


0.07 0 0.04 0.07 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1: 2,256 

This map is a user-generated static output from an Internet mapping site and is for e. e. N

Attachment B

Application for Permit to Remove Tree(s)

Sections 11,000 et seq and 12,000 et seq of the San Mateo County Ordinance Code.

HERITAGE TREE(S) SIGNIFICANT TREE(S)

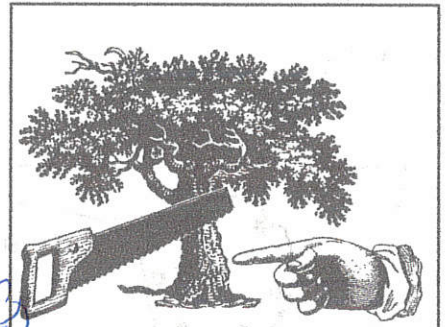
Property Owner: MG Trust (Michael Mitgang + Barbara Gottesman Trustees)

Address: 626 Berkeley Ave Menlo Park, CA 94025 Telephone: 650-888-2468

Applicant (if different): Michael Mitgang + Barbara Gottesman

Address: (same as above) Telephone: Michael@Mitgangs.com

Address and parcel number where tree(s) located: same as above
APN, 062183-210



Date of Application: 6/29/2017

10 Day Period of Posted Notice
From: 6/29/2017
To: 7/10/2017

38-

Tree(s) Diameter or Circumference (at 4½ ft. height)	Kind of tree(s)	Heritage Tree? (Yes / No)	Health of tree(s)	Reason for Removal/Trimming
120" Cir	Valley Oak	Yes	Good	Construction

REMOVAL PLAN:

1. Method of removal: By Owner
 By Tree Removal Service. Name: TBD Phone: _____

2. Disposal of tree debris: All debris to be removed from site by Tree Removal Service
 All/some debris to remain on site; Purpose: _____

The information contained in the application is accurate and true to the best of my knowledge. I understand that an approved permit is conditional. Further, the decision on this application may be appealed to the San Mateo County Planning Commission. Authority to remove or trim a tree is effective only after the approval appeal period has expired.

[Signature]
Applicant's Signature

Public Notification of this application request will be sent to all property owners within 100 feet of the project site and in addition, to the Mid-Coast Community Council if your project site is located in the Mid-Coast.

NOTE: All Tree Removal Applications must be submitted in person.

Note: Acceptance of this application by Planning Staff...

- **Does not guarantee the approval of the proposed tree removal(s).**
Planning staff will grant a tree removal permit only if staff is able to make one or more of the findings listed in Section 12,023 of the "Regulation of Removal of Significant Trees". A copy of this ordinance can be obtained at the Planning counter or at www.co.sanmateo.ca.us. The decision to make these findings takes into consideration public comment, recommendation(s) of reviewing agencies, the reason for removal and documentation of the tree's health or hazard as indicated by an arborist (if required, see below).
- **Does not imply that the application is "complete".** Other items, such as a report from a certified arborist, may be requested in order to complete your application (Section 12,021) For example, an arborist report may be required in order to confirm or refute a property owner's claim that a tree is diseased or a hazard to safety or property.

Applicant to sign below, in acknowledgment of the above information.

 _____
Applicant

See last page for Tree Replacement Requirements



MG
CONCEPT
OPTION ONE

No.	Revision	Date
1	Issue for Review	11/09/11
2	Revised	11/09/11
3	Revised	11/09/11

No.	Revision	Date

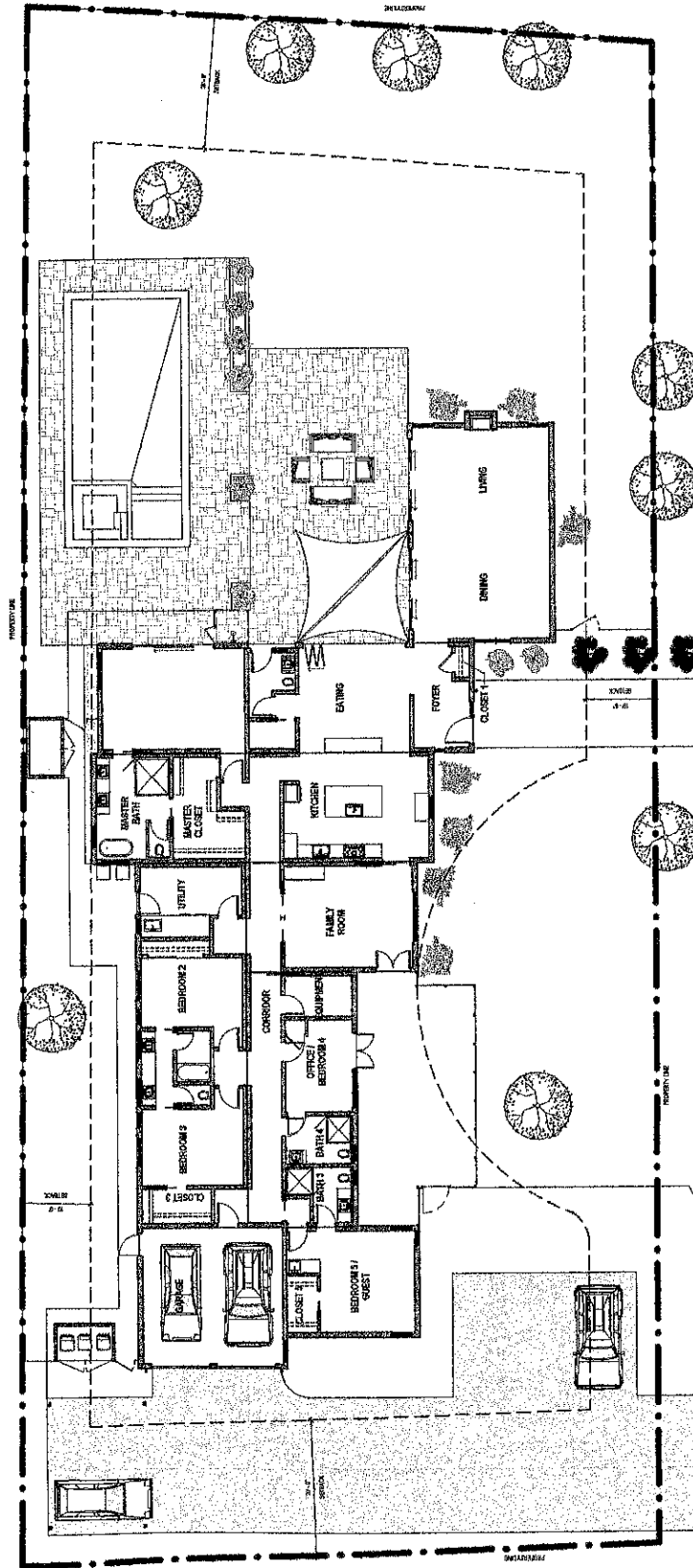


Sheet Information
Date: 11/09/11 7:59:57 PM
Job No. 16048
Drawn By: AUBREY
Checked By: CHESTER

SITE PLAN

A1-00

Copyright © 2011, Kubler Inc.



FLOOR PLAN
1/8" = 1'-0"



MG
CONCEPT
OPTION ONE

NO. OF UNITS	100
NO. OF UNITS PER FLOOR	10
NO. OF UNITS PER UNIT	10
NO. OF UNITS PER UNIT	10

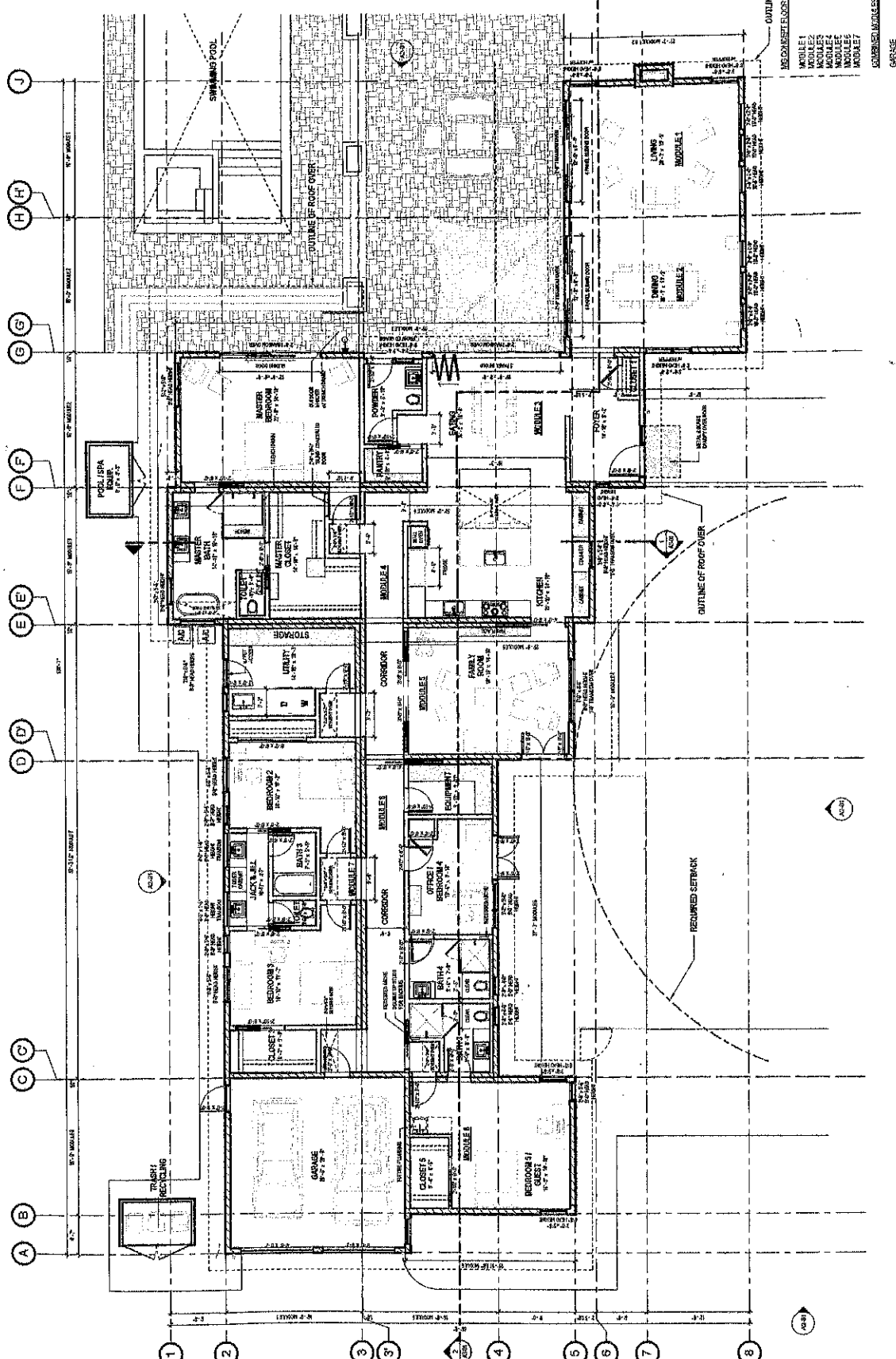
NO. OF UNITS PER UNIT	10
NO. OF UNITS PER UNIT	10
NO. OF UNITS PER UNIT	10
NO. OF UNITS PER UNIT	10



