

**Appeal from Permit PLN2023-00336**  
**Exhibits A-G**

**Exh. A.** Photo of 800 block of Menlo Oaks Drive

**Exh. B.** 6/5/2024 SMC Planning and Building letter granting permit: **nothing here challenging health or safety of tree**; only two findings (p.2):

No.1 “replacement trees” approved by “Director of Planning” (Steve Monowitz, **not** “Community Development Director,” Zach Dahl); and

No.2 “action necessary to allow reasonable economic or other enjoyment of the property” (**no economic analysis, even of then-existing house**);

**Exh. C.** SMC Significant Tree Ordinance **See 12,021(i)** Permit application required to include report by certified arborist that describes “the actions that could be taken to avoid removal. . .” **See also 12,023 a. and b.** Criteria for permit approval:

(a) Two closest applicable listed criteria are **not here**: No. 6. “too close to proposed structures,” only applies to LCP – the coast, not Menlo Oaks) and No. 12. replacement trees approved “by Community Development Director,” (e.g., Zach Dahl, **not** Steve Monowitz).

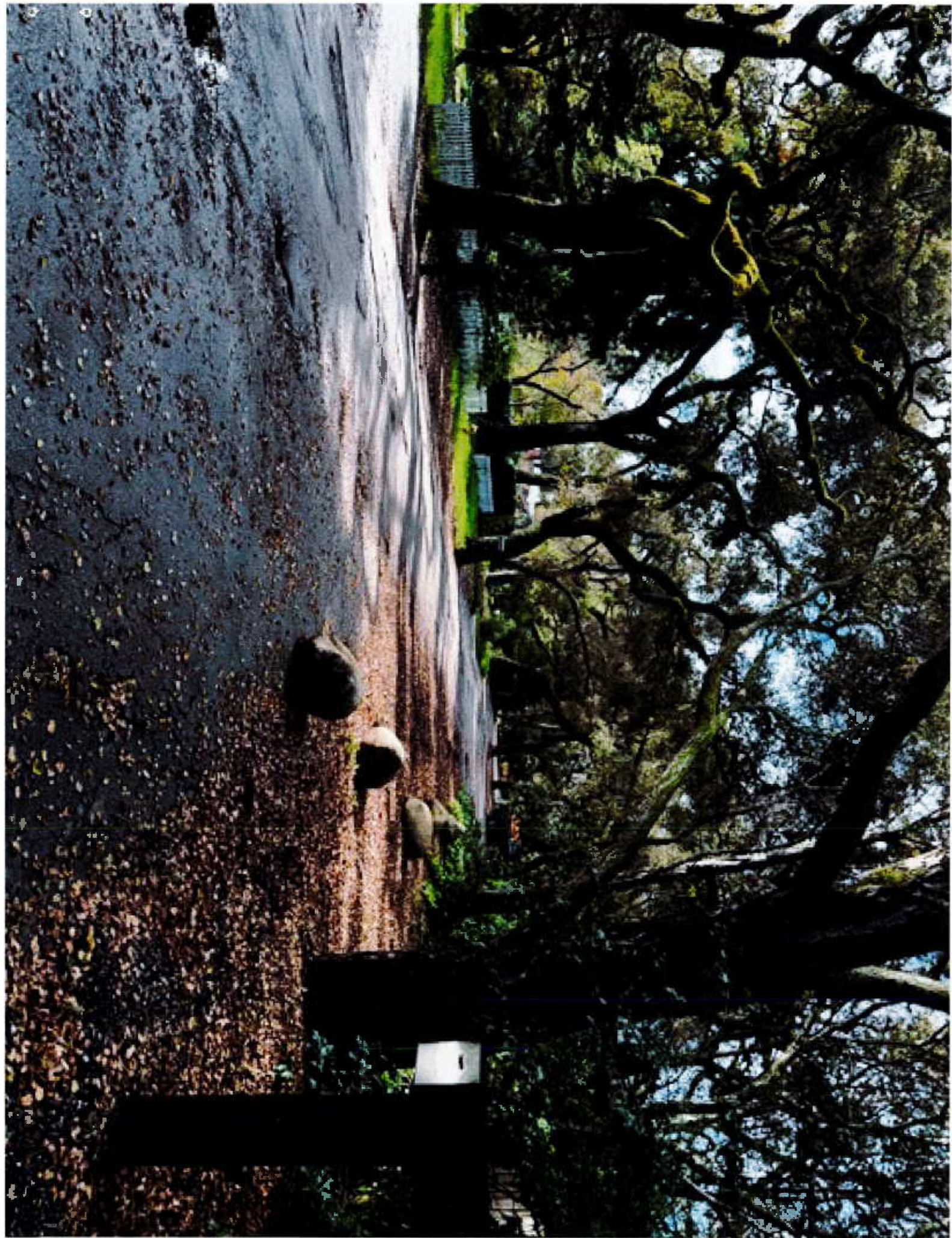
(b) **also not here** – “reasonable economic or other enjoyment of the property” does not equal this new 4800 sq. ft. house (vs old 2630 sq ft house), or a driveway where this one still is, or, even now, excavation of that driveway

**Exh. D.** Floorplan showing new and old house, location of subject tree.

**Exh. E.** Photo showing that tree at property edge that leans **away** from subject and showing that, even as now built, the new garage is not blocked by the tree

**Exh. F.** Photo Showing that the tree is extremely vigorous, leans toward the neighbor’s garage (not the subject property) and forms a critical part of the canopy

**Exh. G.** “Zillow” listing showing 2,630 sq. ft. house existing when permit issued





COUNTY OF SAN MATEO  
PLANNING AND BUILDING

P2

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June 5, 2024

Lisa Wellman  
1045 Alameda De Las Pulgas, Ste. C  
Belmont, CA 94002

[lisa@planadesigngroup.com](mailto:lisa@planadesigngroup.com)

Dear Lisa Wellman:

SUBJECT: Bayside Significant Tree Removal Permit  
830 Menlo Oaks Drive, Menlo Oaks  
APN 062-160-050; County File No. PLN2023-00336

Your application for Significant Tree Removal Permit to remove one (1) 35-inch Diameter at Breast Height (DBH) Coast live oak tree in the front yard on the subject property, is hereby **approved**, pursuant to Section 12,000 of the San Mateo County Ordinance Code. Public notification was sent out on March 12, 2024. The posting period began on March 12, 2024 and ended on March 22, 2024. Several comments and objections were received from individuals and neighborhood groups.

