



**Town of Atherton  
Planning Department  
80 Fair Oaks Lane  
Atherton, California 94027  
Phone: (650) 752-0544**

**DATE: OCTOBER 23, 2024**

**TO: PLANNING COMMISSION**

**FROM: SEAN MANALO, CONSULTING ASSOCIATE PLANNER**

**SUBJECT: Request for Tree Protection Zone Exception (PTPZ24-00006) for a carport and driveway at 251 Selby Lane (APN 059-281-250).**

**CEQA:** This proposal has been determined to be categorically exempt from further environmental review pursuant to AMC Section 15.32.100 and CEQA Section 15304 (Minor Alterations to Land).

**RECOMMENDATION:**

Staff recommends that the Planning Commission **approve** the Tree Protection Zone Exception request to be at 3.5 times the trunk's diameter at breast height, noted as 3.5x from (1) one 65-inch Coastal Redwood (Tree #16) for the construction of a new driveway, and 6 times the trunk's diameter at breast height, noted as 6x from (1) one 65-inch Coastal Redwood (Tree #16) for the construction of a new carport.

**BACKGROUND:**

***Location and Context***

The subject site is located at 251 Selby Lane and is associated with an approximately 54,880 (1.26-acre) interior flag lot site within the R-1A zoning district. Neighboring properties are all approximately one-acre lots of varying shapes. The property is accessed via a cul de sac on Selby Lane. The existing lot conforms to the R-1A zoning requirements; additionally, the lot is relatively flat without significant slope or topographic challenges. The subject property is largely vacant and maintains a pool and pool house. The property was previously under common ownership with the adjacent property at 283 Selby Lane where a main residence was maintained. The subject property was sold and purchased by the current homeowners in 2021.

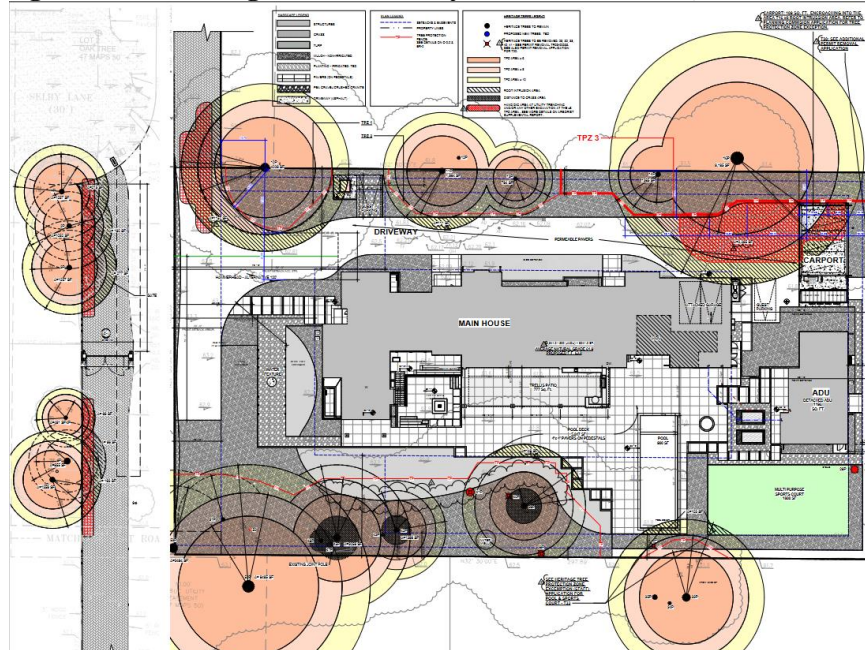
The applicant submitted an application to demolish the existing pool and pool house, and construct a new two-story main residence, with JADU, Detached ADU, driveway and carport under Building Permit Nos. BP24-00466 and BP24-00467. The proposed driveway and carport are within the Tree Protection Zone of a 65-inch Coastal Redwood (tree #16) and requires an exception by the Planning Commission.

This report provides a description of the project application (Attachment 1) and required (TPZ) analysis. Figure 1 shows the general configuration of the subject property. Figure 2 provides a supplementary view of the lot, as illustrated in the submitted plan set (Attachment 2).

