

10 Camino Por Los Arboles
Atherton, CA 94027
May 31, 2023

Atherton Planning Commission
80 Fair Oaks Lane
Atherton, CA 94027

Dear Chairman Lane and members of the Planning Commission:

On April 26, I attended the Planning Commission meeting and requested that the Commission consider adjusting the monthly arborist report that is required as part of construction in Atherton. The members kindly agreed to consider the topic at this month's session on June 28. By way of this letter, I wish to reaffirm my desire to have Sung Kwon, Town Planner, add this item to the upcoming agenda, and I wish to provide a perspective as to why the monthly requirement should be reconsidered. I will be in attendance at the meeting.

The monthly arborist report has a history of input from the Builders Roundtable group. I have participated in the Roundtable since its inception. When the monthly report was first considered "x" years ago, Joe Comartin of Woodlane Properties, a preeminent town builder at that time, and I voiced objection, as well as others. We were supportive of the reporting requirement, in general, but felt that a quarterly timetable was more appropriate. It provided the necessary information (i.e., that tree protection placement was still intact) but was not as administratively burdensome. After some discussion, builders left the meeting feeling that our quarterly recommendation would be adopted. To our surprise, we later learned that this was not the case. The monthly schedule that ensued has become an unnecessary administrative and financial burden – not only for builders and owners but also for town staff.

My family has completed 22 construction projects in the area, most of which have been in Atherton. Our arborist for the past six years has been Kielty Arborist Services, initially with Kevin Kielty and now David Beckham. David recently shared with me that he completes as many as 25 letters a month for Atherton construction sites. As you may know, all letters are due on the same day of the month, by the 5th. To complete the letters, David must visit each construction location, take photographs and notes, compile the letters and then upload each to the town portal. This takes days of his time each month and seriously diminishes his ability to provide other services and take on new customers. It is a nightmare that continues for the duration of each construction project, which typically lasts 2-3 years. David also shared with me that he believes that as many as 80 letters are submitted to the Town Arborist each month. It is impossible for town staff to even track, read and analyze them in a timely manner.

Besides the monthly administrative burden to each arborist, the price of such work has become quite high for the property owners. I pay David \$300 per letter, but a friend of mine who is currently building on Stockbridge pays over \$500 per letter. Their costs include travel time and mileage as well as the actual letter writing time. That friend has paid over \$21,000 in arborist letter-writing fees as they wrap up their 2 ½ years of construction. By any reckoning, that is ridiculous and not what was intended when the requirement was instituted.

The burden will worsen as Atherton encourages property owners to build ADUs to help meet the town's Housing Element requirements. Each of those ADU applicants will be subject to the monthly arborist

report as well. I suspect that there will be a very unhappy populace as this becomes known. Further, Atherton residents tend to use the same small group of well-established arborists, so I can't imagine how we'll even be able to contract for new arborist services with the limited manpower available.

What is the downside of altering the reporting timetable? Candidly, not much. The penalty for damaging a protected tree is payment to the town of the appraised value of such tree. The value is established in the initial arborist report. That penalty will be imposed if the damaged tree is identified in one month or in three months. It makes no difference. Further, it would be glaringly apparent to a building inspector if the protective landscape/tree fencing were removed from a site, which is also a town concern. One would hope that the inspector would immediately report such removal to the Town Arborist.

I dare say that all Atherton property owners cherish their trees and landscaping. We pay "big bucks" for landscaped properties and want them preserved. Are there construction accidents that could damage a protected tree: yes, but it's the exception not the rule. So, should the majority pay for the rare accident of the few? No.

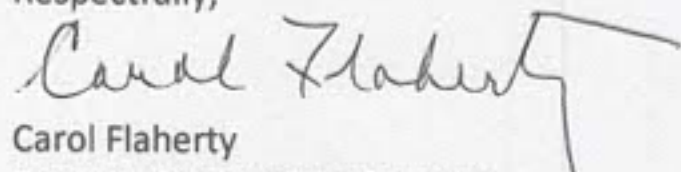
As I have stated, the monthly report has evolved into an administrative burden for our arborists, contractors, and town staff and a financial burden for property owners. So, what should be done about it? There are several options:

1. The one that I favor is shifting to a quarterly report, as was originally recommended. You would still have a professional arborist providing the assessment. Their administrative burden is lessened, as well as the burgeoning cost to property owners. This would also limit the burden on the ADU-only construction sites. They would only need to provide 1-2 reports during their project timeline, not the current monthly challenge.
2. Allow the general contractor or property owner to provide monthly or quarterly photographs and letters versus the contracted arborist. This allows the arborist to do their "real jobs", not letter writing. The penalties would be the same: payment of the appraised value for a damaged tree and temporary forfeiture of one's building permit if the letters were not submitted.
3. David Kielty has shared with me that San Mateo County ties arborist letters to specific construction inspections. For example, an arborist inspection is required at the time of foundation inspection, framing inspection, etc. This requires considerable contractor-arborist coordination though. It's already difficult enough to get pre-inspection engineering letters, thus I do not favor this option

I believe the answer to the current situation is to adopt recommendation 1 or 2 above. I herewith request the Planning Commission consider and approve of such. I would make the timetable quarterly. It will benefit property owners, contractors, arborists and city staff alike.

I thank you for your consideration.

Respectfully,



Carol Flaherty

Project address: 30 Adam Way

CC: Sally Bentz-Dalton, Town Arborist
Sung Kwon, Town Planner
Mike Greenlee, Atherton Building Dept.