At the time of application, the project proposed the removal of eight (8) trees citing health and hazards as the rationale for removal. However, the application was subsequently revised to only include the subject tree citing proposed construction as the reason for removal. A revised arborist report was submitted to support the revised application.

As part of the permit application, the applicant submitted an arborist report completed by Cody Kleinheinz, certified arborist, of Kleinheinz Arborist Services LLC, dated February 8, 2023. The arborist's evaluation of the subject tree cited that the tree was in fair vigor and very poor form with a significant lean towards the neighboring property. The arborist noted uplifting of the blacktop around the base of the tree, indicating that the tree is potentially starting to uproot. The arborist also noted that there is no treatment to correct this situation. Therefore, the arborist recommended the removal of the tree as failure could result in significant property damage and serious injury.

Staff received six comments in opposition to the proposed removals from individual concerned parties and neighborhood advocacy groups. The opposition comments noted that the development could still occur without removing the tree and expressed concerns over removing a tree in fair health, as well as the overall loss of significant trees in the community. Staff reviewed the tree removal application documentation and submitted building plans, County file. No. BLD2023-01600. While Staff was unable to substantiate the initial claims of

potential failure, we were able to confirm that the subject tree was in close proximity to the proposed driveway and garage which would provide the required off-street parking. Given the proximity, vehicle weight associated with vehicles parking, entering, and exiting the garage could negatively impact the roots of the tree. Staff requested the applicant to explore alternative designs for the proposal but found that damage may be unavoidable as relocating the proposed garage to an alternative location has the potential to impact one of the other Oak trees in the front yard. Therefore, staff has determined that the removal of the Coast live oak tree due to the proposed development is consistent with the requirements of the Significant Tree Removal Ordinance. The County Arborist reviewed the application and concurred with the proposed removal, subject to the re-planting of two (2) 24-inch box Coast live oak trees or other California native oak species.

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

### **FINDINGS**

Staff found that:

1. The trees will be replaced by plantings approved by the Director of Planning and Building, unless special conditions indicate otherwise.
2. The required action is necessary to allow reasonable economic or other enjoyment of the property.

### **CONDITIONS OF APPROVAL**

1. The tree indicated on the application form dated October 16, 2023, may be removed after the end of the appeal period, assuming no appeal is filed as stipulated in this letter. A separate Tree Removal Permit shall be required for the removal of any additional trees. If the tree removal is associated with a building permit, the tree may only be removed after building permit issuance.
2. This Significant Tree Removal Permit approval shall be on the site and available at all times during the tree removal operation and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street.
3. The applicant shall plant on-site a total of two (2) trees using at least 24-inch box Coast live oak trees or other California native oak species for the tree removed. For tree permits not associated with a building permit, replacement planting shall occur within one (1) year of the Tree Removal Permit approval date (Section 12,024 of the San Mateo County Significant Tree Ordinance Code). Replacement trees shall be planted in locations which do not conflict with utility lines or built improvements, such as structures, fences, driveways and sidewalks.

4. The applicant shall submit photo verification to the Planning Department of the planted replacement trees required in Condition of Approval No. 3. Photos shall either be submitted in person to the Planning Department, or via email to [PlanningProjects@smcgov.org](mailto:PlanningProjects@smcgov.org) with reference to the Planning Application PLN Number, as identified in the subject line of this letter.
5. If the subject Tree Removal Permit is associated with a building permit for construction of a new residence, the required tree replanting, per Condition of Approval No. 3, shall be required prior to the final building inspection approval. Any outstanding tree replacements not yet complied with from previously approved tree removal permits, if any, shall also be fulfilled. An inspection final by the Planning Department will be added to the associated building permit, BLD 2023-01600, and can be satisfied via photo verification described in Condition 4.
6. The tree shall not be removed until the associated building permit (BLD2023-01600) has been issued.
7. If work authorized by an approved permit is not commenced within the period of one year from the date of approval, the permit shall be considered void.
8. During the tree removal phase, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site by:
  - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
  - b. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - d. Using filtration or other measures to remove sediment from dewatering effluent.
  - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - f. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.
9. The applicant shall clear all debris from the public right-of-way.

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

The approval of this Tree Removal Permit and any conditions of the approval may be appealed within ten (10) working days of the date of this letter. An appeal form accompanied by the applicable filing fee of \$616.35 must be submitted by **5:00 p.m., June 20, 2024**. If at the end of that period no appeal has been filed, the subject trees may be removed (Section 12,028 of the San Mateo County Ordinance Code.)

You will be notified if an appeal is made.

If you have any questions, please call the project planner, Katheryne Castro Rivera, at 650/599-1554 or by email at [kcastrorivera@smcgov.org](mailto:kcastrorivera@smcgov.org).

To provide feedback, please visit the Department's Customer Survey at the following link: <https://www.smcgov.org/planning/webforms/san-mateo-county-planning-and-building-engagement-survey>

FOR STEVE MONOWITZ  
DIRECTOR OF PLANNING AND BUILDING, By:



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Angela Chavez, Senior Planner

cc: MOTA  
Interested Parties



**THE SIGNIFICANT TREE ORDINANCE OF SAN MATEO COUNTY**  
(Part Three of Division VIII of the San Mateo County Ordinance Code)

**CHAPTER 1. FINDINGS, INTENT, AND PURPOSE**

**SECTION 12,000. FINDINGS.** The Board of Supervisors finds and declares that the existing and future trees and tree communities located within the County of San Mateo are a valuable and distinctive natural resource. The trees and tree communities of the County augment the economic base through provision of resources for forest products, encouragement of tourism, and enhancement of the living environment. These resources are a major component of both the highly-localized and area-wide environment. The following environmental consequences are among those which could result from the indiscriminate removal or destruction of trees and tree communities in San Mateo County:

- (a) Modification of microclimates.
- (b) Change or elimination of animal habitat, possibly including habitats of endangered species.
- (c) Change in soil conditions, resulting in modified biological activity and erosion of soils.
- (d) Creation of increased susceptibility of flood hazards.
- (e) Increased risk of landslides.
- (f) Increased cost of construction and maintenance of drainage system through increased flow and diversion of surface waters.
- (g) Degradation of the human habitat.
- (h) Loss of environmental benefits of trees in neighborhoods, such as noise reduction, oxygen replacement, carbon dioxide reduction, interception of particulates, aesthetic qualities.
- (i) Potential for irreparable wind damage to adjacent trees.

