

PLN2016-00167 – Tree Removal Permit -- Protest
799 Berkeley Avenue, Menlo Park – Parcel # 062160570

Siri Development, having already illegally removed 3 Heritage and/or Significant trees from this property, is now asking permission to remove yet another large Oak tree from this property.

This Project – filed for on April 22, 2016, has not yet been posted on the street so that the public can see it. However, it is on the SMC portal as “submitted.”

The project PLN2016-00167 seeks to combine projects/events:

- (1) An after-the-fact permit request for the illegal removal of a large Significant Oak tree at 799 Berkeley;
- (2) A new request to remove another separate Significant Oak tree on the property.

(1) Combining these two separate projects/events will conceal Siri Development’s SMC Ordinance Violation regarding the Oak tree it has already illegally removed – and will obfuscate any data-driven analysis of tree removal permitting in the County. It also conceals the exact fees and penalties that Siri must pay for illegally cutting down the tree. I therefore urge SMC Planning to separate out these two separate “projects.”

I note that there is not yet a “Violation” action listed for the 799 Berkeley property in regards to Siri’s illegal removal of the Oak tree #28.

(2) The NEW Tree Removal contained in this PLN2016-00167 request states that a large Live Oak has been found by an arborist to be in hazardous condition. PLN2016-00167 does not identify which tree is now under consideration for destruction. An arborist report is not linked to the online PLN2016-00167 project, so we cannot locate the tree nor review this finding.

Here is what we can say:

Since demolition began, Siri has egregiously violated the tree protection requirements found in the Subdivision Conditions of Approval. *Three Significant and/or Heritage trees have been illegally removed* Tree protection fencing has not been anywhere close to the tree driplines on any of the trees on-site, or has been missing completely. Excavation took place up to the inadequate tree fences and has torn tree roots so that there are big piles of roots next to the fences. *(These are the topics of other complaints.)* Thus, for Siri to now state that one of the “protected” Oaks is in “hazardous condition” and should be removed - when Siri has so mistreated each of the trees on the site – is incongruous. That is, it appears that a developer can come into San Mateo County, set in motion conditions that harm protected trees, and then claim the right to remove those very trees because they are sick due to the actions of the developer. Where’s the sense in that?

Arborists write reports for their clients who are paying them. Significant and Heritage trees by virtue of their very longevity often have some issues that with care can frequently be remediated so the tree can live on and provide many benefits to its owners and neighbors. Frequently arborists will simply focus on a tree’s issues and risks – especially when the developer who is paying them wants to use the square footage under the tree’s canopy – rather than detailing how to remedy any problems that the arborist finds. We would urge the SMC Planning Department to regard any arborist report with the words “poor form” or “some decay” or “hazardous” very skeptically when that report has been paid for by a developer.

In reviewing the original subdivision documents posted online, it appears that there are a number of protected Oak trees remaining on the property that might be within the footprint of one of Siri’s proposed buildings. It may well be that this protected Oak is simply “hazardous” to Siri which wants to site a building or new hardscaping/landscaping where the tree sits today. As can be seen from any visual inspection of the property, there is more than enough room on the two subdivided building lots for Siri to still realize substantial economic benefits from its development without destroying any more Significant or Heritage Trees.

Thank you for your consideration,

Judy Horst
945 Peninsula Way, Menlo Park | Menlo Oak Tree Advocacy