



**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 (PTPZ24-00007) for a driveway and detached garage at 64 Winchester Drive (APN 070-230-060).

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 3.3 times the trunk's diameter at breast height, noted as 3.3x from (1) one 36-inch Coastal Live Oak (Tree #5) for the construction of a new driveway, and 6 times the trunk's diameter at breast height, noted as 6x from (1) one 25-inch Coastal Redwood (Tree #43) for the construction of a new detached garage.

BACKGROUND:

Location and Context

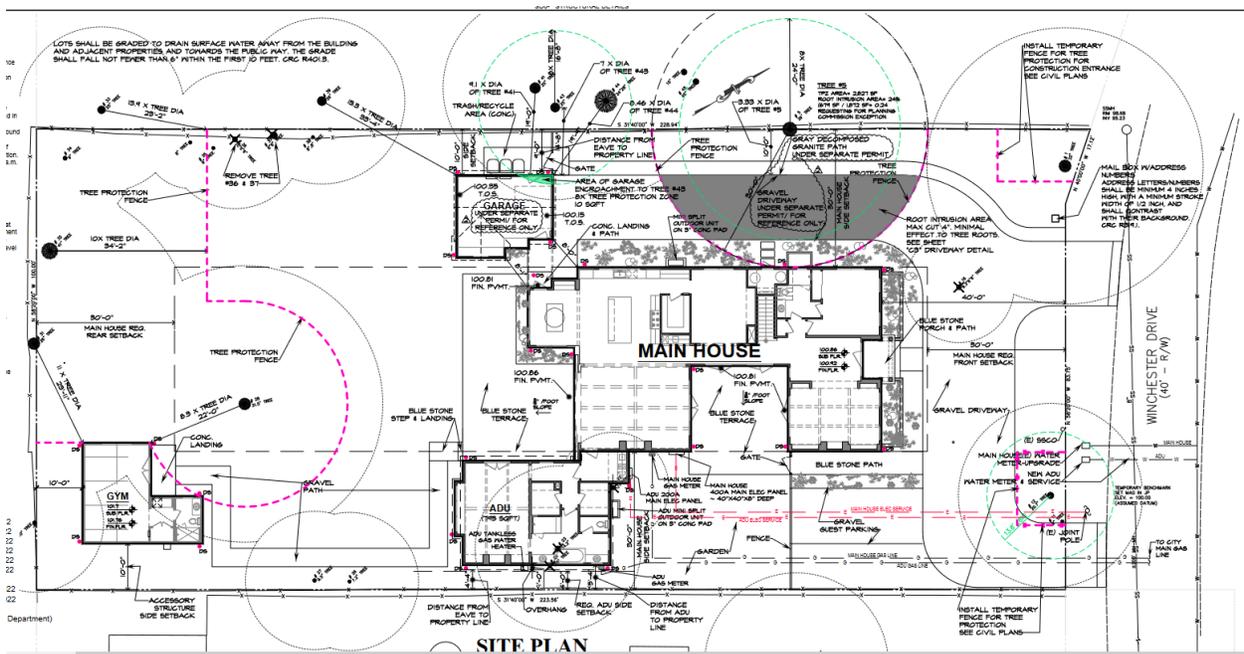
The subject site is located at 64 Winchester Drive and is associated with an approximately 22,414 square-foot (0.51 acre) interior lot site within the R-1B zoning district. Neighboring properties to the north, east, and west are all approximately 0.5 acre lots located in the R-1B Zoning District. Neighboring properties to the south are located in the R-1A zoning district, and are larger lots approximately 1 acre in size. The subject lot conforms to the R-1B zoning requirements; additionally, the lot is relatively flat without significant slope or topographic challenges.