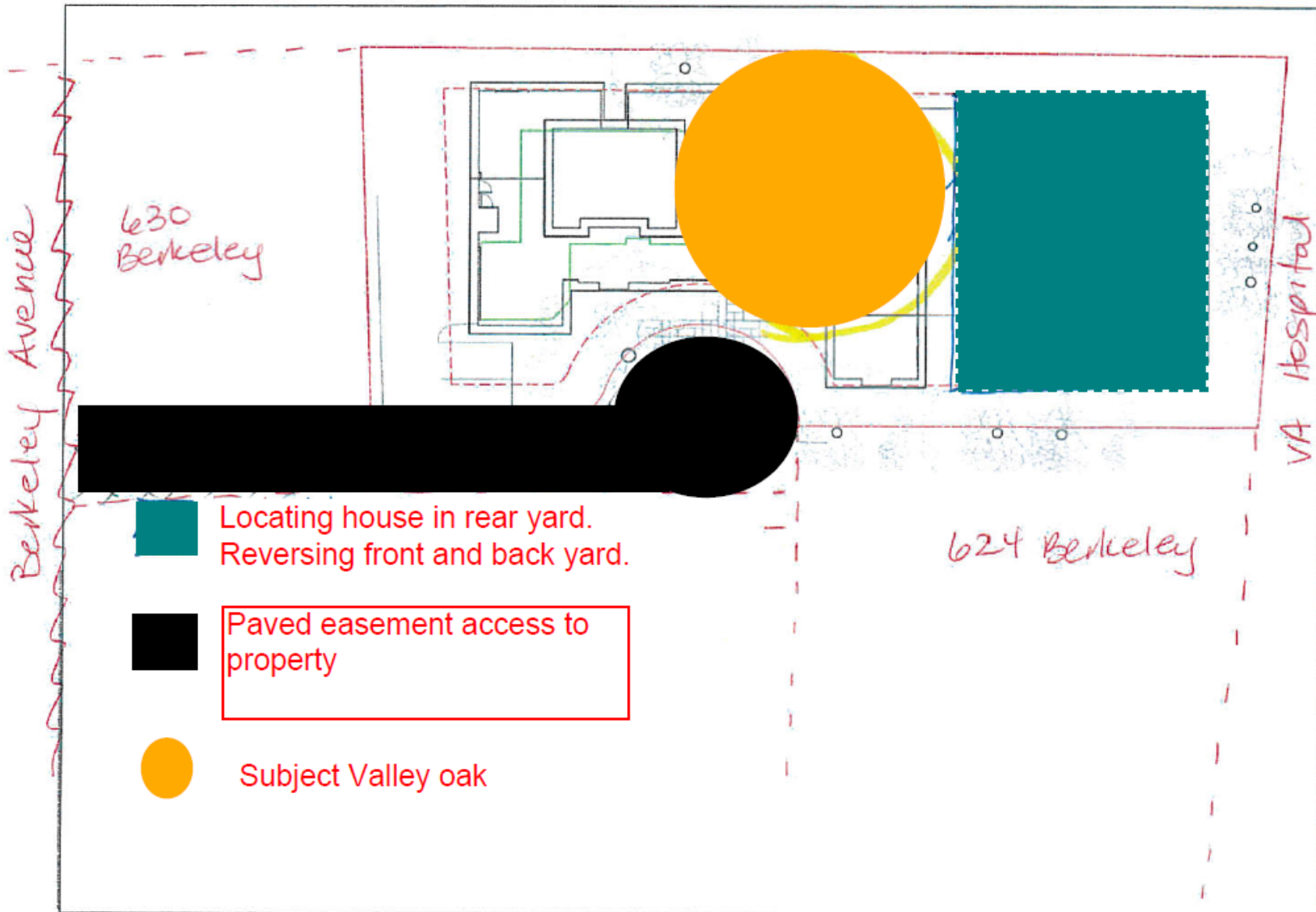
Sheet Information
 Job No. 14092016-100007-01
 Drawn by: [Name]
 Checked by: [Name]
 Date: [Date]

A1-02

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Attachment C



- Locating house in rear yard.
Reversing front and back yard.
- Paved easement access to property
- Subject Valley oak

Randolph B. Pepp
 ARCHITECT

210 High Street
 Palo Alto, CA 94301
 415 435 2038
 info@rbp.com
 www.rbp.com



The Mitgang-Gottesman Residence
 626 Berkeley Ave., Menlo Park, California

SHEET NO. _____ OF _____
 Project: _____ Date: 8 Aug 2017

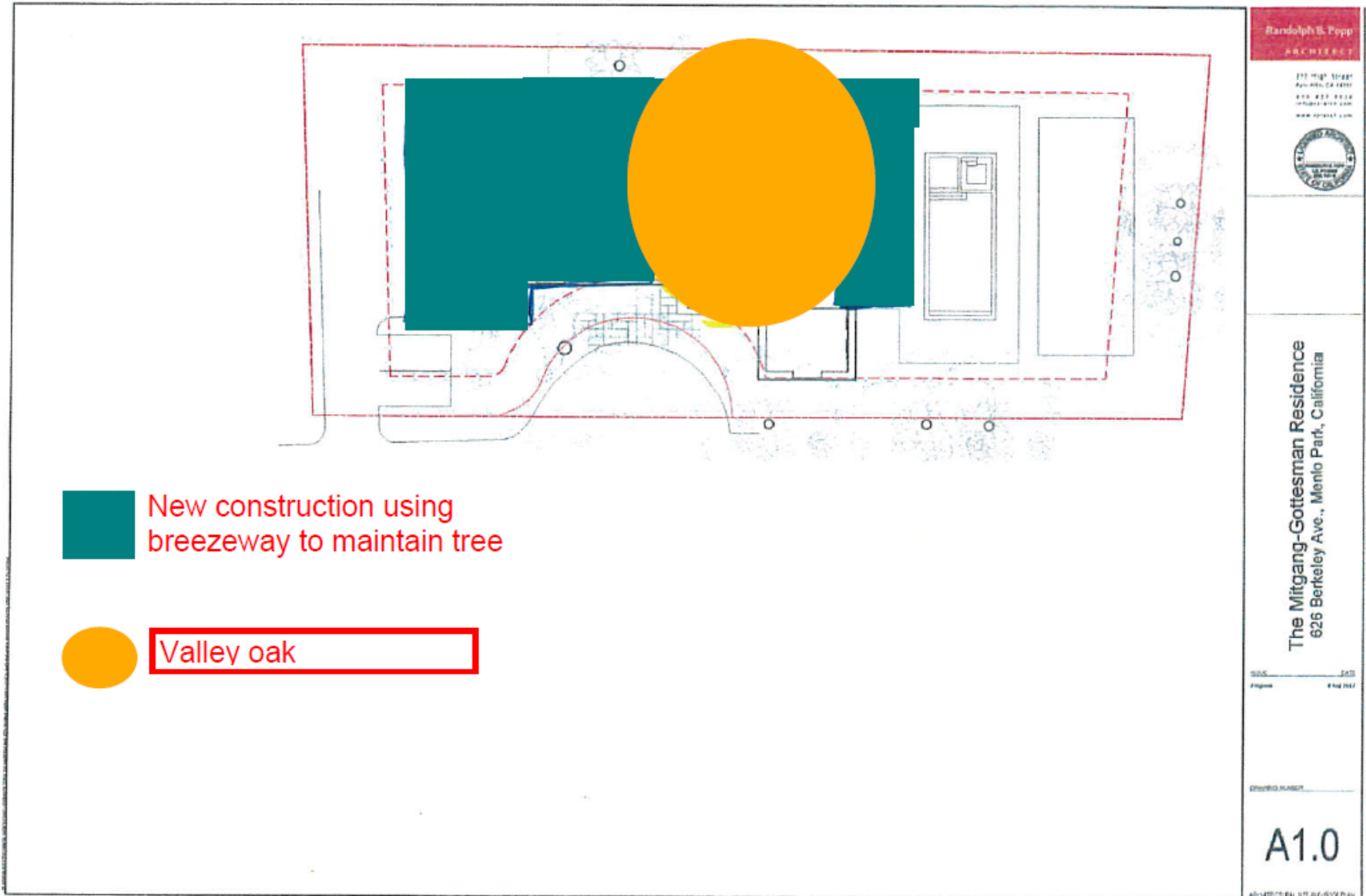
DRAWING STATUS: _____

A1.0

ARCHITECTURAL AND MECHANICAL PLAN

San Mateo County Board of Supervisors Meeting

Owner/Applicant: _____	Attachment: _____
File Numbers: _____	

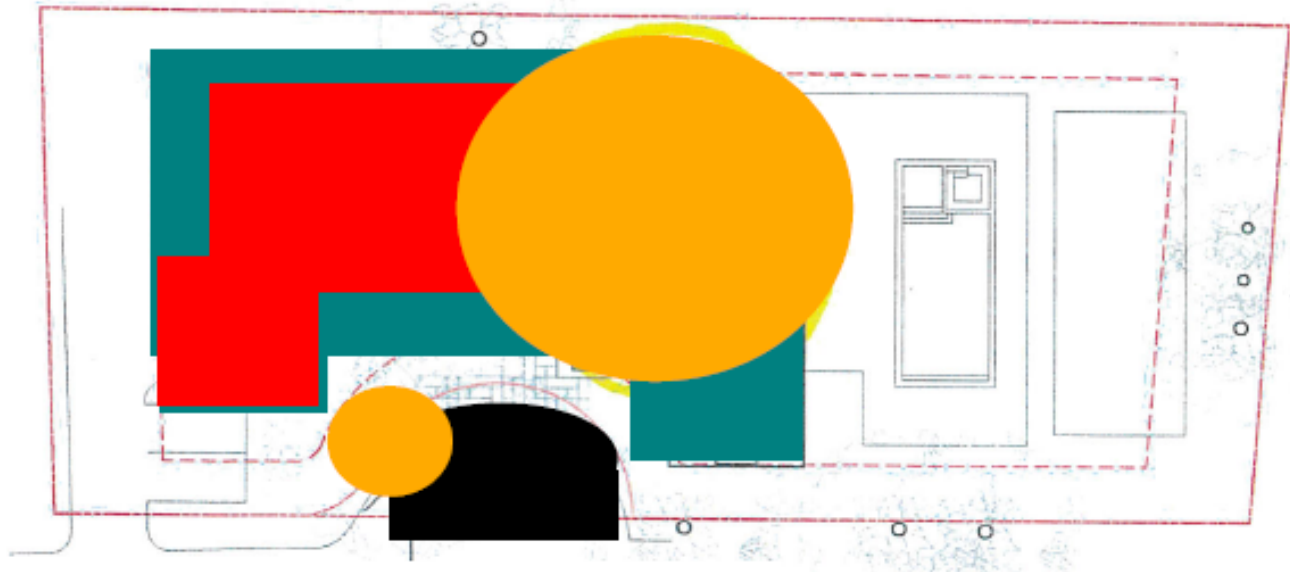


San Mateo County Board of Supervisors Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



- Existing house
- Easement
- Proposed House
- Valley oak

Randolph B. Popp
ARCHITECT

870 High Street
Menlo Park, CA 94025
415.327.8234
rpop@rbp.com



The Mitgang-Gottesman Residence
626 Berkeley Ave., Menlo Park, California

SHEET NO. 1
Project: 14-00011

DATE: 1/15/11

A1.0




PROFESSIONAL SEAL AND PLAN

San Mateo County Board of Supervisors Meeting

Owner/Applicant: _____ Attachment: _____

File Numbers: _____

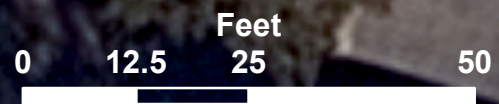
Approximate Visible Tree Canopy

-  Approximate Visible Tree Canopy (~14,801.76 sq. ft.)
-  Ingress and Egress Easement (~1,020.7 sq. ft.)
- Subject Parcel (APN: 062-183-210)**
-  Area: 20,992.20 sq. ft. (Legal Area: 20,832 sq. ft.)

