



**DATE:** Regular Planning Commission meeting for January 25, 2023

**TO:** The Planning Commission

**FROM:** Radha Hayagreev, Senior Planner

**SUBJECT:** Request for an exception for a Tree Protection Zone (TPZ) to reduce the tree protection distances for one 48 inch redwood tree at 7.48x and one 18 inch redwood tree at 6.22x at 82 Linda Vista Avenue; APN 070-161-160. Permit number **PTPZ22-00010**

**RECOMMENDATION:**

Staff recommends that the Planning Commission approve an Exception to a Tree Protection Zone (TPZ) for one 48-inch coast redwood (tree #2) to seven point forty eight times (7.48x) and an 18-inch coast redwood (tree #4) to six point twenty two times (6.22x) the tree diameter at 82 Linda Vista Avenue in Atherton based on the following finding and for the reasons outlined in this report.

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 the two redwood trees is found to result in a designated protection area sufficiently large enough to protect the trees and roots from Disturbance and/or Damage, based upon the specific conditions the tree, 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 Standards Document.*

**BACKGROUND:**

The subject site is a .98-acre (42,680 square foot) interior lot located in the R1-A Zoning District and is surrounded by other low-density, single-family homes. The owners are proposing to construct an Accessory Dwelling Unit (ADU) on the westerly side of the property. A TPZ exception is requested for a 48-inch redwood located on an adjacent property and an 18-inch redwood located on the subject property.

The scope of the requested TPZ exception (less than 8x the trunk diameter) requires consideration by the Planning Commission in accordance with the Town's adopted *Heritage Tree Guidelines and Standards* ("Heritage Tree Guidelines") document.

**ANALYSIS:**

The Heritage Tree Ordinance Guidelines defines a Tree Protection Zone (TPZ) as, "...the designated protection area sufficiently large enough to protect a Heritage tree and its roots from Disturbance and/or Damage." The guidelines further specify the TPZ radius shall be 10 times (10x) the trunk

diameter at breast height. An exception request of a reduced TPZ down to 8x the diameter would be processed at the staff level by the Town Arborist. An exception request for a further reduction of a TPZ is required to be considered by the Planning Commission.

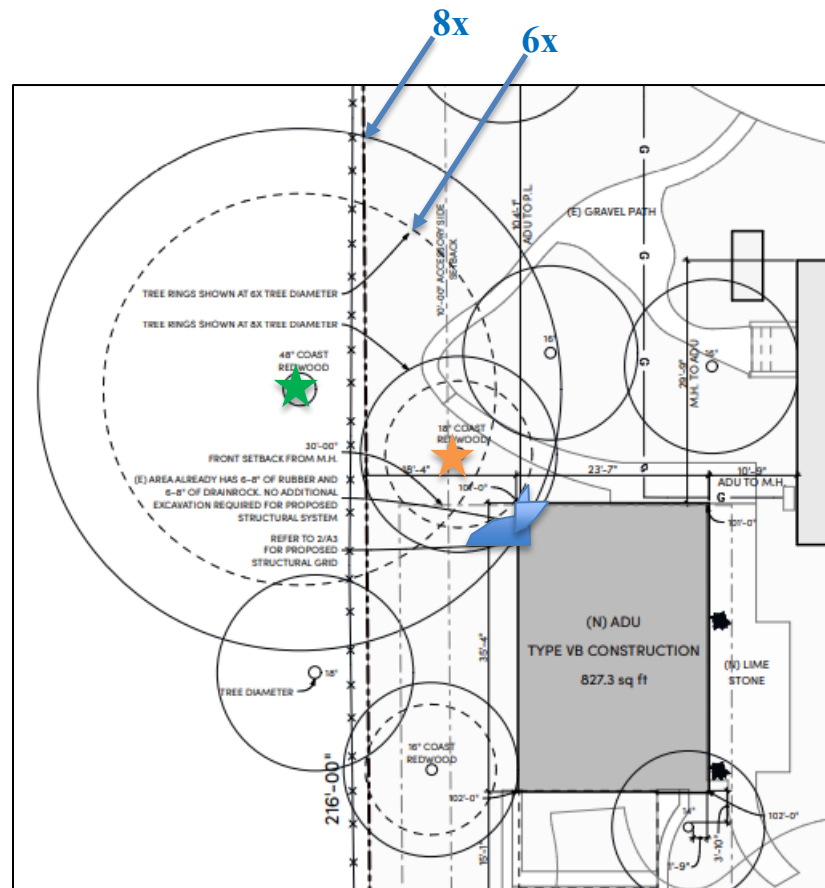
The applicant is requesting a TPZ exception for two coast redwood trees shown in Figure 1 below. The footprint of the proposed ADU is outlined in blue. The redwood trees are marked with a green star.

### Figure 1: Proposed Site Plan



### Figure 2: Proposed TPZ Encroachment

The proposed ADU and the TPZ zones of the two coast redwood trees are shown on Figure 2 below. The area with blue shading shows the proposed 6x TPZ encroachment. The 48-inch redwood is marked in a green star and orange star indicates 18-inch redwood tree.