The applicant was issued a building permit (BP24-00441) for an application to construct a new two-story main residence in October 2024. Following this application, the Applicant proposed the construction of a driveway and detached garage that are within the Tree Protection Zone of two heritage trees on a neighboring lot. The proposed project requires approval of 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: Atherton GIS)



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



PROJECT DESCRIPTION:

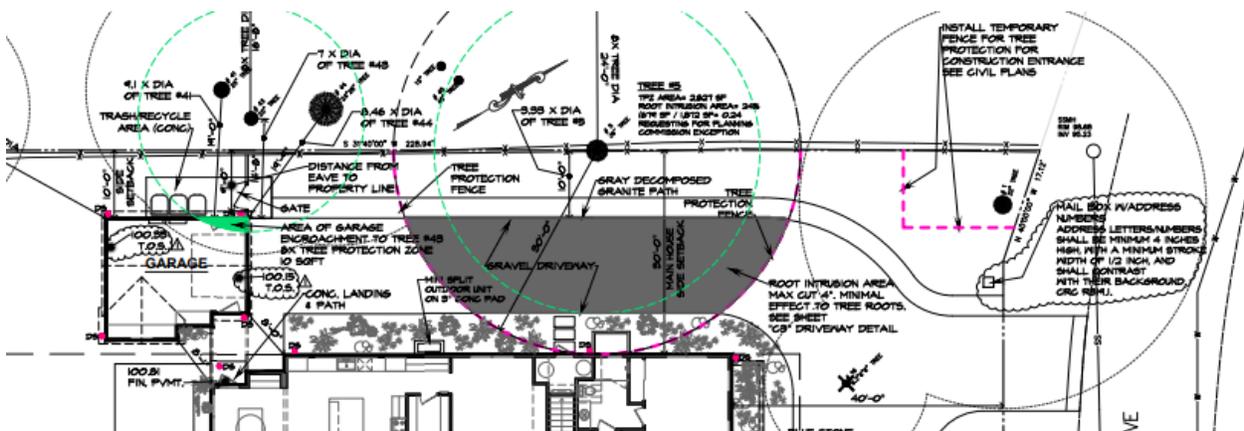
The proposed project involves the installation of a driveway along the subject property’s side frontage adjacent to the property at 60 Winchester Drive and the construction of a new 347-square foot detached garage. The location of the proposed garage is at the rear of the property area, behind the main building. Based on the arborist survey provided by the applicant (Attachment 3), it has been determined that the proposed driveway and detached garage encroaches on the Tree Protection Zone (TPZ) of Tree #5, one (1) 36-inch Coastal Live Oak, and Tree #43, one (1) 25-inch Coastal Redwood located on the adjacent property at 60 Winchester Drive.

Table A provides a summary of the subject tree requested to have the 3.3x to 7x TPZ exception. Figures 3 and Figure4 provide an enlarged color-coded images of the proposed project related to the proposed driveway and detached garage.

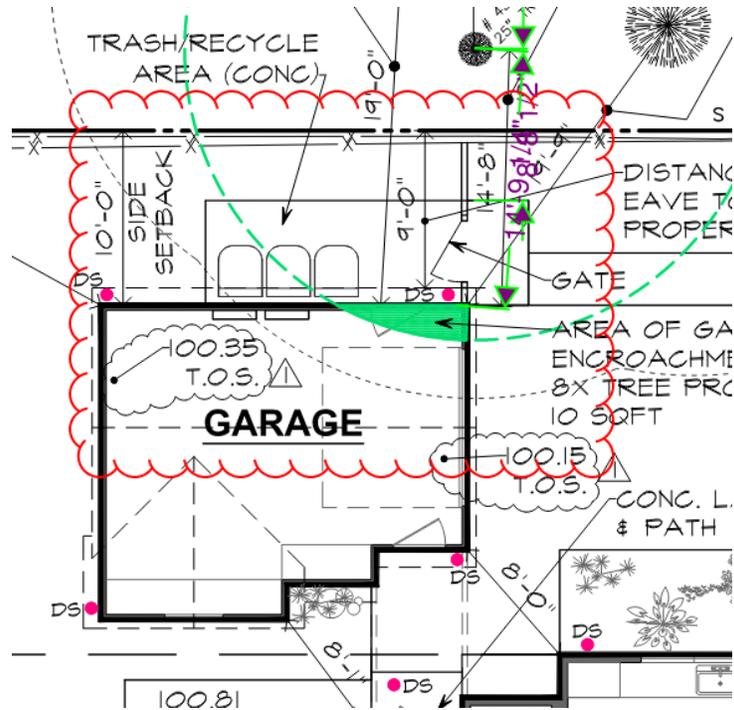
Table A: Summary of Subject Heritage Tree Proposed for Heritage Tree Removal