Source: SMC Geodatabase (Aerial Orthophotography from April 2017)

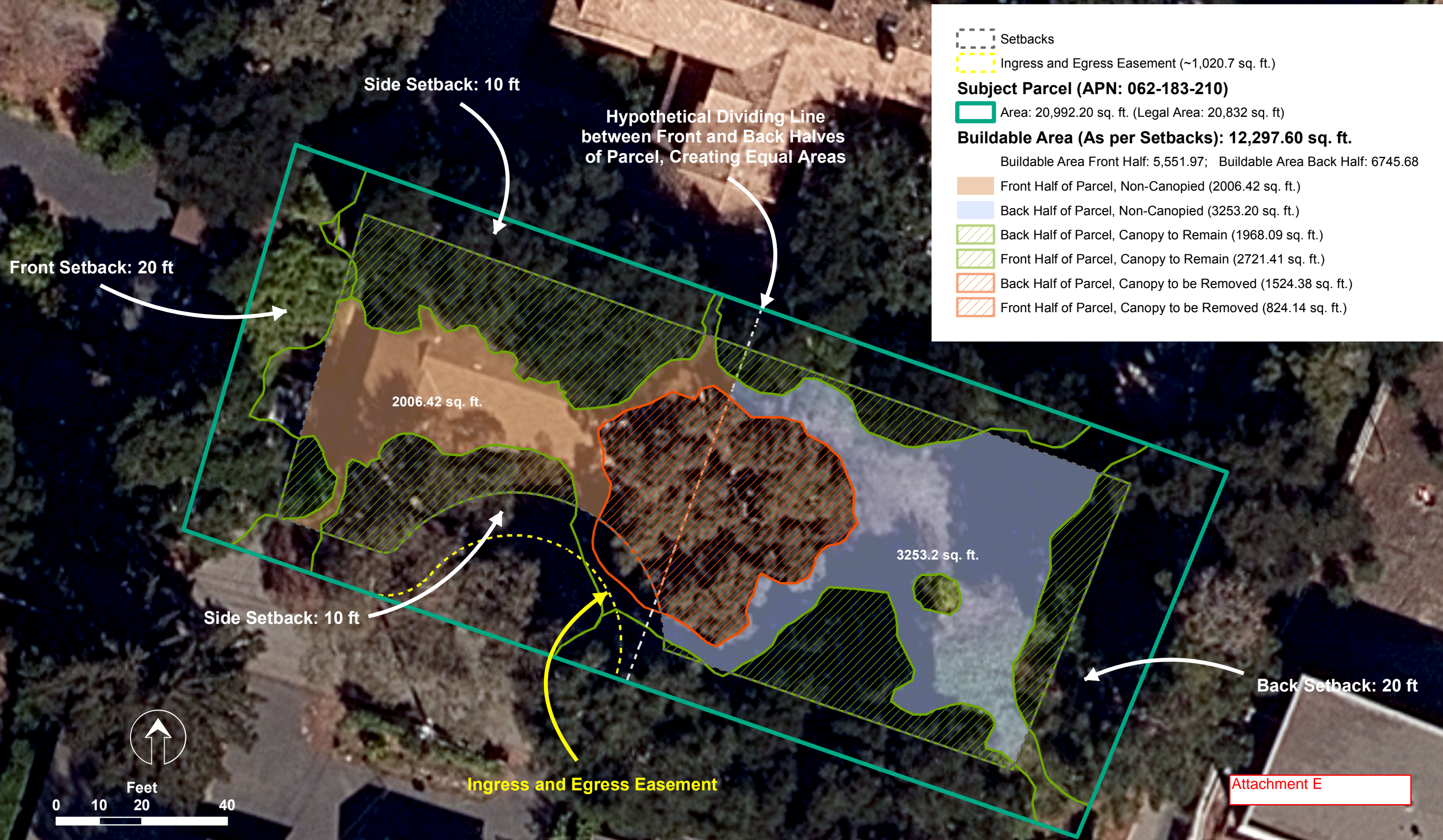


Ingress and Egress Easement



Attachment E

Approximate Visible Tree Canopy within the Buildable Area



Setbacks
 Ingress and Egress Easement (~1,020.7 sq. ft.)

Subject Parcel (APN: 062-183-210)

Area: 20,992.20 sq. ft. (Legal Area: 20,832 sq. ft.)
Buildable Area (As per Setbacks): 12,297.60 sq. ft.
 Buildable Area Front Half: 5,551.97; Buildable Area Back Half: 6745.68

- Front Half of Parcel, Non-Canopied (2006.42 sq. ft.)
- Back Half of Parcel, Non-Canopied (3253.20 sq. ft.)
- Back Half of Parcel, Canopy to Remain (1968.09 sq. ft.)
- Front Half of Parcel, Canopy to Remain (2721.41 sq. ft.)
- Back Half of Parcel, Canopy to be Removed (1524.38 sq. ft.)
- Front Half of Parcel, Canopy to be Removed (824.14 sq. ft.)

Existing Building Footprint

Approximate Visible Tree Canopy within Buildable Area

- To Remain
- Proposed for Removal

Subject Parcel (APN: 062-183-210)

- Area: 20,992.20 sq. ft. (Legal Area: 20,832 sq. ft.)
- Ingress and Egress Easement (~1,020.7 sq. ft.)
- Existing Building Footprint (~2549.4 sq. ft.)

Source: SMC Geodatabase (Aerial Orthophotography from April 2017)

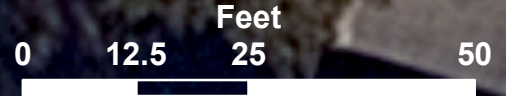
Side Setback: 10 ft

Front Setback: 20 ft

Side Setback: 10 ft

Back Setback: 20 ft

Ingress and Egress Easement



Attachment E

Proposed Building Footprint

Approximate Visible Tree Canopy within Buildable Area

- To Remain
- Proposed for Removal

Subject Parcel (APN: 062-183-210)

- Area: 20,992.20 sq. ft. (Legal Area: 20,832 sq. ft.)
- Ingress and Egress Easement (~1,020.7 sq. ft.)
- Proposed Building Footprint (~4,625.2 sq. ft.)

Source: SMC Geodatabase (Aerial Orthophotography from April 2017)

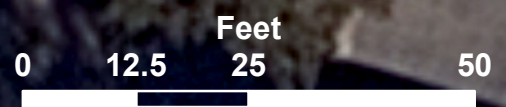
Front Setback: 20 ft

Side Setback: 10 ft

Side Setback: 10 ft

Back Setback: 20 ft

Ingress and Egress Easement



Attachment E

COUNTY OF SAN MATEO
PLANNING AND BUILDING

County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063
650-363-4161 T
650-363-4849 F
www.planning.smcgov.org

December 29, 2017

Michael Mitigang and Barbara Gottesman
Trustees MG Trust
626 Berkeley Avenue
Menlo Park, CA 94025

Dear Mr. Mitigang and Ms. Gottesman:

SUBJECT: Bayside Tree Removal Permit
626 Berkeley Avenue, Menlo Park
APN 062-183-210; County File No. PLN 2017-00272

Your application for a Tree Removal Permit, to remove one 38-inch circumference Valley oak, located in the rear yard on the subject property, is hereby **approved**, pursuant to Section 12,000 of the San Mateo County Ordinance Code. Public notification was sent out on June 29, 2017. The posting period began on June 29, 2017 and ended on July 10, 2017. Comments were received and are discussed below.

The applicant has requested removal of one Valley oak, located in the rear yard, as they are proposing an addition/remodel to their one-story residence which will include new footprint expansion into the rear yard. The tree is located adjacent to the rear of the residence and is damaging the surrounding concrete patio and foundation. Due to an existing access easement (fire truck turnaround) on the south side of the property, the easement limits the owner's ability to propose an addition on the south side.

Staff visited the property and confirmed the mature Valley oak sits immediately adjacent to the rear of the house (less than 5 feet), which is also in the middle of the property. The Valley oak is already damaging an existing cement patio, the house foundation, and will continue to damage the house as it matures. The canopy branches are likely to grow even closer to the existing house and cause further property damage, including to the roof eave.

As requested by staff and in response to public comments received, the applicant considered alternative design options for the addition/remodel in effort to save the tree. However, given the access easement location and a second large Valley oak located on the south side of the property, proposing the addition in the rear yard and removing the subject Valley oak provides the most practical house design. Keeping the Valley oak and building around it will eventually confine the trees growth.

The tree removal permit has been conditioned (Condition No. 2) to require the issuance of the associated building permit (BLD 2017-02635) prior to the tree's removal. The owner has agreed to replant two 24-inch box Valley oak trees to replace the one Valley oak proposed for



Attachment F

removal. Regulations require only one 15-gallon tree (of any indigenous species) to be replanted, thus the applicant is exceeding the requirement.

The owners have proactively reached out to the immediate neighbors as well as both Menlo Oaks District Association (MODA) and Menlo Oaks Tree Association (MOTA). Staff received comments from members of MOTA and MODA, discussed below.

Comment 1: *"The 38-inch Valley oak is a 200 year old tree. The request for removal is for the convenience of a house remodel. Applying for its removal, before the project is approved shows complete disregard for San Mateo County's commitment to preserving the tree. The request to remove a healthy heritage tree before the County Planning Department has inspected the site and issued a planning or building permit is a backward process."*

Staff's Response: Applicants proposing development projects that involve tree removal are required to apply for a Tree Removal Permit, as applicable due to size and species, either concurrently or prior to submitting a building permit application. As conditioned, trees proposed for removal as a result of a development project may be removed only upon building permit issuance. The applicant has submitted for a building permit subsequent to the Significant Tree Removal Permit application.

Comment 2: *"The Valley oak is healthy and in good form. It provides benefit to the neighbors with its large canopy, noise reduction, carbon sequestration. The property is large enough to allow a home remodel in areas away from the Valley oak. If this tree permit is approved it reinforces that trees pose an inconvenience to build and remodel. Denial of this permit is in line with San Mateo County's direction to retain trees for the community."*

Staff's Response: Staff and the applicant concur that the tree appears to be in good health. Removal is proposed because the tree is located in the middle of the property and designing a house around the tree does not create a practical floor plan nor protect from potential limb failure to the house. The Purpose of the Significant Tree Ordinance is *to promote the public health, safety, general welfare and prosperity of the County, while respecting and recognizing the individual rights to development, maintain, and enjoy private property to the fullest possible extent, consistent with the public interest, convenience, and necessity.* Removal of this one tree, currently causing damage to the existing residence, allows for the enjoyment of the property by the owner to the fullest possible extent. Replacement of the tree with two 24-inch box Valley oak trees prior to the building permit final Certificate of Occupancy ensures the quantity and species of oak trees will not diminish as a result of the development. It should be noted that although this tree removal is being requested to allow for construction of an addition/remodel, removal of the tree absent the addition/remodel could still be justified by staff because of the damage the tree is causing to the existing house foundation.

