



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

DATE: FEBRUARY 22, 2023

TO: PLANNING COMMISSION

FROM: RADHA HAYAGREEV, SENIOR PLANNER

SUBJECT: Tree Protection Zone Exception for the following trees for a proposed new 9,000 sq. ft. single family residence and a 1,100 sq. ft. detached ADU at 244 Park Lane. (APN 070 320-200)

1. Tree #1 - 16.9 dbh Redwood tree at 6x TPZ for driveway
2. Tree #12 - 20.3" dbh Redwood tree at 7x for ADU
3. Tree #13 - 43.7" dbh Redwood tree at 6.5x for shallow foundation and 7.8x for full basement
4. Tree #15 - 32.7" Valley Oak at 7.6x for ADU
5. Tree #16 - 91.6" dbh Redwood tree at 5.43x for a new residence.

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) for a proposed new 9,000 sq. ft. single family residence and a 1,100 sq. ft. detached ADU for the following trees:

1. Tree #1 - 16.9 dbh Redwood tree at 6x TPZ for driveway
2. Tree #12 - 20.3" dbh Redwood tree at 7x for ADU
3. Tree #13 - 43.7" dbh Redwood tree at 6.5x for shallow foundation and 7.8x for full basement
4. Tree #15 - 32.7" Valley Oak at 7.6x for ADU
5. Tree #16 - 91.6" dbh Redwood tree at 5.43x for a new residence.

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 #1, #12, #13, #15 and #16 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 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 Standards Document.

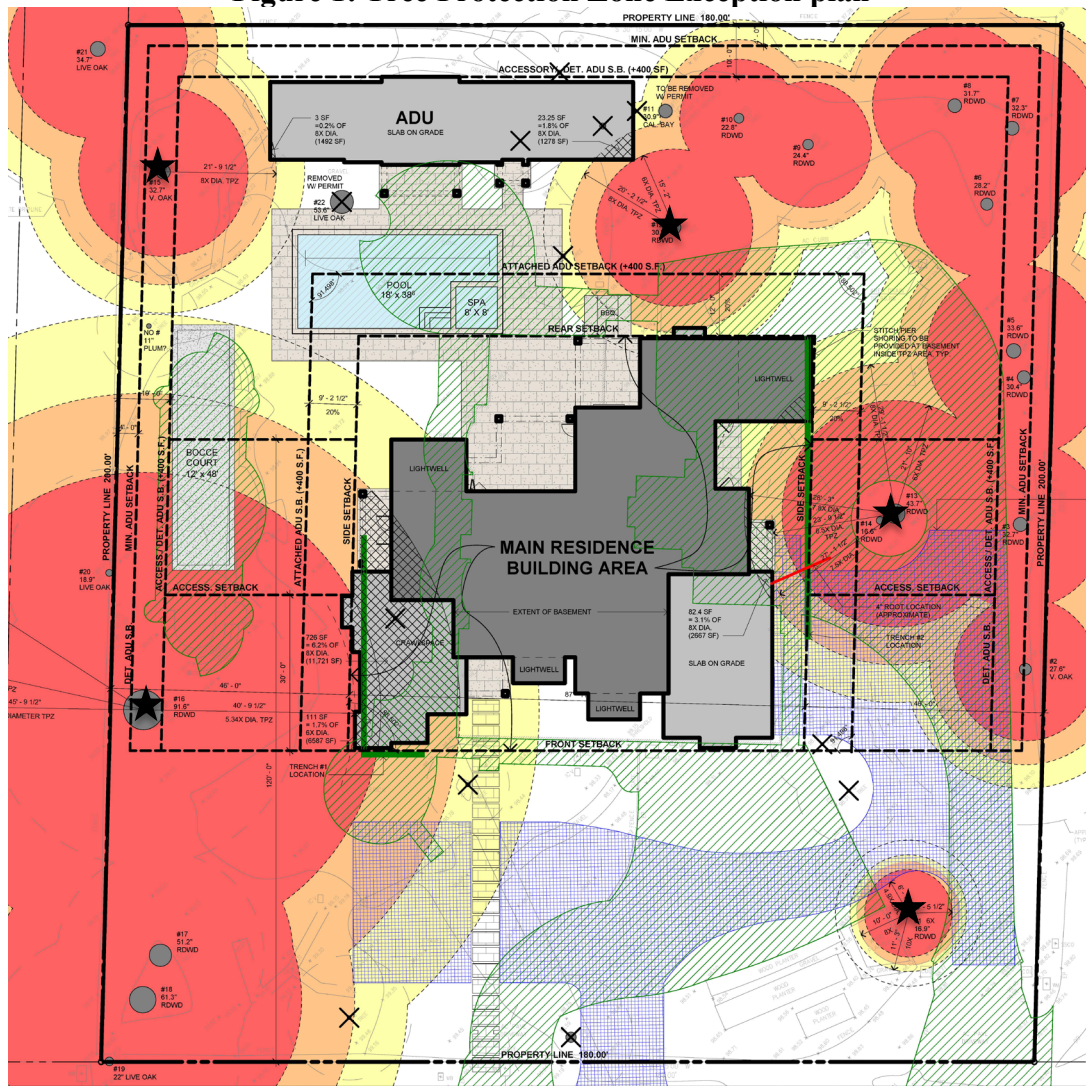
BACKGROUND:

