



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** PLANNING AND BUILDING

**File #:** 16-489

Board Meeting Date: 9/12/2017

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Steve Monowitz, Director of Planning and Building

**Subject:** Consideration of a Minor Subdivision, pursuant to Section 7010 of the San Mateo County Subdivision Regulations, to subdivide a 23,641 sq. ft. parcel into three (3) lots and assign the name "Cardinal Court" to the new private road. The project is located at 2050 Santa Cruz Avenue, in the unincorporated West Menlo Park area of San Mateo County. This is an appeal of the Planning Commission's denial of the project.

### **RECOMMENDATION:**

Public hearing to consider a Minor Subdivision, pursuant to Section 7010 of the San Mateo County Subdivision Regulations, to subdivide a 23,641 sq. ft. parcel into three (3) lots and assign the name "Cardinal Court" to the new private road:

- A) Open public hearing
- B) Close public hearing
- C) Recommending that the Board of Supervisors:
  - 1. Deny the Subdivision application (County File Number PLN 2016-00226) by adopting the Finding of Denial included as Attachment A (Staff recommendation).
  - 2. An alternate action to approve the Subdivision and Street Naming application can be taken by adopting the findings and conditions of approval included as Attachment D.

### **PROPOSAL**

The applicant proposes to subdivide an existing legal 23,641 sq. ft. residential parcel into three (3) residential lots, with Lot 1 being 7,911 sq. ft., Lot 2 being 7,865 sq. ft., and Lot 3 being 7,865 sq. ft. (see Attachments B and F). All three lots would be accessed by a 160-foot long private roadway, 20 feet wide off of Santa Cruz Avenue to serve Lot 3, then narrowing to the requisite 16-foot width to access Lots 2 and 1. The project includes the installation of a joint utility trench for water and power, stormwater drainage collection features and sanitary sewer laterals. Four (4) significant sized trees

(two of which are oak trees) are to be removed, two of which to accommodate construction of the private roadway. The other two significant trees proposed for removal are in poor health and located within the development footprint of Lot 1. Five (5) non-significant sized trees are also proposed for removal due to their health and location within the development footprints of Lots 1 and 3. The applicant is also proposing to name the new private road accessing the subdivision "Cardinal Court."

### **PLANNING COMMISSION'S DENIAL**

This project was initially considered by the Zoning Hearing Officer (ZHO) on December 1, 2016, but, as authorized by Zoning Regulations Section 6104, the ZHO did not render a decision. Based on concerns related to tree preservation and removal, the ZHO referred the matter to the Planning Commission (PC) for consideration.

#### **A. The Project As Considered by the Planning Commission**

On June 28, 2017, the PC considered the project. However, due to continued concerns relating to tree preservation and tree removal as associated with both the subdivision's private roadway location and density (three lots), the PC (on a vote of 3-1) denied the project. The applicant has appealed that decision.

In an effort to address concerns regarding tree removal and preservation, the proposal submitted to the PC included several changes from that previously presented to the ZHO, as summarized below:

- The elevation of the proposed private roadway was raised to allow more effective preservation of three oak trees on its left side near its entry off Santa Cruz Avenue;
- The driveway design was modified to better protect trees along its left side, along the southern property line;
- The drainage feature along the northerly sides of Lots 1 and 2 was redesigned with a small berm (on its northwest side) to prevent overflow of stormwater toward the adjacent property (2042 Santa Cruz Avenue);
- The stormwater drainage and sanitary sewer lines, as they traverse across the rear portions of Lots 3 and 2, were relocated to ensure greater protection to four redwood trees located in the rear area of Lot 1;
- The tentative map was revised to show the accurate location of the sanitary sewer easement (serving the adjacent parcel, 2 Crocus Court) as it traverses the westerly side of Lot 1, exiting off of and behind the subject property to a sanitary sewer connection at the end of Harrison Way;
- An adjusted and increased side setback for Lot 1 was added to the tentative map to both accommodate the sanitary sewer easement cited above and better protect two of the four redwood trees in that portion of this lot;
- A mature Coast Live Oak tree (#3), previously proposed to be relocated due to its location within the proposed roadway, is now proposed for removal due to its size and general condition relative to its chances for survival upon transplanting; and
- At the ZHO's December 1, 2016 hearing, some residents suggested that the four oak trees (#s 1, 26, 2 and 27) along the parcel's southerly edge could be saved and preserved if the proposed roadway were placed on the opposite (northerly) side of the subject parcel. The applicants have rejected this suggestion because: (1) locating it on the opposite side would result in the removal of a 17.2" diameter (DBH) Blue Oak and a

Black Acacia (# 7); and (2) the future development of residences on all three lots (due to the lots' respective front setbacks taken beyond the roadway's edge), is the most effective way of reducing impacts on those living on Crocus Court directly to the south. While the current proposal leaves the roadway as initially proposed to the ZHO, the County-hired arborist has recommended stringent preservation methods to provide those trees that can be preserved the best chance for survival.

## **B. The Rationale for the Planning Commission's Denial**

Despite the subdivision changes cited above, the PC's denial concluded that the site is not physically suitable for the type and proposed density of development, pursuant to Subdivision Regulations, Section 7013.3.b. The proposed subdivision of the subject parcel, whose physical constraints include several significant trees (including oaks), into three lots represents a density of development that: 1) puts at risk the preservation and survival of four oak trees located within a narrow area between the southerly property line (adjacent to Crocus Court) and the proposed roadway, and 2) results in the removal of two oak trees (including an otherwise healthy significant sized Coast Live Oak) located within the path of the proposed roadway. Supportive of this finding is Subdivision Regulations, Section 7020.1 (Subdivision Design Parameters) which states: "To the extent feasible, subdivisions should be designed to... minimize removal of vegetation, including significant and heritage trees". Further, General Plan Policy 1.22 seeks to "Regulate land uses and development activities to prevent and, if infeasible, mitigate to the extent possible, significant adverse impacts on vegetative... resources". The PC's decision followed discussion as to the feasibility to either relocate the private roadway to avoid and better protect several cited trees or to reduce the subdivision's density (from three lots to two) which could leave far greater room for all cited trees to be preserved.

### **BACKGROUND:**

Report Prepared By: Dave Holbrook, Project Planner, Telephone 650/363-1837

Applicant/Owner: Silicon Valley Real Ventures, LLC (David Bragg)

Location: 2050 Santa Cruz Avenue, Menlo Park

APN: 074-091-620

Size: 23,641 sq. ft.

Existing Zoning: R-1/S-72 (Single-Family Residential/5,000 sq. ft. minimum parcel size)

Parcel Legality: A Lot Line Adjustment, recorded December 21, 2006, adjusted the boundaries of the subject parcel and the parcel to the north, resulting in an adequate total parcel size to allow the current configuration for the proposed subdivision.

General Plan Designation: Medium Density Residential (6.1 to 8.7 dwelling units per acre)

Existing Land Use: Single-Family Residence

Sphere-of-Influence: City of Menlo Park

Water Service: California Water Service Company

Sanitary Service: West Bay Sanitary District

Flood Zone: FEMA Flood Zone C (area of minimal flooding); Community Panel No. 06081C0313E;  
Effective date: October 16, 2012

Environmental Evaluation: Categorically Exempt CEQA Section 15315 (Class 15) Minor Land Division.

Setting: The subject property has a slight downward slope of about 2.6% from Santa Cruz Avenue in a generally easterly direction. Adjacent and just south of the parcel is Crocus Court, a private roadway that serves four developed parcels (1962 subdivision). The parcel is surrounded by residential development of one- and two-story single-family homes. There are 33 live trees of various sizes on the property (four additional trees are dead), including 11 oak trees (two of which are proposed for removal to accommodate the private roadway), and five redwood trees located toward the back of the property. The existing residence on the parcel (constructed in 1947) and driveway would be demolished to allow development of the three proposed lots.

