at 2460 Sharon Oaks Dr.,
 - One area may be caused by several factors (construction tolerances, expansive soils, ground moisture from root growth)
 - Another area located at the patio is most likely caused by root growth
- Similar distress at 2458 Sharon Oaks Dr.
 - Property owners repaired the patio by pruning the roots and waterproofing the slab in 2017 without any subsequent damage since then.

■ Mr. Drew's recommendation

- Removing 2 redwoods to eliminate potential future damages to the foundations, but he does not specify a timeframe when the damages may occur.



CITY ARBORIST ASSESSMENT



- Conducted a Level 2 basic inspection and site assessment.
- Recommendation was to deny the permit application based on these reasons:
 - Trees are in fair to good health with low risk ratings;
 - Insufficient evidence showing that tree removal would prevent any further damage to structures
 - Reasonable and feasible alternatives to removal are available



DECISION MAKING CRITERIA

- Based on the 8 decision making criteria, the removal permit was denied based on Criteria 1, 4, and 8
 - **Criterion 1:** The condition of the trees with the respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;
 - **Criterion 4:** The long-term value of the species under consideration, particularly lifespan and growth rate; and
 - **Criterion 8:** The availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s).



TREE CONDITION

Tree	Measurements (height/diameter)	Health	Risk rating
1	90 feet/54 inches	Good	Low
2	90 feet/53.5 inches	Fair	
3	75 feet/25.5 inches	Good	

- Fair health: Not likely to be fatal
- Good health: No significant damage due to diseases or pests.

PROXIMITY TO STRUCTURES

- Tree #2 & #3 are 15' from the foundation at 2458 Sharon Oaks Dr.
- Repair work done in '17 with no further damage
- Tree #1 is 18' from 2460 Sharon Oaks.
- Damage to hardwood floors as a result of water intrusion in foundation





LONG TERM VALUE

- Redwood desirability level in Menlo Park: highest rating (90%)
- Subject trees are estimated between 50 and 60 years old
- Redwoods can live between 150 and 2000 years



ALTERNATIVES

- Reasonable and feasible alternatives to tree removals:
 - Pruning the tree roots;
 - Reducing adjacent landscape irrigation;
 - Grading and drainage;
 - Using alternative base materials;
 - Deepening perimeter footings;
 - Reinforcing slabs;
 - Continuing root paths; and
 - Installing root barriers.

- Consistent with recommendations in foundation inspection report

- Alternatives can be implemented under the supervision of a project arborist



STAFF RECOMMENDATION

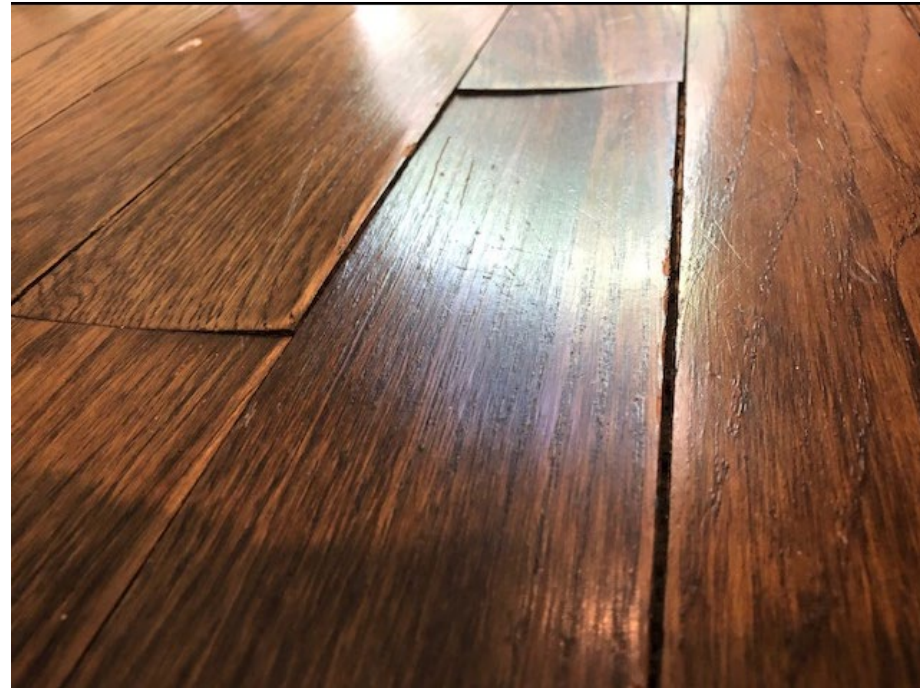
- Staff recommends the Environmental Quality Commission (EQC) to uphold the decision to deny the permit application to remove three coast redwood trees at 2458 and 2460 Sharon Oaks Drive.



