



Town of Atherton
Planning Department
80 Fair Oaks Lane
Atherton, California 94027
Phone: (650) 752-0544
planningdept@ci.atherton.ca.us

DATE: JULY 26, 2023

TO: PLANNING COMMISSION

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

SUBJECT: Tree Protection Zone Exception for 2 Heritage Trees ranging from 6x-7.85x for the construction of a new detached accessory dwelling unit (ADU) (PTPZ23-0006)

- A. Tree #7- 32" Valley Oak at 7.85x for a proposed ADU
- B. Tree #9 45" Valley Oak at 6x for a proposed ADU

LOCATION: Address: **35 Isabella Avenue**
APN: **070-250-240**
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: JOHN KLEMAN
Light Space Architecture

RECOMMENDATION:

Staff recommends that the Planning Commission **approve** the requested tree protection zone exceptions for 2 trees for the construction of a new detached accessory dwelling unit (ADU).

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 and B 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

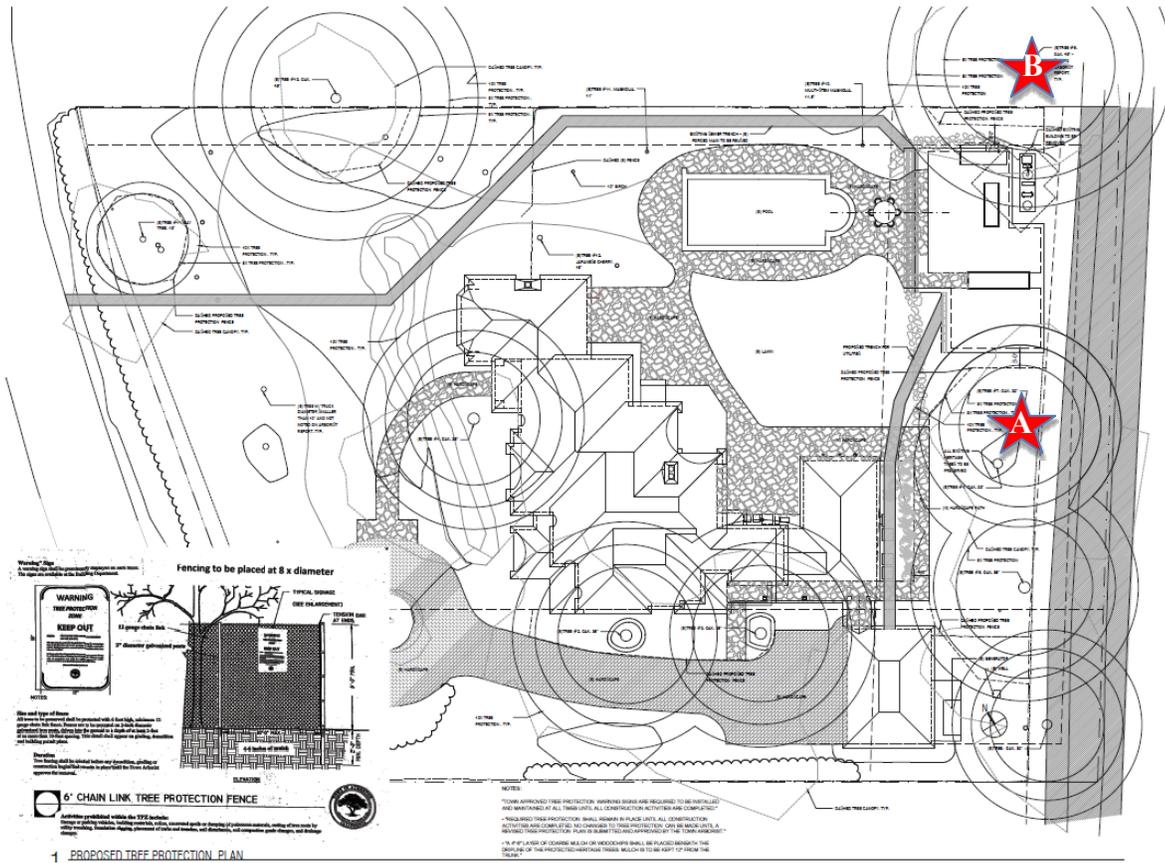


Figure 2: Proposed Project, Tree Protection Impact for ADU, compared to existing Pool House