**SECTION 12,001. INTENT.** The Board of Supervisors further finds and declares that it has already passed legislation to regulate the commercial harvesting of forest products in this County and that it does not intend by this enactment to affect those other ordinances regulating tree cutting, but that it is the intent of this Board to control and supervise in a reasonable manner the cutting of significant trees and tree communities within the unincorporated area of the County as herein described. It is further found and

declared that the preservation and replacement of significant tree communities on private and public property is necessary to protect the natural beauty of the area, protect property values, and prevent undesirable changes in the environment.

**SECTION 12,002. PURPOSE.** The Board of Supervisors further finds and declares that it is necessary to enact this ordinance for the above reasons and to promote the public health, safety, general welfare and prosperity of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent, consistent with the public interest, convenience, and necessity.

**SECTION 12,003. TITLE.** This ordinance shall be known as the "Significant Tree Ordinance."

## **CHAPTER 2. DEFINITIONS**

For the purposes of this part, the following words shall have the meaning ascribed to them in this chapter.

**SECTION 12,010.** "PERSON" shall mean an individual, public agency, including the County and its departments, firm, association and corporation, and their employees, agents, or representatives.

**SECTION 12,011.** "COUNTY" shall mean the County of San Mateo acting by and through its authorized representatives.

**SECTION 12,012.** "SIGNIFICANT TREE" shall mean any live woody plant rising above the ground with a single stem or trunk of a circumference of thirty-eight inches (38") or more measured at four and one half feet (4 1/2') vertically above the ground or immediately below the lowest branch, whichever is lower, and having the inherent capacity of naturally producing one main axis continuing to grow more vigorously than the lateral axes.

**SECTION 12,012.1.** In the RH/DR Zone Districts, the definition of significant tree shall include all trees in excess of nineteen inches (19") in circumference.

**SECTION 12,013.** "PRIVATE PROPERTY" shall mean all property not owned by the County of San Mateo or any other public agency.

**SECTION 12,014.** "PUBLIC PROPERTY" shall mean all property owned by the County of San Mateo, any other city, county, city and county, special district or other public agency in the unincorporated area of San Mateo County.

**SECTION 12,015.** "COMMUNITY DEVELOPMENT DIRECTOR" shall mean the Community Development Director of the County of San Mateo, including his authorized or appointed representatives. For the purpose of this ordinance, the Community Development Director shall authorize or appoint a representative qualified in the field of forestry, ornamental horticulture, or tree ecology to provide the necessary technical assistance in the administration hereof.



**SECTION 12,016.** “COMMUNITY OF TREES” shall mean a group of trees of any size which are ecologically or aesthetically related to each other such that loss of several of them would cause a significant ecological, aesthetic, or environmental impact in the immediate area.

**SECTION 12,017.** “INDIGENOUS TREE” shall mean a tree known to be a native San Mateo County tree. The term may be narrowed in its meaning to include only those trees known to occur naturally in a certain portion of the County. In the Emerald Lake Hills Community Plan area, indigenous trees shall include the following species of trees: *Salix coulteri*, *Salix lasiolepis*, *Salix lasiandra* (all native willows); *Acer negundo californica* (box elder); *Aesculus californica* (buckeye); *Arbutus menziesii* (madrone); *Quercus agrifolia* (coast live oak); *Quercus lobata* (valley oak); *Quercus douglasii* (blue oak); and *Umbellularia californica* (California bay laurel). This list may be amended to include indigenous trees not currently known to occur naturally upon confirmation by a reputable authority on native trees of San Mateo County.

**SECTION 12,018.** “EXOTIC TREE” shall mean any tree known not to be a native indigenous tree, hence any tree which has been planted or has escaped from cultivation.

**SECTION 12,019.** “TRIM” or “PRUNE” means the cutting or pruning of or removal of any roots, limbs or branches of trees which will not seriously impair the health of trees. For the purposes of this Part, the definition of trim shall not apply to any tree being grown as an orchard tree or other fruit or non-indigenous ornamental tree for which trimming and pruning are considered ordinary horticultural practices.

**SECTION 12,019.1.** “EFFECTIVELY REMOVE” includes, but is not limited to, any extreme pruning that is not consistent with standard arboriculture practices for a healthy tree and that result in the tree’s permanent disfigurement, destruction, or removal pursuant to this chapter.

### **CHAPTER 3. PERMITS, CONDITIONS OF APPROVAL, POSTING, EMERGENCIES, APPEALS**

**SECTION 12,020. PERMIT REQUIRED.** Except as provided in Section 12,020.1, below, a permit shall be required under this Part for the cutting down, pruning that effectively removes a tree, poisoning or otherwise killing or destroying or causing to be removed any significant tree or community of trees, whether indigenous or exotic, on any private property.

**SECTION 12,020.1. EXEMPTIONS.** No permits shall be required under this Part in the following circumstances:

- (a) Tree cutting carried out under the provisions of Parts One (Timber Harvesting Regulations) and Two (Regulation of the Cutting of Heritage Trees) of Division VIII of the San Mateo County Ordinance Code.