Comment 3: *"Removing the Valley oak creates another big hole in the Menlo Oaks canopy."*

Staff's Response: The tree does provide a large tree canopy to the property; however, staff does not believe there will be a significant "canopy hole" given the Menlo Oaks community

size, the removal of one tree on the subject property, and the required two replacement oaks. There is a second mature Valley oak on the south side of the property, and the property perimeter overall has several mature oak trees that border the property. The property is well shielded and screened by existing mature oak trees and other vegetation. Should the owner choose to remodel with a one-story home, the visual impact of a remodeled one-story home will be far less of a visual impact than a two-story home which is what is being constructed on other properties in the area.

Comment 4: *"The lot is large and there is ample space to site a large home for the owner on the non-tree part of the lot. It appears that the reason to remove the tree is that it is in the way of the new five-bedroom home that replaces and expands the existing home on the property, even though there appears to be ample room on the lot to re-position the home on the property without removing any trees."*

Staff's Response: The applicant considered locating a home toward the rear setback line (rear half of the building envelope) of the parcel but did not find this option desirable due to loss of a rear yard and privacy (in utilizing their front yard as backyard space). Locating a residence in the rear half of a property also has zoning implications in that detached accessory buildings (e.g., storage sheds, garages) are only allowed in the rear half of a parcel. Locating the residence at the rear of the property may require land use exceptions for the location of detached accessory buildings if they were proposed in the future.

Comment 5: *"It does not appear that all the plans are approved, nor permits approved by the County or local fire department. Now is the time to ensure the approved plans include preserving this tree-as opposed to prematurely removing it or enabling cookie-cutter plans to destroy our Menlo Oaks neighborhoods environment through unnecessary tree removal. We don't think the plans for this home have gone through zoning and planning stages yet, and we don't think the building plans have been approved. There is also a question as to whether the Fire district Department will approve the plans we were shown when we met with the homeowners. Access to the back of the new home to put out fires may be problematic. I oppose the permit because it has been requested prematurely and should be withdrawn until the County and Fire Department have OK'd the plans for the home. Granting a permit now, or removing the tree now, serves no purpose. If approved, the permit gives the property owner license to take out the tree at any time in the future whether a new home is approved and built, or not."*

Staff's Response: As previously stated, this tree removal permit is conditioned to only allow the removal of the tree upon issuance of the building permit (Condition No. 2). There is no prohibition on the application of a tree removal permit prior to a building permit submittal. In order for a building permit to be issued, all reviewing agencies must approve the building permit plans.

Comment 6: *"The tree permit, if approved, reinforces the dangerous precedent that the County's trees are simply an inconvenience in the way of building ever large homes for individuals."*

Staff's Response: See staff's response to Comment 2.

Comment 7: *"This permit, as denied, supports San Mateo County's new direction to care for all its citizens by caring for the trees that provide for the common good."*

Staff's Response: Removal of the one Valley oak tree and replacement of two 24-inch box Valley oak trees to allow the residential is consistent with the Purpose of the Significant Tree Ordinance by balancing the landowner's right to enjoy their private property and by considering the public interest by requiring additional tree replanting.

Based on the foregoing, your application is hereby approved subject to the following findings and conditions of approval:

FINDINGS

Staff found that:

1. The tree will be replaced by plantings approved by the Community Development Director.
2. The required action is necessary to utilize the property in a manner which is of greater public value than any environmental degradation caused by the action.
3. The required action is necessary to allow reasonable economic or other enjoyment of the property.

CONDITIONS OF APPROVAL

1. The tree indicated on the application form dated June 29, 2017, may be removed after the end of the appeal period, assuming no appeal is filed as stipulated in this letter. A separate Tree Removal Permit shall be required for the removal of any additional trees.
2. This Tree Removal Permit approval shall be on the site and available at all times during the tree removal operation and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street. Tree removal may only begin after the issuance of the associate building permit for the residential addition (BLD 2017-02635).
3. The applicant shall plant on-site a total of two (2) Valley oak trees using at least 24-box size stock, for the tree removed. Replacement planting shall occur prior to the final building inspection.
4. The applicant shall submit photo verification to the Planning Department of the planted replacement trees required in Condition of Approval No. 3. Photos shall either be submitted in person to the Planning Department, or via email to plngbltdg@smcgov.org

with reference to the Planning Application PLN Number, as identified in the subject line of this letter.

5. If the subject Tree Removal Permit is associated with a building permit for construction of a new or remodeled residence, the required tree replanting, per Condition of Approval No. 3, shall be required prior to the final building inspection approval. Any outstanding tree replacement(s) not yet complied with from previously approved tree removal permits, if any, shall also be fulfilled. An inspection final by the Planning Department will be added to the building permit.
6. If work authorized by an approved permit is not commenced within the period of one year from the date of approval, the permit shall be considered void.
7. During the tree removal phase, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site by:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
 - b. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
 - d. Using filtration or other measures to remove sediment from dewatering effluent.
 - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.
8. Prior to the removal of any trees located within the public right-of-way, the applicant shall obtain an encroachment permit from the Department of Public Works. Additionally, prior to planting any trees within the public right-of-way, the applicant shall obtain a landscaping/encroachment permit from the Department of Public Works.
9. The applicant shall clear all debris from the public right-of-way.

To ensure compliance with the above conditions, a "Parcel Tag" will be placed on this parcel which shall restrict future development until these conditions are met, particularly with regard to the planting and photo verification of the replacement trees. Upon fulfillment of these conditions, as determined by the Community Development Director, the subsequent parcel tag shall be lifted.

Michael Mitigang
Barbara Gottesman

- 6 -

December 29, 2017

The approval of this Tree Removal Permit and any conditions of the approval may be appealed within ten (10) working days of the date of this letter. An appeal form accompanied by the applicable filing fee of \$616.35 must be submitted by **5:00 p.m., January 16, 2017**. If at the end of that period no appeal has been filed, the subject tree may be removed (Section 12,028 of the San Mateo County Ordinance Code).

You will be notified if an appeal is made.

If you have any questions, please call the project planner, Olivia Boo, at 650/363-1818 or by email at oboo@smcgov.org.

To provide feedback, please visit the Department's Customer Survey at the following link:
<http://planning.smcgov.org/survey>.

FOR STEVE MONOWITZ
COMMUNITY DEVELOPMENT DIRECTOR, By:



Melissa Ross, Senior Planner

MR:OB:pac - OSBBB0786_WPN.DOCX

cc: Interested Parties

Application for Appeal

To the Planning Commission

To the Board of Supervisors

RECEIVED

JAN 1 6 2018

Planning and Building Department
County Government Center • 455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

San Mateo County
Planning Division

Name: STACY HORSY

Address: 945 PENINSULA WAY
MENLO PARK, CA

Phone, W: 650-327-5207 H: Same

Zip: 94025

Permit Numbers involved:

APN 062-183-210

PLN 2017-00272

I have read and understood the attached information regarding appeal process and alternatives.

yes

no

I hereby appeal the decision of the:

- Staff or Planning Director
- Zoning Hearing Officer
- Design Review Committee
- Planning Commission

Appellant's Signature:

Stacy E. Horsy

Date:

made on Dec 29, 2018, to approve/deny the above-listed permit applications.

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

See attached

Allso please read under Conditions of Approval Statement #1 which appears to be in conflict with the Planner's letter, paragraph #5. It appears the home owners could remove the tree in question as of January 17th, and we do not think the information provided in the letter is clear enough for such a serious action.

RECEIVED

January 16, 2018

JAN 16 2018

To: Melissa Ross, Senior Planner
San Mateo Planning & Building **San Mateo County
Planning Division**

From: Judy Horst, Menlo Oaks Tree Advocacy (MOTA)

Subject: Appeal of Tree Removal Permit
626 Berkeley Avenue, Menlo Park
APN 062-183-210, County File, PLN 2017-00272

The removal of this one 38-inch Valley Oak, a Significant tree by County definition, is not necessary. This tree has been called healthy by the County, and it is certainly in good form.

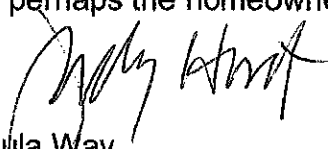
Approval by the County to allow this tree's removal is premature. There is an abundance of tree-free land available on this property for better siting of the home. The home owners need to investigate other ways to develop the property. This premature application and its approval to remove this tree shows that the County and the home owners are only interested in expedient solutions. Both show little interest in maintaining the character of the Menlo Oaks neighborhood if they want to remove one of the few large trees on this property. This tree seems to just be in the way of some future building plans that have yet to be approved by the County. By dismissing the value of this large tree so casually, we have to wonder how seriously the County is committed to protecting Heritage and Significant trees.

I will not at this time go into all of the detailed reasons why this Significant tree should remain on the property and be cared for—and not removed; however, here are a few of those reasons:

- There is a huge open space on this property where there is no canopy. Removing this one, significant Valley Oak would be a loss to the property and to our neighborhood. Large oaks, like this tree, add value to properties and to the neighborhood. After all, we do live in Menlo Oaks.
- No building plans for the home have been approved by the County for the new home. Why ask to remove a tree before the plans are drawn and approved? The County could assert some authority to save the tree by working with the home owners to alter its building plans as it has in other cases. And, if the plans are approved, that is the time to post a tree removal permit. Not now.
- For just these reasons alone, it is premature to file a tree removal permit. It forces MOTA, or anyone, to pay the County money for an appeal before any plans have been approved. Why grant a tree removal permit at this time if as you state, it is conditioned by the approval of an associated building permit. At the time building plans were approved, a tree removal permit would be posted and

we could decide whether to appeal the permit. (We presented this objection at the Planning Commission meeting last week, and there was talk that maybe having to pay a fee to file an objection to a tree permit when all permits and approvals were not in place presented an unfair burden to individuals or groups like MOTA. There was discussion at the Commission that maybe our appeal fee could be refunded if approved plans didn't call for the tree's removal. We think the process is backwards. It should be changed. No tree removal permit for a new addition or new home should be conditionally approved before all permits and conditions have been met and approved by the County. We should not have to tie up \$616.35 to file our objection to a tree removal permit when no one knows whether the development will go forward as indicated.

While I would like to answer every one of your reasons for granting this permit and your answers to our questions earlier that are contained in your letter to us dated December 29, 2017, I will save that for the future Planning Commission hearing which will hear our appeal. Or, perhaps the homeowners and MOTA can come to an agreement in the meantime.


Judy Horst
945 Peninsula Way
Menlo Park, CA 94025

Application for Appeal

Planning and Building Department

County Government Center • 455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

To the Planning Commission

To the Board of Supervisors

APPELLANT INFORMATION

Name: Barbara Gottesman + Michael

Address: 626 Berkeley Ave

Mitgang, Trustees of MG Trust

Menlo Park CA

Phone, W: 650-868-0610

Zip: 94025

650-888-2468

PERMIT INFORMATION

Permit Numbers involved:

APN 062-183-210

County File No. PLN 2017 00272

I have read and understood the attached information regarding appeal process and alternatives.

yes

no

I hereby appeal the decision of the:

Staff or Planning Director

Zoning Hearing Officer

Design Review Committee

Planning Commission

Appellant's Signature:

Date:

made on Feb 28 2018, to approve/deny the above-listed permit applications.

REASON FOR APPEAL

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

Please see attached letter of appeal.