THANK YOU

Redwood Tree Replacement Application Appeal

2458 & 2460 Sharon Oaks Drive



Replacement is Needed to Fix Landscaping Mistake

- Trees were planted 45 Years ago, AFTER Sharon Oaks was built and for landscaping purposes
- They are the WRONG landscaping trees planted in the WRONG place
- Planted a mere 15 feet from foundations of 2458 & 2460 units, with very aggressive root structures
- Problems only started to become apparent just a few years ago, almost 10 years after units were purchased by current owners
- After 2460 pavers replaced, interior floors started buckling
- After problems in 2460 became clear, similar problems in 2458 were discovered
- Trees are relatively young and will continue to cause even greater damage (estimated at least \$100k over next 50 years to unit owners alone)

Replacement is Needed to Stop Ongoing Thousands of Dollars of Out of Pocket Damage

- 2458 Owner has already spent \$30k to fix patio and downstairs floors
- Damage to 2460 is even more extensive, currently at least \$50k
 - Thousands of dollars for expert inspections and reports
 - \$20K in damage to hardwood floors
 - Thousands of dollars to fix foundation, install moisture barrier
 - Estimated \$25k to repair patio
 - Dangerous levels of mold inside unit caused by moisture intrusion
 - Mold has embedded in drywalls, requires constant filters
- **NOTHING COVERED BY INSURANCE or public funds**



AMERICAN NATIONAL

1949 E. Sunshine St., Springfield, MO 65899

May 8, 2020

Denise Danielson
2460 Sharon Oaks Dr
Menlo Park, CA 94025-6829

RE: Claim #: 04-X-3VA950
Date of Loss: April 15, 2020
Policy #04-X- 72864N

Dear Ms. Danielson:

Thank you for submitting your claim to us. We have taken your claim under careful consideration.

We have received and reviewed the adjuster's report and photographs. Inspection of your loss revealed the following:

- Roots from redwood trees in the HOA's common area are causing damage to your foundation and the interior of your condominium over an extended period of time dating back to 2013.

Your California American National Condominium Policy, FX-6.04 (1-19), provides coverage for accidental direct physical loss to your dwelling, subject to certain exclusions. The policy specifically excludes damage from wear and tear, cracking of foundations, as well as earth movement. The policy reads in part as follows:

Replacement is Needed to Prevent Further Damage to Foundation of Units

According to experts:

- Foundations do not buckle like pavers
- Roots move soil beneath foundations
- Soil movement compromises support for foundation
- Compromised support causes cracks
- Moisture intrudes through cracks
- Moisture buckles hardwood floors
- Mold grows between foundation and floors, embeds in drywall inside home
- **AS LONG AS ROOTS CAN GROW, FURTHER DAMAGE WILL RESULT**

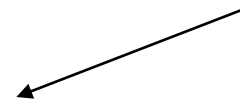
Replacement is Needed to Reduce Health Hazard

- Mold is growing under hardwood floors, and embedding in drywall

Sample Type: Air-O-Cell
Analysis: Direct Microscopy; FALI Method IAQ 101; Modified /
Job ID / Site: 2460 Sharon Oaks Cir.; 2460

Lab Number	40203825				
Sample ID	A-1				
Location	Living Room				
Sample Date	06/25/20				
Volume	75.0 L				
Organism	Spores⁺	%	LOD	S/m³	Sp
Alternaria	10	2.8	13	130	
Ascospores	55	40.7	35	1,900	
Basidiospores	17	12.6	35	590	
Cladosporium	56	41.3	35	1,900	
Curvularia	1	0.3	13	13	
Epicoccum	1	0.3	13	13	
Oidium	3	0.9	13	40	
Rusts/smuts/myxomycetes	4	1.1	13	53	

Should all be less than 100



Replacement is Needed to Prevent Further Diminution in Unit Market Value

- 2460 Cannot be sold or rented until:
 - Tree roots are addressed
 - Foundation is repaired
 - Hardwood floors are replaced
 - Mold is removed from drywalls and floors
- Market / Rental value of units will be reduced if trees are not replaced
 - Root problems will need to be disclosed to buyer
 - Floor / mold problems will need to be disclosed to buyer or renter
 - Permanent loss of full use/enjoyment of patio

Trench is Not Reasonable

- Trench would cost \$15k to install, including replacement of pavers
- Trench would need to be installed within CRZ of trees (no less than 156” from trees, CRZ is about 162”)
- Trench would need to be replaced every 5-7 years or so to prevent risk of new damage to foundation
- Costs of trench will reduce ability to make upgrades to units (AC, bathroom/kitchen updates, etc.)
- Trench existence and required maintenance will permanently diminish value of units
- Trench is not guaranteed to work

