



**Item No. 5**  
**Town of Atherton**

**CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: BRITTANY BENDIX, TOWN PLANNER  
SALLY BENTZ, TOWN ARBORTIST  
ROBERT OVADIA, PUBLIC WORKS DIRECTOR**

**DATE: DECEMBER 20, 2023**

**SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND  
THE ATHERTON MUNICIPAL CODE CHAPTER 8.08 “DEAD OR  
DANGEROUS TREES” AND CHAPTER 8.10 “REMOVAL OF AND  
DAMAGE TO HERITAGE TREES,” AND APROVE AMENDMENTS TO  
THE “HERITAGE TREE PRESERVATION STANDARDS AND  
SPECIFICATIONS”**

**RECOMMENDATION**

Staff recommends that the City Council:

1. Approve for 2<sup>nd</sup> Reading updates to Chapter 8.08 and Chapter 8.10 of the Atherton Municipal Code and updates to the Heritage Tree Preservation Standards and Specifications, related to tree removals associated with hazards in the public right-of-way.
2. Approve an update to the “Heritage Tree Preservation Standards and Specifications” document changing the arborist reporting requirements for construction sites from monthly to quarterly.

**BACKGROUND**

Throughout this year there have been various discussions at the Planning Commission and City Council that have related to process improvements around the Town’s arborist services and tree protection policies. This includes processes and policies identified in the Atherton Municipal Code and the Town’s “Heritage Tree Preservation Standards and Specifications,” also referred to as “Guidelines.” On November 15, 2023, the City Council was introduced to and considered amendments to Atherton Municipal Code Chapter 8.08 “Dead or Dangerous Trees,” Atherton Municipal Code Chapter 8.10 “Removal of and Damage to Heritage Trees,” and the “Heritage Tree Preservation Standards and Specifications.”

At the hearing, the Council discussed issues related to purpose and implementation of the changes to Chapter 8.08 and Chapter 8.10, impact of the change to monthly arborist reports, and future changes to the Guidelines and standardization of the Tree Protection Zone (TPZ) for both R1-A and R1-B Zones. Following discussion, the Council introduced the Ordinance changes for 1st Reading, approved changes to the Guidelines reflecting monthly arborist reports, authorized staff to make non-substantive changes to the Guidelines moving forward provided that they be presented to Council as part of any Departmental Report and incorporated non-substantive changes for clarity to be provided by a member of the public.

The Council also asked that staff publicly notice a future discussion for action on the standardization of the TPZ for R1-A and R1-B zones. This will occur in early 2024.

## **ANALYSIS**

### **Sidewalk Repair Program**

The analysis section of this report outlines sections of the AMC and “Guidelines” that staff has identified related to trees in the public right-of-way and thereby subject to the Sidewalk Maintenance and Repair Program. Amendments to the existing ordinance language is illustrated through strikeout and new red text in Attachment 1. A clean copy of the AMC language is provided at Attachment 2.

### **Arborist Tree Reporting Requirements**

The Town’s existing “Guidelines,” which is implemented through AMC Section 8.10.010(D), provides policies and direction on how to implement the programs identified in AMC Chapter 8.10 – Removal and Damage to Heritage Trees. The Town has received concerns that the monthly tree reporting schedule required for full site developments is very expensive for the applicant. This is attributed to the monthly tree protection requirement that a certified arborist must visit the site to ensure adequate protection measures are retained during the entire length of the development process. The amendment requested to the “Guidelines” is to reduce the frequency of tree reports submitted to the Town Arborist from monthly to quarterly. It is recommended that the private arborist still visit the site on a regular basis, however a report would only be required quarterly.

See Attachment 3 for new language that has been added to the “Guidelines.” A clean copy of the “Guidelines” is provided in Attachment 4.

### **Future Amendments to the “Guidelines”**

As described above, the “Guidelines” is a supplemental document to the AMC that provides more information on heritage tree standards and regulations. Most of the text in the “Guidelines” is distinct from AMC Chapter 8, except for the definition section in 8.10, which is generally the same despite some minor variations in text. The Council acknowledged that the “Guidelines” are a supplemental document to AMC Chapter 8 and that staff should be able to incorporate non-substantive edits to the “Guidelines” ministerially.

## **ENVIRONMENTAL CONSIDERATIONS**

The proposed Ordinance is exempt from environmental review under the California Environmental Quality Act, Public Resource's Code section 21000 et seq. ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that the project has no potential for causing a significant effect on the environment.

## **POLICY FOCUS**

The Municipal Code and Heritage Tree Preservation Standards and Specifications amendments considered the balance between protecting heritage trees in Town, protecting the rights of private property owners, and were found to not be overly restrictive. The amendments were found to be consistent with related General Plan goals and policies.

## **FISCAL IMPACT**

The cost associated with the preparation of the Municipal Code and Heritage Tree Preservation Standards and Specification amendments are included within the annual Planning Department budget. The cost to implement the Standard will be paid for by the applicants for development projects. Additional support services for the Town Arborist in the enforcement and implementation of the Standard amendments will result; the cost of which would be evaluated by staff and would be paid for the applicants for each applicable development project.

## **GOAL ALIGNMENT**

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal B – Preserve Small Town Character and Quality of Life
- Goal F – Be a Forward-Thinking, Well-Managed, Well-Planned City

## **PUBLIC NOTICE**

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. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials. The Town maintains an active and up to date Project Website at <http://ca-atherton.civicplus.com/index.aspx?NID=290>.

## **COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

The recommended amendments to Code Chapter 8.08, Code Chapter 8.10, and the Guidelines, related to trees in the right of way have not been before a Town Committee or Commission.

The recommended amendments to the Guidelines related to the Monthly Arborist Tree Report has been before the Planning Commission.

## **ATTACHMENTS**

1. Draft Ordinance with AMC changes – in red
2. Draft Ordinance with AMC changes – clean text
3. “Guidelines” with changes – in red
4. “Guidelines” with changes – clean text