

Memo

To: The Atherton Planning Commission
From: Sally D Bentz, Town Arborist
CC: Brittany Bendix, Town Planner
Date: December 16th, 2024
Re: Heritage Tree Removal Application at 50 Lilac

I have reviewed the application at 50 Lilac and offer the following observations and recommendations for your review:

The applicant is applying to remove the tree below for the proposed installation of a new outdoor kitchen.

This site is under construction for Addition, Alterations, Multiple Landscape Structures, Grading & Drainage, Front fence, ADU, Garage and Pool.

A new arborist report was submitted for this application by Advanced Tree Care on November 21st, 2024, that stated the below:

1. #10, Redwood, 31.9" DBH

Coastal redwood, *Sequoia sempervirens* Diameter at Standard Height: 31.9" Height: 80 feet Canopy Spread: 20 feet by 25 feet The redwood is in excellent health and fair condition. The tree has a thick green canopy that is one sided due to the adjacent redwoods. The tree stands in front of a row of larger redwoods on the neighbor's property resulting in a lean towards the new house. There are no signs of disease or insect infestation.

Timeline:

- 9/10/24 – It was reported to me that work was occurring near a redwood tree in the back yard.
- 9/11/24 – Town Arborist visited site. When I visited the site, I saw that a backyard kitchen area was being built. There was no permit for the area, and it was not shown on the Grading & Drainage plans. I issued a verbal stop work for that area on the site.
- 9/27/24 – I received a report from their arborist Aaron Wang, Tree Management Experts discussing damage to trees. **This report was not submitted as part of the Planning Commission submittal.**

From Arborist letter:

Background

During my monthly inspection on September 3, 2024, I noted damage to redwood roots due to excavation for a new patio that was not included in the original plan set I reviewed.

Observations

During my site visit I noted that excavation had taken place about 8.5 from the base of tree 10, resulting in a large number of roots associated with the tree being cut.

I recommended that the roots be cleanly cut and forwarded my observations to Atherton town arborist, Sally Bentz. She visited the site and recommended that the roots be covered in dampened burlap, the roots be cut properly and that I make additional recommendations for mitigation.

I visited the site again on September 17, 2024. Roots had been cut properly and burlap installed.

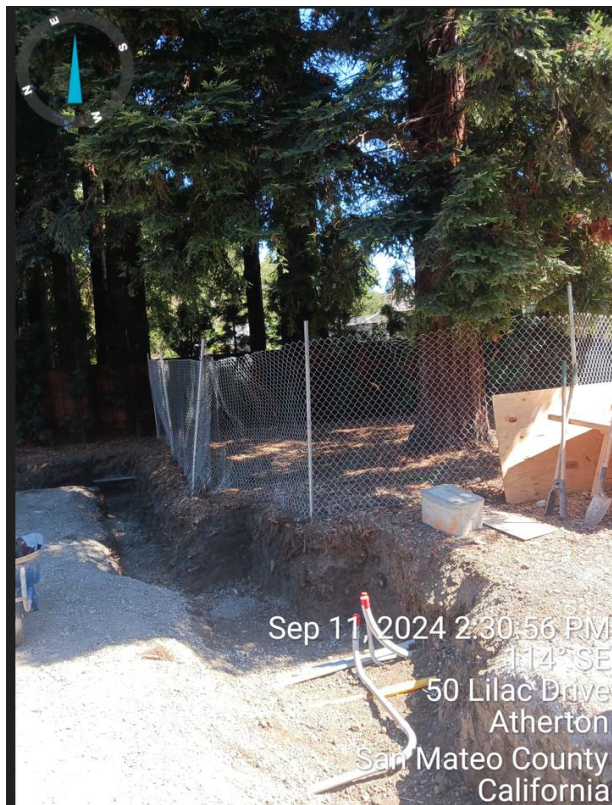
Discussion & Recommendations

No large roots had been cut, the largest seen were about 3 inches in diameter, with the majority being less than 1 inch in diameter.

At this time I do not think that the tree has been destabilized by the root cutting despite the proximity of the tree to the root cutting.

I recommended that additional irrigation be installed in the mulched area around the tree and that the base rock be removed from the area after work is completed on site. Irrigation has been installed. I also recommend that additional irrigation be installed in the landscape island in the driveway as the trees there appear water stressed.

- Town Arborist appraised the trees. The fine was for damage to a heritage tree. The fine is the appraised value of the tree divided in half. The fine of \$11,150.00 plus \$200 in citations were issued.
- At this time the applicant has paid the fine and the citations.
- No plans have been submitted to Building.
- No alternative locations for the kitchen have been explored.





The applicant stated that they know the tree is in good condition

The applicant states the below findings:

In response to the findings for Atherton Municipal Code 8.10.040:

- 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;

The applicant states the below:

“Foundation concerns - Tree #10 is located approximately 10’ from the garage foundation and 12’ from the main house foundation. Redwood trees have aggressive horizontal root systems that can spread horizontally for 50 to 80 feet as the tree matures. In fact, the roots of a mature redwood can spread out over an acre of land and contain more than 90,000 cubic feet of soil. Due to their mature size and potential for damage to foundations, it is not recommended to have Redwood trees near homes.

