



**Town of Atherton  
Planning Department  
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**DATE: JUNE 28, 2023**

**TO: PLANNING COMMISSION**

**FROM: RADHA HAYAGREEV, SENIOR PLANNER**

**SUBJECT: Request for removal of one (1) 26.8-inch Heritage Douglas Fir Tree** to provide proposed vehicle back up distance for the garage as part of a new 2-story, 6,451 sq. ft. residence with full basement, detached garage, Accessory Dwelling Unit, pool, and driveway project at **92 Inglewood Lane** (APN 070-240-150)

**CEQA:** The proposal has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA 15303 (e) New construction or conversion of small structures.

**RECOMMENDATIONS:**

For the reasons as outlined in this staff report, Planning Staff recommends that the Planning Commission conduct the public hearing and **approve** the Heritage Tree Removal Permit for the removal of one (1) 26.8-inch heritage Douglas Fir (Tree #53) based on the finding outlined below.

Per [AMC Chapter 8.10.040 \(D\)](#) Planning Commission shall hear all evidence presented, and shall grant the heritage tree removal permit unless it finds that the removal of the heritage trees would be contrary to the purpose and intent of the Atherton General Plan.

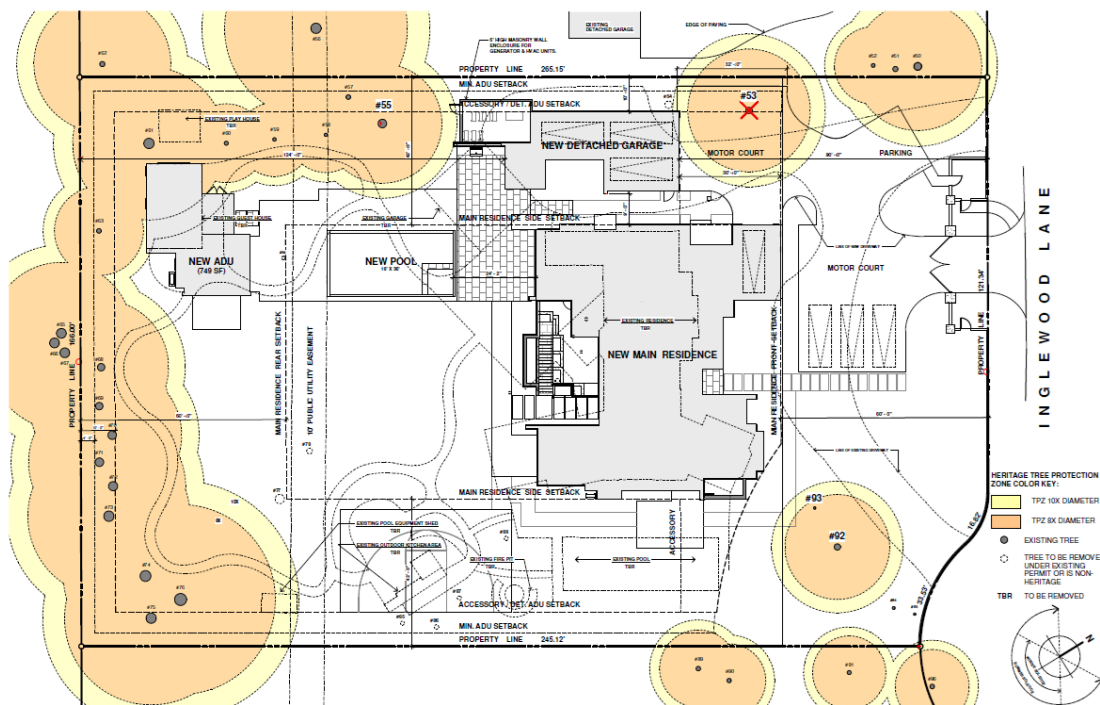
*Staff review:* In the professional opinion of the Town Arborist, tree #53, a 26.8-inch heritage Douglas Fir tree which receives a “Fair” rating and may be preservable but is not worthy of extensive effort or design accommodation. In addition, the town arborist reviews the alternative design location of the proposed garage and provides support to the finding 8.10.040 (D) 6: The necessity to remove heritage tree 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. This project remains consistent with the policies and goals listed below:

Policy LU-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.
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## **BACKGROUND:**

92 Inglewood Lane is a 43,554.44 square foot (0.99 acres) lot located within the R-1A zoning district and is surrounded by other low-density, single-family homes. The applicant is planning a full site development which includes a new 2-story residence (6,451 sf, 26ft high) with a full basement, detached garage, detached accessory dwelling unit, pool and driveway as seen in the attached site plans (attachment 2),