## **DISCUSSION:**

### **A. KEY ISSUES**

#### **1. Owner/Applicant's Appeal of Planning Commission Denial**

The applicant's entire appeal is included as Attachment C of this report. The applicant's appeal points are excerpted below (whose outlining convention has been slightly revised from the applicant's original), followed by staff's response:

*Planning Commission Hearing Decision on June 28, 2017. We were denied our application for a Minor Subdivision, based on Section 7013.3.b.(3) of the Subdivision Regulations, finding: "That the site is not physically suited for the type of development". We wish this decision to be reversed for the following reasons:*

- a. Size: 23,641 sq. ft.; Existing Zoning: R-1/S-72 (Single-Family Residential/5,000 sq. ft. minimum parcel size). Our proposed lots are considerably larger than the minimums and larger than the average lot in that neighborhood.*
- b. General Plan Designation: Medium Density Residential (6.1 to 8.7 dwelling units per acre). Existing Land Use: Single-Family Residence. We are proposing three lots in just over a half-acre.*
- c. Water Service: California Water Service Company*
- d. Sanitary Service: West Bay Sanitary District*
- e. Flood Zone: FEMA Flood Zone C (area of minimal flooding); Community Panel No. 06081C0313E; Effective date: October 16, 2012.*
- f. Environmental Evaluation: Categorically Exempt CEQA Section 15315 (Class 15) Minor Land Division.*
- g. Local Housing Needs: Our County and the City of Menlo Park have a severe*

*need for housing. This type of project should be the simplest and least resistive way to do that. Almost no one wants Condos, Townhomes, or new Apartment buildings next to them. We are proposing to create 3 residential lots considerably larger than the minimum required in this zone. All are in a residential area consisting of single-family homes.*

*h. Staff Recommendation:*

*(1) Approve the Minor Subdivision and Street Naming, County File No. PLN 2016-00226.*

*(2) That the Planning Commission approve the Minor Subdivision, and Street Naming, County File Number PLN 2016-00226, by making the required findings and adopting the recommended conditions of approval.*

**Staff Response (Items a. through h.):** The appeal cites the PC's denial of the subdivision application, based on the cited Finding of Denial that reads: "That the site is not physically suited for the type of development". While staff does not disagree with any details as to the project site's size, general plan designation, density of housing, zoning or other cited details, the PC's adoption of this single denial finding was based on their position of the proposed roadway's location and impact to select existing trees on the site. Two otherwise healthy oak trees were to be removed due to their location within the roadway. The PC concluded that the site's numerous trees presented a physical constraint that was not adequately addressed by the subdivision design. The potential to either reduce the project density (e.g., to a 2-lot subdivision) or to otherwise relocate/redesign the proposed roadway could either eliminate or reduce the risk to these and other trees.

*i. Trees: The major concern is over one fair vigor/fair form oak tree. The property has 33 live trees of various sizes (four additional trees that are deceased). This number is considerably higher than any of the neighboring properties, and under the proposed two-for-one replacement scheme, the subdivision proposes a net increase in the number of trees to nearly 40. The Planning Department staff report contains the results from nearly a year of work from our arborist and the County's consulting arborist and numerous meetings with the neighbors to create this comprehensive plan.*

*(1) 11 Oaks.*

*(2) 5 Redwoods.*

*(3) Various non-native species make up the balance.*

*(4) We are proposing to remove two oak trees for the installation of a driveway, including one oak in poor (heavily leaning) form and bad health. These will be replaced by county recommended two, 48" box trees for each tree that is to be removed.*

*(5) We also have an extensive tree protection and supervision*

*plan for all of the trees to remain with a multi-year tree life guarantee with replacement as per the initial staff report.*

**Staff Response (Item i.):** The appeal accurately portrays the site's characteristics and the number of trees to be removed and replaced. While significant effort has been made to reduce the project's impacts on trees, the PC determined that the site was not physically suitable for the proposed development.

*j. Neighbor/Community Outreach and Results: This is another significant disappointment from the PC decision to deny our application. We have held several meetings with the neighbors to get input and find common ground since prior to our purchase of the property and have made exceptional progress with many of the neighbors, specifically as follows:*

*(1) General Concerns of all neighbors who attended meetings in the beginning.*

*(a) Neighbors object to a four-lot subdivision as proposed by a previous owner of our parcel.*

*Our Action: We reduced to three lots and designed accordingly.*

*(b) Neighbors will not allow access from Crocus Court or Harrison Way.*

*Our Action: We prepared two options for access to our property, driveway along the left side and driveway along the right side. Neighbors selected the current location in the drawing (on-site driveway on left side).*

*(c) Save as many trees as possible.*

*Our Action: We did four things immediately:*

*i. Met with the fire protection district to reduce the size and impact of the private roadway to protect additional trees.*

*ii. Had our arborist create a comprehensive tree protection plan for the trees we would be working near.*

*iii. We solicited estimates to transplant the oak tree that would be in the way, estimate was for \$25,000, and we were willing to do it.*

*iv. We offered to plant trees on either side of the fence to maintain screening and even more than the county would require.*

*Neighbors Responses: Unfortunately, they declined this offer.*

*(2) Individual Concerns of Neighbors and results post-ZHO, ended up in three categories:*

*(a) Concerns about protecting redwoods bordering their properties on Harrison Way (Owners: Diane Gosney, Kelly Holzrichter, and Keri Nicholas (25, 35, 20 Harrison Way).*

*i. Our Action:*

*Revised the location and installation methods for storm drains and sanitary sewer to prevent root damage.*

*We also moved out setbacks along the area where the trees are to keep future development away from root systems. Increased side setbacks to prohibit future home construction in areas that could impact trees.*

*ii. Neighbors' Responses:*

*Two signed letters (Diane Gosney and Kelly Holzrichter) now in support of our development.*

*One satisfied with the result (Keri Nicholas) but did not provide a signed letter in support. Also did not attend PC hearing either way.*

*(b) Concerns about water runoff from development onto their property, Greg Faris and Leah Rogers (2042 Santa Cruz Avenue)*

*i. Our Action:*

*Re-designed stormwater system to add a berm in addition to initially proposed measures required by County code.*

*ii. Neighbors' Responses:*

*Despite their statement to the ZHO that this was their main concern, and our willingness to resolve it, they refused to come out in support of our project.*

*They also came to speak at the PC meeting bringing up additional topics not having to do with a minor subdivision tentative map submittal and were ultimately successful in confusing the PC into denying our project.*

(c) Concerns about the oak trees along the border of Crocus Court, Lynne McClure and Brian Schmidt (6, 8 Crocus Court)

i. Our Action:

*Proposed access to properties from Crocus Court which would save the oak tree in question.*

*Offer to plant several new trees on Crocus Court and our new development to ensure screening.*

*Engaged our arborist to create a more comprehensive plan to protect trees to remain along Crocus Court.*

*Accepted ZHO's proposal of peer review of our arborists report by a county-retained consulting arborist; accepted additional protective and reparative measures.*

ii. Neighbors' Responses:

*Refused to discuss any access from Crocus Court.*

*Objected to planting of new trees on Crocus Court or adjacent parcels.*

*Questioned our arborist's knowledge and credentials, rejecting the validity of his report.*

*Rejected County staff and consultant's plan to increase net tree count.*

**Staff Response (Item j.):** The PC acknowledged the applicant's outreach to the neighbors, including the actions and revisions to the project as cited, as well as the acceptance of all recommended conditions of approval as submitted to the PC. However, the PC's decision focused on the proposed roadway's location as it affected several oak trees, both as to the risk posed to those trees despite best-recommended and observed preservation efforts, but also as affecting the loss of two trees, one of which is the largest and healthiest of the group. Before rendering their decision, the PC asked the applicant about the alternative of relocating the roadway to the other side of the parcel, thus alleviating the loss of two oaks trees and critical preservation measures needed for the others. The applicant reiterated his past offers to place it there, including the neighbors' (on that side) response, and the impact to other trees. When given the opportunity to continue the matter in order to further pursue this option, the applicant requested a decision from the PC on the project as submitted.

B. ALTERNATIVE CONSIDERATION

Should the Board of Supervisors choose to uphold the appeal and approve the Subdivision and



Street Naming applications, the following discussion, taken from the June 28, 2017 PC report (where Staff had recommended approval), is provided, as well as Alternative Recommended Findings and Conditions of Approval found in Attachment D.

