



# Memo

**To:** The Atherton Planning Commission  
**From:** Sally D Bentz-Dalton, Town Arborist  
**CC:** ~~Stephanie B Davis~~ Radha Hayagreev, ~~Principal~~ Senior Planner  
**Date:** 4/22/2017/26/23  
**Re:** -Tree Protection Zone (TPZ) Exception 35 Isabella

Application for Ten (8) Heritage Tree Removals and Two (2) Tree Protection Zone Exceptions, 1 Edge Road

I have reviewed the application at 35 Isabella 1-Edge Rd. a and offer the following observations and recommendation for your review:

The applicant is applying for TPZ exceptions for the following trees:

Request 1:

Tree #7 – 7.85x for a proposed ADU  
4.6% of the 10x TPZ

Request 2:

Tree #9 – 6x for a proposed ADU  
5.28% of the 10x TPZ

An arborist report inventory was conducted for this site by Dsoto Tree & Arborist Services

Tree #7 – 32” dbh – Quercus lobata – Valley Oak – Good overall condition, minor dead branches, or twigs.  
Tree #9 – 45” dbh - Quercus lobata – Valley Oak – Neighbor tree. Minor evidence of structural defect.

The private arborist did not submit in the report the impact of the proposed project on tree #7 or #9 or photos.

The applicant wishes to build a new 1200 square feet ADU. the proposed foundation is a pier-supported structural slab (over a void form) so there should be minimal direct root damage as a result of excavation. The piers will be 16" in diameter, no more than 20' deep, and approximately 12' center-to-center.

Request #1:

They are proposing the location of the ADU to be 24' away from tree #7. The current structure is 63' away.

They are asking for 7.85x away TPZ exception. This is just under 8x staff exception. The tree is in good health, has a good rating for construction impact and because of the foundation type I can recommend 7.85x away for the proposed ADU.

**Request #2:**

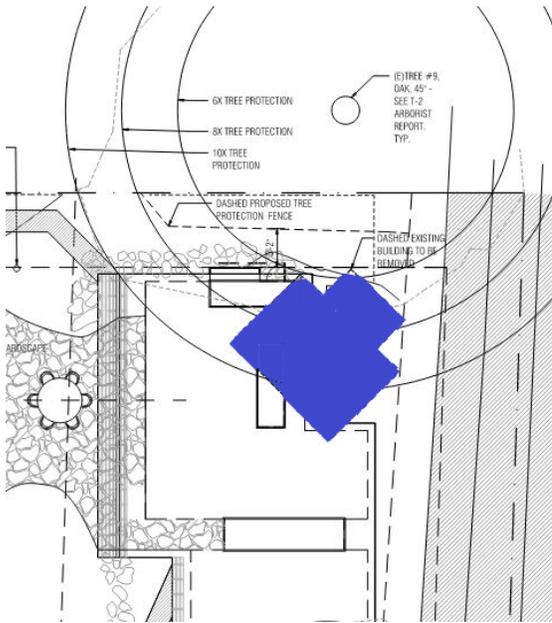
The applicant is proposing the new ADU location to be 22' away or 6x away. The applicant is proposing the structure to be no closer than the existing pool house.

The applicant stated that the neighbor has been contacted and a letter of support is forthcoming. No letter has been received at the time of this memo.

If approved, landscape screening will be required to screen ADU from neighbor and vice-versa.

If roots are encountered during foundation install and roots over 3" are encountered, then pier locations need to move to avoid the roots. The private arborist will be required to be on site for foundation work.

I can recommend the 6x if the structure does not cause any additional impacts to the neighbor's tree, then the current structure does, the neighbor provides support of the project and private arborist is on site and no roots over 3" are cut.



~~The applicant explored moving the trellis to 10x away and it does not meet the Tonw code of 8' away from the main residence.~~

~~The applicant states that 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.~~

The following are requirements as part of the recommendation:

- 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.

The applicant wishes to I can recommend the exceptions based on the criteria below from Section 2.2 B. 2.

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.

remove 8 trees. 6 of the 8 trees are Palms:-

Palms:

1. ~~Tree #17- Canary Island Date Palm - 27" dbh~~
2. ~~Tree #31- Canary Island Date Palm - 32" dbh~~
3. ~~Tree #32- Canary Island Date Palm - 33" dbh~~
4. ~~Tree #50- Canary Island Date Palm - 32" dbh~~
5. ~~Tree #51- Mexican Fan Palm - 15"~~
6. ~~Tree #54- Mexican Fan Palm - 17"~~

Other trees:

7. Tree #55 Redwood 44" dbh Tree #55 a Coast Redwood is located close to the pool and driveway.
8. Tree #56 Coast Live Oak 30" dbh Tree #56 a Coast Live Oak is 30" dbh is located inside the buildable area. It is currently inside the house courtyard,

TPZ Exception trees:

1. Tree #25 Redwood 38" dbh Tree #25 a Coast Redwood is located 5 feet from the current house.
2. Tree #53 Coast Live Oak 28" dbh Tree #53 a Coast Live Oak is located adjacent to the driveway and does have some decay and an old wound.

The arborist report was submitted by McClenahan Consulting, LLC on September 18<sup>th</sup>, 2019 and revised on October 26<sup>th</sup>, 2019. A supplemental arborist report was submitted April 9<sup>th</sup>, 2020.

Tree #56 is the only tree located in the Main House Buildable area. Tree #25 and 55 are located just outside the buildable area. The rest of the trees/palms are located away from the buildable area.

I can recommend removal of the six Palm trees. Many of the Palms even when small have a large diameter and are considered heritage trees within a short time. Also, some of them have a high likelihood that they are volunteers.