RECEIVED

MAR 12 2018

San Mateo County
Planning Division

RECEIVED

MAR 12 2018

San Mateo County
Planning Division

Barbara Gottesman & Michael Mitgang
626 Berkeley Avenue
Menlo Park, CA 94025
650-868-0610

March 5, 2018

County of San Mateo
Board of Supervisors
450 County Center
Redwood City, CA 94063

To the San Mateo County Board of Supervisors:

*Re: Appeal of SMC Planning Commission's 2/28/18 decision to withdraw the tree removal permit at 626 Berkeley Ave, Menlo Park
APN 062-183-210
County File No. PLN 2017-00272*

Please accept this letter as our appeal of the Planning Commission's decision of February 28, 2018, to deny the above-referenced tree removal permit. A summary of the grounds for the appeal is followed by greater detail supporting each reason:

1. We have been denied due process.
2. The Commissioners ignored all the evidence presented that support the criteria in the Significant Tree Ordinance for granting a permit to remove the tree.
3. The Commissioners used only anecdotal criteria for making its decision by finding that a "200-year-old healthy tree" should not be taken down, and therefore overturned the approved permit, rather than using the criteria set out within the Significant Tree Ordinance in its assessment of this application.
4. The Commissioners failed to understand the unique nature of the property that creates the situation which meets several of the criteria set out in the Significant Tree Ordinance as clearly noted in the Staff Report, and therefore failed to focus their assessment of the tree removal application on its merits.
5. The Commissioners ignored evidence that any other design of our home while keeping the tree would interfere with "the reasonable economic or other enjoyment of the property."
6. The Appellant did not adequately prove her case.
7. The Planning Commission misused its position to object to excessive tree loss in Menlo Oaks, whereas they had no jurisdiction to do this.

1. We have been denied due process:

The Commissioners were clearly confused but voted on the appeal anyway as evidenced by the following: One Commissioner, who had clearly not prepared for the hearing or reviewed the information provided in advance, and after more than

two hours of hearing submissions, asked which tree and how many trees were being taken down; the hearing was rushed at the end because one commissioner had to leave by a certain time causing one of the Commissioners to request a motion be proposed before the Commission had fully debated the issues or asked all the necessary clarifying questions; only a few simple questions were asked by the Commissioners notwithstanding they were clearly confused, such that the Commissioners did not give adequate attention to understanding of the application and the issues surrounding it; and once a motion was constructed, several were confused on what the motion was or which way their vote would register.

2. The Commissioners ignored all the evidence presented that support the criteria in the Significant Tree Ordinance for granting a permit to remove the tree:

- (a) The tree removal “is necessary to allow reasonable (other) enjoyment of the property”. The layout of the current house does not provide appropriate access to the outdoor space as the public spaces do not flow to the backyard; the only access to the backyard in the current home is through the master bedroom, whereas in a conventional design, public spaces in the house flow out to the backyard. As a result, no prior homeowner, since the house was built in 1973, has landscaped the property because it cannot be enjoyed with the layout of the current house. In order to shift the layout of the current house, had we chosen to simply keep the current house where it is, we would need to do substantial improvements to our foundation; any foundation work so close to the tree is not supported by published industry standards and would compromise the integrity of the tree likely causing failure, thus endangering person and property. In other words: with the tree in place, we cannot just modify the current structure in the way it would be required to enjoy the outside space. This was supported at the Planning Commission hearing by expert evidence from arborists, architects and a structural engineer. The Commissioners have ruled that, in effect, we cannot renovate even our current home to be able to enjoy the outdoor space. It’s not a matter of gaining a bit more enjoyment. It’s a matter of gaining *any* reasonable enjoyment of the outside space. Further, it is a matter of being allowed to develop the site in a manner consistent with how others with similar sites are able to make improvements.
- (b) The tree removal “is necessary to allow reasonable economic enjoyment of the property”. The Commissioners did not follow the logic of (a) above, which would lead unequivocally to an interference with economic enjoyment of the property. The value in the properties in Menlo Oaks with original homes such as ours is in the land, and not the structures, but only if the land can be developed with larger homes consistent with the current zoning regulations. If we cannot develop the current property because we cannot remove the tree, our property cannot be improved in

keeping with what is happening in the Menlo Oaks neighborhood and therefore we cannot gain the economic value that others in our neighborhood enjoy. Almost every sale (if not all sales) in our neighborhood over the last few years of original homes are to either developers purchasing the land and building on spec, or homeowners who tear the house down and rebuild a large home on it. Because our land is so limited with the tree in place, it creates a constraint which will drastically reduce the interest of potential willing buyers, which would translate into a lower sale price, thereby costing us potentially hundreds of thousands of, if not a million or more dollars.

- (c) The tree removal “is necessary to utilize the property in a manner which is of greater public value than any environmental degradation caused by” the tree removal. The Commissioners ignored letters of support for the tree removal from adjacent neighbors that are more proximate to this issue and gave more sway to letters or presentations from individuals who spoke at the Planning Commission meeting but have never visited the property or experienced its unique circumstances. The supporting letters provided by our immediately adjacent neighbors stated that they vehemently oppose a house being built in the rear of the lot, as it would bring their own property values down and would interfere with privacy. Therefore, in this case, public value to the immediate neighbors is economic value. We presented expert evidence at the hearing that there are no reasonable alternative design options for the home that would provide the square footage of a new construction that is being enjoyed by others in the neighborhood. By leaving us with the only option for the square footage we are seeking being to build in the backyard, the Commissioners have placed environmental degradation over and above public value of removing the tree, while the public value of removing the tree in reality is far greater. This is so, especially given that any environmental degradation caused by the tree removal would be mitigated by the conditions placed upon the tree removal permit that two trees be planted to replace the one being removed. These two trees, according to industry standards used for canopy replacement, would completely replace the canopy lost by the tree removal. While a member of the Menlo Oaks Tree Advocacy group (MOTA) spoke at the hearing in support of the appeal and against the tree removal permit by saying that “neighbors regularly call them to fight the tree battle so that the members of the community do not need to go up against their neighbors” (paraphrased), there was no evidence provided that this was the case in the subject situation. Again, this application must be determined on its own merits and not on unproven circumstantial evidence.
- (d) “The tree could cause substantial damage.” The Commissioners ignored the expert evidence from arborists and a structural engineer that the tree could cause (and already has caused) substantial damage, which is one of

the criteria that can support the issuance of a tree removal permit. The evidence provided indicated that the tree currently poses a danger to the structure with damage already being evidenced on the property. While one of the Commissioners asked if we have experienced new cracks in the home recently, this is irrelevant given the published industry criteria for safe construction distance from the tree. In addition, given the tree's proximity to the current home (less than 5 feet), Staff planners said in their approval letter dated December 29, 2017, "removal of the tree absent the addition/remodel could still be justified by staff because of the damage the tree is causing to the exiting house foundation." Limbs and entire trees are lost in each storm. The current property has experienced this on 3 separate occasions already (in one case a limb impaled the windshield of our car, thankfully with no personal injury – this time). As the tree currently sits less than 5 feet from the home, with its limbs hanging over our bedrooms, there is a tremendous risk that the tree could cause substantial damage. In addition, it must be noted that had we submitted an application for tree removal on the basis of wanting to renovate the current structure to make use of our outdoor space, the Planning Staff indicated they would have supported it as well, for the reasons noted above. If we wanted to simply renovate the current building, the tree would need to come down due to the risk of causing substantial damage to property or persons.

- (e) The tree "could adversely affect the general health and safety." Based on 5(d) above, the tree, if it fails, risks not only property damage, but injury as well.
- (f) The tree "substantially detracts from the value of the property", given that, with the denial of a tree removal permit, we cannot develop our property in keeping with the development currently happening in our neighborhood, for all the reasons noted above. In addition, the permit denial in such a clear case of meeting several of the Significant Tree Ordinance's criteria, could constitute a taking under the Fifth Amendment of the US Constitution, which could put the County in a position to compensate for the loss in value to our property.
- (g) The tree "will be replaced by plantings approved by the Planning Director". As noted above, a condition of approval, and one which we support, is to plant two trees of the same species as that being removed which, according to expert evidence, will completely replace the size of the canopy lost by the tree removal.

3. The Commissioners used only anecdotal criteria for making its decision by finding that a "200-year-old healthy tree" should not be taken down, and therefore overturned the approved permit, rather than using the criteria set out within the Significant Tree Ordinance in its assessment of this application:

In fact, there is no criteria within the Ordinance that requires a permit be denied on the basis that a tree is healthy. A healthy tree is the assumed starting point for the Ordinance, and from there, criteria is established within the Ordinance for situations in which a tree may be removed. While the health of the tree is one criteria, the law is written in the opposite to how the Commissioners ruled: The criteria is *not* one that says a permit must be denied on the basis of the tree being healthy, but rather the criteria is one in which a permit *can* be granted if the tree is diseased or unhealthy. In this case, this criteria was not being argued at all. The Significant Tree Ordinance anticipates that there can be reasons other than the poor health of a tree that would support the issuance of a tree removal application. In this case, the Staff Report correctly indicates several other such criteria were met.

4. The Commissioners failed to understand the unique nature of the property that creates the situation which meets several of the criteria set out in the Significant Tree Ordinance as clearly noted in the Staff Report, and therefore failed to focus their assessment of the tree removal application on its merits:

According to the Ordinance currently in place, each application must be taken on its own merits (unlike in other areas such as on the coast where blanket restrictions are placed on the removal of all trees). This case is unique and merits its own analysis: the right-of-way easement creates hardship in developing the property in a manner consistent with how other properties in the neighborhood are being developed, especially given that the tree bisects the lot in both directions. The unique nature of the property is aptly set out in the Planning Staff's report and includes the fact that there would still remain 12 additional oak trees on and around the perimeter of the property. The Staff Planners approved the tree removal on the condition that the tree be replaced with two of the same kind of trees which, in 15 years, will replace the quantity of canopy being lost by the tree removal. As an aside, this argument does not set precedent for removal of all trees, as was suggested by one of the Commissioners, as individual findings would also need to be met with respect to any other tree that would be the subject of any subsequent tree removal applications.

5. The Commissioners ignored evidence that any other design of our home while keeping the tree would interfere with "the reasonable economic or other enjoyment of the property."

- (a) The Commissioners ignored expert evidence from two experienced architects (one of who has sat on the Palo Alto Architectural Review Board and has been its chair), as well as evidence from Planners, a structural engineer, and an arborist that there is no acceptable design available that would allow us to gain the square footage that the neighborhood is currently supporting, while responsibly building around the tree. Should we be forced to build, by constructing around the tree in

a responsible manner that would ensure the tree's survival, the design would require either (1) a drastic reduction in square footage, which would not be in keeping with development in our neighborhood and therefore would decrease the value of the property, or (2) long narrow hallway(s) of 35 feet or more, connecting what is essentially two separate structures. With respect to the latter, the Commission heard experts opine that such a design is not desirable for any homeowner. And while with these designs we may get partial enjoyment of a backyard, the backyard would be severely reduced in size because the hallways built around the tree would put a large structure into the back yard. In addition, visual and physical access will be compromised in an unusual manner, not consistent with what others are able to achieve nearby. Therefore, such construction around the tree would be at an economic cost, as the value of the property with an odd design of long hallways is not desirable to a homeowner, and neither is a home with a drastic reduction in overall area. This clearly interferes with the economic enjoyment of the property. In addition, the permit denial in such a clear case of diminished value to the property if the tree is not removed could constitute a taking under the Fifth Amendment of the US Constitution, which could put the County in a position to compensate for the loss in value to our property.