1. Previous Action by the Zoning Hearing Officer

On December 1, 2016, the project was considered by the Zoning Hearing Officer (ZHO). Due to concerns relating to tree preservation and tree removal as affected by the private roadway's proposed location and that of drainage/sanitary lines, the ZHO did not issue a decision and, instead, referred the item to the Planning Commission. That decision (Attachment M) included several directives to both staff and the applicant, as summarized and responded to below:

- a. County staff shall confirm with the Menlo Park Fire Protection District (MPFPD) that a narrower width driveway can be approved; and

If deemed possible, the applicant shall submit revised plans as needed to reflect the narrower width.

Response: The MPFPD has confirmed that a narrower width driveway (at any point along the proposed driveway's length) is not possible, pursuant to their standards.

- b. The applicant shall revise the project drainage plan to include a 1-foot higher berm along the entire length of the drainage swale along the northern border of the site (directly adjacent to 2042 Santa Cruz Avenue).

Response: That revision has been made and is shown in Attachment I. As part of the revised Tentative Map details, a condition of the Final Map's recordation will be that the drainage feature be constructed, inspected and approved as shown.

- c. The applicant shall revise the Tentative Map to show the accurate location of the sanitary sewer easement along the western border of Lot 1.

Response: That revision has been made and is shown on the revised Tentative Map in Attachment F.

- d. The applicant's civil engineer shall submit a cross-section to show how the raised roadway will: (1) minimize impact to the oak trees slated for preservation (#s 1, 2, 26 and 27); Tree Protection Plan, Attachment K); and (2) reconcile with the parcel's topography and future driveways serving Lots 2 and 3.

Response: Those sections have been submitted, as shown in Attachment G. The rationale that the raised roadway will be adequate to preserve the subject trees is discussed in Section B.3. of this report. With regard to the slope of the driveways leading from the elevated roadway to access Lots 2 and 3, the applicant's civil engineer has assured that their average incline would range from 4% to 8%, well below the maximum allowed incline of 20% as mandated by the Department of Public Works (DPW). Recommended conditions of approval require the recommended roadway revisions, together with all associated preservation measures, to be addressed prior to the Final Map's recordation.

e. Staff shall evaluate the use of bonds to ensure that money is available for tree replacement should that be necessary in the future.

Response: The rationale for and details regarding such a bond or other type of surety payment (for tree replacement) are discussed in Section B.3. of this report.

f. Staff shall confirm with the DPW that this three-lot subdivision does not require a traffic study.

Response: DPW staff has confirmed that this subdivision meets neither the criteria nor traffic generation level to require submittal of a formal traffic study.

g. Staff shall hire an independent arborist to peer review the information submitted by Kielty Arborist Services, LLC, and to further evaluate potential impacts to and preservation feasibility for several trees impacted by the proposed private roadway, drainage and sanitary sewer line location impacts; and

Staff shall determine who shall pay for the consulting arborist.

Response: As directed, the County hired Richard Gessner, Registered Consulting Arborist, to provide the above-cited peer review and evaluation. Mr. Gessner's final report is included as Attachment J. Staff's assessment of this report contributed to the subsequent recommendation for this project, as discussed in Section B.3. The County paid for Mr. Gessner's services, which included two site visits, several telephone conference calls, preparation of a draft arborist report, assessment of additional details and illustrations submitted by the applicant's engineer, and preparation of the final report.

h. Staff shall review and report to the Planning Commission on the status of the pending annexation process of this area to the City of Menlo Park.

Response: The Assistant Community Development Director of the City of Menlo Park (City) and the Executive Officer of the Local Agency Formation Commission (LAFCO) confirmed that Menlo Park has not taken any action to pre-zone the area; the proposal is still being reviewed by City staff and there is currently no timetable for an official review. If the City were to eventually pre-zone this area, it would likely be of a single-family residential zoning district type which has a 10,000 sq. ft. minimum parcel size (which would effectively prohibit a new 3-lot subdivision). It is not known at this time how such a pre-zoning process - or future subsequent annexation - would affect this subdivision if it receives (by that juncture) tentative approval. If there are any updates to this process, that will be communicated to the Planning Commission at the hearing.

## 2. Compliance with the General Plan

Upon review of the applicable provisions of the San Mateo County General Plan, staff has determined that the project complies with the following governing policies:

The County General Plan designates the subject property for Medium Density

Residential use at 6.1 to 8.7 dwelling units per acre. The proposed land division represents an average of about 7.4 dwelling units per acre and complies with the land use designation and density of the General Plan.

*Visual Quality* - Policy 4.14(b) specifically addresses the requirement to regulate land divisions to promote visually attractive development. The proposed lot configurations and conceptual structure layouts encourage potential future design proposals that will be consistent with surrounding parcels in the established neighborhood. Additionally, future development of residences on the three lots must conform to the R-1/S-72 Zoning Regulations relative to maximum allowable building height, floor area, lot coverage and minimum required setbacks (including a revised, more restrictive side setback on Lot 1, as discussed further). See Section B.3. of this report for discussion regarding the project's proposed tree removal and tree preservation/protection measures.

*Urban Land Use Compatibility* - Policy 8.14(a) pertains to the protection and enhancement of the character of existing single-family areas. The Zoning Regulations that address parking, building envelopes, and development standards, as well as regulations regarding tree preservation, ensure that future development will be compatible with the existing character of the neighborhood.

*Urban Land Use Density* - Policy 8.36 regulates the maximum allowable densities in zoning districts in order to: (1) ensure a level of development that is consistent with the land use designations, (2) plan for the efficient provision of public facilities, services, and infrastructure, and (3) minimize exposure to natural and manmade hazards. The density of the proposed subdivision translates to 7.4 dwelling units/per acre, which is within the limits allowed for the Medium-Density Residential designation of the area. All public facilities, services and infrastructure are available to serve the new parcels.

*Urban Land Use Parcel Size* - Policy 8.37 regulates the minimum parcel sizes in zoning districts in an attempt to: (1) ensure the parcels are usable and developable, (2) establish orderly and compatible development patterns, (3) protect public health and safety, and (4) minimize significant losses of property values. The R-1/S-72 Zoning District mandates a minimum parcel size of 5,000 square feet. The project proposes lots (ranging from 7,865 to 7,911 sq. ft.) that exceed the minimum lot size and thus complies with this policy.

### 3. Tree Removal, Tree Protection and Tree Replacement

As stated under the Proposal and Section B.1. of this report, the following discussion of project-related tree removal, protection and replacement is based upon both the initial report and information submitted by the applicant's arborist (the Kielty Report), and the peer review by the County hired arborist (the Gessner Report).

Mr. Gessner, upon being retained by the County, reviewed the initial Kielty Report, visited the site twice to assess all affected tree conditions, locations, impacts from proposed development, and tree protection/preservation measures, and submitted his formal report (Attachment J).

The Gessner Report acknowledged the 37 trees identified on the subject property

(shown on Attachment I) as originally identified and listed in the Kielty Report (dated May 6, 2016), including four trees that are dead (#s 6, 7, 16 and 34), whose removal is not regulated. The Gessner Report does not take issue with the stated tree types, sizes or health/conditions of all noted trees.