**Figure 1: Site Plan showing Tree Protection Zones and Heritage tree removal**



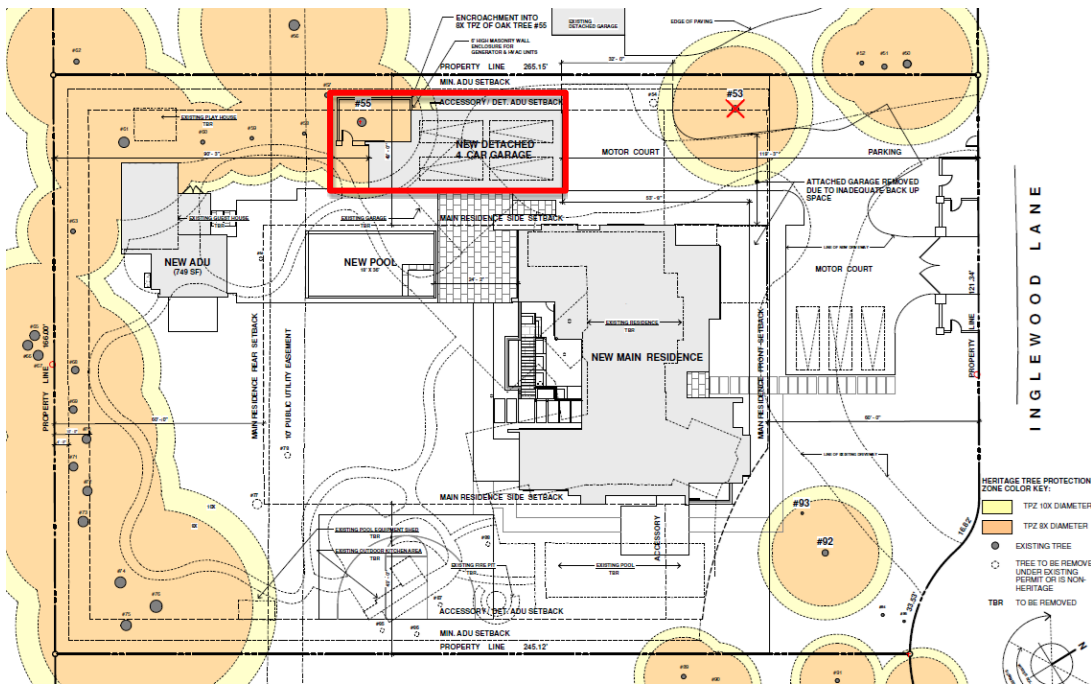
The red crossed out tree is tree #53, a 26.8-inch heritage Douglas Fir tree which is requested to be removed to accommodate the garage back up driveway for the detached garage.

A report on the size and condition of the trees was prepared by Urban Tree Management inc. on November 29<sup>th</sup>, 2022, by project arborist Chris Stewart, see attachment 4.

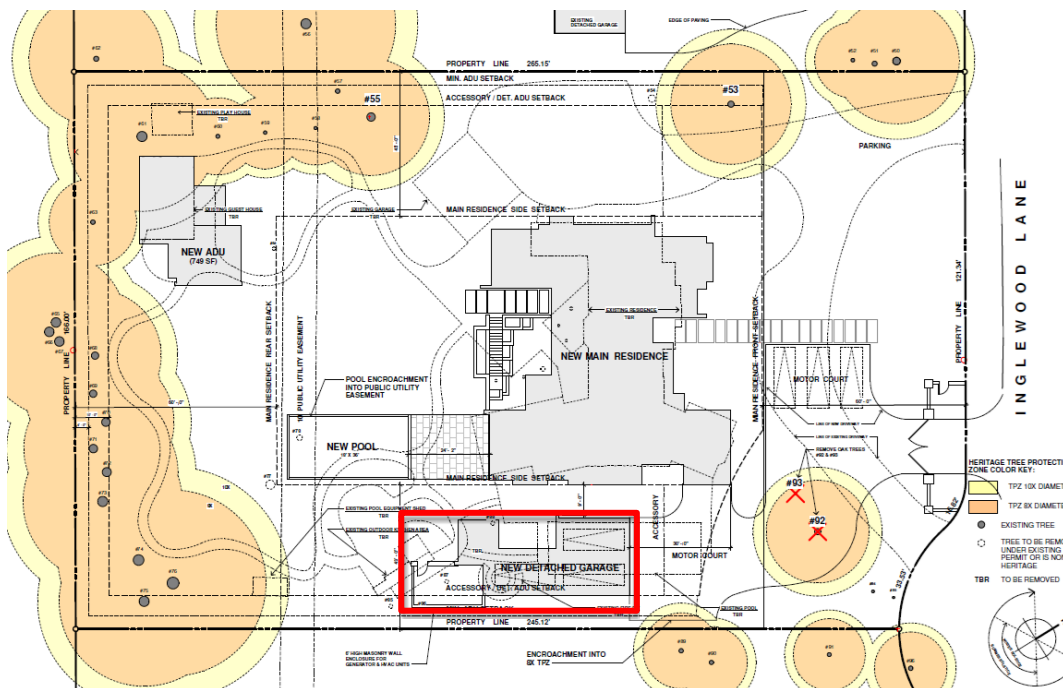
## **ANALYSIS:**

The removal of the “fair” rating for the Douglas Fir tree is to accommodate a good back up distance from the proposed detached garage. The applicant proposed several alternative locations on the site plan for the garage configuration, see below the options explored in Figure 2 and Figure 3.