The subject site is a 25,988 sq. ft. (0.826 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 single-story main residence with a basement and accessory structures.

The applicant is planning to demolish the existing home and accessory structures and construct a new development project consisting of a new single-family residence with a basement along with other accessory structures like a detached ADU and pool as seen in the Attachment 4 site plan.

The applicant seeks a tree protection zone exception for the trees highlighted in a black star seen in Figure 1 below:

Figure 1: Tree Protection Zone Exception plan



The requested TPZ exceptions are ranging from 5.43x to 7.8x for five different trees, four redwoods and one valley Oak. The scope of the requested TPZ exception which are less than 8x requires consideration by the Planning Commission in accordance with the Town's adopted *Heritage Tree Guidelines and Standards* ("Heritage Tree Guidelines") document.

The site plan submitted to staff for the TPZ exceptions on January 23, 2023 was not approved by the town arborist for four of the requested exceptions. The applicant subsequently worked with Town Arborist based on the recommended changed to ensure the trees on the property were protected. Attachment 4 is the revised site plan.

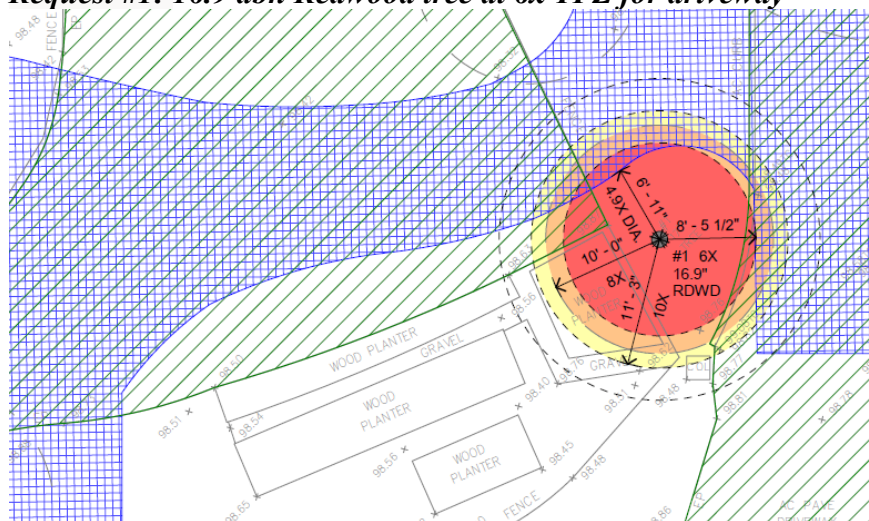
ANALYSIS:

The applicant submitted late correspondence on February 9, 2023 showing revised design proposal with improved tree protection exception zone as requested recommendations from the Town Arborist. (See Attachment 4) These resulted in design changes to proposed driveway, ADU location, accessory structures like BBQ area, bocce court and hardscape around pool area for the proposed design.