- (b) Tree cutting in the Resource Management (RM or RM/CZ), Timberland Production Zone (TPZ or TPZ/CZ), and Planned Agricultural (PAD) districts, except within 100 feet of any County or State scenic road or highway, as identified in the San Mateo County General Plan, provided that any tree cutting in the RM, RM/CZ, or PAD districts shall be subject to Section 12,020.3.
- (c) Tree cutting to remove a hazard to life and personal property as determined by the Community Development Director, Director of Public Works, or Officer of the California Department of Forestry and Fire Protection.
- (d) Tree cutting where there is a unique area with a tree management program.
- (e) Tree cutting which has been authorized by the Planning Commission, Design Review Committee, or Community Development Director as part of a permit approval process in which the provisions of this Part have been considered and applied.

**SECTION 12,020.2. TRIMMING IN THE RH/DR DISTRICT.** A permit shall be required in the RH/DR District for the trimming of significant indigenous trees where the cut results in the removal of a branch or cutting of the trunk which is 19 inches or greater in circumference at the point of the cut. Exempt from the provisions of this paragraph are instances where, as determined by the Community Development Director, "limb break" or other natural occurrences that cause the loss of the crown or limb of a tree and such loss requires additional corrective cutting. Under such circumstances, appropriate tree surgery may be required, but no permit is needed.

**SECTION 12,020.3. TREE CUTTING IN THE RM, RM/CZ, AND PAD DISTRICTS:**

- (a) Within the Resource Management (RM or RM/CZ) District, the criteria of Sections 6324 through 6326.4 shall apply and any permit issued for such area shall constitute a Certificate of Compliance as required by Section 6461 of the San Mateo County Zoning Regulations.
- (b) Within the Planned Agricultural (PAD) District, the criteria of Sections 6324 through 6326.4 shall apply, in addition to the requirements, if any, of a Coastal Development Permit.

**SECTION 12,020.4. EXISTING TREE PLAN-APPLICATION REQUIREMENTS.**

Applicants seeking Planning or Building permits (including Grading or Demolition permits) shall submit an Existing Tree Plan separate from, but consistent with the required site plan, to assess tree impacts associated with proposed demolition or development, and establish tree protection measures for demolition or development when activity would occur within the dripline of a significant tree or a heritage tree.

An Existing Tree Plan shall be consistent with a site survey (if said survey is required by the associated Planning or Building Permit) prepared by a licensed Surveyor or registered Civil Engineer with the existing trees plotted with accurate trunk locations and the dripline areas of all trees or groups of trees located on the site. The Existing Tree Plan shall be a separate sheet that depicts:

- Property lines and easements;
- The locations of existing trees or groups of trees, including driplines with each tree numbered, and identified by trunk diameter at breast height (DBH), with an "X" through each tree proposed for removal, including on-site trees and trees adjacent to the project site, with driplines overhanging the project site;
- A table listing each tree by number, DBH, genus, species, and common name;
- For Demolition permits, show the building footprint for the structure to be removed;
- The footprint of any existing or new structures, including additions;
- The location of existing and proposed site utilities, including water, sewer, drainage, gas, underground electrical, voice/data, septic field, well head, or other;
- An Arborist's report is required for significant or heritage trees proposed for removal on the basis of poor health, potential hazard, or when a significant or heritage tree(s) is proposed to remain, but new development would encroach within the dripline of the tree(s);
- The Arborist's report shall assess the tree condition for all significant or heritage trees, and any measures necessary to protect trees on-site during demolition or construction. Tree protection measures shall comply with San Mateo County's tree protection requirements;
- For development within a tree dripline, the report shall assess potential tree survival and longevity, and special measures needed to protect any such trees during construction.

Existing Tree Plans shall NOT include:

- Proposed Landscaping
- Topographic Lines
- Finished Floor Elevations

**SECTION 12,020.5. TREE PROTECTION PLAN.** All proposals for development (Building or Planning Permit) on sites where proposed construction has the potential to impact a significant tree shall submit a tree protection plan, for review and approval, prior to the issuance of a Building or Planning permit. Said protection plan shall be required as needed depending upon site conditions and shall include the following:

- 1) Identify, establish, and maintain tree protection zones throughout the entire duration of the project;

- 2) Isolate tree protection zones using 5-foot tall, orange plastic fencing supported by poles pounded into the ground, located at the driplines as described in the arborist's report;
- 3) Maintain tree protection zones free of equipment and materials storage; contractors shall not clean any tools, forms, or equipment within these areas;
- 4) If any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting as required in the arborist's report. Any root cutting shall be undertaken by an arborist or forester and documented. Roots to be cut shall be severed cleanly with a saw or topers. A tree protection verification letter from the certified arborist shall be submitted to the Planning Department within five (5) business days from site inspection following root cutting;
- 5) Normal irrigation shall be maintained, but oaks shall not need summer irrigation, unless the arborist's report directs specific watering measures to protect trees;
- 6) Street tree trunks and other trees not protected by dripline fencing shall be wrapped with straw wattles, orange fence and 2x4 boards in concentric layers to a height of eight feet; and
- 7) Prior to Issuance of a Building Permit (including Grading or Demolition Permits), the Planning and Building Department shall complete a pre-construction site inspection, as necessary, to verify that all required tree protection and erosion control measures are in place.

**SECTION 12.021. PERMIT APPLICATIONS.** Any person desiring to cut down, remove, destroy, or cause to be removed any tree regulated herein shall apply to the San Mateo County Planning Department for a Tree Cutting Permit on forms provided. Said application shall be accompanied by such drawings, written material, photographs, and other information as are necessary to provide data concerning trees within the affected area, which shall include:

- (a) The diameter and height of the tree.
- (b) The type of trees (e.g., coniferous, evergreen hardwood and deciduous hardwood).
- (c) A map or accurate sketch of location and trees proposed to be cut (show other significant trees, shrubs, buildings, or proposed buildings within 25 feet of any trees proposed to be cut including any of the parcel; photographs may be used to show the area).
- (d) Method for marking the tree proposed to be trimmed, cut down, removed, or destroyed.
- (e) Description of method to be used in removing or trimming the tree.