**Figure 1: Lot Configuration and Layout (Source: Google Maps)**



**Figure 2: Lot Configuration and Layout (Attachment 2, Sheet AC-0.4)**



## PROJECT DESCRIPTION:

The proposed project involves the installation of a driveway along the subject property's side frontage adjacent to the property at 249 Selby Lane, and the construction of a new 672-square feet three-space carport. The location of the proposed carport is at the rear of the property area, behind the main building. Based on the arborist survey provided by the applicant (Attachment 3), it has been determined that the proposed carport and driveway encroaches on the Tree Protection Zone (TPZ) of the 65-inch Coastal Redwood located on the adjacent property at 249 Selby Lane. Exploratory trenching conducted on July 29, 2024 along the proposed driveway and carport found one large root, 3.80 inches in diameter. The combined percentage of root zone impacts including the driveway work is 26.5%, with impacts expected to be minor.

Table A provides a summary of the subject tree requested to have the 3.5x to 6x TPZ exception. Photos of the subject tree requested to have the TPZ exception and existing conditions are provided in Figure 3. Figure 4 provides an enlarged color-coded screenshot of the proposed project and subject area taken from the Town Arborist's memo (Attachment 4).

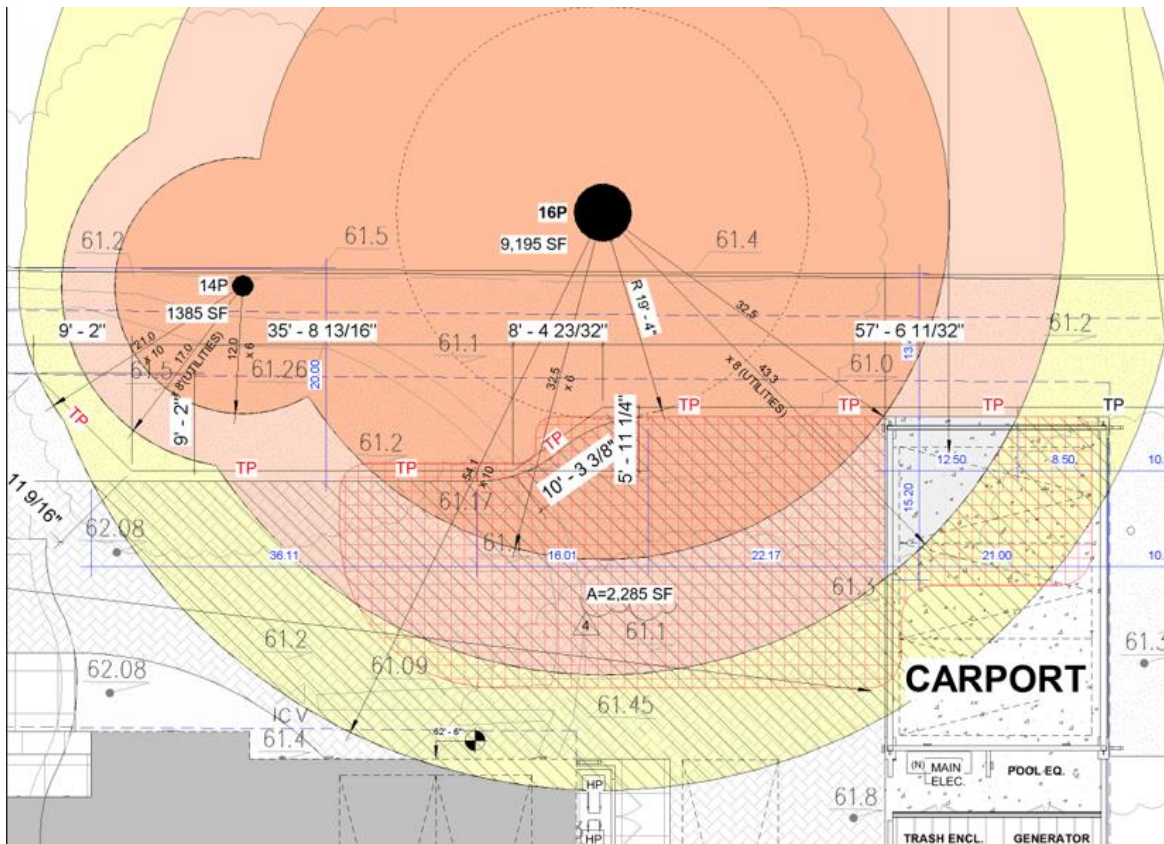
**Table A: Summary of Subject Heritage Tree Proposed for Heritage Tree Removal**