The table at the end of this section provides a summary of the cited trees by number, as well as how they are affected and proposed to be preserved; also refer to the Tree Protection Plan (Attachment I). Staffs' analysis of the data provided in the Kielty Report, and the conclusions of the Gessner Report, is provided below. Where applicable, conditions of approval have been included in Attachment A to ensure compliance with tree protection requirements.

a. Preservation of Four Oak Trees and Removal of Two Oak Trees Due to Proposed Private Roadway (on Lots 1, 2 and 3). Both as proposed to the ZHO in December 2016, as well as currently, four oak trees located along the southern side of the proposed private roadway (#s 1, 26, 2 and 27) are to be preserved. The differences, however, between the current proposal and the ZHO proposal are as follows:

(1) A 22" diameter Coast Live Oak tree (#3) originally proposed for relocation would be removed; the Gessner Report concludes that the tree's size and health do not make it a good candidate to survive transplanting or retain its long-term health;

(2) The three oak trees near the southern, front side of the roadway (#s 1, 26 and 2) will require more ambitious preservation methods to survive, including raising the roadway to an adequate height to avoid root damage; the Gessner Report disagreed with the Kielty assessment of these trees, stating that even minimal root damage or cutting could compromise the trees' survival. That said, Gessner specified a specific method for removing existing soil without impacting roots and backfilling with structural soil. Depending upon the actual depth of the trees' roots below grade, the road surface may need to be raised at least a foot above the tree roots, depending on the roadway's road stability and load-bearing purposes. The road surface would consist of pervious material road pavers;

(3) The joint utility trench has been moved further away from these trees to reduce road construction impacts to their roots;

(4) The Coast Live Oak (#27) at the end of the roadway (at drive-way entrance to Lot 1) will require more ambitious preservation methods to survive; the Gessner Report recommended a tree preservation island (as shown on revised Tentative Map and Road Section Details, Attachments F and G). Due to the tree's root orientation, it will be possible to have the proposed driveway come to about three feet from the trunk. Significant watering, mulching and other measures would need to occur, but the tree could be preserved with the driveway in close proximity;

(5) Additional preservation and protection measures for all the cited oak trees are required, with conditions added (Attachment A) to ensure all such preservation and protection measures during road construction

activity are closely overseen and monitored by either a board-certified master arborist or registered consulting arborist;

(6) The 20.3" Coast Live Oak (#4) is still proposed for removal, as its location within the proposed roadway and severe lean do not make it a candidate to preserve or relocate given the roadway's proposed location; and

(7) Replacement oaks shall be planted for the two to be removed, as well replacement oaks for any of those that are preserved, should they fail in the future. Conditions have been added to ensure such tree replacements (by number, size, and timing) are overseen by either a board-certified master arborist or registered consulting arborist).

b. Preservation of Five Redwood Trees and One Oak Tree Due to Proposed Sanitary/Drainage Lines (on Lots 1 and 2) and From Future Development of Lot 1. Both as proposed to the ZHO in December 2016, and currently, all of these trees are to be preserved. The differences, however, between the current proposal and the ZHO proposal are as follows:

(1) The applicant has proposed a greater side setback (from a 5 -ft. minimum) that would be designated on the westerly side of Lot 1, ranging from 12.5 feet to 25 feet plus, to accommodate both the existing sanitary sewer easement (which cannot be built upon) traversing across the parcel from 2 Crocus Court, and to allow a greater setback to foster more effective preservation of three of the five redwood trees in the side and rear corner of that lot;

(2) The drainage and sanitary sewer lines, as they lead back to and traverse across the rear yard area of Lot 1, have been combined and relocated to best avoid direct impacts to the redwood trees, including the requirement to use directional boring to install the utility lines between the redwood trees (#s 13 and 14) and near the oak tree (# 15), along with additional preservation and protection measures; and

(3) Conditions have been added to ensure all such preservation and protection measures are closely overseen and monitored by either a board-certified master arborist or registered consulting arborist, as discussed in Subsection (d) below.

c. Revised Side Setback Delineation on Lot 1 to Provide Greater Protection to Five Redwood Trees from Future Development on Lot 1. The westerly side setback proposed for Lot 1 has been adjusted to accommodate both the existing sanitary sewer easement and set back future development from the redwood trees (#'s 10, 11, 12, and 13) located within the lot's side and rear area. This setback is shown on the Tentative Map (Attachment F).

d. Long Term Assurances to Provide Oversight to Assess Health of Preserved Trees and Proper Replanting and Preservation of New Trees. In accordance with Gessner's recommendations, a board-certified master arborist or a registered consulting arborist, must ensure that all tree protection, preservation, and

replacement measures are correctly implemented to specific standards of care. Additionally, Gessner's recommendations for numbers and sizes of replacement trees, generally based on the canopy width of the trees being removed (as stipulated in the table at the end of this section), have been incorporated into the revised project and conditions of approval.

Specifically, the requirements for additional tree replacement arise from two scenarios: (1) for the two oak trees being removed (#s 3 and 4; within the proposed roadway), and (2) for the four oak trees (#s 1, 26, 2 and 27; to the left and end of the roadway) in the event they fail at some point in the foreseeable future. For both scenarios, it will be critical to have such tree replanting occur with oversight by an arborist as previously cited. While the four oaks trees, if necessary, would ideally be replanted along that side of the roadway, such oversight would include choosing the appropriate native oak trees and planting them in a proper fashion in a location that would both provide screening for the ones lost and foster their long-term health.

In response to these changes, questions have arisen about how the County will ensure that oversight by a hired professional will take place, and when the County will have the opportunity to check on the health status of all preserved trees. To address these issues, the following conditions of approval are recommended and included in Attachment D:

(1) Prior to the issuance of a building permit or site disturbance associated with any future construction or related activity (e.g., demolition of house and other existing development, construction of private roadway, trenching for installation of sanitary sewer, water and drainage lines), the County shall hire (pursuant to the details and qualifications stated in Condition No. 6) either a board-certified master arborist or registered consulting arborist, at a cost borne by the project applicant or property owner. Once hired, the arborist will be responsible for overseeing and directing all tree preservation, protection and long term care measures (during the span of the project, e.g., through the County's final building inspection of the third and final house) as stipulated in this report and by these conditions, including the choosing and oversight of all replacement trees (whether replacing those trees removed or as a result of trees that have failed, at the cited project junctures), including their planting, protection and long term care during the span of this project.

(2) Upon review of this project's timeline, the points at which staff will confirm that the protection and health of the trees that will be preserved, as well as those planted as replacement trees, conform to the arborist's standards of care, will occur at the following junctures: (a) upon completion of the private roadway and installation of the sanitary sewer and drainage lines (prior to recording of the Final Parcel Map); and (b) prior to each of the final building inspection approvals for the three houses to be built on all three lots.

e. Proposed Removal of Other Trees (Besides the Two Oak Trees Within Proposed Roadway). Of the 33 live trees (excluding the eleven oaks), ten are less than the 12" diameter significant threshold as defined by the County Significant Tree regulations (#s 5, 8, 9, 23, 25, 28, 29, 30, 31, 32, 36 and 37). Of those 12 non

-significant trees, five (#s 5, 8, 9, 25, 30, 32, and 36) are proposed for removal due to their general health (e.g., “poor vigor, fair to poor form”) and/or because they are located within the likely building footprints (as defined by minimum required setbacks) of future house development on Lots 1 and 3. The Gessner Report does not take issue with the Kielty Report relative to these trees’ health nor with the proposal to remove them.

f. Revised Stormwater Drainage Collection Feature (on Lots 1 and 2) to Prevent Stormwater Spillover onto Adjacent Parcel (2042 Santa Cruz Avenue). In response to the neighbor/owner of 2042 Santa Cruz Avenue, the applicant’s engineer revised the drainage feature running alongside that property, adding a berm to prevent the overflow of stormwater (Attachment I). The added berm adds about 2 feet on the side facing that adjacent property, and would not affect any trees nor associated preservation measures. Mr. Gessner has no issues with this change.

Site Disturbance Activity	Trees Affected (Tree #'s) as seen on Tree Protection Plan	Disposition of Tree and Summary of Preservation
Private Roadway (Affecting Lots 1, 2, 3)	#4 (Coast Live Oak)	<b>Remove and replace</b> with (2) 48” box Coast Live Oaks, chosen, planted in approved locations and protected as directed and overseen by arborist.
	#3 (Coast Live Oak)	<b>Remove and replace</b> with (2) 48” box Coast Live Oaks, chosen, planted in approved locations and protected under direction and oversight by arborist.
	#1 (Blue Oak) #s 2, 26 (Coast Live Oaks)	<b>Preserve.</b> Areas around trees and their roots shall be protected, with excavation and backfilling of Structural Soil® and completion of roadway occurring under direction and oversight of arborist. Should any of trees fail, each shall be replaced by a minimum 24” box native oak in approved locations under direction and oversight by arborist.

