Item No. 16
Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

TO: **HONORABLE MAYOR AND CITY COUNCIL**

THROUGH: **GEORGE RODERICKS, CITY MANAGER**

FROM: **STEPHANIE B. DAVIS, AICP SENIOR PLANNER**
SALLY BENTZ-DALTON, TOWN ARBORIST

DATE: **MARCH 21, 2018**

SUBJECT: **APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY A HERITAGE TREE REMOVAL PERMIT AT 222 CAMINO AL LAGO**

RECOMMENDATION

It is recommended that the City Council conduct the public hearing, deny the appeal, and uphold the decision of the Planning Commission to deny the heritage tree removal permit at 222 Camino Al Lago to allow the removal of one heritage oak tree.

BACKGROUND

The subject site at 222 Camino Al Lago is an interior lot approximately 1.14 acres in area and is located in the R1-A Zoning District. The applicant recently demolished a single family home, detached carport, garage, shed and swimming pool with intent for future, new single family home development. No approvals have been granted for any future development permits to date. An application was submitted to the Planning Commission for consideration of the removal of one, heritage coast live oak tree; 38" in diameter, 50 feet tall, located all the front most line of the main building area, facing Camino Al Lago. This tree was determined to be neither dead nor dangerous by the Town Arborist, thus triggering the need for the application to be considered by the Planning Commission per the Town's Municipal Code. Prior to submittal of that application, the Town Arborist approved the removal of 7 heritage trees on the site that were determined to be dead or dangerous.

On February 28, 2018 the Planning Commission voted (3:2) to deny the Heritage Tree Removal request. Planning Commission discussed concern with the potential future failure of the tree and its co-dominant (or split) trunk. Public comment received during the meeting included three speakers in support of the application; the project architect, project arborist, and the realtor representing the property owner. Please see the February 28, 2018 Planning Commission staff report (Attachment 2) and draft Planning Commission minutes (Attachment 3).

ANAYLSIS

The applicant's submitted letter of appeal states that the tree is in a hazardous and dangerous condition – which introduces both safety and liability concerns to the property and its potential future inhabitants and guests. The letter further states that the tree is unhealthy, is artificially held together with cables and is not in prime condition naturally (Attachment 5).

Upon submittal of this appeal application, the project applicant also submitted an updated project arborist report, as well as tree health hazard evaluation report (Attachments 5). It is important to note that neither of these two documents were included as part of the submittal materials made to the Planning Commission, thus not evaluated by the Commission as part of their decision making process.

An updated project arborist report was submitted as part of this appeal (Attachment 5). This report concludes after further testing and observation that the tree has a poor condition, that decay is present, that existing cabling of the tree indicates prior arborist concern of the trees possible failure, that trimming of the tree will not improve its form, nor greatly lessen the tree's chance of failure, and that the tree has a high rating for risk of failure based on industry standards and best practices. The project arborist recommendation is that tree removal is the only adequate mitigation to address potential future safety hazards and replace with adequate species and quantity, as they find the existing heritage trees to remain on the lot already have created a heavily wooded property.

The Town Arborist has reviewed all appeal materials submitted that were not included as part of the Planning Commission application and has prepared an assessment memo (Attachment 4). It is the professional opinion of the Town Arborist that the tree is not an immediate hazard, as has determined the tree has moderate risk of failure based on its co-dominant leaders. Future home development would be required to adhere to a Tree Protection Zone (TPZ, or buffer distance around the tree based on its size to be free of development) of 10 times the tree diameter; or 31 feet. Application of a TPZ of this distance would reduce the chance of property damage should the tree fail. Further, she opines that presence of an on-site heritage tree inherently poses moderate risk to a property and that the majority of heritage oak trees within the Town have moderate risk based on age, form, decay and other predominant conditions.

Staff has conferred with the City Attorney regarding the applicant's claim of liability. The Town and its officials are immune from liability related to any determination as to denial of licenses or permits. Government Code section 818.4, which is included within what is known as the "California Government Claims Act" provides in section 818.4 that a public entity is not liable for an injury caused by the issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order, or similar authorization where the public entity or an employee is authorized by enactment to determine whether or not such authorization should be issued, denied, suspended or revoked. Title 8.10 of the Town of Atherton Municipal Code provides in Section 8.10.040 for the issuance of heritage tree removal permits. This authorization is in conformance with the immunity envisioned in Government Code section 818.4. Notice of this Appeal and tonight's City Council meeting was mailed to property owners within 500 feet of the subject site.