The Project Arborists, Michael Young and Colin Blackie from Urban Tree Management, Inc., prepared an arborist report for the trees in the area of the proposed ADU (see Attachment 5). Seven trees were surveyed including the two redwoods that the TPZ exception is being requested for. The arborist noted that the redwood on the neighboring property is in fair condition, while the other trees are all in good condition. The arborists made the following recommendations for the health and preservation of these trees:

1. A Project Arborist should supervise any excavation activities within the tree protection zone of the protected trees.
2. Any roots exposed during construction activities that are larger than 2-inches in diameter should not be cut or damaged until the Project Arborist has an opportunity to assess the impact that removing these roots could have on the trees.
3. The area under the drip line of trees should be thoroughly irrigated to a soil depth of 18-inches every 3 to 4 weeks during the dry months.

4. Mulch should cover all bare soils within the tree protection fencing. This material must be 6 to 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.
5. Loose soil and mulch must not be allowed to slide down slope to cover the root zones or the root collars of protected trees.
6. There must be no grading, trenching, or surface scraping inside the driplines of protected trees, unless specifically approved by a Certified Arborist. For trenching, this means:
  - a. Trenches for any underground utilities (gas, electricity, water, phone, TV cable, etc.) must be located outside the driplines of protected trees, unless approved by a Certified Arborist. Alternative methods of installation may be suggested.
  - b. Landscape irrigation trenches must be located a minimum distance of 10 times the trunk diameter from the trunks of protected trees unless otherwise noted and approved by the Arborist.
7. Materials must not be stored, stockpiled, dumped, or buried inside the driplines of protected trees.
8. Excavated soil must not be piled or dumped, even temporarily, inside the driplines of protected trees.
9. Landscape materials (cobbles, decorative bark, stones, fencing, etc.) must not be installed directly in contact with the bark of trees because of the risk of serious disease infection.
10. Landscape irrigation systems must be designed to avoid water striking the trunks of trees, especially oak trees.
11. Any pruning must be done by a Company with an Arborist Certified by the ISA (International Society of Arboriculture) and according to ISA, Western Chapter Standards, 1998.
12. Any plants that are planted inside the driplines of oak trees must be of species that are compatible with the environmental and cultural requirements of oaks trees. A publication detailing plants compatible with California native oaks can be obtained from The California Oak Foundation's 1991 publication "Compatible Plants Under & Around Oaks" details plants compatible with California native oaks and is available online at: <http://californiaoaks.org/wpcontent/uploads/2016/04/CompatiblePlantsUnderAroundOaks.pdf>.

The Town Arborist reviewed the Project Arborist's report, the site plan diagrams showing the requested TPZ exceptions and supporting application materials. The Town Arborist Memo is included as Attachment 1. The Town Arborist recommends approval of the plan as proposed.

The Town Arborist concluded that the request meets the listed criteria in Section 2.2 B as follows:

- b. *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.*

The Town Arborist is recommending approval of the requested TPZ exception at the proposed 7.48x for tree #2 and 6.22x for tree #4, with recommended conditions, given the minimal amount of encroachment. As such, the application is found to meet the listed criteria in the Town's Heritage Tree Guidelines in order to support the requested exception.

### **NOTICE**

Legal advertisement of this hearing was published in *The Almanac* newspaper, 15 days prior to the hearing date. Notice of this application was mailed to all property owners within 500 feet of the subject property. To date, the Town has not received any public comment or inquiries on the application.

### **CONCLUSION:**

The Town's Heritage Tree Preservation Standards and Specifications, implemented through the 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 request for the two coast redwood (trees #2 and #4), was found to have a designated protection area sufficiently large enough to protect both the trees and their roots from Disturbance and/or Damage combined with related mitigation, as supported by the Town Arborist.

### **ALTERNATIVES:**

The Planning Commission could approve, deny, or modify the request to approve the requested TPZ exception.

### **FISCAL IMPACT:**

All costs covering the processing of this application are paid for by the applicants.

### **ENVIRONMENTAL IMPACT:**

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) to CEQA Section 15303(a), New Construction of a second dwelling unit in a residential zone.

### **FORMAL MOTION:**

I move that the Planning Commission find the Exception to the Tree Protection Zone (TPZ) for one 48-inch coast redwood (tree #2) to seven point four eight times (7.48x) and one 18-inch coast redwood (tree #4) to six point twenty-two times (6.22x) the trunk diameter to allow for the construction of a new ADU at 82 Linda Vista Drive. This project would not be contrary to the purpose and intent of the General Plan, for the reasons outlined in the Staff Report, and the Commission approves the TPZ exception subject to the conditions as listed in the draft TPZ Exception Certificate.

/s/ Radha Hayagreev

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Radha Hayagreev, Senior Planner

Attachments:

1. Town Arborist Memo
2. Applicant's PC application dated September 9, 2022
3. Applicant's Project Description, dated September 16, 2022
4. Proposed Plans, dated September 16, 2022
5. Project Arborist Report, prepared by Urban Tree Management, Inc., dated April 1, 2022, revised on December 13, 2022
6. Draft TPZ Exception Certificate