	#27 (Coast Live Oak)	<b>Preserve.</b> Typical tree protection island and fencing placed around tree. Roadway does not directly affect tree, but driveway will be worked around tree with future construction of new single-family dwelling (SFD) on Lot 1. Should this tree fail, it shall be replaced by a minimum 24" or 48" box native oak in approved location under direction and oversight by arborist.
<b>Stormwater Drain and Sanitary Sewer Lines</b> (Serving/Affecting Lots 1 and 2)	#s10, 11, 12, 13, 14 (Redwoods)	<b>Preserve.</b> Drainage line to be routed between trees via a directional boring method. Should any of these trees fail, each shall be replaced by a minimum 24" box redwood in approved locations under direction and oversight by arborist.
	#15 (Coast Live Oaks)	<b>Preserve.</b> Same as above.
<b>Future Construction of Houses</b> (Lots 1 and 3)	#s 5, 8, 9, 25, 30, 32, 36	<b>Remove;</b> no tree replacements required.
<b>Dead Trees</b> (Lot 1)	#s 6,7,16, 34	<b>Remove;</b> no tree replacements required.

#### 4. Conformance with the Zoning Regulations

Below is a table listing the development standards for the R-1/S-72 Zoning District and how each proposed parcel compares with the applicable standard. The proposed parcels are compliant with the minimum required standards as follows:

<b>R-1/S-72 Requirement</b>	<b>Minimum Required Lot Size</b>	<b>Net Proposed Lot Size</b>	<b>Minimum Required Lot Width</b>	<b>Proposed Average Lot Width</b>
Lot 1	5,000 sq. ft.	7,911 sq. ft.	60 feet	61.69 feet
Lot 2	5,000 sq. ft.	7,865 sq. ft.	60 feet	65.0 feet
Lot 3	5,000 sq. ft.	7,865 sq. ft.	50 feet	65.0 feet

The minimum lot depth requirement of 100 feet is mandated by the County Subdivision Regulations, and is in compliance for all three (3) of the proposed parcels.

The tentative map includes conceptual building envelope layouts compliant with the following R-1/S-72 Zoning District Development Standards. Future development of single-family dwellings on the parcels would be held to the following standards:



Development Standards	Required
Maximum Lot Coverage	50%
Front Setback	20 feet
Side Setback (non-road frontage)	5 feet
Lot 3 (Side setback along Santa Cruz Avenue)	10 feet
Lot 1 (Westerly-facing Side)	10.5 ft. - 25 ft.*
* This setback (shown on Attachment F) represents a proposal by the applicant to both accommodate the sanitary sewer easement traversing along that side of the lot, as well greater setback to foster more effective tree preservation of the nearby redwoods	

5. Compliance with Subdivision Regulations

The proposed minor subdivision has been reviewed by staff with respect to the County Subdivision Regulations, which implement the State Subdivision Map Act. The Department of Public Works, Menlo Park Fire Protection District, and the Building Inspection Section have also reviewed the project and found that, as conditioned, it complies with their standards and the requirements of the County Subdivision Regulations.

In order to approve this subdivision, the Planning Commission must make the following seven findings, each followed by the supporting evidence.

a. *Find that this tentative map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan.*

The Department of Public Works and the Planning Department have reviewed the tentative map and found it consistent, as conditioned in Attachment A, with State and County Subdivision Regulations. The lot sizes as proposed, ranging from 7,865 sq. ft. to 7,911 sq. ft., are significantly greater than the 5,000 sq. ft. minimum required lot per the zoning requirements, and significantly larger than most of the parcels in the surrounding neighborhoods. The project is also consistent with the County General Plan as discussed in Section B.2. of this report.

b. *Find that the site is physically suitable for the type and proposed density of development.*

This site is physically suited for single-family residential development for the following reasons: (1) the proposed parcels conform to the minimum parcel size requirements of the R-1/S-72 Zoning District, and (2) utility connections are available to serve future development; the applicant must confirm that sewer and water connections for all parcels are available prior to having the tentative map finalized.

c. *Find that the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.*

There is an existing 6-foot wide sanitary sewer easement leading from APN 074-091-380 (2 Crocus Court, owned by Pacifico) that runs parallel to the western boundary of proposed Lot 1, before angling to the left for connection with the sanitary sewer line within the Harrison Way right-of-way. The submitted Tentative Map (Attachment F) shows the correct location of the easement, as well as a designated side setback along that said of Lot 1 whose purpose is to entirely include the sewer easement. Additionally, Condition Number 10 will require that any future development on Lot 1 adhere to this adjusted side setback.

d. *Find that the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.*

Any future development could make use of passive heating and cooling opportunities to the extent practicable.

e. *Find that the design of the subdivision and the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat.*

The design of the subdivision will not cause serious public health problems nor will it cause substantial environmental damage. There are no creeks nearby, and thus the subdivision will not impact any fish or their habitat. Future residential development on these parcels will require review by the San Mateo County Planning and Building Department for conformance with the R-1/S-72 Zoning District Regulations and will also require building permits. Tree removal is minimized and tree protection measures will be implemented as discussed in Section B.3. of this report.

f. *Find that the discharge waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by State Regional Water Quality Control Board (RWQCB) pursuant to Division 7 (commencing with Section 1300) of the State Water Code as their discharge would be typical of future residential homes and not violate requirements of the RWQCB.*

The West Bay Sanitary District has confirmed that adequate sewer capacity and hook-ups are available to serve the proposed three (3) parcels of this subdivision. The discharge of waste into the existing community sewer system will not result in any violations of existing RWQCB requirements.

g. *Find that the benefits of additional housing are greater than any negative effects the subdivision would have on fiscal and environmental resources.*

The County has determined that the benefits of additional housing are greater than any negative effects to fiscal or environmental resources caused by implementation of the subdivision and they will be less than significant if the applicant complies and completes the conditions of approval in Attachment D.

## 6. Compliance with Standard Requirements for Road and Street Design and Improvement

The design for this private road as shown on the tentative map is in compliance with Article 3 - Section 7022 "Standard Requirements for Road and Street Design and Improvement" of the San Mateo County Subdivision Regulations.

7. Compliance with In-Lieu Park Fees

Section 7055.3 (Fees In Lieu of Land Dedication) requires that, as a condition of approval of the tentative map, the subdivider is required to dedicate land or pay an in-lieu fee; in this case the in-lieu fee must be paid prior to recordation of the Final Parcel Map. Said fee is for acquisition, development or rehabilitation of County park and recreation facilities, and/or to assist other providers of park and recreation facilities to acquire, develop or rehabilitate facilities that will serve the proposed subdivision. The section further defines the formula for calculating this fee. The fee for this subdivision is \$65,980.39. Fees are based on the current land value provided by the County Assessor's Office at the time of payment and are subject to change. A worksheet showing the prescribed calculation appears in Attachment L.

8. Conformance with the Street Naming Regulations

As the proposed access is to three separate parcels, the applicant is required to apply for a street name, which has been proposed as "Cardinal Court." The Planning and Building Department has formulated procedures for street naming. Prior to the Planning Commission action, three (3) tasks were involved in the processing of this application.

a. *Examination of maps to determine if there are similar or identical names within 5 to 10 miles that might be confused with the proposed street name.*

There are no other roads named "Cardinal Court" or similar within 5 to 10 miles of the project parcel.

b. *Public Notification*

(1) *When such Street Naming is in conjunction with a proposed subdivision, public notification shall follow that as required for the Subdivision, pursuant to the County Subdivision Ordinance, Section 7013.*

Public notification was sent out, via the required agenda published in the newspaper as well as the mailing of that agenda to all property owners within 300 feet of the subject parcel.

(2) *Published legal notice at least ten (10) days prior to the public hearing.*

Notice has been posted and published as required, as part of this subdivision application.

c. *Street Naming Finding*

In order to approve this request to name a private road, the Planning Commission

must make the following finding:

“That the proposed street naming of “Cardinal Court” in unincorporated Menlo Park of San Mateo County would assist in the effective delivery of public services and would not be detrimental to the public welfare in the neighborhood.” The street naming provides identification and safe access to the proposed lots.

**B. ENVIRONMENTAL REVIEW**

This project is categorically exempt, pursuant to the California Environmental Quality Act Guidelines, Section 15315 (Class 15), related to minor division of land (into four or fewer parcels in urban areas on slopes less than 20%). The project location is within an urban area and the site has only an average variable slope of 2.6% diagonally across the parcel.