- (f) Description of tree planting or replacement program, including detailed plans for an irrigation program, if required.
- (g) Reasons for proposing removal or trimming of the tree.
- (h) Street address where tree is located.
- (i) General health of tree to be trimmed, cut down or removed, as documented by a licensed arborist. The arborist report shall assess the condition and health of the tree proposed for removal, the actions that could be taken to avoid removal, and the recommended course of action. The submitted arborist report shall be subject to the review of an independent arborist, who shall provide a recommendation to the Community Development Director and other decision making bodies on whether to deny or conditionally approve the application.
- (j) Other pertinent information which the Community Development Director may require.

**SECTION 12,021.1. FEES.** The application for a tree cutting permit shall be accompanied by a fee as set by resolution of the Board of Supervisors.

**SECTION 12,021.2. POSTING NOTICE OF APPLICATION.** The applicant shall cause a notice of application on a form provided by the San Mateo County Planning Department to be posted on each tree for which a permit is required and in at least two conspicuous locations clearly visible to the public, preferably on the roadside at eye level, on or close to the property affected indicating the date, a brief description of the application, the identification of the subject property, the address to which comments may be directed and from which further information may be obtained, and the final date for receipt of comments. The applicant shall indicate on the application his or her affidavit that this notice will be posted for at least ten (10) calendar days after the submission of the completed application.

**SECTION 12,022. ACTION ON PERMIT.** The Community Development Director shall review the application and, if necessary, inspect the site and shall determine on the basis of the information provided, the site inspection and the criteria contained herein whether to grant, grant with conditions, or deny the permit. Whenever any action is taken on a permit, the Community Development Director shall provide the applicant with a written statement indicating said action, and conditions imposed and the findings made in taking such action.

**SECTION 12,022.1. SCENIC CORRIDORS.** Any permits which involve substantial alteration of vegetation within a scenic corridor shall be acted upon by the Planning Commission. The Planning Commission may approve, conditionally approve, or deny the permit.

**SECTION 12,023. CRITERIA FOR PERMIT APPROVAL.** The Community Development Director or any other person or body charged with determining whether to grant, conditionally grant or deny a Tree Cutting or Trimming Permit may approve a permit only if one or more of the following findings are made:

- (a) The tree: (1) is diseased; (2) could adversely affect the general health and safety; (3) could cause substantial damage; (4) is a public nuisance; (5) is in danger of falling; (6) is too closely located to existing or proposed structures consistent with LCP Policy 8.9(a); (7) meets standards for tree removal of Chapter 28.1 (*Design Review District*) of the San Mateo County Zoning Regulations; (8) substantially detracts from the value of the property; (9) interferes with utility services consistent with the San Mateo County Local Coastal Program (LCP) Policy 8.9(a); (10) acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite; (11) is a substantial fire hazard; or (12) will be replaced by plantings approved by the Community Development Director or Design Review Administrator, unless special conditions indicate otherwise.
- (b) The required action is necessary (1) to utilize the property in a manner which is of greater public value than any environmental degradation caused by the action; or (2) to allow reasonable economic or other enjoyment of the property. These findings cannot be made for any property in the Coastal Zone.

**SECTION 12,024. CONDITIONS OF APPROVAL.** In granting any permit as provided herein, the Community Development Director, Planning Commission, or Board of Supervisors may attach reasonable conditions to ensure compliance with the intent and purpose of this ordinance including, but not limited to:

- (a) Outside of the RH/DR District, replacement of trees removed shall be with plantings of trees acceptable to the Community Development Director.
- (b) In the RH/DR District, replacement shall be in a manner and quantity prescribed by the Design Review Committee but shall not exceed the following specifications:
  - (1) For each loss of a significant indigenous tree in the RH/DR District, there shall be a replacement with three (3) or more trees, as determined by the Community Development Director, of the same species using at least five (5) gallon-size stock.
  - (2) For each loss of a significant exotic tree in the RH/DR District, there shall be a replacement with three (3) or more trees, as determined by the Community Development Director, from a list maintained by the Community Development Director. Substitutes for trees listed by the Community Development Director may be considered but only when good reason and data are provided which show that the substitute tree can survive and flourish in the regional climatic conditions.
  - (3) Replacement trees for trees removed in the RH/DR District shall require a surety deposit for both performance (installation of tree, staking, and providing an irrigation system) and maintenance. Maintenance shall be required for no less than two (2) and no more than five (5) years as determined by the Community Development Director.

- (4) Loss of any particular replacement prior to the termination of the maintenance period shall require the landowner at his/her expense to replace the lost tree or trees. Under such circumstances, the maintenance period will be automatically extended for a period of two (2) additional years.
  - (5) Release of either the performance or maintenance surety shall only be allowed upon the satisfactory installation or maintenance and upon inspection by the County.
  - (6) Where a tree or trees have been removed on undeveloped lands in the RH/DR District and no existing water system is available on the parcel, the replacement tree or trees, if required to be installed, shall be of sufficient size that watering need not be done by automatic means. Under such circumstances, water can be imported by tank or some other suitable method which would ensure tree survival in accordance with subparagraphs (4) and (5), above.
  - (7) Postponing the planting of replacement trees can be done if approved by the Design Review Administrator.
- (c) Use of measures to effect erosion control, soil and water retention and diversion or control of increased flow of surface waters.
  - (d) Use of measures to ensure that the contemplated action will not have adverse environmental effects relating to shade, noise buffers, protection from wind, air pollution, and historic features.
  - (e) Removal of posting following all tree cutting activity and inspection by the County.

**SECTION 12,025. PERMIT ON-SITE.** The approved Tree Cutting Permit shall be posted on the site at all times during the tree cutting operation and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street.

**SECTION 12,026. EXPIRATION OF PERMIT.** If work authorized by an approved permit is not commenced within a period of one year from the date of approval, the permit shall be considered void.

**SECTION 12,027. EMERGENCIES.** In case of an emergency, caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, such necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other provisions of this Part, except that the person responsible for the cutting or removal of the trees shall report such action to the Community Development Director within five (5) working days thereafter, and the provisions regarding replacement trees in accordance with Section 12,024 of this Part shall be required.

