



**Town of Atherton
Planning Department
80 Fair Oaks Lane
Atherton, California 94027
Phone: (650) 752-0544**

DATE: September 27, 2023

TO: PLANNING COMMISSION

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

SUBJECT: Tree Protection Zone Exception (PTPZ23-00008) for 4 Heritage Trees ranging from 6x to 10x for the construction of a new outdoor athletic court.

- A. Tree #5- 41.5” Coast Live Oak up to 6x for a proposed outdoor athletic court
- B. Tree #6 – 31.5” Coast Live Oak up to 6x for a proposed outdoor athletic court
- C. Tree #10 –20.5” Coast Live Oak up to 8x for a proposed outdoor athletic court
- D. Tree #12 – 28.5” Coast Live Oak up to 6x for a proposed outdoor athletic court

LOCATION: Address: **89 Douglass Way**
APN: **070-371-160**
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: NIC and DENISE PERSSON

RECOMMENDATION:

Staff recommends that the Planning Commission **approve** the requested tree protection zone exceptions for all 4 trees for the construction of a new outdoor athletic court.

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

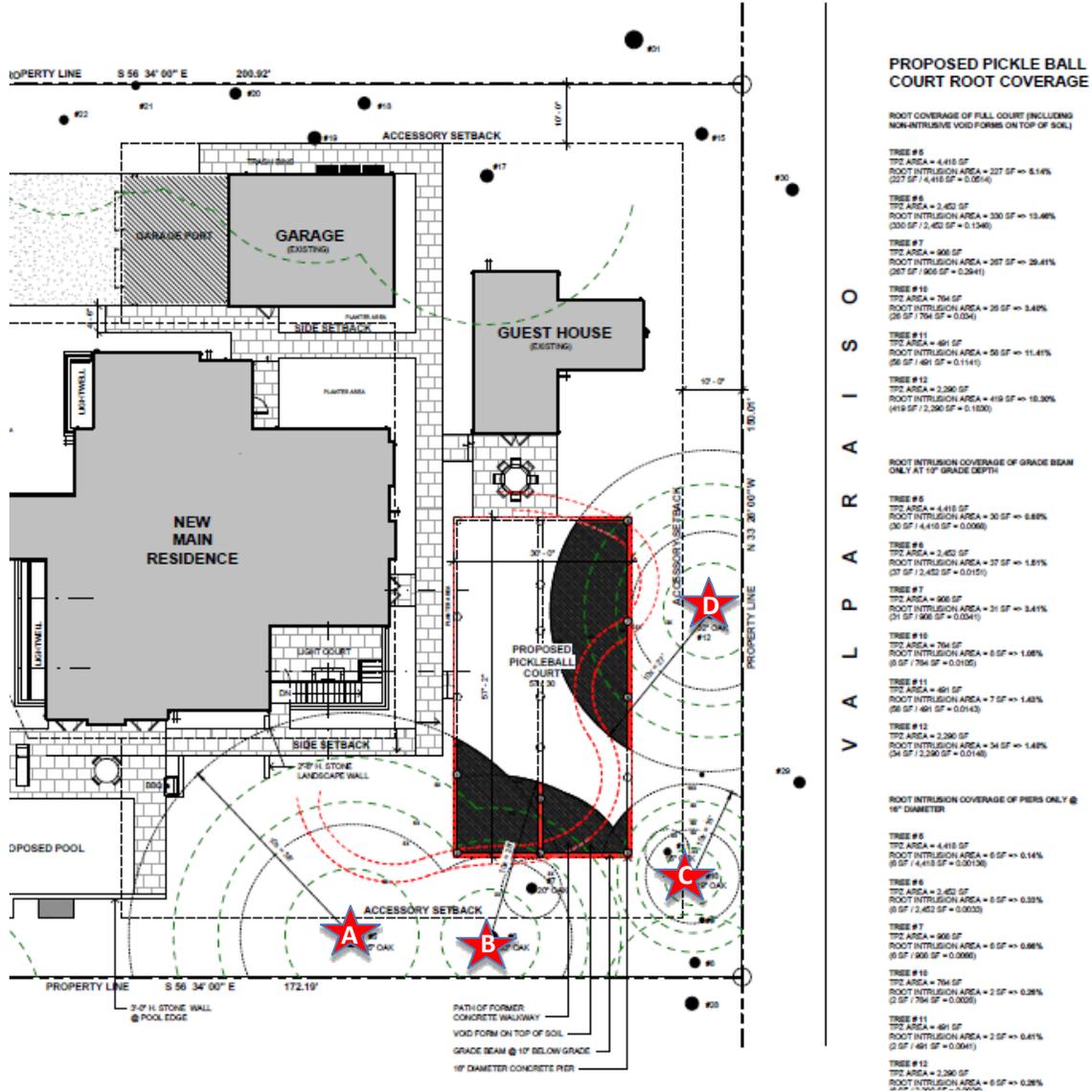


Image 1: Site Context, Aerial View



**Image 1: Subject Trees A & B,
View Facing South**



**Image 2: Subject Trees C & D,
View Facing East**



BACKGROUND:

Location and Context

The subject site is located at 89 Douglass Way and is associated with a 0.68 acre interior lot located in the R-1A Zoning District. Douglass Way 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 property lies along the Town Boundary, with the rear property line adjacent to Valparaiso Avenue to the east.

The applicant is seeking tree protection zone exemptions for a new outdoor athletic court (pickleball court), approximately 30-ft by 57-ft in size, as part of a full-site development also including the construction of a new single-family home with detached garage and guest house. The proposed court will be lifted on raised piers with minimal surface touching grade. The piers are to be strategically placed and connected with grade beams. The site plan is based on discussions between the Planning Department and the Town Arborist to find an ideal placement of the court based on the site constraints with the least impact to the existing trees.

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	TPZ Area	Exception Request
A	#5	Coast Live Oak , <i>41.5" DBH</i>	89 Douglass Way Subject Lot	4,418 sq.ft	Pier 2 within 6x, Pier 1 within 10x, and Grade Beam within 6x TPZ
B	#6	Coast Live Oak , <i>31.5" DBH</i>	89 Douglass Way Subject Lot	2,452 sq.ft	Pier 2 within 8x, Pier 4 within 6x, and Grade Beam within 6x TPZ
C	#10	Coast Live Oak, <i>20.5" DBH</i>	89 Douglass Way Subject Lot	764 sq.ft	Pier 5 within 8x, and Grade Beam within 8x TPZ
D	#12	Coast Live Oak , <i>28.5" DBH</i>	89 Douglass Way Subject Lot	2,290 sq.ft	Piers 6 and 8 within 8x, Pier 7 within 6x, and Grade Beam within 6x TPZ

ANALYSIS:

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

David Beckham, private arborist with Kielty Arborist Services, has stated the plan for the athletic court design has been revised multiple times to reduce impacts on the retained trees as much as possible. The pickleball court is now proposed to be built using a void form/pier and grade beam type foundation to reduce disturbance to the trees as much as possible. Under the proposed plan, the majority of tree roots can be bridged over and piers will be placed strategically to avoid roots through hand excavation, 10-inches below grade eventually residing at 6-inches below grade after decomposition of the void forms, under the Project Arborist's supervision. None of the piers are to be located closer than 5x the diameter of a retained tree (critical root zone). With the recommended mitigation measures applied, impacts are expected to be minor.

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. Coastal Live Oaks are rated as having a good tolerance to construction impacts. The root intrusion for this project is minimal due to the fact the court is floating, and the piers can be placed to avoid roots over 2-inches. With grade beams and piers to be located no closer than 6x, Staff recommends approval of the proposed project.

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:

- All excavation is to be done by hand under the Project Arborist supervision when within 10x the tree's diameter.
- Piers to be placed strategically to avoid roots through hand excavation under the Project Arborist's supervision
- All roots encountered measuring 1" in diameter or larger will need to be documented in the required monthly inspections. Encountered roots are recommended to be cleanly cut with cut root ends on the tree side covered in layers of wetted down burlap. Roots over 2" shall not be cut.
- Soaker hoses to be installed within the tree protection zone fencing as close to the excavation as possible (edge of fencing). Soaker hoses to be turned on every other week during the dry season until the top foot of the soil is saturated. During early spring of 2024, all 3 trees to be deep water fertilized with 300 gallons of water mixed with Nutri Root fertilizer. Add to monthly reports.
- Sufficient tree protection installed.

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

I move that the Planning Commission approve the Exception to the Tree Protection Zone (TPZ) for the four trees at 89 Douglass Way for a proposed athletic court, as listed below:

- A. Tree #5- 41.5” Coast Live Oak up to 6x
- B. Tree #6 – 31.5” Coast Live Oak up to 6x
- C. Tree #10 –20.5” Coast Live Oak up to 8x
- D. Tree #12 – 28.5” Coast Live Oak up to 6x

And find that the project is categorically exempt from the California Environmental Quality Act, Pursuant 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