**C. REVIEWING AGENCIES**

Department of Public Works  
Building Inspection Section  
Menlo Park Fire Protection District  
City of Menlo Park

**ATTACHMENTS**

- A. Recommended Finding of Denial
- B. Location and Zoning Map
- C. Applicant's Appeal
- D. Alternative Findings and Conditions of Approval
- E. Planning Commission Decision Letter (dated July 10, 2017)
- F. Revised Tentative Subdivision Map (as submitted to PC)
- G. Proposed Roadway Sections, at Trees 1, 26, 2, and 27
- H. Proposed Centerline Driveway Section at Entry off Santa Cruz Avenue
- I. Proposed Drainage Feature Section
- J. Consulting Arborist Report (by Richard Gessner, Registered Consulting Arborist (dated, June 14, 2017)
- K. Applicant's Tree Protection Plan; Showing Trees Referenced in Arborist Report and Tree Protection Fencing Detail
- L. In-Lieu Park Fee Worksheet
- M. Zoning Hearing Officer Decision Letter (Dated December 1, 2016)

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Attachment A

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS OF DENIAL**

Permit or Project File Number: PLN 2016-00226      Hearing Date: September 12, 2017

Prepared By: Dave Holbrook  
Project Planner

For Adoption By: Board of Supervisors

### **RECOMMENDED FINDING**

#### **Regarding the Subdivision, Find:**

That the site is not physically suitable for the type and proposed density of development, pursuant to Subdivision Regulations, Section 7013.3.b. The proposed subdivision of the subject parcel, whose physical constraints include several significant trees (including oaks), into three lots represents a density of development that: 1) puts at risk the preservation and survival of four oak trees located within a narrow area between the southerly property line (adjacent to Crocus Court) and the proposed roadway, and 2) results in the removal of two oak trees (including an otherwise healthy significant sized Coast Live Oak) located within the path of the proposed roadway.

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Attachment D

County of San Mateo  
Planning and Building Department

### **ALTERNATIVE RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2016-00226      Hearing Date: September 12, 2017

Prepared By: Dave Holbrook  
Project Planner

For Adoption By: Board of Supervisors

### **RECOMMENDED FINDINGS**

#### **Regarding the Environmental Review, Find:**

1. That the project is categorically exempt, pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15315 (Class 15), related to minor division of land (into four or fewer parcels) in urban areas on slopes less than 20%. The project is in an urban area and the site has an average slope of 2.6%.

#### **Regarding the Subdivision, Find:**

2. That this tentative map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan, as described in the staff report under Section B.2.

3. That the site is physically suitable for the type and proposed density of development. The existing four oak trees on the parcel, as they are affecting by construction of the new private roadway, will be preserved. The two oak trees proposed for removal (due to the roadway' location) will be replaced by 24" boxed oak trees. The redwood trees in the rear of the parcel (as affected by the installation of drainage and sanitary sewer lines, will be preserved. All such preservation methods and tree replacements will occur pursuant to the standards and oversight of a licensed arborist as specified in the conditions of approval. The R-1/S-72 Zoning District requires a minimum of 5,000 sq. ft. parcel size. The proposed subdivision will result in three (3) lots measuring 5,000+ sq. ft. parcel size, thus complying with the criteria for the Zoning District. The applicant must confirm that sewer and water connections for all parcels are available prior to having the tentative map finalized and recorded. Lots 1, 2, and 3 can be accessed from a new private road: "Cardinal Court."
4. That the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
5. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities as these opportunities are available through the new residential development.
6. That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat, as the site is not near any sensitive habitat.
7. That the discharge waste from the proposed subdivision into an existing community sewer system (West Bay Sanitary District) would not result in violation of existing requirements prescribed by State Regional Water Quality Control Board (RWQCB) pursuant to Division 7 (commencing with Section 1300) of the State Water Code as their discharge would be typical of future residential homes and not violate requirements of the RWQCB.
8. That the County has determined that the benefits of additional housing are greater than any negative effects from fiscal or environmental resources caused by implementation of the subdivision and they will be less than significant if the applicant complies and completes the conditions of approval in Attachment A.

Regarding the Street Name, Find:

9. That the proposed street name of "Cardinal Court" in unincorporated West Menlo Park would assist in the effective delivery of public services and would not be detrimental to the public welfare in the neighborhood because the naming of the private road "Cardinal Court" positively impacts emergency response capability by helping emergency service professionals to distinguish properties accessed from this private road from those properties accessed directly from Santa Cruz Avenue.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. This subdivision approval is valid for two (2) years, during which time a final parcel map shall

be filed and recorded. An extension to this time period in accordance with Section 7013.5.c of the Subdivision Regulations may be issued by the Planning Department upon written request and payment of any applicable extension fees, if required, sixty (60) days prior to expiration.

2. No construction, demolition, tree removal (including dead or non-significant sized trees), grading or other site disturbance activity shall occur until this approval is final. Prior to any such activity, an inspection shall occur to confirm that tree protection fencing is installed around all trees to be protected, as directed and overseen by the hired arborist (as required in Condition No. 6).
3. The approval of the tentative map includes the designation of a greater side setback as occurs on the westerly side of Lot 1, ranging from 12.5 feet to 25 feet plus (as shown on Attachment D), to accommodate both the existing sanitary sewer easement (which cannot be built upon) and traversing across Lot 1 from 2 Crocus Court, and to allow a greater setback on Lot 1 to foster more effective preservation of three of the five redwood trees in the side and rear corner of that lot. This setback designation shall be shown on the Final Parcel Map. Future development of this lot shall adhere to this setback, with no exceptions allowed for any development whatsoever encroaching into it (except for 2-foot wide roof eave overhangs).
4. Prior to recordation of the final parcel map, the applicant shall pay to the San Mateo County Planning and Building Department, an amount of \$65,980.39 for in-lieu park fees as required by County Subdivision Regulations Section 7055.3. Fees are based on the current land value provided by the County Assessor's Office at the time of payment and are subject to change.
5. During any future project construction, 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 into storm drain systems and water bodies 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 spoils 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. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - e. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.

#### Tree Removal, Tree Protection and Tree Replacement

6. Hired Arborist. Prior to the issuance of a building permit or site disturbance associated with any future construction or related activity (i.e., demolition of house and other existing development, construction of private roadway, trenching for installation of sanitary sewer, water and drainage lines), the County shall hire a project arborist which shall have the minimum qualifications or designations: International Society or Arboricultural Board Certified Master Arborist® (BCMA)

or Certified Arborist Municipal Specialist®, or an American Society of Consulting Arborists Registered Consulting Arborist® (RCA). The County-selected arborist shall observe, document (photo, video and written, where best prescribed) and report to the County that the procedures and processes outlined in the Gessner Report are conducted properly. The cost of the County-hired arborist shall be borne by the project applicant or property owner. Once hired, the project arborist will be retained for the duties described above through to and including the County's final Building inspection of the third and final house) as stipulated in this report and by these conditions, including the choosing and oversight of all replanted trees (at the cited project junctures), including their planting, protection and long term care during the span of this project.

7. Removal of Two Oak Trees and Replacement. The only significant-sized live trees allowed for removal are (as shown on the Tree Protection Plan, Attachment I) are Tree #s 3 and 4 (Coast Live Oaks within location of the proposed roadway). Regarding these two oak trees, the applicant shall be responsible for replacing them on a 2:1 basis, e.g., two 48" diameter boxed native oaks for each of the trees removed (for a total of four trees). Their planting and locations shall occur under the observation, timing and care (including protection from remaining construction activity once planted) of the hired arborist and shall be confirmed prior to the final Building inspection approval of a residence on Lots 1, 2 or 3. Upon the planting of such replacement trees (regardless of their diameter or circumference size), they shall be considered "Significant Trees," such that any request to remove them at any time in the future shall require compliance with the County-adopted Significant Tree Regulations.
8. Preservation Four Oak Trees near Roadway. Tree #s 1, 2 and 26 (Blue Oak and Coast Live Oaks) shall be preserved. Prior to any excavation or ground disturbance associated with construction of the proposed private roadway or any other demolition of ground disturbance activity, these trees shall be protected by measures and to standards as determined by the arborist, but may include the following:
  - a. Wooden slats shall be placed against the tree trunks and wrapped with straw wattle. On the outside of the straw wattle, orange construction site fencing shall be wrapped around these trees. If any construction/disturbance of the proposed sanitary sewer and storm drain lines (on the northerly side of the parcel) is to occur prior to construction of the roadway, tree protection fencing shall be placed at 15 feet from the trunks of the trees or 1-foot outside of the trees' driplines, whichever is greater.
  - b. Soil removal above and around the trees' roots shall be accomplished with the combined methodology of hand digging and/or use of Hydrovac® or Air spade® excavation to ensure minimal impact to existing roots. The excavated areas shall be backfilled with Structural Soil® (combined with any other soil amendments as deemed necessary by the hired arborist) at a depth as represented on the respective cross sections for each tree (Attachment E) or as best determined by the arborist. The roadway shall be constructed with porous materials and engineered soil mix (ESM) or Structural Soil®. All engineered soil mixing shall be performed by an agreed upon supplier using appropriate soil measuring, mixing and consistent mix ratios. No mixing of engineered soil mix at the project site shall be permitted. Mix suppliers include TMT Enterprises, 1996 Old Oakland Road, San Jose, CA, 408/432-9040, or approved equal licensed by Amereq Inc., to distribute Engineered Soil® according to the Cornell University patent. The surface pavers or other affective pervious materials shall allow for water and air penetration to the root zones of the trees in close proximity to the roadway, and as best determined by the arborist.



