



County of San Mateo

Inter-Departmental Correspondence

Department: PLANNING AND BUILDING

File #: 21-411

Board Meeting Date: 6/8/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: Consideration of an appeal of the Planning Commission's approval of an After-the-Fact Significant Tree Removal Permit (PLN2020-00443) for the unpermitted removal of a 20.9-inch diameter at breast height (dbh) Coast Live Oak tree while a permit was pending, pursuant to Section 12,000 of the San Mateo County Ordinance Code, on property located at 10 Cardinal Court in the unincorporated West Menlo Park area of San Mateo County. Item continued from May 18, 2021 BOS hearing.

County File Number: PLN2020-00443 (Highland Solutions LLC)

RECOMMENDATION:

Consider an appeal of the Planning Commission's approval of an After-the-Fact Tree Removal Permit (PLN2020-00443) for the unpermitted removal of a 20.9-inch diameter at breast height (dbh) Coast Live Oak Tree while a permit was pending, pursuant to Section 12,000 of the San Mateo County Ordinance Code, on property located at 10 Cardinal Court in the unincorporated West Menlo Park area of San Mateo County, and:

- A) Deny the appeal on the basis that the tree that was removed was in a location that warranted removal given the limitations it placed on the property owner's ability to construct a residence equivalent to other residences in the neighborhood. With the additional off-site mitigation in the supplemental conditions of approval, the criteria for tree removal established by the Significant Tree Ordinance have been met; and
- B) Approve the After the Fact Tree Removal Permit, County File Number PLN2020-00443, with conditions that require additional off-site mitigation in order to fulfill the requirements of Section 12,032(2)(c) of the County Ordinance Code.

BACKGROUND:

On May 18, 2021 the Board heard an appeal of the Planning Commission's approval of an After-the-Fact Tree Removal Permit for the unpermitted removal of a Coast Live Oak tree at 10 Cardinal Court in West Menlo Park. On that date, the Board conducted a public hearing that included presentations

from the appellant and the applicants, as well as public comment. During deliberations, the Board expressed concerns regarding the adequacy of the proposed mitigation for the removed tree. Some members of the Board expressed an interest in increasing the size or number of replacement trees, either on the project site or perhaps on an alternative site, to help offset the loss of the removed mature subject tree. However, due to time constraints, the Board continued its consideration of the item to a future meeting without acting on the appeal or permit.

As discussed in the previous staff report, the applicant has planted two Northern Red Oak trees in the rear yard area of the subject parcel. The applicant planted 24" box trees, approximately 20 feet apart. Additionally, there is another tree (Tree No. 35 - a 12" Maple) in this rear yard area that the applicant does not propose to remove.

Planning staff conferred with the County arborist as to the size of these replacement trees, their location, and chances of survival in order to determine the adequacy of the proposed mitigation.

The County arborist confirmed that the replacement trees are of a size that offers the best likelihood of long-term survival and growth. The arborist states that larger box trees have a lower likelihood of survival, as more mature trees would be less likely to be successfully transplanted. However, the County arborist confirmed that it will take a number of years (partially dependent upon on-going and future drought conditions) for the two replacement trees to match the size and canopy spread of the removed tree. The County arborist also confirmed that planting additional replacement trees in this rear yard area will likely lead to overcrowding and reduced mature size for both the replacement trees and the existing Maple. County staff also determined that there is insufficient space on the remaining portions of the parcel to plant replacement trees that can grow to maturity without causing damage to adjacent structures or competing with the trees that are to remain on the site.

Given the site constraints that limit the potential for additional on-site mitigation, and in order to effectively mitigate the impact of the tree removal, to the recommended conditions of approval require the applicant to contribute \$10,000 to the planting of new trees off-site that will contribute to the replacement of canopy in the larger community. Staff has recommended the County's Flood Park, off of Bay Road, as a potential site for additional replacement trees, subject to the approval of the County Parks Department.

Staff estimates that this amount would fund the planting of approximately eight 24-inch box coast live oak, should this type of tree be selected by Parks. By including funding for these additional trees, the proposed mitigation will offset the impacts of the tree removal more quickly and effectively that can be achieved by on-site mitigation. Accordingly, staff recommends adoption of the findings and conditions of approval contained in Attachment A to this report.

FISCAL IMPACT:

The provision of a \$10,000 financial contribution to tree planting within a County Park will support the County's efforts to enhance parks and open spaces.

ATTACHMENTS:

- A. Revised Recommended Findings and Conditions of Approval
- B. Board of Supervisors Staff Report - May 18, 2021