**SECTION 12,028. APPEALS.** The applicant or any other person who is aggrieved by the issuance or non-issuance of the permit or any conditions thereof, or by any other action taken by the Community Development Director as authorized by this Part, may appeal in the manner set forth below. A statement by the appellant shall be required indicating how the appellant is aggrieved or adversely affected by the decision. At the time the appeal is heard, the Planning Commission shall rule upon the appellant's standing as an aggrieved party. If the Planning Commission rules that the appellant is not aggrieved, all further proceedings shall be stayed except that the appellant may appeal the Planning Commission decision on standing to the Board of Supervisors as herein provided.

- (a) Any action under this Part taken by the Community Development Director may be appealed to the Planning Commission by filing a written notice of appeal with the Secretary of the Planning Commission within ten (10) days of the issuance or denial of said permit. The Planning Commission shall hear such appeal within thirty (30) days of the date of filing of the written protest. The Planning Commission shall render a decision on the appeal within fifteen (15) days of public hearing. The Community Development Director shall notify the affected parties of said action as provided for in Section 12,022.
- (b) Any action under this Part taken by the Planning Commission may be appealed to the Board of Supervisors by filing a written notice of appeal with the Secretary of the Planning Commission within (10) days from the decision of the Planning Commission. The Board of Supervisors shall hear such appeal within sixty (60) days and render a decision within fifteen (15) days following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the Board of Supervisors shall be reported to the affected parties as provided for in Section 12,022 herein.

#### **CHAPTER 4. INSPECTIONS, VIOLATIONS**

**SECTION 12,030. PERMISSION TO ENTER PROPOSED PERMIT AREA.** Filing of an application for a Tree Cutting Permit shall constitute a grant of permission for County personnel concerned with administering this Part to enter the subject permit area during normal working hours from the date of application to the completion of any approved action for the purpose of inspecting said area for compliance with these rules and applicable law. Such right of entry shall be granted by the landowner through the duration of any requirements to maintain replacement trees as conditions to the permit.

**SECTION 12,031. INSPECTION.** The Planning and Building Department may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this part and the requirements of any applicable law. Upon completion of any inspection, the permittee shall be given a written notice of any violations observed at the time of inspection for correction thereof.

**SECTION 12,032. VIOLATIONS: CEASE AND DESIST; REMEDIATION OF UNLAWFUL TREE CUTTING.** If the Chief Building Official or Community Development



Director or their designated representative, or any officer of the San Mateo County Sheriff's Department or any other peace officer finds any tree cutting activity for which a permit under this Part is required but not issued, or the tree cutting is not in substantial compliance with an issued permit or the plans and specifications relating thereto, an order to cease work may be issued. No further tree cutting may be done except upon approval of the Community Development Director. Conditions may be imposed as necessary to protect the health, safety, and welfare of the public, including the condition that corrective work be done within a designated time in accordance with the provisions of this Part, or as may be provided by law in Division VI (Zoning Regulations), San Mateo County Ordinance Code.

In the event that the Community Development Director determines that one or more significant trees have been removed, cut, or trimmed without the required permit or permits, the following additional requirements shall be imposed:

- 1) If a violation of this Ordinance occurs during development of a property:
  - (a) A stop work notice may be issued on all construction of any kind on the property to remain in effect until the remaining requirements of this section are satisfied.
  - (b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with Chapter 3 of this Part. The owner or applicant shall be required to submit a mitigation plan for review and approval by the Planning and Building Department. The mitigation plan shall include:
    - Measures for protection of any remaining trees on the property.
    - Shall provide for replacement of each tree removed or heavily damaged.
    - Size, number and species of replacement tree(s) shall be at the discretion of the Planning and Building Department and shall be commensurate with the size and species of tree(s) removed.
    - Replacement shall occur on the subject parcel or at a location approved by the County.
  - (c) The stop work notice shall remain in effect, and no construction shall be allowed on the affected property, until such time as the Community Development Director has determined that the above described mitigation plan has been fully implemented, up to and including the submittal of a non-revocable bond, made payable to the County of San Mateo, for the long-term maintenance of the replacement tree(s).
  - (d) At the time of permit application, the applicant shall pay all fees, including investigation fees of 10 times the normal permit fee, as well as the penalty

finer cited below under Section 12,032.2, and satisfy all conditions in connection therewith, including replacement planting.

- 2) If a violation of this Ordinance occurs in the absence of development or while an application for a building permit or discretionary development approval is pending:
  - a) The Community Development Director (or designee) may issue a temporary moratorium on development of the subject property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the County an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure that measures are incorporated into any future development approvals for the property.
  - b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with Chapter 3 of this Part.
  - c) A Mitigation Plan as described above, shall be submitted by the property owner and reviewed by the Planning and Building Department. Upon approval, said plan shall be implemented prior to rescinding of the moratorium.
  - d) At the time of permit application, the applicant shall pay all fees, including investigation fees of 10 times the normal permit fee, as well as the penalty fines cited below under Section 12,032.2, and satisfy all conditions in connection therewith, including replacement planting.

**SECTION 12,032.2. VIOLATIONS: PENALTIES FOR INFRACTION.** Any person who violates the provisions of this Part, including property owners and persons performing tree removal or trimming activities, shall be subject to a penalty fine, as follows:

First Significant Tree	\$2,500
Second Significant Tree	\$3,750
Each Additional Significant Tree	\$5,000

The above cited fines shall be served on the record owner of the subject property. Additionally, the above cited fines may be served on the person(s) performing the tree removal or trimming, if different than the owner of record. For the purposes of this Section, each single tree being cut without benefit of a permit shall constitute a separate infraction, the fine being cumulative.

**SECTION 12,032.3. VIOLATIONS: CUMULATIVE REMEDIES.** The remedies for violations set forth in Sections 12,032 and 12,032.2 can be enforced separately or cumulatively. In addition to the penalties provided for in this Chapter, any violations may be addressed by civil action.