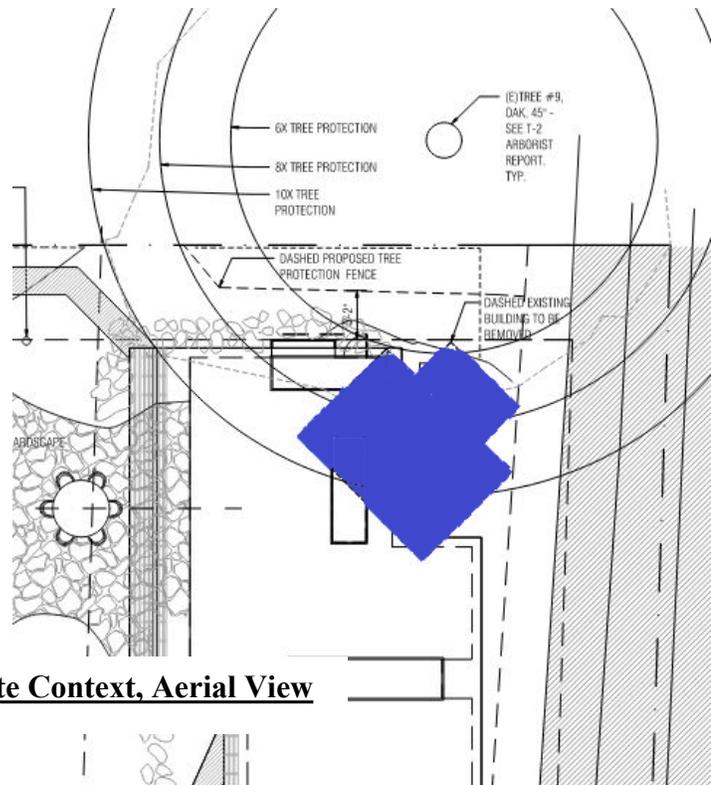
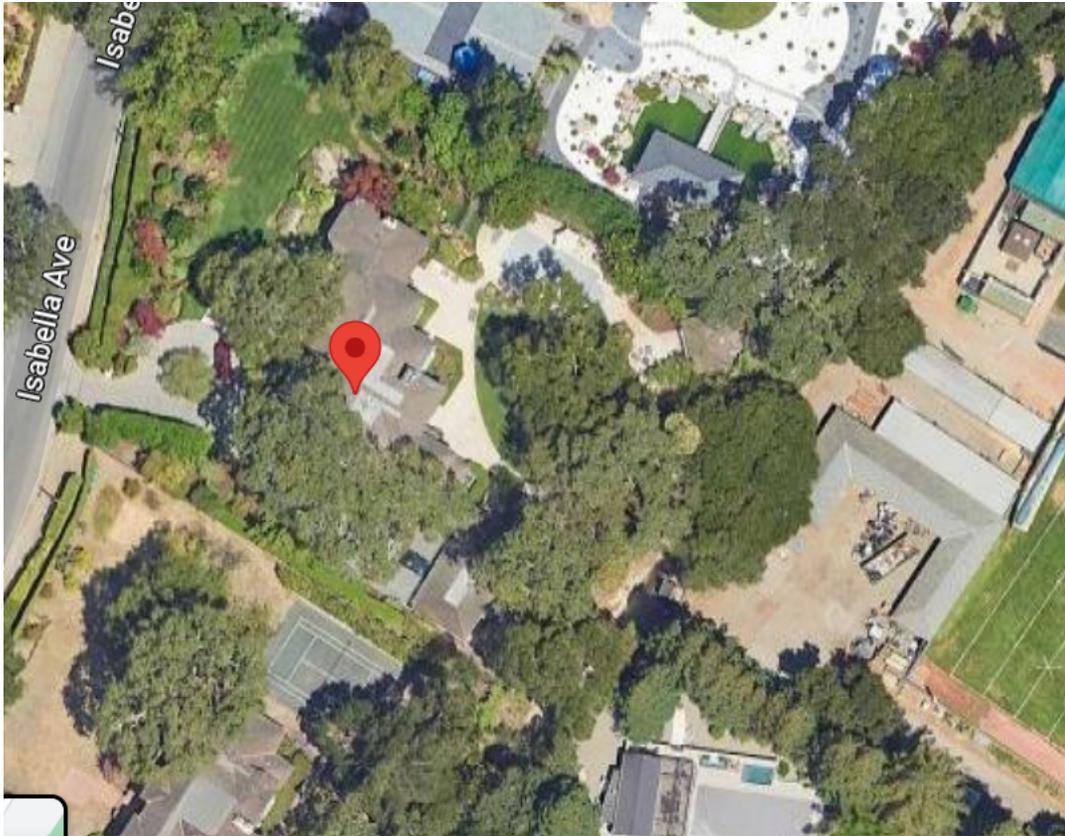


Image 1: Site Context, Aerial View



**Image 1: Subject Tree B,
View Facing North**



**Image 2: Subject Tree A,
View Facing East**



Location and Context

The subject site is located at 35 Isabella Avenue and is associated with a 0.99 acre interior lot located in the R-1A Zoning District. Isabella Drive bounds the site to the west. The project site is also surrounded of low-density single-family homes to the north, south, east, and west. The project site is also bound to the east by the Cartan Athletic Fields on the Menlo College campus.

The subject property has several structures including a main residence, a detached garage, detached pool house, and pool with landscape paving throughout the rear of the property. The Applicant is proposing to demolish an existing pool house located in the north-east corner of the property, to allow for the construction of a 1200 square foot accessory dwelling unit (ADU) within the Tree Protection Zone of two Valley Oak Trees. When complete, the full-proposed project will include a new detached ADU, as well as a main house addition, attached JADU and new outdoor kitchen.

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 ADU)	Percent of Encroachment
A	#7	Valley Oak, 32" DBH	35 Isabella Subject Lot	7.85x , (24-ft) away	4.6% of the 10x TPX
B	#9	Valley Oak, 45" DBH	25 Isabella Adjacent Lot	6x, (22-ft) away	5.28% of the 10x TPZ

ANALYSIS:

The proposed location of the ADU will be no closer than the existing pool house. Tree #7 (Tree A) is described as being in good overall condition, with minor dead branches and twigs and a good rating for construction impact. Tree #9 (Tree B) has minor evidence of structural defect. The Town Arborist has noted that if roots are encountered during the foundation install and roots over 3" are encountered, pier locations will be required to move to avoid the roots. Staff can recommend approval of the request for a 6x tree protection zone exception for this tree, provided the structure does not cause any additional impacts then the current structure does, and the adjacent neighbor provides support of the project.

From the analysis provided in the Town Arborist Memo (*See Attachment 2*), in addition to 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 both trees.

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:

- Landscape screening will be required to screen the ADU from neighbor and vice-versa.

- Private arborist on site during foundation work.
- Hand excavation only within 8x TPZ.
- 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 of the two trees during demo and 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 two trees:

- A. Tree #7- 32” Valley Oak to 7.85x for a proposed detached accessory dwelling unit (ADU).
- B. Tree #9 – 45” Valley Oak up to 6x for a proposed detached accessory dwelling unit (ADU).

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