Roof concerns - Tree #10 is located approximately 9’ from the garage roof and 11’ from the main house roof. Currently tree #10 drops a lot of debris onto both the main house and garage roofs year-round. This debris is a fire hazard and can also damage the roofing material. As the tree grows and continues to lean toward the house, this situation will only get worse.

Insurance Concerns - Insurance companies in California have tightened their requirements for homes that can be insured. They now require roofs to be kept free of tree debris and overhanging branches. They have begun refusing to insure homes if this requirement is not satisfied, putting properties and their contents at great risk. Per the general contractor, tree #10 has presented a serious and constant debris issue on the new roof that they

are constantly c&c studio As tree #10 continues to grow and lean, this will become a bigger issue. The property owners have received a notification from their insurance expressing their need to have their roofs clear of any trees.”

- The necessity to remove the heritage tree(s) to allow reasonable use or other enjoyment of the property when there is no demonstrated feasible alternative to the removal while meeting other adopted goals and policies of the general plan to the greatest extent feasible.

“Tree #10 significantly impacts the ability to have an outdoor BBQ counter and dining terrace in the backyard adjacent to the kitchen and living spaces of the home. Even with the removal of tree #10, the BBQ counter and dining terrace will have to be pushed up close to the main house due to the neighbor’s trees and their TPZ’s. Without the removal of Tree #10 the outdoor eating area would need to be pushed up against the living, dining, and family room floor to ceiling windows which would remove any garden views from the house. For the property owners this is not a reasonable solution. In our experience, locating the outdoor kitchen/dining up against the living/dining room windows is not desirable, representative of what most homes in Atherton have, and would possibly decrease the value to the property. For this reason, we have not included an alternate location. 3. Water use. Redwoods require a lot of water. Their aggressive root system will spread out as far as they can to ensure they capture all the water in the area. In doing so they rob the surrounding plant material of water and require additional water to be provided to all of them combined. We have seen this play out in many of our past projects. The WELO water use is satisfied initially, but as the landscape grows in the adjacent redwood tree roots expand to capture the water and the entire landscape ends up requiring much more water than otherwise needed. 4. Allergy Issues: The daughter is allergic to redwood tree pollen, especially if it touches her skin. While nothing can be done about the neighbor’s grove of redwoods, reducing the amount of pollen that drops in their yard would be desirable. The other trees that affect the backyard development opportunities and present concerns to foundations are #2 - #9, and #11 - #15. However these trees were planted by the neighbors on their property, so we are not requesting anything regarding these trees.”

Conclusion:

I do not recommend the removal of tree #10. It is in good condition and healthy. That is not being disputed. The applicant illegally started building an outdoor kitchen and when I denied their preliminary plan that’s when they applied for the tree removal. The applicant could apply for a TPZ exception lower than 8x, however they applied for the removal. The applicant has issues with the neighbor’s redwoods TPZ affecting their backyard. They can apply for lower TPZ’s for their neighbor trees as well. Also, when they started this project, they were aware that the back yard is small. They did not show an outdoor kitchen on their Grading & Drainage plans or apply for a separate permit for it. I would have made the comments that it was too close and avoided the damage to the tree. Fortunately, their private arborist let me know that work was being done that they hadn’t reviewed. Also, they did work without a permit and did not show any alternative location for an outdoor kitchen. An outdoor kitchen per code is not a requirement to live in Atherton. I also so not know why they switched arborists. The applicant has followed the recommendations to preserve the existing roots with irrigation and did stop work. They also paid the fine. In that regard they have been working with the Town. The 1st arborist Aaron Wang and I feel if the tree remain it should be stable. The roots were cut further out and the roots have been irrigated.

At the discretion of the planning commission, for each heritage tree permitted to be removed the permittee may be required to plant three trees of fifteen-gallon container size, two trees of twenty-four-inch box container size, or one tree of fifteen-gallon container size and one tree of thirty-six-inch container size. Replacement trees shall not be those listed as disfavored trees above. Where heritage oak trees are allowed to be removed from within the buildable area, they shall each be replaced with one or more trees of forty-eight-inch container size of oak species at a location approved by the planning commission. The planning commission may also attach other reasonable conditions to ensure compliance with the intent and purpose of this chapter.

The applicant is proposing 1-60" Coast Live Oak replacement, planted near the front driveway of the property. If the Planning Commission was to approve the removal, I would recommend two Oaks 60" and a 36" Oak to be planted because tree #10 is a healthy tree.

The information included in this memo is believed to be true and based on sound arboricultural principles and practices.

Sincerely, Sally Bentz

Town Arborist, Certified Arborist WE#9238AM