Tree #	Tree Species	Location	DBH	Comment
16	Coastal Redwood	249 Selby Lane (Adjacent Property)	65-inches	Good Vigor, Good Form

**Figure 3: Images of the Subject Tree and location (Coastal Redwood)**



**Figure 4: Color-Coded Project Configuration and Layout, Proposed Location, Enlarged  
(Attachment 2, Sheet AC-0.4)**



The applicant explored alternative locations for the proposed carport and determined that they would also have impacts on other heritage trees and the arrangement of the structures on the full site development. The applicant's narrative indicates that the proposed location allows the structure to adhere to general development standards associated with accessory structures, while allowing for functional access across the site with minimal intrusion to the tree protection zone exception area (Attachment 4).

Table B provides a summary of the general development standards for accessory structures that are applicable to the subject lot, as well as the project proposal and its compliance status. The proposed carport located at the rear of the property complies with all standards related to front, rear, and side setbacks, distance between structures, and height for main dwelling.

**Table B: Required and Proposed General Development Standards**

Standard	Required	Proposed	Status
Front Setback	90- feet min. or 30-ft behind the main house, whichever is less	More than 90-feet	Compliant
Rear Setback	10-feet	10- feet, 10-inches	Compliant
Side Setback	10-feet	13-feet	Compliant
Maximum Height	15-feet	13-feet, 6-inches	Compliant

**ANALYSIS:**

Pursuant to the *Atherton Heritage Tree Preservation Standards and Specifications*, an applicant may apply to the Planning Commission for a TPZ exception, when a project is otherwise unable to be approved at the staff level by the Town Arborist. The Planning Commission may approve or reject such applications based on the following criteria:

1. The relation of the project to criteria listed in Section 2.2.B.2 of the Standards:
  - a. The utility location is required by a utility company and it cannot be moved. A confirmation in writing from the utility is required.
  - b. If the species is tolerant of construction based on species, health, size, and age from the Matheny and Clark tolerance chart.
  - c. There are no roots over 2-inches diameter that need to be cut.
  - d. Other criteria as may be required by the Town Arborist.
2. The probability of failure which is a function of heritage tree and site conditions such as, but not limited to, structural defects, presence of disease, species history, age or remaining life span, and varying weather conditions.
3. The probability of a public safety hazard, personal injury or significant property damage as a function of proximity to existing structures and objects of value and interference with utility services.
4. The number, species, size and location of existing trees in the area and the effect of the requested exception upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty, health, safety and general welfare of the area and town as a whole
5. The necessity to allow reasonable use or other enjoyment of the property when there is no demonstrated feasible alternative to the exception while meeting other adopted goals and policies of the general plan to the greatest extent possible.

A memo by the Town Arborist analyzing the proposed project is provided in Attachment 5. In this memo, the Town Arborist indicates that Redwoods are rated as having a good tolerance of

construction impacts. Additionally, the Town Arborist recommended approval of the two requests based on neighbor's approval, that the one root can be protected and not removed, that the driveway uses Biaxial Geogrid and Kielty Arborist Services recommendations are followed, and that there were no other alternative locations with no impacts to heritage trees and less than 26.5% of roots will be affected.

