



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT A**

## Menlo Oaks Urgency Interim Oak Protection Ordinance

Submitted July 12, 2016

**Findings:** There is a current and immediate threat to the health and welfare of the historic Oak Woodlands in the Menlo Oaks community. Native Valley Oaks and Coast Live Oaks define this community. They are part of an historic natural plant community that continues to provide aesthetic, environmental, climate moderation, noise reduction, and economic benefits to the residents of Menlo Oaks.

Recent construction associated with new development on parcels within the Menlo Oaks area has resulted in the loss of many Heritage Oaks. In addition, older neighbors have also fallen prey to arborists working for tree service companies who hound them during winter months, when business is slow, to remove "sick" trees. Still, other arborists, hired by homeowners and developers, too often provide reports reflecting the desires of those who have hired them. Their reports offer no tree care advice. The arborists rarely perform an advanced tree assessment to determine the health of the tree. It seems too easy to get a permit to remove a Heritage Oak. Without an interim ordinance and immediate action, more oaks could be lost.

Menlo Oaks has seen a vast increase in home sales, teardowns and new development during the past few years. This has stretched County Building & Planning Department resources to monitor trees during demolition, excavation, grading and construction phases. The ordinances protecting these trees date back to the 90s. Realizing the need to improve the ordinances, the County has established a working group to update the ordinances, but this work will not be completed for a year or two.

Menlo Oaks Tree Advocacy (MOTA), formed last summer, has attempted to monitor tree permits and tree protection during the past year and a half, but this has grown to be more than a job for volunteers. We estimate the Menlo Oaks canopy has been reduced through development by 5-10% in the past 2 years, with most of those trees being Heritage Oaks. An Urgency Ordinance is needed now to help us and the County better protect these oaks.

**Process:** The Board of Supervisors, by a 4/5 vote, may approve an Urgency Ordinance to establish a Moratorium on the removal or major pruning of Heritage Oaks within the Menlo Oaks Area (as defined in the General Plan). Allowable pruning of Heritage Oaks shall not remove more than one-quarter of the branches or disturb more than one-quarter of the roots. No disturbance (land clearing and grading, stockpiling of materials to the area within the drip line or outward extent of the tree canopy may occur. The Urgency Interim Ordinance would be in full force and effect for 45 days; two extensions are allowed, for a total period of 2 years during which permanent regulations can be put in place.

Commented [AK1]: Building?? Excavation? You got at that in the later paragraph I think

Commented [MOU2R1]:

**Definition:** Heritage Oaks are defined as Valley Oaks (*Quercus lobata*) or Coast Live Oaks (*Quercus agrifolia*) with greater than 48" diameter at breast height (dbh). Trees with more than one trunk shall be measured at the point where trunks divide if lower than 48".

**Commented [AK3]:** In the current ordinances I see this in all caps - DBH

**Exception:** Exception to the Moratorium is allowed only for a tree in imminent danger of falling and causing damage to life or property; such condition must be verified by a consulting arborist who performs an advanced tree assessment with sampling and physical testing. This arborist will be selected by the County and paid for by the Applicant. Consulting arborists' services to customers shall not include tree removal or pruning.

**Enforcement:** Violation of this Urgency Ordinance: The County may issue a Stop Work Notice if violation occurs during any stage of development of the property. The Stop Work Notice prohibits further activity on the property including construction, inspection, and certificates of occupancy until a mitigation plan is submitted and approved by the Community Development Director. If the violation occurs in the absence of development, or while an application for a building permit or other permits is pending, the Community Development Director may issue a temporary moratorium on development of the property.

We urge you to help MOTA and other residents of Menlo Oaks protect the Heritage Oaks in our community by adopting an Urgency Interim Oak Protection Ordinance. We urge you to incorporate other actions and fines, whatever it takes, to make it less easy for developers and homeowners to obtain removal permits and more punitive should they violate this ordinance or any other, older ordinances pertaining to Heritage Oaks.