The recent site plan analysis has been updated in the last paragraph of the Town arborist's memo provided, refer Attachment-1. The revised design of the proposal creates a minimal impact to the roots. The exploratory trench reviewed by the Town Arborist along with the applicant's arborist report confirms this determination.

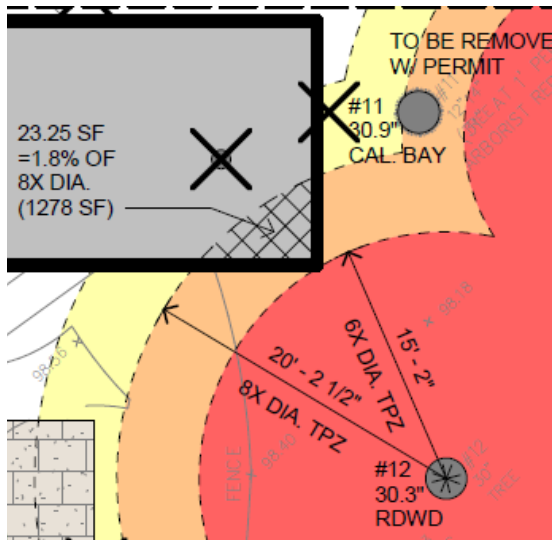
The Town Arborist concludes that the individual requests for the 6x TPZ exceptions are approvable as noted below and included in Attachmen-1 and 4 of this report:

1. Request #1: 16.9 dbh Redwood tree at 6x TPZ for driveway



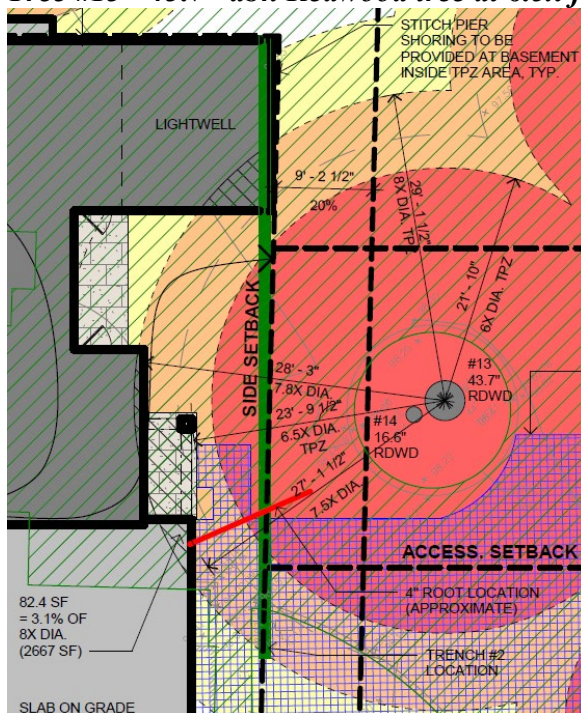
The revised design reflects the arborist's recommendations for new driveway requirements, and it is approvable at 6x, per Town Arborist's report.

2. Tree #12 - 20.3\" dbh Redwood tree at 7x for 1,100 sq. ft. detached ADU



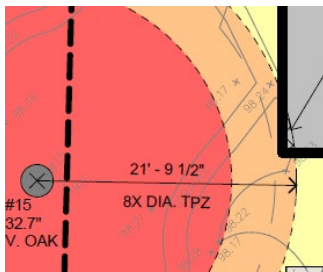
The initial recommendation was for a 6x TPZ has been revised as shown above to be 7x based on the arborist recommendation and can be approved, per the arborist's report.