- (b) The Commissioners ignored expert evidence that building a house in the backyard would reduce the value of our property, as well as the properties of the homeowners that share our easement. In addition, the Commissioners ignored the letters provided by the adjacent neighbors that they vehemently oppose a house being built in the backyard, as it would bring their own property values down and would interfere with privacy. The Commissioners have therefore limited the economic value and therefore the economic enjoyment of our property as well as the properties of our neighbors.
- (c) The Commissioners ignored San Mateo County Planners' expert opinions that placing a home in the backyard, with a pool and accessory buildings in the front yard, is contrary to zoning laws. The zoning laws were created based on sound planning principles, which logically leads to the conclusion that placing a home in the backyard with public spaces in the front yard constitute poor urban planning and do not comply with current zoning laws.

6. The Appellant did not adequately prove her case:

The Appellant had no expert evidence but rather based her arguments on what has been observed in the neighborhood as a whole. She and other speakers offered anecdotal evidence for an unverified quantity of trees removed without designating discretionary versus necessary removals, age of the tree in question, appropriate safe distance from the tree for construction, and number of trees being removed

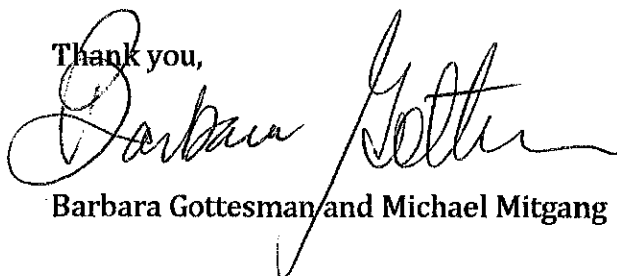
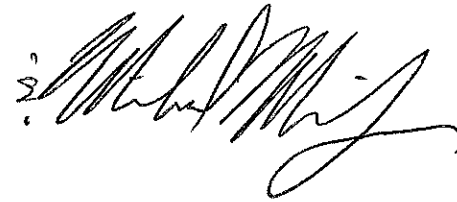
relative to number of permits being issued. All of this was offered without reference to or indication of staff's verification of the data, yet clearly had the effect of cognitive bias. In addition, without training or the necessary expertise, the opponents of the tree removal offered suggestions toward other possible design options for our house. On the other hand, we as the applicant had support of expert evidence from San Mateo County staff planners, two very qualified architects with extensive design experience in this area, a structural engineer, recommendations from two independent qualified arborists, and an arborist report. The Commissioners ignored the available expert evidence and favored the appellant who had no such expert evidence. The onus is on the appellant to show why the permit should not be granted, and her evidence did not meet the standards set out in the Significant Tree Ordinance.

7. The Planning Commission misused its position to object to excessive tree loss in Menlo Oaks, demonstrated by their upholding the appeal and denying the tree removal application, whereas they had no jurisdiction in which to do this:

The Planning Commission's purview is to apply the criteria of the Significant Tree Ordinance to the application for the tree in question at the site on which it exists. It was inappropriate for the Commission to expand this evaluation to the entire neighborhood. The Commissioners favored the appellant's emotional submissions of neighborhood-wide tree removals, which can have no legal bearing on this case, as it is not the relevant basis for denying a tree removal permit for an individual property. While the merit of the Appellant's concern or accuracy of the information presented may be valid, the appropriate process for addressing this would be to lobby legislators to create a different tree ordinance. In the meantime, the *current* Significant Tree Ordinance is the measure against which any tree removal permit application must be assessed. This was not used as the standard. The Commissioners should have acknowledged the Appellant's concerns but clarified this limitation for the Appellant. Instead, the Commissioners accepted unsubstantiated evidence with respect to the tree – we have no idea how old the tree is and we do not even know if the tree is healthy – which were not the basis for the permit application, and are not criteria set out in the Significant Tree Ordinance against which an application is assessed. And yet the age and health of the tree were at least a significant basis for the Commissioners' 3-2 decision because it represented another tree being removed.

For all of the above reasons, we believe that the Planning Commission's denial of the tree removal permit for our property should be reversed, and we ask that the Board of Supervisors uphold the Planning Staff's decision to grant the tree removal permit.

Thank you,

Barbara Gottesman and Michael Mitgang



Driveway easement to 525 Berkeley Avenue

Shrubbery are in front yard of property



San Mateo County Board of Supervisors Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____

Valley oak to remain. Located in access easement. Right side yard



San Mateo County Board of Supervisors Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



Subject Valley oak
proposed for
removal



San Mateo County Board of Supervisors Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



Rear yard
View of back of the house
Valley oak proposed for
removal



San Mateo County Board of Supervisors Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



Subject Valley oak damaging house



San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:



Crown of Valley oak
to be removed.

San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:



Rear yard behind house. VA hospital building behind property. Conifer trees circled..



Left side yard
View from back yard

San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:

Valley oak to remain
and easement.
View from rear of
property.



Neighbors across
street/easement

San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:

Barbara Gottesman & Michael Mitgang
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Menlo Park, CA 94025
650-868-0610 | BarbG@Mitgangs.com

Olivia Boo, Planner III
Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063

December 11, 2017

Dear Olivia –

Re: Tree Removal Application PLN2017-00272
626 Berkeley Avenue, Menlo Park, CA
Parcel #062183210
Owner: MG Trust

Thank you for all the effort you and your team have put into understanding the background and issues related to our tree removal application, submitted on June 29, 2017.

In your most recent request for additional information, you were attempting to understand why the current plan for the house is located where it is and not in some other location so as to allow the subject tree to remain. I thought I would address this, as well as other issues that have come up, so that you would have all the details in one place.

In addition, you will see at the outset that our building plans have changed only slightly since we submitted our tree removal application nearly six months ago. Mostly to preserve more of the outside space, we shifted massing a bit by adding a small second story. This does not affect the necessity of, or reasons for, our tree removal application.

Background:

As you are most likely aware, we have had intentions to build a new home on our current lot for as long as we have lived there – more than 15 years. Over the years we have spoken with architects and contractors about expanding our living space beyond our current 1700 sf (approx.) 3-bedroom 2-bathroom 1973-built home with the possibility of keeping the subject tree. No matter who we have talked to, we have been unable to come up with any reasonable plan that could allow the subject tree to remain. Our difficulty with the idea of removing the tree is partially what has kept us from moving forward with the development of our property to date, but we have had to come to terms with the fact that the only way to develop our property in a way that is in keeping with our neighborhood and our dreams, would mean that the subject tree must be removed.

Unless removed, this mature tree, centered on the site, creates an unmanageable constraint. The size of the drip-line of this tree alone bisects the site in a way that renders it virtually unusable. In addition, common home design principles focus the indoor/outdoor connection of space at a central location between the common or public space of the home and the active outdoor area. The trunk of the tree, which is adjacent to a bedroom door in our existing home, will be just a few feet from the most important family and entertaining space on the lot. Designing around a 40" tree trunk directly in the active area, while interrupting all sightlines and activity, is simply not feasible nor does it make good design sense.

The reason to approve our tree removal application: The subject tree completely interferes with our ability to develop our property.

Unique Lot:

Our lot has unique characteristics as a result of an easement granted in favor of the other two homes (622 and 624 Berkeley Avenue) on the "flagpole"/laneway that we share, situated on the south portion of our property. This easement was created to allow for vehicles to turn around once down the laneway, and must be maintained as such. As you can see from the Marked-Up Site Plan (attached to this email), the easement itself extends even beyond the pavement. Furthermore, building envelope restrictions are calculated from the edge of that easement, and not from the edge of the property line. Thus, the allowable width for the buildable area of the house is significantly impacted relative to what would be permitted without this easement. In addition, because of the orientation of the property, we are also restricted on the south and west sides by setback restrictions, such that, in order to expand square footage, we would need to expand to the east, which is where the tree is located (again, see the Marked-Up Site Plan).

As an aside: please note that we require slightly more than the setback requires at the southerly end of the property to allow for the turning car radius in order to exit from the garage, although this amount is negligible and would have no bearing on this application even if the house were positioned slightly more southerly and right up against the setback lines. The subject tree still would impact our ability to develop the property.

As I noted in my email dated November 5, 2017, "even if there were no easement, there is another large heritage oak tree at the very edge of the turn-around circle that would constrain development in that location. This heritage oak tree [shown with an arrow in the Marked-Up Site Plan] gives the entire turnaround circle and the drive down the laneway to the three properties it serves (622, 624 and 626 Berkeley) the character that it has. In other words, if there were no easement on the bulb of the turnaround circle that would allow us to build closer to the property line, such development would be limited because of that oak."

Note also that our current home would not be able to be constructed today with the location of where the tree is. It currently sits approximately 5 feet from the edge of

the house, and its roots have compromised the integrity of the concrete walkways and steps creating an ongoing maintenance nuisance. See photos attached to this email.

Other Building Options Are Unreasonable:

As I noted in my email to you dated September 10, 2017,

“Unfortunately we do not have any other designs that were drawn [to show other building options]. We had gone down the road to developing our property several times over the last 18 years of ownership and have been advised by architects and contractors alike that there are no other options but to take the tree down should we wish to develop our property in keeping with the surrounding neighborhood. We never had other drawings created keeping the tree because the tree is basically centered on the lot and there is no reasonable way to design around it and maintain a conventional plan considering the constraint of the easement. ... The tree needs to be removed not because it is unhealthy, but because it limits the ability to develop the lot consistent with what others in the neighborhood with similar lots are able to achieve.”

All of this is, of course, based on the fact that we wish to expand our square footage to approximately 4500-5000 sf (which seems to be in the ‘low’ range of new properties in Menlo Oaks). In terms of placing the home elsewhere on the property, notwithstanding that we had considered several options, none of which were reasonable, I am attaching to this email three illustrations with regard to #1 (Attachment A) and #2 (Attachment B & C) below to show in very draft hand-written, free-hand form:

1. Building at the east end of the lot: By doing so, our front yard would have to become our outside space, thus giving up the privacy we so cherished when we purchased the house. We immediately dismissed this option as unreasonable. We believe it is a reasonable expectation that a back yard is in the back of the house, and not the front. See Attachment A.
2. Building around the tree: By doing so, we would be required to begin with a footprint smaller than the current footprint of our 1700sf home so as not to damage the roots of the tree, and then build a small breezeway connecting to what would seem like a second structure on the property in order to maintain the square footage. This option will cover much of the lot with built area, creates inefficiencies in both the house plan and the outdoor space leaving very little useable backyard space for normal use as compared to other nearby lots. In addition, we have been advised by our architect, as well as other professionals, including a planner in the San Mateo County Planning Department a few years back (unfortunately I did not record who it was), that such a design is not considered professionally sound design, in part because the tree may not outlive the home. At that point we would be stuck with a design that no longer makes sense and would seriously compromise our property value. See Attachments B&C.

Path of Least Resistance:

As noted above, you will see that we have modified our design slightly since we submitted our tree removal application nearly 6 months ago, in order to maintain more outdoor space. However, the need for the tree removal remains the same. This new plan includes a small second story. A larger second story would require severe cutting back of the trees along the northerly edge of our property to the point that those trees may not be able to survive, because currently the canopy of those trees hangs over a large portion of the roof. Our view is that removing the one tree in the middle of our property is the path of least resistance when it comes to trees being removed or altered. See photos with this email that show trees at north end of property overhanging the house.

Neighborhood concerns:

As you know, we proactively reached out to our immediate neighbors on all sides, as well as to the Menlo Oaks District Association (MODA), specifically Remona Murray, who helped us reach out to the Menlo Oaks Tree Association (MOTA).

It is significant to note that none of our immediate neighbors have voiced an issue with our desire to remove this one tree.