c. Structural soil shall be packed around the roots and compacted to engineering standards while still allowing for future root growth (thus eliminating the need to cut roots in the base rock area and lowering potential impacts). In the event that the arborist has determined (for any of the four oak trees) that the roadway surface must be raised to avoid excessive root pruning, such revisions shall include input from the arborist and project civil engineer (including any revised drainage requirements), and shall be reviewed by the County Department of Public Works prior to any final fill compaction or installation of top roadway materials.

d. Should any of these trees' respective health fail within the timeframe of the roadway's completion (though to the final inspection approval of any of the subsequent houses proposed on any of the three lots), or otherwise be deemed at significant risk by the arborist within this timeframe, or as otherwise determined by the Community Development Director, the arborist shall oversee the replacement of such trees with (at a 1:1 basis) minimum 24-inch boxed Coast Live Oaks and/or Valley Oaks in similar locations between the left side of the roadway and the properties to the south off Crocus Court. The species and exact location of such trees shall be chosen for optimal tree health and their screening effectiveness, including the installation of adequate tree protection measures to be kept in place for the duration of all such construction and disturbance activity. The Coast Live Oaks and/or Valley Oaks shall be selected by the arborist from a reputable nursery and planted by a professional landscape contractor under the supervision of the arborist. The trees must be free of girdling roots, have the root collar well exposed, show vigorous signs of growth and be pest and disease free. The trees shall be planted with their root collars well exposed and 6 inches above finished grade. Irrigation to the trees must be consistent with the needs of such newly planted trees, but shall also be prepared to remove such irrigation within 2-3 years so that the trees do not become over-irrigated. All future landscaping around the new trees shall be consistent with the water needs of these oak types. Upon the planting of such replacement trees (regardless of their diameter or circumference size), they shall be considered "Significant Trees," such that any request to remove them at any time in the future shall require compliance with the County-adopted Significant Tree Regulations.

9. Preservation of Four Redwood Trees and Oak Tree Impacted by Sanitary Sewer and Drainage Lines. The four redwood trees (#s 10, 11, 12, 13, 14), and a Coast Live Oak tree (#15) are all in some degree of proximity to the installation of a sanitary sewer and stormwater drainage lines that will traverse through and along the rear yard areas of Lots 1 and 2. These trees shall be protected by measures and to standards as determined by the arborist, but may include the following:

a. These redwood trees shall be deep-root watered by a licensed tree care provider under the direction of the arborist. Due to their drought-stressed condition, 300 gallons of clean water shall be injected into the root zones of each tree. Afterwards, a soaker hose shall be placed underneath the trees driplines and be turned on for 5 hours every 2 weeks, unless adequate watering is provided by winter season rains, as determined, overseen and confirmed by the arborist.

b. The bore hole for the sewer and storm drain must originate outside the Tree Protection Zone (TPZ) of approximately 30 feet from the redwoods (#s 13 and 14). The TPZ for tree #s 10 through 14 should be 33 feet. The contractor shall notify the project

arborist a minimum of 24 hours in advance of the activity in the TPZ. If trenching or pipe installation has been approved within the TPZ, the trench shall be either cut by hand, Air-Spade®, hydraulic vacuum excavation or mechanically boring the tunnel under the roots with a horizontal directional; drill and hydraulic or pneumatic air excavation technology. In all cases, install the utility pipe immediately, backfill with soil and soak the same day.

If trenches are cut and tree roots two inches (2") or larger are encountered, they must be cleanly cut back to a sound wood lateral root. All exposed root areas within the TPZ shall be backfilled or covered within one hour. Exposed roots may be kept from drying out by temporarily covering the roots and draping layered burlap or carpeting over the upper three feet (3') of trench walls. The materials must be kept wet until backfilled to reduce evaporation from the trench walls. No roots greater than two inches (2") in diameter should be cut or damaged without the approval of the project arborist.

Any approved excavation, demolition or extraction of material; shall be performed with equipment sitting outside the TPZ. Methods permitted are by hand-digging, hydraulic or pneumatic air excavation technology.

If excavating or trenching for drainage, irrigation lines, etc., it is the duty of the contractor to tunnel under any roots two inches (2") or greater in diameter or greater.

c. Beyond the four redwood trees heading easterly, trenching and excavation for the remainder lengths of the sanitary sewer and stormwater drainage lines are in close proximity to the oak tree (#15) on Lot 1, with the stormwater line alone being close to the maple tree (#35) on Lot 2. The trenching for these lines shall be hand-dug in combination with an Air Spade® or hydraulic vacuum excavation to the required excavation depth. If that depth is not possible, all excavation shall be documented by the arborist when in close proximity to an affected tree or its root zone. Hand-digging and carefully laying the drain pipe below or beside the protected roots is required to reduce root loss, thus reducing trauma to the tree. The trenches shall be backfilled as soon as possible with native materials and compacted to near their original conditions. Trenches that must be left exposed for a period of time shall be covered with layers of burlap or straw wattle and kept moist. Plywood placed over the top of the trench will also help protect exposed roots below. An irrigation plan shall be implemented, including a deep water injection prior to the start of constructing the storm drain line. Upon the work's completion, a soaker hose shall be placed underneath the tree's dripline and turned on for 5 hours every 2 weeks, unless adequate watering is provided by winter season rains, as determined, overseen and confirmed by the arborist. Tree protection fencing around this and any other nearby trees may be temporarily removed during the sanitary sewer and stormwater drain line's construction. The fencing shall be put back in place after the work is completed and may not be removed for house construction. The arborist shall be called out to the site when excavation for the drain line is to take place in order to document, inspect and to offer any additional mitigation measures as deemed necessary to protect the tree.

10. Designation of Expanded Side Setback on Lot 1. The expanded side setback on the westerly side of Lot 1 (as shown on Tentative Map, Attachment D) shall be shown and identified on the Final Parcel Map for recordation by the County. This setback delineation shall include language (to be approved by the Community Development Director) that prohibits any future encroachment, or the granting of any exceptions to encroach into this designated setback area.

11. Removal of Dead Trees. Tree #s 6, 7, 16 and 34 are all dead trees, and the Significant Tree Ordinance regulates only “live” trees. These trees may be removed pursuant to the timing cited in Condition No. 2.
12. Removal of Significant (Non-Oak) Trees. Two significant-sized trees (#s 8 and 9, as identified on Attachment K) are proposed and approved for removal, due to their health. These trees may be removed pursuant to the timing cited in Condition No. 2.
13. Removal of Non-Significant (Non-Oak) Trees. Of the ten (10) non-significant sized trees on the site, five trees (#s 5, 25, 30, 32, and 36; identified on Attachment K) may be removed, due to their general health and/or location within the building footprints (as defined by minimum required setbacks) of future house development on their respective Lots 1 and 3 (shown on Attachment F).
14. Future Tree Removal. This approval does not include any future tree removal as may be proposed in future residential development on any of the lots. In such cases, any such proposed tree removal shall require that a Tree Removal Application be submitted, pursuant to the processing and requirements of the County-adopted Significant Tree Regulations.
15. General Tree Preservation/Protection Measures for All Live Trees on Site (Unless Otherwise Approved for Removal). In addition to the “General Tree Protection Guidelines” provided in the Gessner Report (Appendix A, page 23 of 28), the following shall be implemented as directed and (where required) supervised by the project arborist. Five olive trees (#s 20, 21, 22, 23, and 24) are located generally to the east of the property boundary of Lot 3, within the Santa Cruz Avenue County right-of-way. However, due to their proximity to any and all development related site disturbance, these trees shall have tree protection fencing placed at the trees’ driplines. The actual construction drawings for roadway construction, stormwater drainage lines, sanitary sewer lines and demolition of the house and other existing development on the site shall include erosion control measures and tree protection measures. These plans shall be submitted to the Planning Department (which shall include the Public Works Department) for review and approval prior to any activity proposed on such plans.