The Town Arborist further asserts a recommendation to approve the request for construction of the driveway and carport with the following requirements:

- Letter from the Neighbor expressing Support of the proposed project (Provided as Attachment 6)
- 3.8" diameter root is protected and not removed
- Biaxial Geogrid (Tensar BX-1100) as an underlayment is to be placed on top of the parent soil. Minor rough surface grading not to exceed more than 6". Biaxial Geogrid (Tensar BX-1100 or equivalent) to be placed on the soil with only hand-tampered compaction preparation used. Edging needed is recommended to be supported above ground by individual stakes. This shall be installed and shown on G&D plans.
- One month before construction is to start the neighboring Redwood trees along the driveway to be irrigated from the proposed driveway side of the property using 300 gallons of clean water as mitigation for the minor impacts. The remaining trees all have large, landscaped areas between the trees and the driveway where minor supplemental irrigation should be installed. Oak trees #10 and #11 should be irrigated at the proposed driveway edge every other week for one year using 40 gallons of water at a time per tree. Deep water fertilizing with Nutriroot is required. After one year irrigation near the oaks is recommended to be suspended. Redwood tree #16 is to be irrigated every other week during the dry season with 40 gallons of clean water within the landscaped area. This type of irrigation is recommended to continue throughout the lifespan of the Redwood tree. Adherence to these requirements shall be reflected on the quarterly report.
- The entire proposed foundation when within 10x the diameter of the tree is required to be excavated by hand in combination with hand tools such as an air knife, rotary hammer with clay spade attachment, or shovels, while under the direct supervision of the Project Arborist. All roots encountered within the foundation area measuring 1.5" in diameter or larger are recommended to be retained for the Project Arborist to inspect before being cleanly cut. Once inspected and documented, the roots will need to be cleanly cut using a hand saw or loppers. Cut root ends on the tree side are recommended to be painted with a tree pruning sealer/grafting compound then covered by 3 layers of wetted-down burlap to help avoid root desiccation. The contractor shall wet down the burlap daily while exposed. The area between the tree and the foundation (tree protection zone) to be irrigated every other week during the dry season until the top foot of the soil is saturated. This will act as a mitigation measure for the minor impacts. This work will be required to be documented by the town of Atherton with a letter sent to the city arborist. Adherence to these requirements shall be reflected on G&D and quarterly report.
- All excavation is to be done by hand under the Project Arborist supervision when within 10x the tree's diameter.
- Sufficient tree protection installed.

## **PUBLIC NOTIFICATION**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Legal advertisement of this hearing was published in The Almanac newspaper and mailed to owners and occupants within the Town, 10 days prior to the hearing date. To date, the Town has no received comments from the public.

## **CONCLUSION**

As indicated above, staff supports the Town Arborist's recommendation to grant the tree protection zone exception permit as proposed.

The General Plan goal that can be found to be consistent with the recommendation to approve the Tree Protection Zone Exception permit is below:

### **Town of Atherton General Plan, Land Use Policy 1.8:**

*Maximize preservation of heritage trees and existing trees within a development site to the greatest degree feasible, consistent with the Heritage Tree Ordinance and Tree Preservation standards and specifications. Require new development to comply with the Town's requirements for tree protection, removal, and replacement.*

## **ALTERNATIVES:**

The Planning Commission could deny or modify the request for a Tree Protection Zone Exception. Should the Planning Commission decide to modify the request, the Commission would make the application subject to the draft conditions as listed in the Draft Tree Protection Zone Exception Permit Certificate as provided in Attachment 7.

## **RECOMMENDED FORMAL MOTION:**

I move that the Planning Commission approve the Tree Protection Zone Exception Permit (PTPZ24-00006) at 251 Selby Drive, for the reasons described in the draft Tree Protection Zone Exception Permit certificate and categorically exempt the project from the provisions of the California Environmental Quality Act (CEQA) under AMC Section 15.32.100 and CEQA Section 15304 (Minor Alterations to Land).

## **ALTERNATIVE FORMAL MOTION:**

I move that the Planning Commission **deny** the Tree Protection Zone Exception Permit (PTPZ24-00006) 251 Selby Drive for the protection zone exception of one (1) 65- inch Coastal Redwood.

*/s/ Sean Manalo*

Sean Manalo, Associate Planner

Attachments:

1. Applicant's Planning Commission Application
2. Proposed Project Site Plan
3. Project Arborist Survey
4. Applicant Narrative
5. Town Arborist Memo
6. Neighbor Support Letter from 249 Selby Lane
7. Draft Certificate with Conditions of Approval