During the initial ten-day commenting phase of our application, we met with Remona and one other person on our property, to discuss all of the above with them. Remona advised us that the MOTA would be objecting to the application because that is their mandate, but not to take it personally. MOTA's main concern is that developers building on spec do not care about the nature of the neighborhood. As residents of Menlo Oaks, that could not be further from our intentions. In fact, we are hoping to create a home that very much reflects the character of our neighborhood and we believe that MOTA has gone too far with their objections in our particular case.

To address each of their concerns individually, I have outlined them here in one place as sent to me via email in late July:

- a) "this large heritage oak appears healthy and in good form. There is apparently no arborist report citing irremediable problems";
and,
"I oppose this permit application at this time based on the fact that the Heritage Oak is apparently healthy--there is no arborist report to the contrary. It shows good form and good vigor. While it is close to the current home, it seems that over time, it has adjusted to any adverse affects caused by a cement pathway and the home.... This [application] makes no sense for a healthy tree. An arborist report should be required before any decision is made to remove a Heritage Oak, and one is definitely needed for this tree in particular.

Our response: Removal of the tree is being requested because it interferes with the

ability for us to develop and enjoy our property, not because it is unhealthy. We are not debating this factor. In addition, as noted above, the cement pathway referred to above is cracked, as is the foundation to our home, indicating that the tree does in fact negatively impact the current developed property and would continue to do so with any new structure in its place.

- b) “the tree provides valuable benefits to the neighbors including a large canopy, noise reduction, carbon sequestration”;
- and
- “Removing it creates another big hole in the Menlo Oaks canopy.”

Our response: The subject tree is wholly on our property and its canopy does not directly impact other properties. In addition, another reason for MOTAs objection is that traffic noise increases when trees are cut down. The subject tree is right in the middle of the property, and we have at least twelve other oak trees around the perimeter of our property, as well as 3 pines, that create barriers to surrounding noise. Another large oak was lost in a storm a couple of seasons ago in the south east corner of our property, and our intention is to add a planting screen to replace it as part of our development plan. This is particularly important to us as that corner is exposed to the VA Hospital perimeter road and we wish to maintain the privacy we’ve enjoyed until now. In addition, with the revamping of the 101/Willow Road intersection and the stripping of trees around that area, the traffic noise from 101 increasing due to the removal of our single tree has become a negligible point. As far as carbon sequestration, we intend to replace the tree with additional plantings.

- c) “the lot is large and there is ample space to site a large home for the owner on the non-tree'd part of the lot”;
- and,
- “It appears that the reason to remove this tree is that it is in the way of a new 5-bedroom home that replaces and expands the home currently on this property--even though there appears to be ample room on the lot to re-position the home on the property without removing any trees.”

Our response: See explanation above under “Other Building Options Are Unreasonable”.

- d) “it does not appear that all the plans are approved, nor permits approved by the County or local fire department. Now is the time to ensure the approved plans include preserving this tree-- as opposed to prematurely removing it or enabling cookie-cutter plans to destroy our Menlo Oaks neighborhood's environment through unnecessary tree removal”;
- and,
- “We don't think the plans for this home have gone through the zoning and planning stages yet, and we don't think the building plans have been approved. There is also a question as to whether the Fire Department will approve the plans we were shown when we met with the homeowners. Access to the back of the new home to put out fires may be problematic.

In addition, I oppose this permit because it has been requested prematurely and should be withdrawn until the County and Fire Department have OK'd all plans for the home. Granting a permit now, or removing the tree now, serves no purpose. Granting a permit now, if approved, gives the property owners license to take out the tree at any time in the future whether a new home is approved and built, or not."

Our response: As we've discussed with you, we would expect an application approval being conditional upon our submission of building permit application plans. As you know, we were hoping to have this application conditionally approved before we spent thousands of dollars preparing our building permit application materials. Given our earlier discussions with you, we have proceeded in good faith to parallel process both this application and the building permit application. Furthermore, we do not believe that, as long-time residents of Menlo Oaks, we are contributing to a cookie-cutter plan that will destroy the neighborhood's environment. As noted above, we believe our plan will bring our property in sync with the natural character of the neighborhood, and we too wish to preserve its elegance through natural beauty. Any issues regarding fire department approval are not the subject of this application, and will be addressed during the building permit application stage. We are confident in our ability to resolve any issues raised according to fire department requirements. Frankly, and I'm sure you can appreciate our frustration, this objection simply seems to be a grasp at anything to stop the taking down of trees, period. Our expectation of being able to improve and enjoy our property consistent with the manner in which the objectors are able to improve and enjoy theirs is reasonable. Each application must be examined on its own merits.

e) "this permit, if approved, reinforces the dangerous precedent that the County's trees are simply inconveniences in the way of building ever-larger homes for individuals";

Our response: We are not creating any type of precedent but rather requesting that you consider the unique characteristics of our lot, while balancing out our rights as property owners to enjoy our property through developing it in a way that is consistent with our needs and with what is normal and expected for the neighborhood. Yes, we wish to have a larger home than our current 1700 sf, and this does not constitute a legal finding for denial of our tree removal application. On the contrary, the basis under which we wish to have the tree removed is that it interferes with our ability to enjoy our property. We believe our building plans are thoughtful and personalized to both our needs and the unique constraints of the site, and we are not speculators who are trying to max out whatever floor plan we can get for creating maximum value in the shortest amount of time at the expense of preserving the character of our beautiful neighborhood.

f) "this permit, as denied, supports San Mateo County's new direction to care for all of its citizens by caring for the trees that provide for the common

good.”

Our response: We are citizens of San Mateo County and we support the County’s direction of caring for its citizens and the trees that provide common good. This support does not exclude the right to develop one’s property thoughtfully and rationally, including if that requires a tree removal. The processing of a tree removal application is specifically focused on rigorous and rational evaluation and the process was created specifically to allow for thoughtful review. And that has occurred. Not all trees are capable of being preserved but, by balancing removal with the need for thoughtful development, impacts can be reduced.

In Summary

In summary, we are requesting an approval of our tree removal application on the basis that a requirement to maintain the tree would interfere with our enjoyment of our property and the ability to improve it in a manner which is consistent with both our needs and desires and what is typical for recent construction approved for nearby and adjacent properties. Given the unique character of our lot, being surrounded by at least another dozen oak trees and three pines, the approval of the application is appropriate. We feel the necessary findings can be made for removal, due to the central location of the tree and the impact that creates relative to any improvement that might be proposed. We welcome a condition that the tree be removed only once we have submitted plans for a building permit.







Finally, we request that you record your decision without any further delay, especially given that it has been outstanding for over five months. We understand that any appeal to your decision could take upwards of two months, and we are anxious to keep this process moving forward.

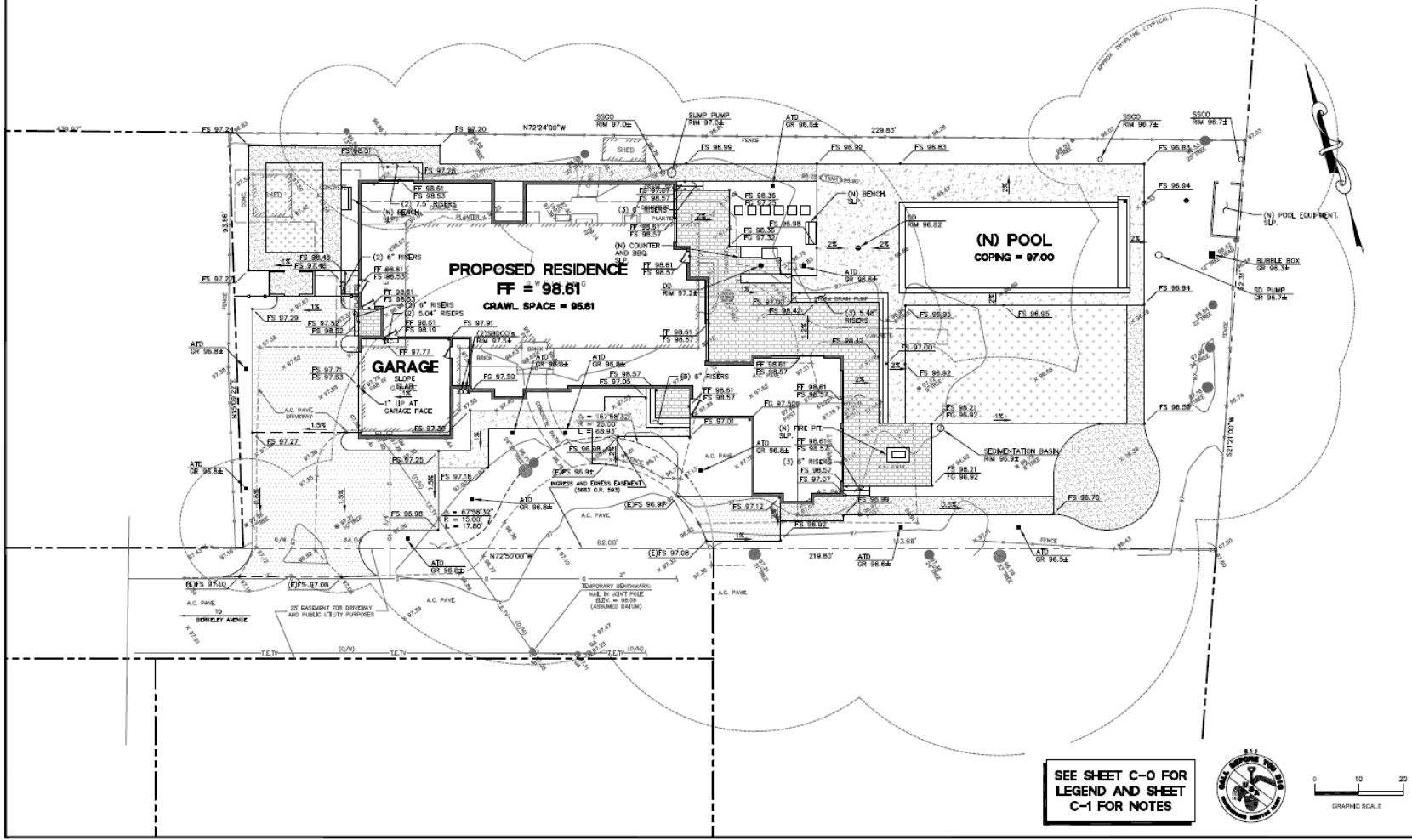
With appreciation,

Barbara Gottesman and Michael Mitgang
Trustees MG Trust (Owners)
626 Berkeley Avenue, Menlo Park, CA

PAVEMENT LEGEND:

SEE SITESPECIFIC REPORT BY FULTS ENGINEERS, INC. DATED AUGUST 8, 2017 FOR EXACT PAVEMENT SECTIONS AND OVERSICCAVATION REQUIREMENTS. SEE ARCHITECTURAL PLANS FOR EXACT MATERIAL SELECTION.