Tree #	Tree Species	Structure/Form	DBH	TPZ Request	Comment
5	Coastal Live Oak	Fair/Fair	36-inches	3.33x for new Driveway	Minor Deadwood in Canopy, leans into site, limited visual inspection
43	Coast Redwood	Fair/Fair	25-inch	7x for new Detached Garage	Limited visual inspection

Figure 3: Project Configuration and Layout, Proposed Location, Enlarged (Attachment 2, Sheet A1.0)



**Figure 4: Project Configuration and Layout, Proposed Location, Enlarged
 (Attachment 2, Sheet A1.0)**



The Applicant did not provide alternative locations for the proposed garage and driveway. The applicant’s narrative indicates however that the proposed location is ideal for the property owners to enjoy reasonable access to the lot (Attachment 4). The applicant’s narrative also includes a neighbor letter from the adjacent property at 60 Winchester Drive where the subject trees are located. The neighbor at 60 Winchester Drive expresses support for the proposed project.

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 garage 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	Appx. 90- feet	Compliant
Side Setback	10-feet	13-feet	Compliant
Maximum Height	15-feet	Appx. 14-feet, 9-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. The Town Arborist indicated that no other locations were explored for the garage and driveway and a report on exploratory trenching was not included. Additionally, the Town Arborist recognized that any roots 2-inches and greater can be protected and that the driveway uses Biaxial geogrid with only 4-inches of rough grading and less than 26.5% of roots will be affected. In this way, the Town Arborist recommended approval of the two requests and asserts a recommendation to approve the request for construction of the driveway and detached garage with the following requirements:

- Biaxial Geogrid (Tensar BX-1100) as an underlayment to be placed on top of the parent soil. Minor rough surface grading not to exceed more than 4". 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. Adherence to these requirements shall be reflected on G&D plans.

- Any work 10x of the neighbor's trees, driveway and pathway built with hand work only. Project arborist to be on site.
- The area between the Redwood Tree #43 and the foundation (tree protection zone) is required to be irrigated every other week during the dry season until the top foot of the soil is saturated. This tree is also to be deep water fertilized with Nutri Root. Adherence to these requirements shall be reflected on quarterly report.
- The entire proposed foundation, when within 10x the diameter of Redwood Tree #43 tree (20.8'), is recommended/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. It is recommended that the cut root ends on the tree side be covered by 3 layers of wetted-down burlap to help avoid root desiccation. The contractor shall wet down the burlap daily while exposed. Adherence to these requirements shall be reflected on quarterly report.
- Deep water fertilizing the tree with Nutriroot should take place before the work has started and again the following spring. Adherence to these requirements shall be reflected on quarterly report.
- Exposed roots will be required to be documented by the Project Arborist. Before the driveway work is to start, the tree protection zone is recommended to be deep water fertilized with 300 gallons of water mixed with Nutriroot. The top foot of the soil within the tree protection zone is recommended to be saturated. A decomposed granite pathway is proposed to follow the edge of the driveway near oak tree #5. The pathway is recommended to be built with a minimal 4" cut into grade. This work will need to be done by hand under the project arborist supervision when working within 30' from the tree. No roots shall be cut for the pathway work. Any root encountered must be retained within the granite itself or base rock layer. Adherence to these requirements shall be reflected on G&D and quarterly report.
- Because the driveway work is to take place within the tree's tree protection zone, the work will require the direct supervision of the Project Arborist. Grading and scarifying the soil will need to be done by hand under the Project Arborist's supervision when working within 30 feet of tree #5. Any exposed roots during the driveway work will need to be kept moist by covering roots in layers of wetted-down burlap to help avoid root desiccation. Adherence to these requirements shall be reflected quarterly report.
- No roots over 2" to be cut per Town code.
- 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 6.

RECOMMENDED FORMAL MOTION:

I move that the Planning Commission **approve** the Tree Protection Zone Exception Permit (PTPZ24-00007) at 64 Winchester 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 (PTPZ24-00007) 64 Winchester Drive for the protection zone exception of one (1) 36- inch Coast Live Oak and one (1) Coast 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 with Neighbor Letter
5. Town Arborist Memo
6. Draft Certificate with Conditions of Approval