I can also approve tree #55 since it is located only a few feet from a wall, hardscape and a pool on one side and within a foot of a driveway on the other side. This tree has had limited growing space. This could cause the tree to have limited roots in multiple locations making the tree not as structurally sound. I am sitting section 8.10.40 D 2. that this has 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.  
I can also approve tree #56 because this tree located inside the courtyard and has limited growing space. The tree has low vigor, a slight lean and dead limbs. The tree looks like it is starting to decline in health. Because the tree is in fair to poor health and is in the buildable area, I can recommend approval. I am sitting section 8.10.40 D 2. that this has 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.

The site does have multiple trees around the main buildable area. This includes tree 24, 25, 26, 33, 42, 48, and 55. If any of those are not removed at staff level, then the current tree protection zones will need to be adhered to. Even with the existing heritage trees I feel the site will continue to display a reasonable buildable area to build a main residence. The applicant submitted an updated site plan showing the TPZ zones and what area would be left showing A add B areas. After reviewing this I could approve an exception of 6x for the Redwood tree #25 which would allow for area A to be larger. Due to the location of the old house near Oak trees #33, 34 42, and 48 and Redwood tree #26 I could allow for an exception of 6x as well. Allowing area, A to be even larger of an area. The applicant on April 10<sup>th</sup> updated the application to keep tree #25 and #53 and ask for an exception from 10x and 8x Tree Protection Zone (TPZ) to 6x.

Redwood tree #25 is located outside the buildable area. I cannot approve tree #25 due to the fact it is neither dead or dangerous and has a larger growth area then redwood tree #55. This tree has a few dead limbs. Dead limbs can be pruned off which would eliminate any dead limbs falling. I do not find the removal of this tree to meet any of the listed criteria in Section 8.10.40 D to support its removal. I have denied similar trees for removal. If the tree is not removed, then a TPZ of 8x can be used for a new house. A basement would still be required to be 10x away. The applicant is asking for a reduction of the Tree Protection Zone (TPZ) from 10x to 6x. A staff exception can only be

reduced to 8x. I can however recommend approval of 6x in this case because of the location of the existing house and garage. The tree is located 5 feet from the existing house and even closer to the garage. Also, Redwood trees can handle more construction impact. No basement or Osha cut would be allowed within 10x. The private arborist John McClenahan<sup>7</sup> has stated that the exception is supported by the ANSI A300 (Part 8) 2013 Root Management Subclause 84.5.5 ("When roots are damaged within six times the trunk diameter, mitigation shall be recommended"). When the house/garage are demoed the arborist will have to supervise the demo and make sure the tree isn't damaged. Mitigation will be required to be made prior to a demo permit, Grading & Drainage and New Residence permits. If the Planning Commission does not approve the exception, then the applicant would need to apply for the staff exception of 8x.

Tree #53 is located outside the buildable area and next to a driveway. There are pockets of decay. I do not know the extent of the decay. I cannot approve this tree due to the fact that the tree is neither dead nor dangerous. Many Coast Live Oak trees of this size have some decay. The applicant could work with their private arborist to slow down the decay and look after the tree. Further down the line if the decay becomes worse where it potentially effects the health of the tree it can be re-evaluated. At this time, I do not find the removal of this tree to meet any of the listed criteria in Section 8.10.40 D to support its removal. The applicant is asking for a reduction of the Tree Protection Zone (TPZ) from 10x to 6x. A staff exception can only be reduced to 8x. There is an existing wall/pool located approximately 7' away from this tree. I can allow the 6x because the wall/pool and then the driveway is already on that side of the tree and have caused it impacts. Again, no basement or Osha cut would be allowed within 10x. The private arborist John McClenahan<sup>7</sup> has stated that the exception is supported by the ANSI A300 (Part 8) 2013 Root Management Subclause 84.5.5 ("When roots are damaged within six times the trunk diameter, mitigation shall be recommended"). When the house/garage are demoed the arborist will have to supervise the demo and make sure the tree isn't damaged. Mitigation will be required to be made prior to a demo permit, Grading & Drainage and New Residence permits. If the Planning Commission does not approve the exception, then the applicant would need to apply for the staff exception of 8x.

Commented [MOU1]: Is this intended to be 7 feet away from the tree or actually a 7x TPZ? If a 7x TPZ can you specify what that distance is?

At the discretion of the Planning Commission, for each heritage tree permitted to be removed the permittee may be required to plant three trees of fifteen-gallon container size, or two trees of twenty-four-inch box container size, or one tree of fifteen-gallon container size and one tree of thirty-six-inch container size. Where native heritage oak trees can be removed from within the buildable area, they shall each be replaced with one or more trees of forty-eight-inch container size of native oak species at a location approved by the planning commission. The Planning Commission may also attach other reasonable conditions to ensure compliance with the intent and purpose of this chapter. If approved the applicant will replace with 10-36" box trees consisting of 4 Coast Live Oaks, 2 Monterey Pines, 2-Deodar Cedars and 2-Redwoods. I would recommend that one of the Oaks is from a 48" box size as required however the above would be sufficient. Six of the removals are palms, so replacing with trees will provide more environmental benefits than the Palm tree species. All replacements tree will be required to be planted by final of any new building permits.

In conclusion I can recommend approval of trees 7, 31, 32, 50, 51, 54, 55 and 56. I recommend the 6x TPZ exception with a mitigation requirement and that a basement of 10x be required for tree 25 and 53. If the Planning Commission does not approve the exception then the applicant would need to apply for the staff exception of 8x.

The information included in this memo is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Sally Bentz  
Town Arborist,

-Certified Arborist WE#9238AM