



DATE: September 27th, 2023

TO: PLANNING COMMISSION

FROM: Sally Bendtz-Dalton, Town Arborist,
Radha Hayagreev, Senior Planner
Brittany Bendix, Town Planner

SUBJECT: Amendments to the Town's Heritage "Tree Preservation Guidelines, Standards and Specification," related to monthly tree reporting schedule and providing guidelines to Chapter 8.10 "Removal of and Damage to Heritage Trees

CEQA: The project is Categorically Exempt per Section 15305 of the CEQA Guidelines. Section 15305 relates to Minor Alterations in Land Use Limitations as the ordinance amendment would not result in any changes to land use or density.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the modified monthly tree reporting schedule for the Tree Preservation Guidelines, Standards and Specifications, relating to Chapter 8.10 "Removal of and Damage to Heritage Trees."

BACKGROUND:

In June 2023, staff received a written letter from resident and applicant Carol Flaherty requesting that the Planning Commission revisit the monthly tree reporting policy of the Town's Heritage Preservation Guidelines Standards and Specifications document. See Attachment-1 of this report.

In the subsequent meeting, following the Town Arborist's return, the resident made a public comment to follow up on the impact and details of her request. In the July 2023 meeting, the Planning commission provided feedback and verbal guidelines to the Town Arborist to craft the new amendments to the Specification document for hearing and adoption.

The request for this amendment is to allow for a reduced frequency of monthly tree reporting schedule to quarterly reporting schedule for all full site development sites.

ANALYSIS:

Per AMC 8.10.010 (D) [https://atherton.municipal.codes/Code/8.10.010\(D\)](https://atherton.municipal.codes/Code/8.10.010(D)), the Town's existing *Tree Preservation Guidelines Standards and Specifications*, which is implemented through the Municipal Code provided guideline policies and direction to implement the programs under Chapter 8.10 –

Removal and Damage to Heritage Trees.

In particular, the concern was that the monthly tree reporting schedule required for full site developments remained to be very expensive for the applicant. To maintain the monthly tree protection requirement, a certified arborist is required to visit the site to ensure adequate protection measures are retained during the entire length of the development process. This resulted in very high cost and more time consuming for the arborist. The amendment request is to reduce the frequency of monthly tree reports to quarterly reports to the Town Arborist from the applicant to ensure compliance with the Tree Protection zones while lowering costs incurred on the development.

The Town Arborist has prepared a detailed memo (Refer to Attachment-2) to clarify further the state of sites currently in the Town and her limited capacity to be at each full-site development to ensure the right tree protection measures are in place during the development timeline. In the memo, the Town Arborist points to an average of 100 sites of full site development in the town and that she has limited capacity to visit each site. It is upon the private arborist who are more familiar with the project to report for the site status to the Town. She also clearly explains this makes her visits more reactive than that of the private arborist, who would be proactive. She has prepared a comparative existing and proposed reporting amendment, portions of which are below.

The proposed amendment as directed by the Commission is further summarized below, followed by a staff analysis.

Current Specification:

4. Monthly Inspections

The Project Arborist shall perform monthly inspections to monitor changing conditions and Heritage tree health and submit a written report to the Town Arborist, referring to this document by the 15th of every month on a form as prescribed by the Town Arborist. If the 15th falls on a weekend or holiday, the form shall be submitted on the next working business day. Submission shall be by email to the Town Arborist.

Proposed Amendment:

4. Monthly Inspections/Quarterly Report

The Project Arborist shall perform monthly inspections to monitor changing conditions and Heritage tree health. A quarterly written report is required for full site developments and large remodels. The written reports should be submitted to the Town Arborist quarterly on February 15th, May 15th, August 15th, and November 15th during the full length of the project. If the 15th falls on a weekend or holiday, the report shall be submitted on the next working business day. Submission shall be uploaded to the Town's Public Work's portal.

The written report is required after issuance of the demo permit or if there is no demo permit, then at issuance of the building permit. If a permit is issued the same month as the required report, then the written report will start at the next quarterly date.

The report shall include the three months of site visits and documentation of any disturbance to trees on the site during the past months. The report shall include photos and dates of visits and or disturbance. The report shall include any mitigation measures and any recommendations for the site to address.

If issues are found by the Private Arborist, the private arborist shall make the site aware and offer recommendations and mitigation. The Private Arborist shall also contact the Town Arborist with any issues that are not resolved after each site visit.

Staff recommends this amendment.

Incorporation of these proposed amendments have been integrated into a revised specification document. These revisions are noted in tracked changes, please refer to Attachment 3

CONCLUSION:

The Planning Commission should consider the proposed *Tree Preservation Guidelines Standards and Specifications* amendment and if they are consistent with the general plan goals, policies, and implementation programs.

The proposed amendments attempt to provide clear implementation direction for both the community and staff, assure regulations are consistent with predominant industry standards, identify any inconsistencies between the *Tree Standards* and Municipal Code Ordinance, and develop recommendations on amendments to all related documents as determined warranted. Amendments proposed are found to be consistent with the following Land Use Goals of the Town's General Plan.

- *Land Use Goal 1.210: To preserve the Town's character as a scenic, rural, thickly wooded residential area with abundant open space.*
- *Land Use Goal 1.223: To retain the high quality of maintenance and living environment existing in the Town's residential neighborhoods.*

ALTERNATIVE:

The Commission could recommend additional or revised amendment on the draft Tree Preservation Guideline document or not recommend approval of any amendment.

RECOMMENDED FORMAL MOTION:

I move that the Planning Commission find that this project is The project is Categorically Exempt per Section 15305 of the CEQA Guidelines; and

Approve the amendment the *Tree Preservation Guidelines Standards and Specifications* document of Chapter 8.10 "Removal of and Damage to Heritage Trees" of the Town's Municipal Code to include quarterly tree report schedule. which are found to be consistent with the General Plan for the reasons as outlined in the Staff Report.

/s/ Radha Hayagreev

Radha Hayagreev, Senior Planner

/s/ Sally Bentz- Dalton

Sally Bentz - Dalton, Town Arborist

Attachments:

1. Letter from Carol Flaherty
2. Town Arborist's memo
3. Amended and track Changes to "Tree Preservation Guidelines, Standards and Specifications" document.