



**Town of Atherton
Planning Department
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DATE: July 26, 2023

TO: PLANNING COMMISSION

FROM: SEAN MANALO, ASSOCIATE PLANNER
RADHA HAYAGREEV, SENIOR PLANNER

SUBJECT: Tree Protection Zone Exception (PTPZ23-00004) for 4 Heritage Trees ranging from 5.75x to 9.60x for the construction of a new shade trellis, fireplace/BBQ and utility area.

- A. Tree #21- 38" Redwood up to 6.52x for a proposed trellis, BBQ, and utility area
- B. Tree #22 – 44" Redwood up to 5.75x for a proposed trellis, BBQ, and utility area
- C. Tree #25 – 28" Redwood up to 9.60x for a proposed trellis
- D. Tree #26 – 32.1" Silver Maple up to 6.54 x for a proposed trellis

LOCATION: Address: 183 Patricia Drive
APN: 059-283-020
Zoning District: Residential District (R-1A)

CEQA: This project is categorically exempt from further CEQA review pursuant to: CEQA Section 15304, Minor Alterations to Land

APPLICANT: COLLIN JONES
Collin Jones Studio

RECOMMENDATION:

Staff recommends that the Planning Commission **approve** the requested tree protection zone exceptions for all 4 trees for the construction of a new shade trellis, and fireplace/BBQ and utility area at 183 Patricia Drive.

1. The requested TPZ Exception would not be contrary to the purpose and intent of the Atherton General Plan.
Basis for Finding: The requested TPZ exception for Tree A, B, C, and D is found to result in a designated protection area sufficiently large enough to protect the trees and their roots from Disturbance and/or Damage, based upon the specific conditions the tree and conditions of the approval of this report, the nature of the proposed future construction,

and supporting arboricultural industry standards, as professionally opined by the Town Arborist. The request is found to meet the applicable criteria of the Town's adopted Heritage Tree Guidelines and Development Standards.