**SECTION 12,032.4. VIOLATIONS: RECORDATION OF NOTICE OF VIOLATION.**

A notice of violation may be recorded in the Office of the County Recorder for non-compliance with the provisions of this Part. The Community Development Director shall notify, by certified mail, the owner of the affected real property and any other known party responsible for the violation of the recordation. If the property owner or other responsible party disagrees with the County's determination that the tree cutting violates this Part, proof may be submitted to the Community Development Director, including documentation and professional tree surgeon or arborist reports that a tree cutting permit is not required. If the Community Development Director determines that a tree cutting permit is required, the property owner and/or party responsible for the tree cutting work shall apply for the necessary tree cutting permit within a specified time period set by the Community Development Director.

**SECTION 12,032.5. NOTICE OF EXPUNGEMENT.** A notice of expungement of the notice of violation shall be recorded with the Office of the County Recorder when:

- (a) The Community Development Director or other appellate authority determines that a tree cutting permit is not required; or
- (b) All permit conditions have been met including those conditions imposed as part of project review under any other provisions of the San Mateo County Ordinance Code for the parcel affected by the notice of violation. The meeting of any long term conditions, such as maintenance of replacement plantings, is to be guaranteed by a surety deposit to run with the land and the term for which shall not be imposed as a demand for meeting these requirements for the expungement.

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This Ordinance was adopted in its entirety on May 15, 1990 as Ordinance No. 3229. This action repealed and added Part Three of Division VIII, San Mateo County Ordinance Code.

(Section 12,019.1 – Added by Resolution No. 04763 – October 18, 2016)

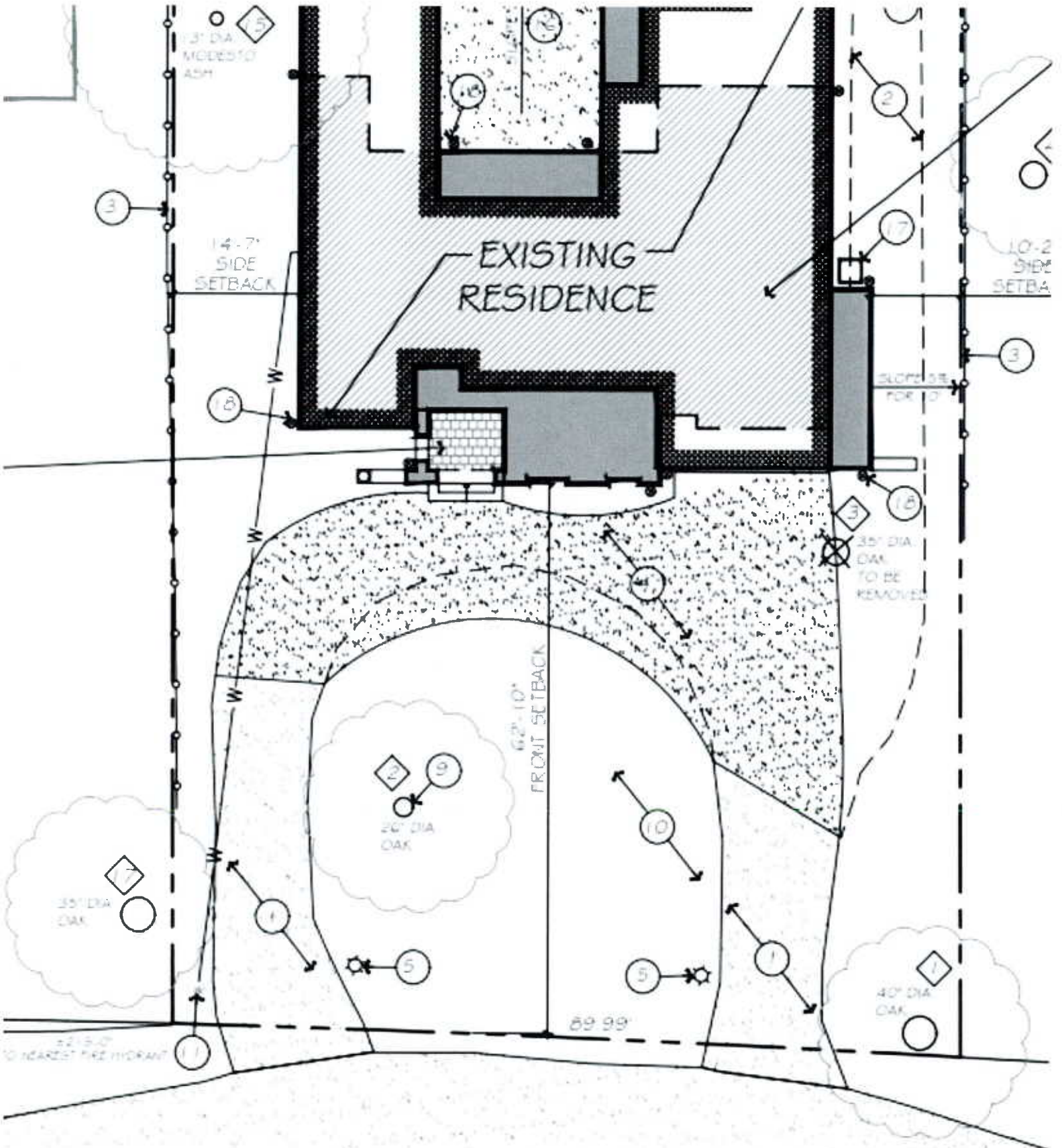
(Section 12,020.4 – Added by Resolution No. 04763 – October 18, 2016)

(Section 12,020.5 – Added by Resolution No. 04763 – October 18, 2016)

(Section 12,021 – Amended by Resolution No. 04763 – October 18, 2016)