ALTERNATIVES AND RECOMMENDATION

The Council has the following options:

1. Uphold the decision of the Planning Commission and deny the appeal, thereby denying the request for a Heritage Tree Removal Permit.
2. Approve the appeal and thereby approve a Heritage Tree Removal Permit to allow the removal of one heritage tree as requested or as further amended by the Council. A draft approval certificate has been included as Attachment 1.
3. Refer the application back to the Planning Commission for consideration.

Staff is not supportive of the removal request due to the condition and location of the tree. The tree is in moderate condition, is located at the very edge of the buildable area, and reasonable improvements to the site can be accommodated with the preservation of the tree.

ENVIRONMENTAL IMPACT

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) as the City Council has determined that the removal of five or fewer heritage trees on a lot between one and two acres in size is exempt from further environmental review.

POLICY FOCUS

Both the Land Use and Open Space and Conservation Elements of the General Plan contain policies and goals pertaining to heritage trees and proposed development.

- *Open Space Policy 4.310: Trees shall be preserved to the maximum extent feasible.*
- *Land Use Goal 1.210: To preserve the Town's character as a scenic, rural, thickly wooded residential area with abundant open space.*
- *Land Use Goal 1.223: To retain the high quality of maintenance and living environment existing in the Town's residential neighborhoods.*

The heritage oak tree located in the main building area of the lot proposed for removal to accommodate a new home could consider alternative designs to the main residence which would allow for preservation of this tree. Preservation of this heritage oak tree, as well as protection required for other trees outside the main buildable area, would reduce the amount of allowable development to be less than the maximum allowable as established zoning parameters may otherwise consider. However, while preservation of this heritage oak tree would not allow the property to develop to its maximum extent feasible, development is not entirely precluded as there would still be the ability to construct improvements within the main buildable area.

FISCAL IMPACT

All costs covering the processing of this application, mapping, and physical site improvements are paid for by the applicant.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service provides (water, power, and sewer), and regional elected officials. A notice of this public hearing was mailed to all property owners within 500 feet of the subject site, posted online on the Town's website, and at the Town Library, Post Office and City Council Chambers on March 8, 2018.

ATTACHMENTS

1. Draft Heritage Tree Removal Permit
2. February 28, 2018 Planning Commission staff report
3. Draft February 28, 2018 Planning Commission minutes
4. Town Arborist Memo, dated March 11, 2018
5. Appeal Request, dated March 5, 2018
    a. Letter of Request
    b. Arborist Report, prepared by Kielty Arborist Services, LLC
    c. Proposed Plans
    d. Tree Hazard Evaluation Form

Town of Atherton Planning Department
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0544 Fax: (650) 614-1224

TOWN OF ATHERTON CITY COUNCIL
***DRAFT* HERITAGE TREE REMOVAL PERMIT**

THIS IS TO CERTIFY THAT the Atherton City Council at a regular meeting thereof, held on Wednesday, March 21, 2018 did grant a Heritage Tree Removal Permit to Nadia Pichko on behalf of Shailesh Mehta, property owner pursuant to Atherton Municipal Code Section 8.10 to allow the removal of one 38" Coast Live Oak tree located at 222 Camino Al Lago in Atherton (Assessor's Parcel Number 070-320-170). The Permit was approved subject to the following conditions:

1. Heritage tree removal shall be limited to one 38" Coast Live Oak tree (Tree #5) as shown on the plans prepared by Nadia Pichko, dated on February 8, 2017, and as reviewed by the City Council at its March 21, 2018 meeting. Any substantive changes to the plans shall be reviewed by the City Council.

2. Within 60 days of removal, the applicant shall implement the replanting of six, 48" Oak trees, as shown on the plans prepared by Nadia Pichko, dated February 8, 2018 to the satisfaction, and inspection of, the Town Arborist. Any revisions to the proposed replanting plan shall be coordinated directly with the Town Arborist for other California native species.

