

To: Forest & Beach Commissioners, Forester & City Planner

From: Kelly Francis and, informally, neighbors on Santa Fe between Mountain View & 8th

Re: Appeal from 10/13 ruling to remove 8 more oak trees at Santa Fe 2SW Mountain V.

Request for Extension of Time for Appeal: On 10/13/22 the Forest & Beach Commission approved the removal of 8 additional substantial, upper canopy oak trees upon issuance (by the Planning Department) of a building permit (3 yes, 1 no, 1 abstention). (Last spring three additional large oaks and a pine tree unexpectedly were removed after I was told the permit applications were being denied.)

This request is addressed to the Commission for the following reasons. Dr. Joseph Addiego at Santa Fe 4SW Mountain View invited me to join the phone call the City Forester scheduled with him on 10/18 at 8:30 a.m. During that call, the Forester agreed to meet Dr. Addiego at the site on 11/4 and invited us to email the Chair of the Forest & Beach Commission to request an extension of the appeal deadline.

The only permit application we received (from City Planner Evan Kort) sought Forester “input” only. As we understand it, there was no Application to Remove Trees for Purposes of Construction (form attached). We were told by the City, after the hearing, that this is the “only” Application for this purpose (note that it requires, for example, that building footprints be “clearly defined on the lot” when viewed by Commissioners, which did not occur).

While we certainly appreciate the very appropriate Forester input that apparently resulted in the packet sketches for only two lots, we request an extension of time to better understand from the Forester the Commission’s ruling on 10/13 in the hope that this will obviate the need for an appeal.

Our questions include the following: Is the tree removal ruling intended to comply with the Application requirements despite its wording and, therefore, another Commission inspection will occur once the proposed building footprints are installed? Or did the Forester and Commission instead take an approval shortcut, and are allowed to, because they somehow are positive that building plans based on the rough packet sketches will require removal of the 8 oak trees even if they never see the building footprints on the lots as required in the Application? Are the Application requirements optional only, despite what it says and what we were told? Does the Commission intend to amend its ruling if the approved building plans end up not requiring removal of some of the additional trees? We are hoping that the Forester can explain this to us.

An extension at least to November 15 is requested (more specifically) because:

On 10/18 Sara offered to meet with Joe (& I, possibly other neighbors) on 11/4 at 1pm (the earliest available date due to medical appointments) to show Joe the trees at issue and answer questions.

Joe and other neighbors were unable to attend the Commissioners' Site Inspection on 10/13 for various reasons including very short notice.

The application on which the 10/13 hearing apparently was based asks only for the Forester's "input." It seems improper to grant tree removal approval pending issuance of building permits, rather than just providing the requested input at this stage.

In contrast, the attached ("only" approved?) Application to Remove Trees for Purposes of Construction that we found online requires more information (e.g. site plans, footprint clearly defined *on the lot*, proposed structural dimensions, and visual poles *seen by the Commissioners* before granting tree removal approval). It doesn't say this responsibility can be abdicated to the Planning Department.

This is a significant Tier 2 development, with 2 new houses and 1 ADU proposed in a highly visible area of town. (Further, all of the upper canopy oak trees at issue seem healthy and now are starting to grow new leaves after the moth larvae infestation.)

However, we believe any appeal is a last resort, to be used only if normal, human communication becomes ineffective.

Fortunately, on 10/18 Sara at least was able to explain that, under the current ruling, a new tree removal application would be required if the plans submitted in a building permit application differ from the cursory "sketches" of the 2 houses & 1 ADU that were part of the hearing packet (this at least is partially consistent with the attached Application requirements).

Applicable Law: As you know, Municipal Code section 17.10.010(A) provides that, "... Site improvements and the public right-of-way should be designed to preserve significant trees and to perpetuate the established urban forest in each neighborhood in which it exists." Other subsections of this code are consistent and expand upon this concept.

We appreciate your continued attention to this Tier 2 development and its impact on the Village Forest.