



**Town of Atherton
Planning Department
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DATE: JANUARY 25, 2023

TO: PLANNING COMMISSION

FROM: RADHA HAYAGREEV, SENIOR PLANNER

SUBJECT: Tree Protection Zone Exception (PTPZ22-00015) for one 42” redwood (Tree #190) to seven times (7.0x) and another 49” redwood tree (Tree #192) to six times (6.0x) the trees diameter at 140 Atherton Ave.

CEQA: The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) to CEQA Section 15304, Minor Alterations to Land.

RECOMMENDATION:

Staff recommends that the Planning Commission approve an Exception to a Tree Protection Zone (TPZ) one 42” redwood (Tree #190) to seven times (7.0x) and deny an exception to a TPZ for one 49” redwood tree (Tree #192) to six times (6.0x) the trees diameter at 140 Atherton Ave in Atherton based on the following finding and for the reasons outlined in this report.

1. The requested TPZ exception for Tree# 190 would not be contrary to the purpose and intent of the Atherton General Plan.

Basis for finding: The requested TPZ exception for Tree #190 is found to result in a designated protection area sufficiently large enough to protect the tree and its 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.

2. The requested TPZ exception for Tree# 192 would be contrary to the purpose and intent of the Atherton General Plan.

Basis for finding: The requested TPZ exception for Tree #192 is found to not meet best arboricultural practices for TPZ distances, will likely lead to conflicts between the tree and the structure, and does not have a designated protection area sufficiently large enough to protect both the tree and its roots from Disturbance and/or Damage. These finding are based upon the proposed extent of the addition to the house and arboricultural industry

standard practices as determined by the Planning Staff and the Town Arborist. The request is found to not meet the applicable criteria of the Town's adopted Heritage Tree Guidelines and Standards Document.

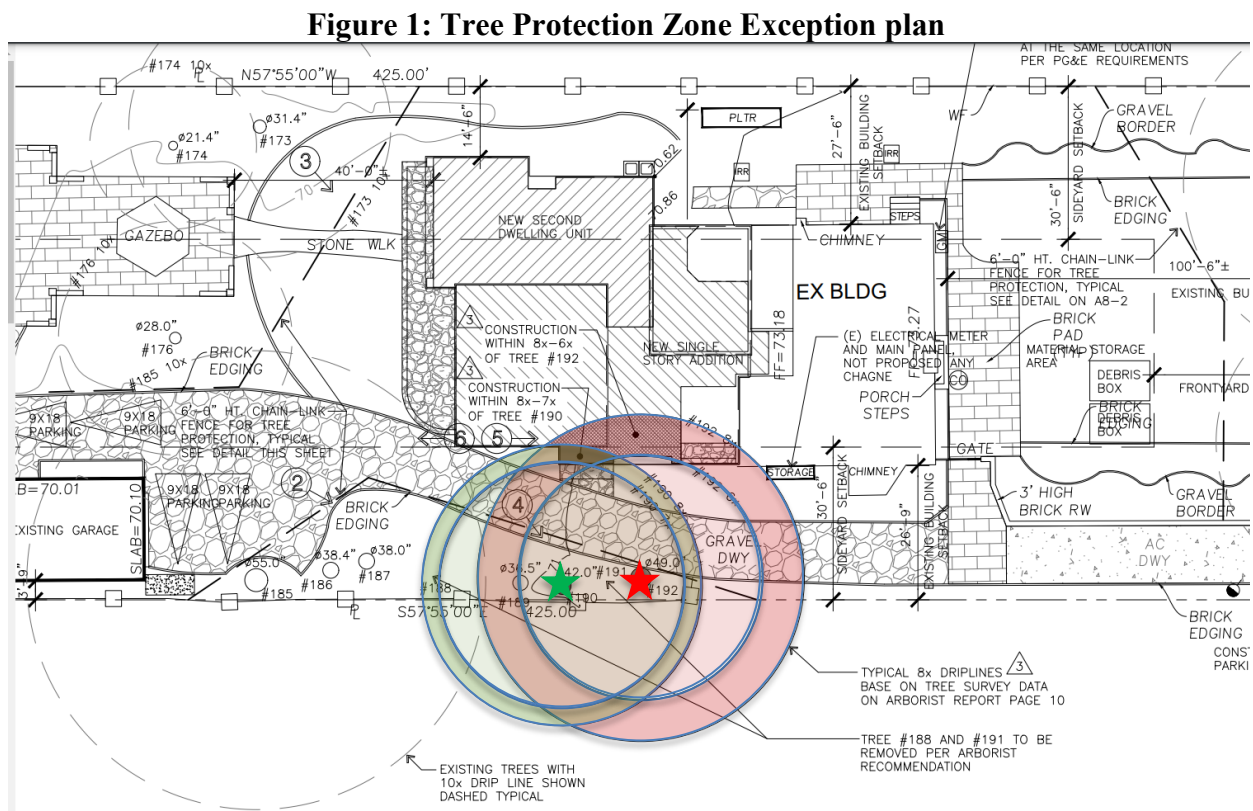
BACKGROUND:

The subject site is a 43,563 square foot (1 acre) interior lot located in the R1-A Zoning District and is surrounded by other low-density, single-family homes. The property has an existing two-story main residence with a detached garage and accessory structures. The applicant is planning to demolish a portion of the existing home and alter it with a new single-story addition with relocated kitchen, family room, dining room, and an attached second dwelling unit as seen in Attachment 4.