**Figure 2: Alternative option-1 for detached garage configuration**



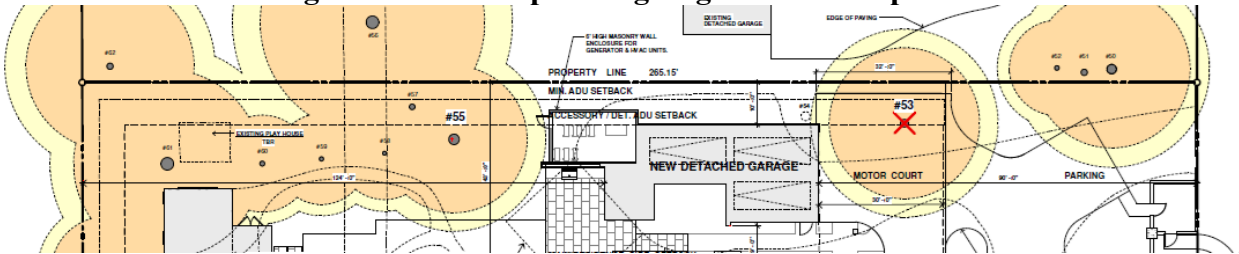
**Figure 3: Alternative option-2 for detached garage configuration**



As seen in Figure 2 & 3 above, the alternative options for detached garage configuration has a bigger impact on other heritage trees on the site including Tree #53 in Figure 2 and Tree #92 and #93 in Figure 3 above.

Staff can make a finding that the current request seems to be best possible location of the detached garage as shown in Figure 1&4 owing to least impact to the number of heritage trees on the site plan.

**Figure 4: Detailed plan of garage and tree impact**



The Town Arborist **could make the necessary findings (see Attachment -2)** to recommend the removal of the tree # 53, a 26.8-inch heritage Douglas Fir tree based on the following criteria for Heritage Tree Removals per Chapter 8.10 of the Atherton Municipal Code.

*6. 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.*

The Town Arborist also recommends approved of the tree on the following condition:

- a. The applicant must plant at least 2, 15-gallon evergreen trees that are not shrubs.5

The memo also notes that the removal o the tree #53 will promote oak tree number 55 to be more vigorous.

## **CONCLUSION**

[Per AMC Chapter 8.10](#) To grant a Heritage Tree Removal Permit, Planning commission shall hear all evidence presented, and shall grant the heritage tree removal permit unless it finds that the removal of the subject heritage tree would be contrary to the purpose and intent of the general plan of the town, while considering the six criteria listed below:

1. 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.
2. 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.
3. The number, species, size and location of existing trees in the area and the effect of the requested removal 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;

4. Good forestry practices such as, but not limited to, the age, number of healthy trees a given parcel of land will support and/or the long-term benefits of a proposed reforestation plan relative to existing site conditions.
5. The necessity to remove or relocate the heritage tree(s) to allow for operation of existing solar panels that were installed prior to the planting of the heritage tree(s) on the subject or adjoining property; and
6. 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.

**Staff review:** Staff supports town Arborist recommendation of the tree removal based on number 6. Above. The General Plan goal that can be found to be consistent with this removal is below:

General Plan Open Space and Conservation Element states: Trees shall be preserved to the maximum extent feasible while allowing for construction within established parameters for setbacks and lot coverage in accordance with the Municipal Code chapter regulating the removal of and damage to heritage trees.

## **NOTICE**

Notice of this application was mailed to all property owners within 500 feet of the subject property. The project was also posted in the June 16<sup>th</sup> publication of the Almanac newspaper. To date, the Town has received **one** public comment or inquiries on the application. Details of the public comment is attached in the packet.

## **ALTERNATIVES:**

The Planning Commission could approve or modify the request for the Heritage Tree Removal permit. Should the Planning Commission make the finding to approve the Heritage Tree Removal (HTR) permit, it is further recommended that the Commission do so subject to the draft conditions as listed in Attachment 1, “Draft Heritage Tree Removal Permit (HTR) Certificate “

## **SUGGESTED FORMAL MOTION (for Approval):**

I move that the Planning Commission find the project to be to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under 15304 Minor Alterations to Land; and

Find the request for a heritage tree removal for one a 26.8-inch heritage Douglas Fir tree is not contrary to the purpose and intent of the General Plan; and

**Approves** the Heritage Tree Removal Permit (HTR23-00002) at 92 Inglewood, for the reasons outlined in the Staff Report

*/s/ Radha Hayagreev*

Radha Hayagreev, Senior Planner

Attachments:

1. Draft Heritage Tree Removal (HTR) Certificate
2. Town Arborist Memo
3. Applicant Provided Project Description
4. Arborist Report and Tree Protection report, prepared by Urban Tree Management, Inc, dated November 29<sup>th</sup> 2022
5. Project Drawings
6. Public comment