

October 30, 2015

**To: Steve Monowitz, Director, Building & Planning
San Mateo County Planning & Building Department**

**Letter of Objection to Demolition Permit BLD2015-02084
With Reference to Subdivision Permit PLN2015-00302
799 Berkeley Avenue, Menlo Park**

Summary:

Menlo Oaks is a neighborhood that honors Heritage Oaks and other Significant Trees. I am asking that the demolition and development at 799 Berkeley Avenue be done in accordance with all San Mateo County ordinances that protect these trees.

As I understand it, the demolition permit does not require that a tree protection plan be implemented and inspected prior to demolition of the existing structures. There are a number of Heritage and Significant Trees at high risk of harm as a result of the demolition process. This permit should be amended to require proper tree protection and an on-site inspection to ensure that the trees have been physically fenced off according to regulations prior to the start of demolition.

Background:

The property at 799 Berkeley Avenue in Menlo Park, APN 062-160-570, holds seven Heritage and/or Significant Oak Trees, a grove of Redwood trees, and several other large Oaks and Redwoods. These trees are very close to the various buildings and hardscapes that are part of the planned demolition.

This property is also currently under review by the San Mateo County Planning Department for a minor subdivision: Request PLN2015-00302. The subdivision request has not yet been approved.

Within the Subdivision PLN2015-00302 documents — specifically MX-M283N-201509122 — there are site plans (e.g. C-2) showing most of the trees, and standard tree protection requirements. The documentation contains contradictory statements as to whether no trees will be removed, or a subset of trees are to be removed. The documents do state that the contractor must obtain the appropriate permits for any trees that are to be removed (this statement is under the Demolition section), but it does not set a timeline for permitting BEFORE the demolition. It only states that the trees that are to remain must have protection in place. If not protected prior to demolition, they could be damaged, and therefore deemed to be removed later without proper permitting.

Since the Subdivision Permit PLN2015-00302 is still pending, and there is a stand-alone Demolition Permit BLD2015-02084 now before the Building Department, which it appears doesn't inspect demolition projects until completion, the trees on this property are in essence unprotected. There is a very high probability that any tree without appropriate protection will be harmed by the demolition. Therefore, it is critical that a tree protection plan be implemented and confirmed as a condition to the permit for demolition. If there is an intention to remove any of the trees, the property owner and all individuals and companies working for him must be held responsible for following County ordinances and obtaining the proper inspections, notices and approved permits.

If it is not within the jurisdiction of the Building Department to amend the permit, please consider this a formal request to suspend the permit and send it back to Planning for an amendment to include and enact a tree protection plan as a condition for the permit approval, along with an in-person inspection to confirm compliance BEFORE to demolition at 799 Berkeley Avenue.

Thank you.

Judy Horst
945 Peninsula Way