The applicant seeks a Tree Protection Zone exception for the following trees as seen in Figure 1 below:

Tree #190 – a 42" heritage redwood tree shown in green, and

Tree #192 – a 49" heritage redwood tree shown in red.



Per the Town's adopted *Heritage Tree Guidelines and Standards* ("Heritage Tree Guidelines") document, the normally required TPZ distance for any new construction is 10 times the tree's diameter (10x). A staff level exception can be provided to reduce TPZ to 8x, based on which TPZ exception of 8x was approved for Tree #187 and #189. Any further reduction of the TPZ distance requires review by Planning Commission.

ANALYSIS:

A small portion of the existing building is currently located within 8x times the diameter of Tree #192. The applicant is proposing to demolish that portion and add and alter to the main house. The proposed

addition will be within 8x-6x times the diameter of Tree #192 and within 8x-7x times the diameter of Tree #190. Figure 1 shows the extent of the existing building, the extent of the proposed additions and the proposed construction within the TPZ zone.

An arborist report was prepared by Urban Tree Management Inc. on June 22, 2022. The report notes that the trees are in fair-good form. The complete report is included as Attachment 5. The Town Arborist reviewed this report and other materials submitted by the applicant and provided a supplemental memo which is provided as Attachment 1.

The Town Arborist concludes that requests for the TPZ exceptions are approvable as noted below:

For request #1- For Tree #190 requesting TPZ exception to 7x times the diameter of the tree, staff has determined that the proposed design for addition/alteration of the main house created minimal impact on the tree because of the exterior grade beam and drilled pier style foundation provided the below conditions are followed:

- No roots over 2” diameter to be cut. All roots over 2” to be preserved.
- Hand excavation only within 8x TPZ
- Mulch shall be to a depth of 4”-6” spread evenly throughout the trees TPZ.
- Irrigation shall be to a depth of 12” twice a month for all these two Coast redwoods

For request #2- For Tree #192 requesting TPZ exception to 6x times the diameter of the tree, staff can not recommend it as tree roots greater than 2” diameter were found in the exploratory trench. Since there is no existing construction in that area, the new construction within 6x will impact the critical root zone.

However, staff can recommend TPZ exception to 7x times the diameter of Tree #192 provided the below conditions are followed:

- No roots over 2” diameter to be cut. All roots over 2” to be preserved.
- Hand excavation only within 8x TPZ
- Mulch shall be to a depth of 4”-6” spread evenly throughout the trees TPZ.
- Irrigation shall be to a depth of 12” twice a month for all these two Coast redwoods

In addition to the recommendation above, The Town Arborist proposed conditions of approval for the redwood trees.

- a. Within the 10x TPZ, irrigate the two redwoods with 50 gallons of water every other week during the dry season.
- b. Deep water fertilize in early spring of 2023.

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 for the 42-inch redwood tree (Tree #190) is 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. The TPZ exception for the 49-inch redwood tree (Tree #192), is found to not meet best arboricultural practices for TPZ distances, will likely lead to conflicts between the tree and the structure, and does not have a designated protection area sufficiently large enough to protect both the tree and its roots from Disturbance and/or Damage. Staff recommends the TPZ for Tree #192 to be revised to 7x, in which case approval is recommended.

NOTICE

Legal advertisement of this hearing was published in *The Almanac* newspaper, 12 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.

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.

FORMAL MOTION:

I move that the Planning Commission approve the Tree Protection Zone (TPZ) Exception for one 42-inch heritage redwood tree, Tree #190, to seven times (7.0 x) the trees diameter to allow for the construction of addition/alteration to an existing residence at 140 Atherton for the reasons outlined in the staff report, subject to the conditions as listed in the draft TPZ Exception Certificate.

I also move that the Planning Commission deny the Tree Protection Zone (TPZ) Exception for one 49-inch heritage redwood tree, Tree #192, to six times (6.0 x) but approve seven times (7.0 x) the trees diameter for the reasons outlined in the staff report, subject to the conditions as listed in the draft TPZ Exception Certificate.

/s/ Radha Hayagreev

Radha Hayagreev, Senior Planner

Attachments:

1. Town Arborist Memo, dated January 25, 2023
2. Applicant's PC application, dated December 1, 2022
3. Applicant's Letter of Request, dated November 14, 2022
4. Proposed Plans, dated February 01, 2022
5. Project Arborist Report, prepared by Urban Tree Management Inc, dated June 22, 2022