Figure 1: Proposed Site Plan and Tree Protection Zone Exception Plan

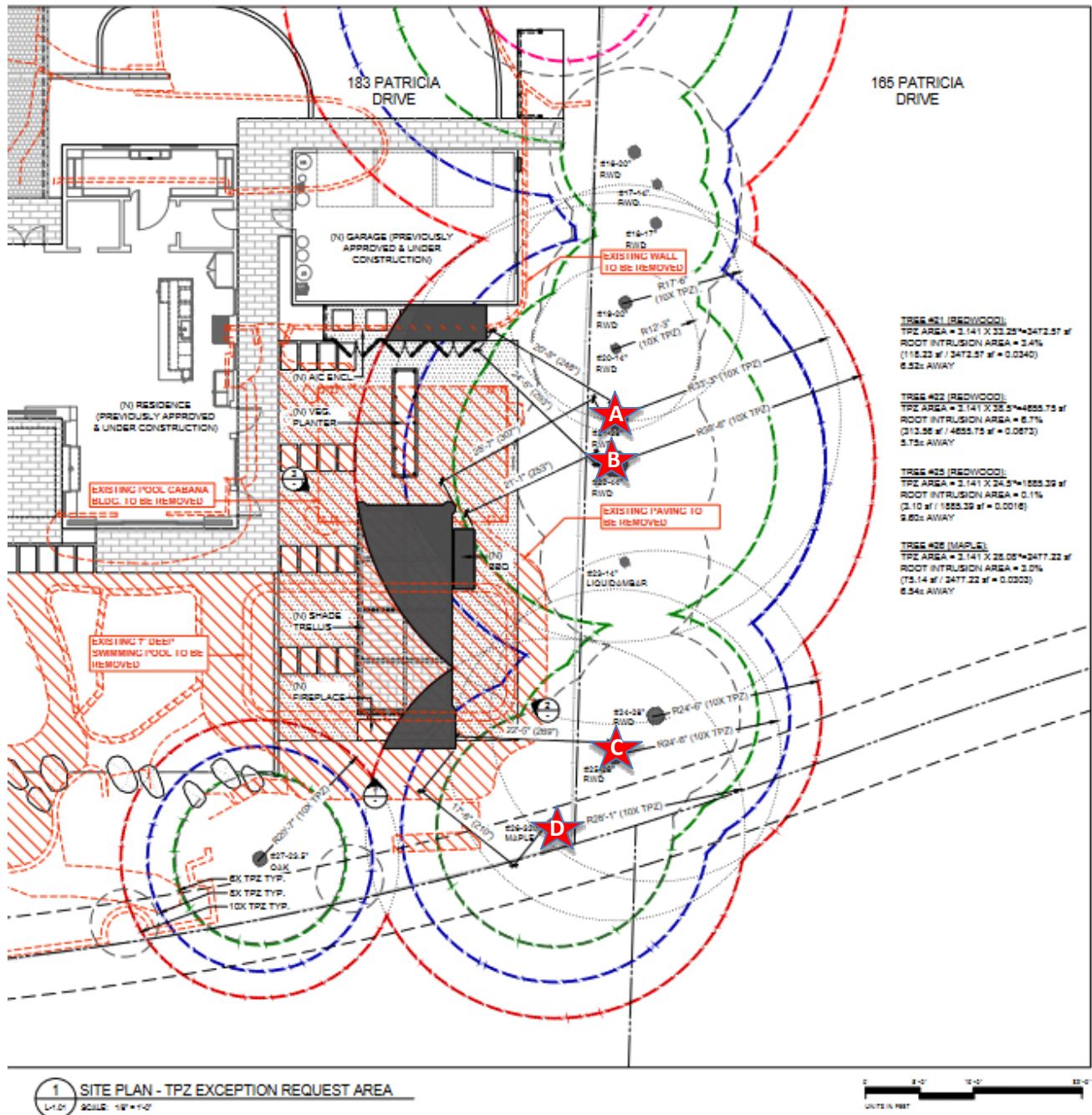


Image 1: Site Context, Aerial View

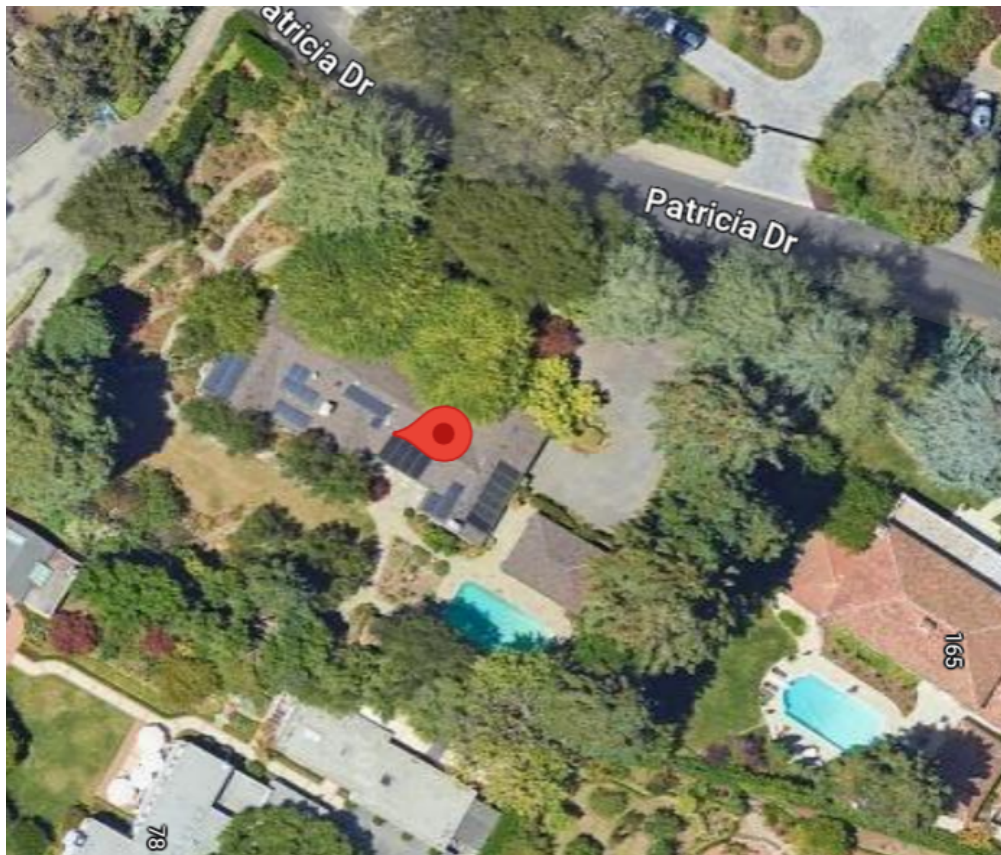


Image 1: Subject Trees A & B,



Image 2: Subject Trees C & D,



Location and Context

The subject site is located at 183 Patricia Drive and is associated with a 0.90-acre interior lot located in the R-1A Zoning District. Patricia Drive bounds the site to the west. The project site is also bound by a collection of low-density single-family homes to the north, south, east, and west.