Replacement is the most reasonable option

- Replacement trees will not cause further damage to units and surrounding property
- Benefits of replacement trees will completely offset loss of existing trees within a reasonable time
- The HOA (about 100 homeowners) supports replacement

Sharon Oaks Association
Aug 19, 2020

Appeal of Denial of Heritage Tree Removal Permits

2458-2460 Sharon Oaks Drive

Agenda

- ❖ About Sharon Oaks Association
- ❖ Homeowner Damage & Remediation
- ❖ HOA Common Area Damage & Remediation
- ❖ Summary & Request

About Sharon Oaks Association

- ❖ Planned unit development (13 acres)
 - 90 individually-owned lots/homes
 - Jointly-owned "common areas"
- ❖ HOA is responsible for common area maintenance
- ❖ Homeowner is responsible for home & patio maintenance



Stanford
University

2460 Sharon Oaks Drive

Sand Hill Road

SLAC National
Accelerator Laboratory

Google



Google

2017: Remediation at 2458 Sharon Oaks Dr.

- ❖ Homeowner noticed patio & home damage
- ❖ Remediation:
 - Excavation & root cutting
 - Thicker concrete atop gravel
 - Re-grading
 - Metal flashing around foundation

2018: Remediation at 2460 Sharon Oaks Dr.

- ❖ Homeowner reported irrigation & patio damage
- ❖ Remediation:
 - Excavation
 - Root cutting & shaving
 - Material above shaved roots



2020: Recurrence at 2460 Sharon Oaks Dr.

- ❖ Patio pavers uneven/lifting



Rear of 2458 & 2460 Sharon Oaks Dr.



Common Area Damage

❖ Parking area & walkways



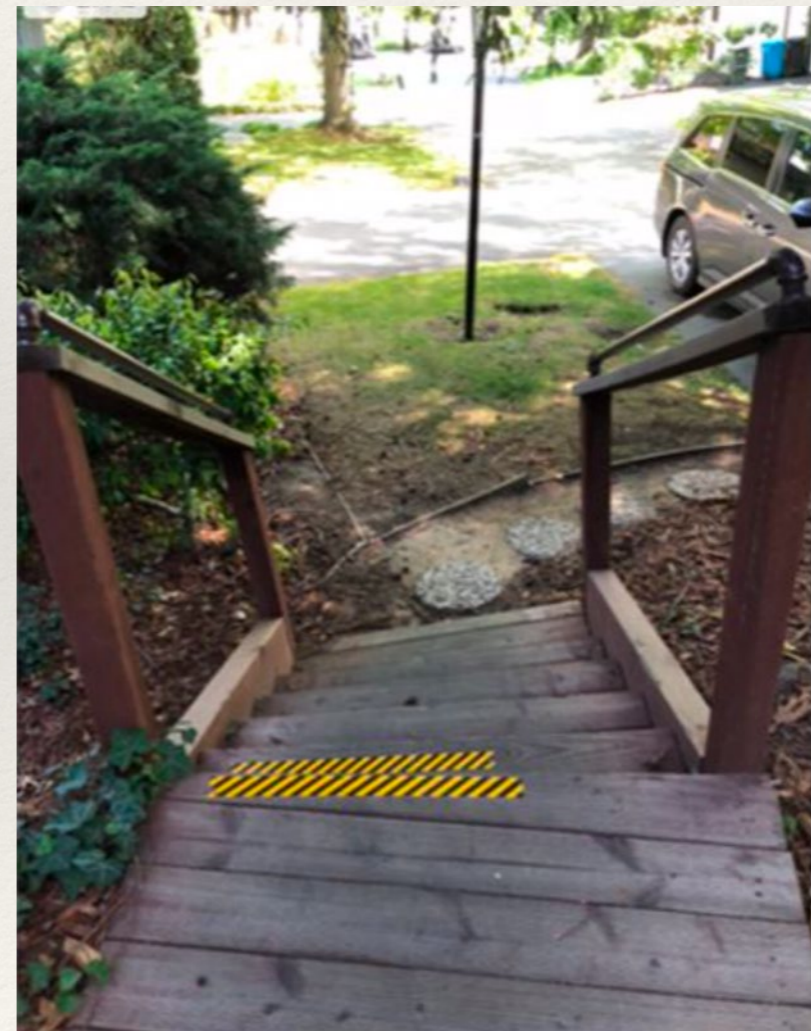
Common Area Damage

❖ Irrigation



Common Area Damage

❖ Stairs



Summary

- ❖ History of expensive remediation actions taken
- ❖ Despite remediation, the tree roots continue to cause damage
- ❖ Future damage is anticipated, and costly repairs will be an ongoing obligation
- ❖ Board of Directors must consider alternatives

Request

Sharon Oaks Association requests that the Commission overturn the staff's denial of the three heritage tree removal permit applications for 2458 and 2460 Sharon Oaks Drive.