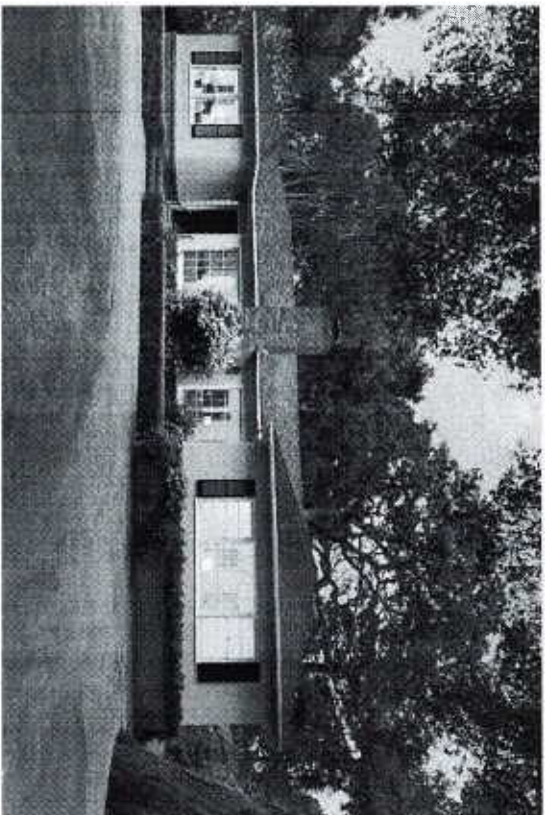
(Section 12,032 – Amended by Resolution No. 04763 – October 18, 2016)

(Section 12,032.2 – Amended by Resolution No. 04763 – October 18, 2016)









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4 bd | 3 ba | 2,630 sqft

830 Menlo Oaks Dr, Menlo Park, CA 94025

Sold

**\$4,554,000** | Sold on 07/05/22 | Zestimate®: **\$4,995,300**

Est. refi payment: \$29,257/mo **\$** Refinance your loan

Home value | Owner tools | Home details | Neighborhood details

## Overview

This classic ranch home combines design hallmarks from its heritage with fresh updates on approximately two-thirds of an acre. Ready to move in and enjoy today, with new paint inside and out and refinished hardwood floors, this property also presents an opportunity to remodel or build new. The Menlo Oaks neighborhood is superb, a more rural setting with towering oaks and many new estate homes. This oversized lot has vast sun-swept fully level grounds with ample space for a grand home, Accessory Dwelling Unit, and outdoor recreation. The existing home has 4 spacious bedrooms plus a family room and 2.5 baths. Adding the finishing touch is a new electrical panel and underground

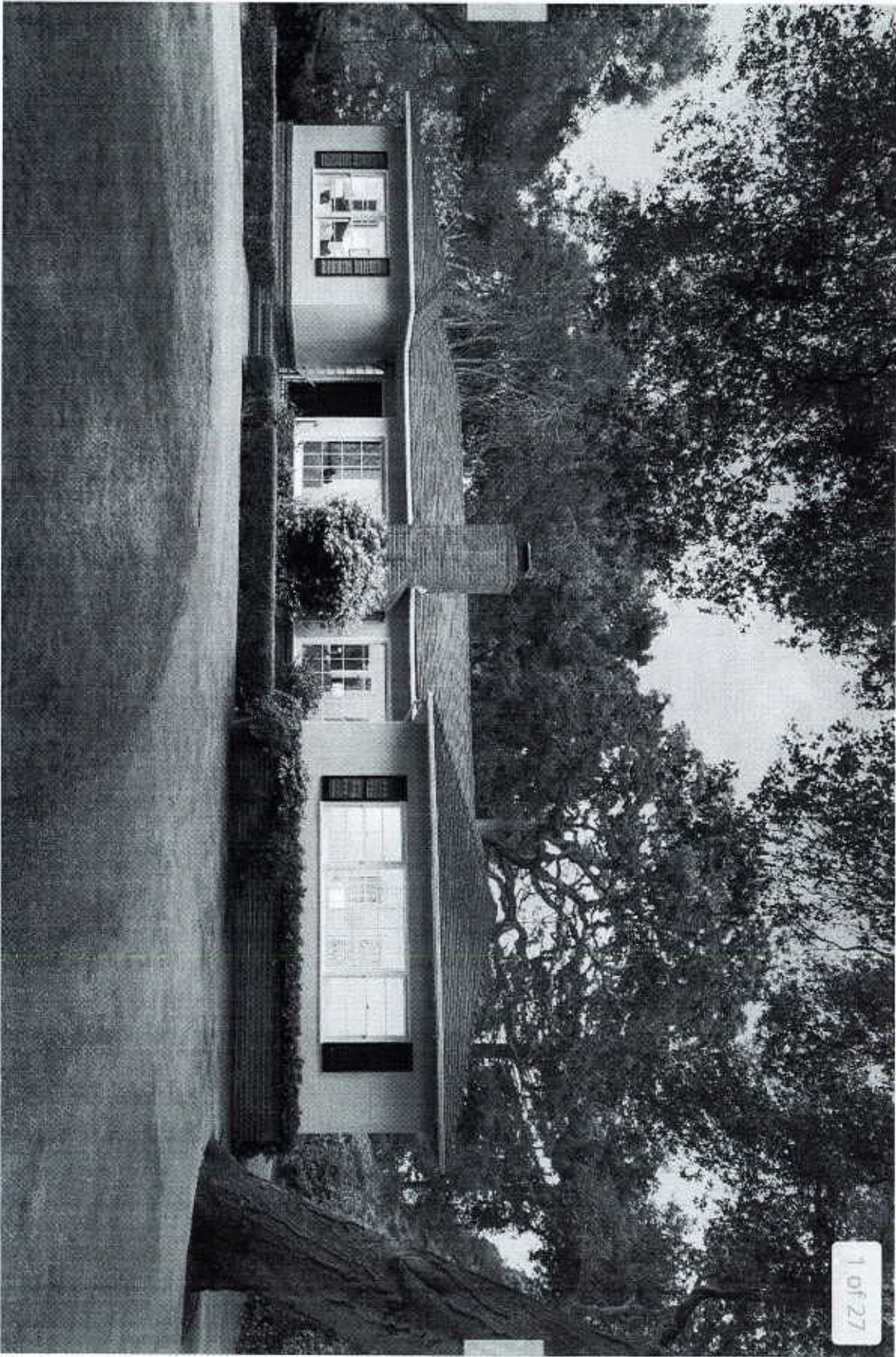
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1 of 27

Sold: \$4,554,000 (4 beds, 3 baths, 2,630 Square Feet)