The applicant is seeking tree protection zone exemptions for a shade trellis, outdoor fireplace, and barbecue area in the rear yard, as part of a full-site development also including the construction of a new single-family home with detached garage. The site plan is based on discussions between the Planning Department and the Town Arborist to find an ideal configuration based on the site constraints and requirements of the buildings proposed.

Table 1 below summarizes the subject trees requesting a Heritage Tree TPZ Exception.

Table 1: Subject Trees Summary

Tree	Designated Tree Number	Type of Tree	Tree Location	Exception Request (and distance from proposed trellis)	Percent of Encroachment
A	#21	Redwood, 38" DBH	165 Patricia Adjacent Lot	6.52x, (20'-8") away	3.4%
B	#22	Redwood, 44" DBH	165 Patricia Adjacent Lot	5.75x (21'-1") away	6.7%
C	#25	Redwood, 28" DBH	165 Patricia Adjacent Lot	9.60x (22'-5") away	0.1%
D	#26	Silver Maple, 32.1" DBH	183 Patricia Subject Lot	6.54x (17'-6") away	3.0%

ANALYSIS

From the analysis provided in the Town Arborist Memo (*See Attachment 2*), site visit findings and review of the Applicant's arborist report (*See Attachment 5*), staff can recommend and support the Town Arborist's recommendation of the TPZ exception for all four trees.

The applicant explored moving the trellis to 10x away, however this proposal would violate General Development Standards for Accessory Structures, (AMC Section 17.40.030) requiring an 8-ft minimum separation between the main buildings and accessory structures. The Applicant has stated that other potential locations on the property, clear of TPZ encroachments, would place the proposed shade structure and barbecue beyond reasonable access requirements, defeating their purpose and depriving the property of the privileges enjoyed by other property owner in the vicinity under identical land use zoning district classifications.

CONCLUSION

The Town's Heritage Tree Preservation Standards and Specifications, implemented through the Atherton Municipal Code, allows the Planning Commission to consider requests for a Tree Protection Zone (TPZ) exception based on a series of specified criteria. The TPZ exception requests for the subject four trees for the proposal seen in the submitted Site Plan can be approved subject to the following conditions:

- Hand excavation only within 8x TPZ. This includes demo of the paving is required to be done by hand.
- The area under the drip line of trees should be thoroughly irrigated to a soil depth of 18” every 3-4 weeks during the dry months.
- Mulch should cover all bare soil within the tree protection fencing. This material must be 6-8 inches in depth after spreading, which must be done by hand. Coarse wood chips are preferred because they are organic and degrade naturally over time.
- Sufficient tree protection for the Silver Maple and neighbor’s Redwoods during demo and trellis install.

NOTICE

Legal advertisement of this hearing was published in the Almanac Newspaper, 15 days prior to the hearing date. Notice of this application was also mailed to all property owners within a 500-ft radius of the subject property. At the time of publishing this report, the Town has not received any public comment or inquires on the application.

ALTERNATIVES

The Planning Commission may approve, deny, or modify the request to approve the requested TPZ Exception.

SUGGESTED MOTION FOR APPROVAL of the CONDITIONAL USE PERMIT

I move that the Planning Commission find the Exception to the Tree Protection Zone (TPZ) for the four trees:

- A. Tree #21- 38” Redwood up to 6.52x
- B. Tree #22 – 44” Redwood up to 5.75x
- C. Tree #25 – 28” Redwood up to 9.60x
- D. Tree #26 – 32.1” Silver Maple up to 6.54x

for a proposed trellis, BBQ, and utility area and is categorically exempt from the California Environmental Quality Act pursuant to CEQA Section 15304, Minor Alterations to Land. This project would not be contrary to the purpose and intent of the General Plan, for the reasons outlined in the Staff Report, and that the Commission approve the TPZ Exception subject to the conditions as listed in the draft TPZ Certificate.

/s/ Sean Manalo

Sean Manalo, Associate Planner

/s/ Radha Hayagreev

Radha Hayagreev, Senior Planner

Attachments:

1. Draft Certificate with Conditions of Approval
2. Town Arborist Memo
3. Applicant’s Planning Commission Application with Request Letter and Narrative
4. Proposed Project Site Plan
5. Project Arborist Report