Tree protection fencing (per the detail illustration provided at the end of the arborist report, Attachment J) shall be installed and maintained throughout the entire length of the project, including eventual demolition of the house through to the completion of all new residential construction on all three lots. Fencing for tree protection shall be 6 feet tall, comprised of high density (orange colored) polyethylene material supported by metal 2-inch diameter poles, pounded into the ground to a depth of no less than 2 feet. The protective fencing’s location shall be as close to the dripline of the respective trees as possible. Exceptions to this distance shall only be allowed where construction of subdivision-related improvements is in close proximity to the subject trees where additional area is required for construction to safely occur. In such cases, the fencing shall be placed under the supervision of the arborist. No materials shall be stored or cleaned inside the fenced protection zones. Areas outside the protection fencing, but still beneath the respective tree’s dripline, where foot or vehicle traffic is expected to be heavy, shall be mulched with 4-6 inches of chipper chips covered with plywood. The spreading of chips will help to reduce compaction and preserve soil structure. The chip buffer shall extend over the entire tree protection zone. A Tree Protection Inspection shall occur prior to issuance of demolition or building permits and any development related activity or disturbance on the site to ensure that all cited tree protection and erosion control measures are in place.

a. *Retention of and Repair/Correction to Existing Tree Protection Fencing.* From the time of the implementation of all Tree Protection measures cited above, the applicant shall be responsible for ensuring that all such protection measures are maintained to ensure their maximum effectiveness. Any failed fencing or measures shall be repaired or replaced as directed by and under the supervision of the arborist.

b. *Trenching for Irrigation, Electrical/Gas, Additional Drainage Associated with Construction of Future Houses.* The following measures shall be included in association with the future construction of any residential development on any of the proposed lots, including the continuation of tree protection measures and any proposed tree removal. Such trenching shall be hand-dug when beneath the driplines of the protected trees. Such hand digging and laying conduit or pipe below or beside the tree's protected roots will reduce root loss of and trauma to the entire tree. The trenches shall be backfilled as soon as possible with native material and compacted to its original level. Trenches that must be left exposed for a period of time shall be covered with layers of burlap or straw wattle and kept moist. Plywood placed over the top of the trench will also help protect exposed roots below.

16. Tree Trimming. For any trees to be preserved, selective trimming of certain limbs or within the tree canopy may occur, when it is determined by the arborist to be necessary for either the health of the tree or due to work to be safely and effectively performed around such trees. Such trimming shall occur under the direction and observation of the arborist.
17. Surety Deposit for Tree Replacement. Prior to recordation of the Final Parcel Map, the applicant or property owner shall post a Certificate of Deposit (CD), payable to San Mateo County, in the amount of \$5000.00 to pay for any and all new trees, whether they are required as replacements for those removed or for those trees that failed, as cited in previous conditions. The CD shall be released only upon the arborist's final confirmation to the Community Development Director that all live trees that were to be preserved and protected are in generally good health, prior to the final Building inspection approval of the last (third) house being built.
18. Private Roadway Construction Timing. The private roadway shall be constructed (along with all required tree preservation measures affecting the four cited oak trees) and completed, to the satisfaction of the Department of Public Works and the Community Development Director, prior to either the final Building Inspection approval of the first residence built on the subject parcel or approved lot or prior to the recordation of the Final Parcel Map, whichever occurs first. No bonding mechanism or process shall be allowed for the road construction. Upon completion of the roadway, tree protection measures shall be installed, as directed and overseen by the arborist, to protect the cited four oak trees from any future construction disturbance on the property. Additionally, the roadway surface shall be covered with materials of an adequate type and thickness to adequately offset the load impacts posed by all construction equipment and vehicles traversing the roadway as necessary and related to all other improvements to the property, through to and including construction of houses and related development on all three lots.

#### Street Naming

19. The street name of "Cardinal Court" shall become effective 45 days from approval to allow for public notification with public service agencies.

## Department of Public Works

20. The street, as named "Cardinal Court," must be clearly marked from the entrance on Santa Cruz Avenue so emergency vehicles can locate the street. The new signs must meet Menlo Park Fire Protection District's requirements in terms of size and location. The applicant shall contact the Menlo Park Fire Protection District for these requirements prior to installation.
21. Any grading required as associated with this project shall comply with the County Grading Ordinance, including a separate permitting process with the Planning Department if required.
22. Any and all future development on Lot 1 shall be located such that it does not encroach into the 6-foot wide sanitary sewer easement (recorded in Book 4346, Page 175 of Official Records of San Mateo County) located generally parallel to and close to that lot's western boundary, which provides sanitary sewer service for APN 074-091-380 (2 Crocus Court) and direct it to the sanitary sewer line located within Harrison Way road right-of-way. The expanded side setback (Condition No. 10) will also serve to keep any development off this easement.
23. Prior to the recordation of the Final Parcel Map, or prior to the issuance of the building permit or planning permit (for Provision C.3 Regulated Projects), which occurs first, the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan (which shall show the revision as shown in Attachment G and Condition No. 24) and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.
24. The stormwater drain as located along the rear yard areas of Lots 1 and 2 shall be constructed pursuant to that drainage feature cross section shown in Attachment G.
25. Prior to the issuance of the building permit or planning permit (if applicable) for any future residential-related development of any of the three lots, the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab of associated house) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details from both the existing and the proposed drainage patterns and drainage facilities.
26. Prior to recordation of the Final Parcel Map, the applicant shall submit to the Department of Public Works, for review and approval, documentation of ingress/egress easements, stormwater easements, and sanitary sewer easements for the applicant's use and the use of others.
27. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plan, have

been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.

28. Prior to recordation of the Final Parcel Map, the applicant shall execute and record a maintenance agreement in a form approved by the County for the proposed stormwater facilities and connection to County storm drain facilities.
29. Prior to the issuance of the building permit for residential development of each of the three lots, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
30. Future development of any and all parcels resulting from the approved subdivision must comply with these requirements. The applicant shall note the requirement in the deeds for each parcel, copies of which shall be provided to the Planning Department, and shall disclose the requirement to any potential buyer(s). Each parcel shall be tagged by the Planning Department with this requirement, and no permits shall be issued for any development of the parcel(s) until this requirement is met. For future structures to be built on the individual parcels, prior to the issuance of a building permit for any structure on the project site, all plans shall be reviewed by the Planning Department for conformance with this condition.
31. Prior to recordation of the Final Parcel Map, the applicant shall submit written certification from the appropriate utilities to the Department of Public Works and the Planning and Building Department stating that they will provide utility (e.g., sewer, water, energy, communication, etc.) services to the proposed parcels of this subdivision.
32. The applicant shall submit a Final Parcel Map to the Department of Public Works County Surveyor for review, to satisfy the State of California Subdivision Map Act. The final map will be recorded only after all Inter Department conditions have been met.

#### Building Inspection Section

33. A demolition permit will be required for the removal of the existing structure. This permit must be finalized before the Final Parcel Map can be recorded.
34. The applicant must contact the County Building Inspection Section for address assignments for the new road ("Cardinal Court").
35. Sediment and erosion control measures to be installed prior to beginning any demolition or site work.

#### Menlo Park Fire Protection District

36. There shall be no vehicle parking allowed on "Cardinal Court." The roadway shall be posted with "No Parking" signs throughout.
37. Approved numbers shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

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