

Planning Commission Application Narrative

June 14, 2023

Project Address: 183 Patricia Drive
Atherton, CA 94027

APN: 059-283-020

Attachments:

- Landscape Plans (submitted for permit 5/23/2023)
- Sheet L-0.01, TPZ Exception Plan
- Arborist Report
- Planning Commission Application

Project description:

The project is a new landscape on a 45,000 square-foot site, where a new single-story residence is currently under construction. The new landscape includes a trellised shade structure, outdoor fireplace, barbecue, gates and fences, exterior paving and driveway, and new planting.

We are requesting a Heritage Tree TPZ Exception for the following trees:

1. **Tree #21 (Redwood), 38" DBH (estimated)**
 - a. Exception to 6.52x (20'-8") away
 - b. % of encroachment: 3.4%
2. **Tree #22 (Redwood), 44" DBH (estimated)**
 - a. Exception to 5.75x (21'-1") away
 - b. % of encroachment: 6.7%
3. **Tree #25 (Redwood), 28" DBH (estimated)**
 - a. Exception to 9.60x (22'-5") away
 - b. % of encroachment: 0.1%
4. **Tree #26 (Maple), 32.1" DBH**
 - a. Exception to 6.54x (17'-6") away
 - b. % of encroachment: 3.0%

The proposed structures fall within a much larger existing footprint of development. These existing structures, including an in-ground gunite swimming pool and roofed pool cabana and pool house, will be removed, in addition to the existing paving that surrounds these structures. By siting the proposed structures several feet farther from the existing trees, and shrinking the overall development footprint, the proposed landscape plan significantly reduces the encroachment into the TPZ in comparison to the existing development.

In addition, from the **HERITAGE TREE PRESERVATION STANDARDS AND SPECIFICATIONS** Section 2.2B2b:

- 2. Any application to be submitted shall be reviewed by the Town Arborist for demonstrated compliance with any the following criteria, to the satisfaction of the Town Arborist:*
- b. If the species is tolerant of construction based on species, health, size and*

age from Matheny and Clark tolerance chart.

Three of the four trees for which an exception is being requested are Redwoods; the fourth is a Silver Maple. These trees are expected to have a higher-than-average tolerance of construction impacts. Furthermore, as noted above, with the proposed removal of existing structures and paving, the unpaved, undeveloped area available for root development will actually be expanded.

We also believe the Planning Commission will be able to make the findings required under Section 17.16.030 in the Atherton Municipal Code, as follows:

A. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property owners in the vicinity and under identical land use zoning district classifications.

As indicated on the enclosed Tree Protection Plan (Sheet L-0.00), existing heritage trees line the perimeter of the site, as well as within 15 feet of the project's property line with neighboring 165 Patricia Drive. The TPZ area for these heritage trees reduces much of the buildable area for accessory structures. Granting the variance would allow the property owners the flexibility to fully enjoy the privileges enjoyed by others and build a landscape that would best suit their needs.

B. Granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located.

Granting this variance would not constitute a special privilege as there are an abundance of heritage trees on the perimeter of the site. This is also true when looking at the surrounding vicinity where many of the nearby properties share the same characteristic. Granting this variance will allow the owners the opportunity to fully realize the potential of their property while considering the best solution that would least impact the natural characteristics of the site.

C. Granting the variance will not adversely affect the interest of the public or the interest of residents and property owners in the vicinity of the premises in question.

Granting the variance will not adversely affect the interest of the public or the interest of the residents and property owners in the vicinity of the project. The proposed landscape results in a greatly reduced developed area with less encroachment into the affected trees' TPZ relative to existing.

In addition, we examined alternative locations for the proposed shade structure and barbecue, beyond the 10x TPZ, as indicated on the attached Sheet L-0.01, TPZ Exception Plan. Keeping clear of the 10x TPZ pushes these features too close to the residence, in violation of the minimum setback standards between buildings and accessory structures (8' minimum, per AMC 17.40.040). 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.

Sincerely,



Collin Jones, Landscape Architect

TOWN OF ATHERTON
PLANNING COMMISSION APPLICATION



	TYPE OF APPLICATION	FEE*
<input type="checkbox"/>	Appeal	\$872.32
<input type="checkbox"/>	Special Structures Permit	\$3,025.12
<input type="checkbox"/>	Heritage Tree Removal Permit	\$2,325.82
<input checked="" type="checkbox"/>	Tree Protection Zone Exception	\$2,325.82
<input type="checkbox"/>	Variance	\$3,025.12
<input type="checkbox"/>	Conditional Use Permit	\$3,025.12
<input type="checkbox"/>	General Plan Amendment	\$5,817.15
<input type="checkbox"/>	Initial Review/Negative Declaration	\$2,325.82
<input type="checkbox"/>	Lot Line Redesignation	\$3,025.12
<input type="checkbox"/>	School Master Plan	\$872.32
<input type="checkbox"/>	Tentative Parcel Map	\$3,025.12
<input type="checkbox"/>	Final Parcel Map	\$3,025.12
<input type="checkbox"/>	Zoning Ordinance Amendment	\$5,817.15
<input type="checkbox"/>	Environmental Impact Report	Actual cost

*All Fees Include 3.6% Technology Surcharge

SITE ADDRESS: 183 Patricia Drive

APN: 059283020

Provide a brief description of the proposed project: New landscape improvements including a shade structure, outdoor fireplace, barbecue, A/C unit enclosure, entry gates, site paving and planting

PROPERTY OWNER:

Name: Kenneth Kim

Mailing Address: P.O. Box 608, Los Altos, CA 94023

Phone: (650) 208-8822

Email: kenckim@gmail.com

Signature: *Kenneth Kim*

APPLICANT:

Name: Collin Jones

Mailing Address: 1510 Park Ave., Unit D, Emeryville, CA 94608

Phone: (415) 205-5131

Email: collin@collinjones.studio

Signature: *Collin Jones*

FOR COMPLETION BY TOWN OF ATHERTON:

Amount Paid: _____ Received by: _____ Date Submitted: _____

Project #: _____

Updated 7/28/22

APPLICATION PROCEDURE:

Submit the following information. All application materials are to be submitted digitally through the [Planning Department's ePlan Submittal Page](#).

1. This form filled out completely and signed by the property owner.
2. A separate, complete written description of the request addressed to the *Planning Commission*. Please include as much detail as possible.
3. Payment of the required fees and deposit.
4. Digital plans to a measurable scale, clearly drawn which include the following;
 - A. Existing and proposed uses including all buildings, structures, parking areas, driveways and heritage trees, and any other accessory structures.
 - B. Site plan, floor plans and elevations.
 - C. Lot data (lot size, allowed floor area and setbacks) – existing and proposed.
 - D. Building and sidewall heights measured from Average Natural Grade.
5. Conceptual Landscape plan (if required).
6. Arborist Report (if required).
7. Additional information as deemed necessary by staff to complete an application.

HEARING DATE

Once staff deems the application complete, the request will be placed for public hearing on the agenda of the next available Planning Commission meeting. The Planning Commission meets on the fourth Wednesday of each month at 6:00 pm in the Town Hall. The Planning Commission may continue any hearing from time to time.

EFFECTIVE DATE

A Planning Commission decision will be effective 10 calendar days following the date of decision, during which time an appeal may be filed. The permit will be considered void if not used within one year.

Once staff deems the application complete, the public hearing date will be determined. Staff will mail notice of the public hearing to all property owners within 500 feet of the subject site, ten (10) calendar days before the hearing.

It is strongly recommended that applicants contact neighboring property owners to discuss the proposed project **prior** to the Town's mailing of notices.