3. Tree #13 - 43.7" dbh Redwood tree at 6.5x for shallow foundation and 7.8x for full basement



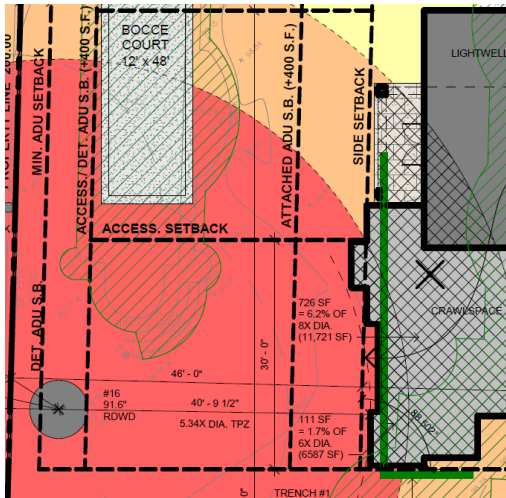
For this request, the town arborist memo states that “the applicant is requesting the stitch piers will be at 7.8x away from tree #13. The closest is 28’-3””. They found 1 root at 7.5x away that will need to be cut. One root at that distance should be fine to cut. Because the tree has good tolerance, and the piers are just under the 8x by 82.4 SF I can recommend the 7.8x away.

4. Tree #15 - 32.7" Valley Oak at 7.6x for 1,100 sq. ft. detached ADU



Town arborist approved this request for 7.6x from the proposed ADU location.

5. Tree #16 – 91.6” dbh Redwood tree at 5.43x for a new residence.



The applicant is asking for 3x TPZ for the bocce court and 5.43x TPZ for the new residence with a crawl space and no basement in that area.

The applicant trenched the area at the green line below and no roots were found.

There is an existing pool where the bocce court will be placed. The applicant moved the bocce court back. Because they are improving the area for the tree with filling in the pool and moving the court back, I can recommend the 3x for the bocce court.

The current house is 60' away or approximately 8x away. The applicant is asking to place the house 40' 9.5" away. This tree is very large. The applicant is proposing only a crawl space and they moved the house further away from tree #13.

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 requests for the above five trees for the proposal can be concluded as below:

In conclusion, the updated requests of TPZ exception seen in Attachment 4 (February 9 site plan) can be approved subject to the following conditions:

- Hand excavation only within 8x TPZ

- The area under the drip line of trees should be thoroughly irrigated to a soil depth of 18” every 3-4 weeks during the dry months.
- Mulch should cover all bare soils 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.

NOTICE

Legal advertisement of this hearing was published in *The Daily Post* 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.

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 find the Exception to the Tree Protection Zone (TPZ) for the five trees:

1. Tree #1 - 16.9 dbh Redwood tree at 6x TPZ for driveway
2. Tree #12 - 20.3” dbh Redwood tree at 7x for 1,100 sq. ft. ADU
3. Tree #13 - 43.7” dbh Redwood tree at 6.5x for shallow foundation and 7.8x for full basement
4. Tree #15 - 32.7” Valley Oak at 7.6x for 1,100 sq. ft. ADU
5. Tree #16 – 91.6” dbh Redwood tree at 5.43x for a new residence and 3x for bocce court.

to allow for the construction of a new single-family residence and attached garage and ADU at 244 Park Lane. 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 Exception Certificate.

/s/ Radha Hayagreev

Radha Hayagreev, Senior Planner

Attachments:

1. Town Arborist Memo, dated February 15, 2023
2. Applicant’s PC application, dated January 23, 2022
3. Applicant’s Letter of Request, dated November 22, 2022
4. Proposed Plans (late correspondence), dated February 9, 2023
5. Project Arborist Report, prepared by Colin Blackie, dated August 3, 2022