	TILE	1" TILE OVER A THIN LEVELING COURSE OF SAND OVER 6" MIN OF CLASS II AGGREGATE BASE. INSTALL PER MANUFACTURERS RECOMMENDATIONS. COLOR AND TYPE TO BE APPROVED BY THE OWNER PRIOR TO INSTALLATION. INSTALL EDGE CONSTRAINT SUCH AS A FLUSH CURB. SLP.		AC PAVING	2.5" OF AC PAVING OVER 8" MIN OF CALTRANS CLASS II AGGREGATE BASE ROCK.		GRASS LAWN	SLP
	CONCRETE	4" OF CONCRETE OVER 8" OF CALTRANS CLASS II AGGREGATE BASE ROCK.		OG	SLP		ARTIFICIAL TURF	SLP



DATE:	
REVISION:	



GRADING PLAN
GOTTESMAN-MTGANG RESIDENCE
 626 BERKELEY AVENUE
 MENLO PARK (SMCO), CA 94025

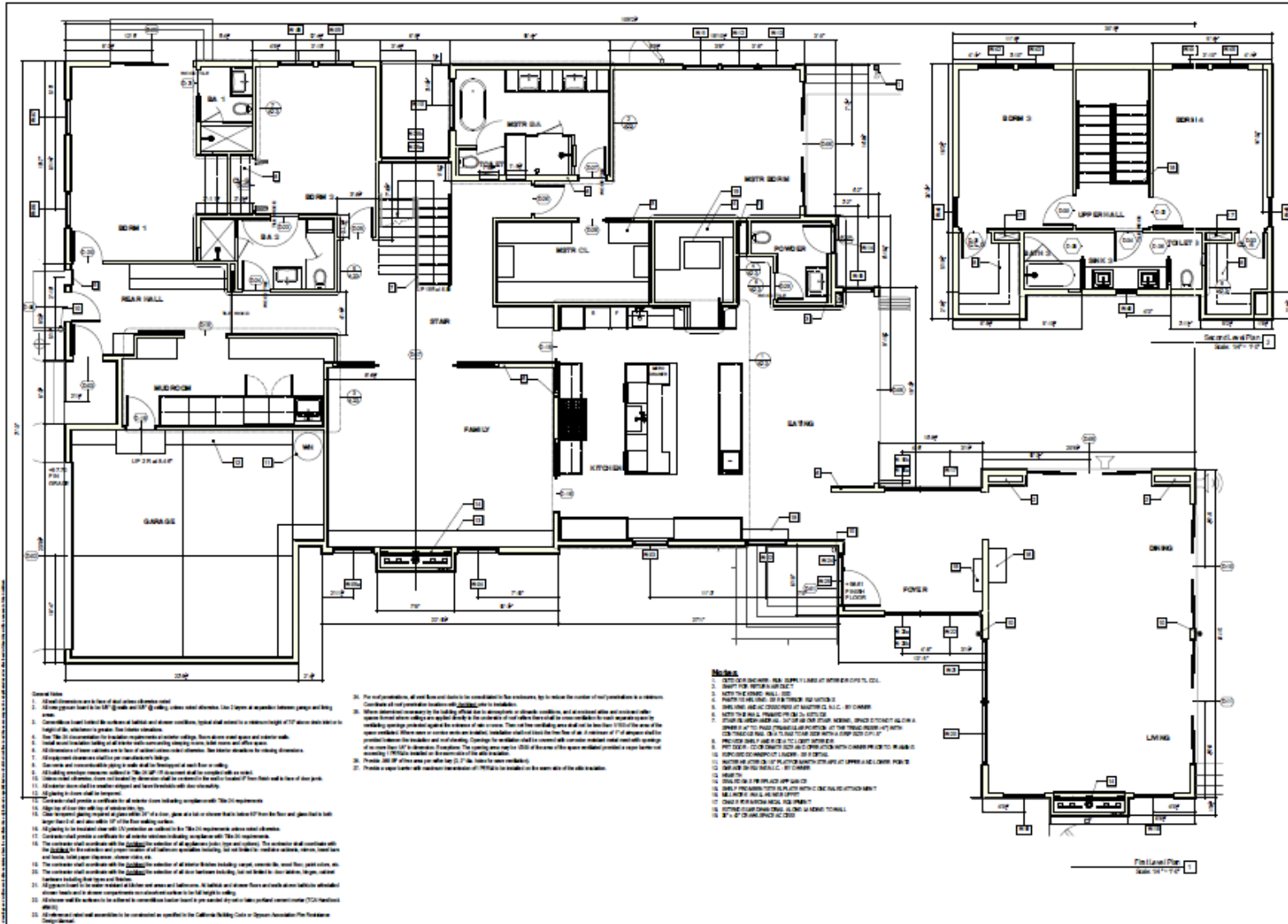
Date:	12/19/2017
Scale:	T = 1"
Author:	A.P.
Checker:	TRL
Sheet Number:	C-2
Project No.:	PEC 17-124

San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers:



- General Notes:**
1. All dimensions are to face unless otherwise noted.
 2. Minimum door height is 6'8" @ walls and 6'7" @ ceiling unless noted otherwise. Use 2 types of expansion between joists and living areas.
 3. Corner/corner brackets for columns at setbacks and column conditions, typical shall extend to a minimum height of 2'0" above their base to support the column's weight. See fabricator's instructions.
 4. See "Site" for all information for foundation, waterproofing, exterior walling, floor, stairs, roof, and other details.
 5. All dimensions of concrete shall be to face of column unless otherwise noted. See fabricator's instructions for setting dimensions.
 6. All dimensions of concrete shall be to face of column unless otherwise noted.
 7. All dimensions of concrete shall be to face of column unless otherwise noted.
 8. Concrete and masonry shall be placed and finished in accordance with the specifications.
 9. All masonry shall be finished in accordance with the specifications.
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- Notes:**
1. SEE OTHER DRAWINGS FOR DIMENSIONS AT OTHER LEVELS AND WALLS.
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Randolph B. Popp
ARCHITECT

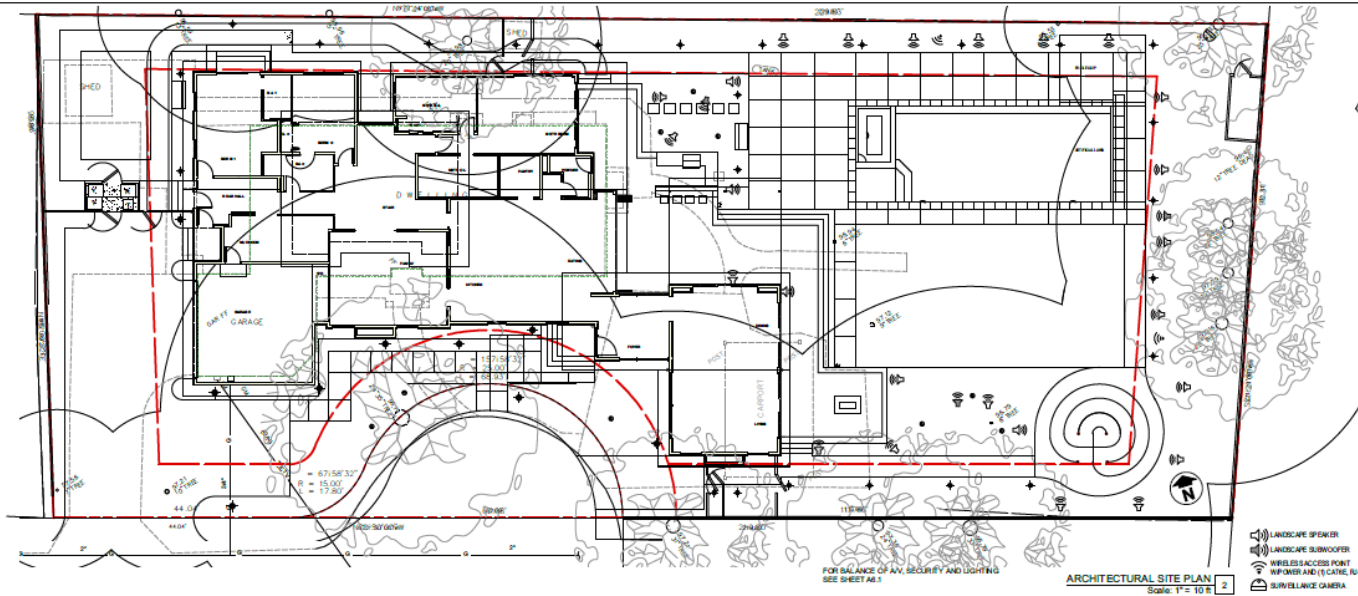
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The Mitgang-Gottesman Residence
626 Berkeley Ave., Menlo Park, California

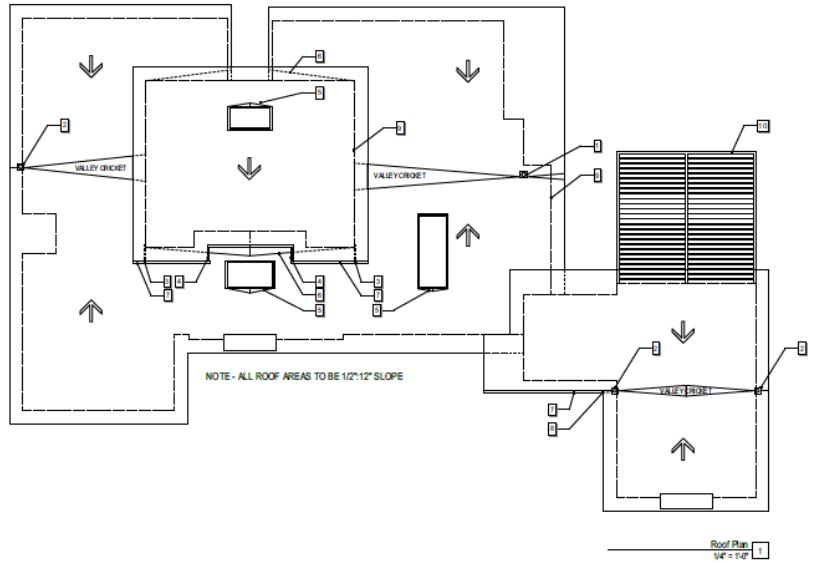
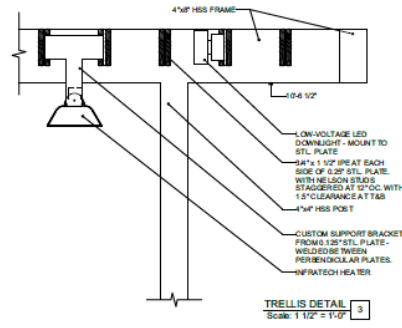
DATE: 04.20.17
Plan Check Submittal: 04.20.17

CONSTRUCTION PLAN

A2.1



- ROOF PLAN NOTES**
1. ROOF DRAIN TO INTERNAL DRAIN LEADER
CONNECT TO SITE DRAINAGE - SEE CIVIL DRAWINGS
 2. ROOF DRAIN TO EXTERNAL LEADER
CONNECT TO SITE DRAINAGE - SEE CIVIL DRAWINGS
 3. DOWN SPOUT LEADER, TERMINATE AT SPLASHBLOCK ON LOWER ROOF
 4. DIAGONAL DOWNPOUT LEADER TO LOWER GUTTER
 5. CROCKET TO DIRECT DRAINAGE AROUND SKYLIGHT
 6. CROCKET TO DIRECT DRAINAGE AROUND SECOND LEVEL
 7. GUTTER AT LOWER ROOF EDGE
 8. DOWNPOUT LEADER CONNECTED TO ADJACENT ROOF DRAIN LEADER
 9. OUTLINE OF STRUCTURE BELOW ROOF
 10. TRELLIS - SEE SIA1.0



Randolph B. Popp
ARCHITECT

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650.427.0026
info@rbp-arch.com
www.rbp-arch.com

REGISTERED ARCHITECT
STATE OF CALIFORNIA
No. 15171

The Mitgang-Gottesman Residence
626 Berkeley Ave., Menlo Park, California

ISSUE	DATE
Plan Check Submittal	1.08.2017

DRAWING NUMBER

A1.0

ARCHITECTURAL SITE AND ROOF PLAN

San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____