

February 17, 2023

Town of Atherton
Planning Commission
80 Fair Oaks Lane
Atherton, CA 94027
(650) 752-0544

Dear Planning Commission:

We ask for your consideration and approval to remove one (1) heritage native oak tree and grant two (2) 3x TPZ exemptions for native oak trees at 20 Tuscaloosa Avenue in order to accommodate an ADU and tennis court in the rear yard. This property was recently purchased by a young family that is very active and they are excited at the prospect of maximizing the usage of their home for family entertainment and an ADU, while maintaining the site's and neighborhood's integrity.

The parcel at 20 Tuscaloosa is a 35,000 square foot narrow rectilinear shaped lot with dimensions of 100'x350'. The property is anchored by a two-story main house that is accessed by a large circular drive with one entry point off of Tuscaloosa Avenue. Behind the main house was a detached garage and an oval shaped pool. Due to the dilapidation of the garage and the uncared and hazardous nature of the pool, these two structures were removed under a demolition permit issued in December 2022, shortly after the property was purchased.

In addition to the aforementioned structures, the property is well covered by numerous significant and well-maintained trees. Per the arborist report, there are 39 trees on site, of which 15 are heritage trees. Including the heritage trees on the adjacent properties, the Tree Protection Zones (TPZ) of 52 trees affect 20 Tuscaloosa as shown on the site plan (see SU-1) in the arborist report.

Given the great number of trees, numerous large TPZs, narrow lot width and wide setbacks, space is very limited to make site improvements and/or to situate an ADU. Myself, Loretta Gargan Landscape + Design and Aaron Wang of Tree Management Experts went through several design iterations and staking in order to find an optimal location for the ADU and tennis court that could cohabitate with the protected trees. The proposed design (see A1 Site Plan) was found to be the least impactful and was submitted to Sally Bentz, Atherton town arborist. Three (3) tree removals and seven (7) TPZ exemptions were requested. The following requests

for two (2) tree removals and (5) TPZ exemptions (numbered per the arborist report) were approved by Ms. Bentz:

1. **#17 Valley oak:** removal due to health/condition
2. **#22 Live oak:** removal due to health/condition
3. **#16 Live oak:** 8x TPZ exemption for ADU
4. **#20 Live oak:** 8x TPZ exemption for tennis court
5. **#46 Live oak:** 8x TPZ exemption for tennis court
6. **#48 Valley Oak:** 8x TPZ exemption for ADU
7. **#49 Coast redwood:** 8x TPZ exemption for tennis court

Ms. Bentz informed us that one (1) tree removal and two (2) TPZ exemptions could not be approved at the staff level and required Planning Commission approval. We seek your approval for the following:

1. **#18 Live Oak, 16" DBH,** fair condition: request removal for the tennis court
2. **#16 Live oak, 32" DBH,** good condition: request a 3x TPZ for the tennis court
3. **#19 Live oak, 25" DBH,** good condition: request a 3x TPZ for the tennis court

Tree #18 is a Live Oak tree, measures less than an inch above the heritage tree minimum DBH. This tree is located towards the rear property line and is in a cluster with two other heritage trees, #19 and #20. The canopies of these three trees are entangled therefore the proposed removal of #18 will have very limited visual and shade impact. #18 cannot be seen from the rear or adjacent neighbors due to larger trees along the common property lines.

The proposed replacement for tree #17, #22 and #18 will be four (4) *Quercus Alba X Robur 'Skinny Genes'* (36" box). These are to be planted along the rear property line (see L3.0) and will provide additional privacy for the rear neighbors. In communication with the adjacent neighbors to the west, additional hedge screening will be planted between the tennis court and the common property line.

For trees #16 and #19 we are seeking approval for a 3x TPZ. Per the site plan, #16 was cornered in by the garage for decades yet has maintained its good health. The garage has recently been demolished, due to its dangerous condition, and the tennis court slab would overlay only a portion of the area covered by the garage slab. Where the garage slab was within inches of the trunk base, the tennis court slab will begin 10'-6" away from the trunk base. The slab foundation will be carefully hand dug within the 3x TPZ in order to mitigate the effects of construction. The impact of this work, if any, will be incredibly minor to the tree roots.

#19 is located at the rear of the property in close proximity to trees #18 and #20. With overlapping TPZs, #18 is in fair condition, while #19 and #20 have maintained their good health. With the intended removal of #18 and its tree roots, the tennis court will not encroach on the TPZ of #19 any further than tree #18, allowing the tree roots to continue to thrive. The slab foundation will be carefully hand dug in order to mitigate the effects of construction. The impact of this work, if any, will be incredibly minor to the tree roots.

The plan for the ADU and tennis court has been shared with the rear and adjacent neighbors. The rear neighbors on Park Street support the removal of tree #18 in order to improve the site conditions at 20 Tuscaloosa and have shared this sentiment via email to Ms. Bentz. The adjacent parcel to the west at 32 Tuscaloosa is owned by a property developer living outside the U.S. On behalf of the developer, the architect, Stephen Verner has also given his support for the removal of tree #18 via email to Ms. Bentz.

The homeowners have approached this project responsibly under the guidance of the Atherton Municipal Code, section 8.10.040 D 6, "The necessity to remove the heritage tree(s) to allow reasonable use or other enjoyment of the property when there is no demonstrated feasible alternative to the removal while meeting other adopted goals and policies of the general plan to the greatest extent feasible." The homeowners are seeking to reasonably use and enjoy their property and to build an ADU while respecting the parcel's and neighborhood's existing conditions. Their request to you to remove only one (1) of the 39 inherited trees demonstrates a very thoughtful proposed design which allows for the creation of an ADU and tennis court.

Thank you for your time and consideration. We look forward to your support and approval of our request. I am happy to answer any questions or concerns that you have.

Sincerely,

Fatima Saqib
Principal
Fatima Saqib Residential Design

Cc: Sally Bentz via email