3. All future development shall adhere to a minimum Tree Protection Zone of 8 times the diameter of all heritage trees in accordance with the Town's Protection Guidelines, Standards and Specifications to the satisfaction of the Town Arborist.

4. This Permit is valid from one year from the effective date.

_____
Lisa Costa Sanders, Town Planner

Effective Date: _____
Atherton, CA

HTR17-00010

TOWN OF ATHERTON
PLANNING COMMISSION APPLICATION

RECEIVED
DEC 21 2017
TOWN OF ATHERTON
BUILDING DEPARTMENT

	TYPE OF APPLICATION	FEE
	Appeal	$750.00
	Special Structure Permit	$2,684.24
	Conditional Use Permit	$2,684.24
	Environmental Impact Report	Actual cost
	Final Parcel Map	$2,684.24
	General Plan Amendment	$5,162.00
	Heritage Tree Removal Permit	$2,064.80
X	Initial Review/Negative Declaration	$2,064.80
	Lot Line Adjustment	$1,548.60
	Lot Line Redesignation	$2,684.24
	School Master Plan	$774.30
	Tentative Parcel Map	$2,684.24
	Variance	$2,684.24
	Zoning Ordinance Amendment	$5,162.00

SITE ADDRESS: 222 Camino Al Lago APN: 07032017o

Provide a brief description of the proposed project: Request to remove 5 trees

PROPERTY OWNER:

Name: Shailesh Mehta
Mailing Address: 401 El Cerrito Ave., Hillsborough, CA, 94010
Phone: 415 - 810 - 4405
Email:
Signature: J. Mehta

APPLICANT:

Name: Nadia Pichko
Mailing Address: 586 N 1st. St #226, San Jose, CA, 95112
Phone: 408 646 2195
Email: boltstudio@yahoo.com
Signature:

FOR COMPLETION BY TOWN OF ATHERTON:

Amount Paid: _____ Received by: _____ Date Submitted: _____

Project #: _____

Updated 10/28/16

DATE: **PLANNING COMMISSION MEETING OF FEBRUARY 28, 2018**

TO: **THE PLANNING COMMISSION**

FROM: **STEPHANIE DAVIS, AICP, SENIOR PLANNER**

SUBJECT: **REQUEST FOR A HERITAGE TREE REMOVAL PERMIT TO ALLOW FOR THE REMOVAL OF ONE HERITAGE TREE AT 222 CAMINO AL LAGO (APN 070-320-170)**

RECOMMENDATION:

Staff recommends that the Planning Commission conduct the public hearing, and deny the Heritage Tree Removal permit to allow for the removal of one, 38 inch heritage oak tree at 222 Camino Al Lago in Atherton based on the following finding and for the reasons outlined in this report.

1. The removal of the one oak tree would be contrary to the purpose and intent of the Atherton General Plan.

   Basis for finding: The oak tree requested for removal is not in substantive declining health nor determined dangerous. The tree is located in within the edge of the buildable area of the lot and in the footprint of a proposed main residence, however, the possibility of alternative locations of the main residence on-site, with other design revisions, may be possible.

BACKGROUND:

The subject site at 222 Camino Al Lago is an interior lot approximately 1.14 acres in area and is located in the R1-A Zoning District. The site is currently developed and contains a single family home, detached carport, garage, shed and swimming pool. The applicant is proposing to demolish all existing structures and construct a new 2-story main residence with a basement, detached guest/pool house, garage, and other site improvements including a large new driveway. The site is heavily encompassed by numerous trees along its entire perimeter property lines. Prior to submittal of the current application, the Town Arborist approved the removal of 7 heritage trees that were determined to be dead or dangerous.

The applicant's original application to the Town also included the additional removal of four redwood trees outside the main residence buildable area to the rear which have since been removed from the request. The current application requests the removal of 38" inch heritage oak tree which

is within the main residence buildable area and is proposed to be removed to accommodate construction of a new main residence.

ANALYSIS:

The applicant is requesting Planning Commission consideration for the removal of one heritage coast live oak tree (Tree #5). This tree is 38" in diameter, 50 feet tall and is located all the front most line of the main building area, facing Camino Al Lago. The applicant states their basis for removing the tree is due to the unusually wide shape of the lot, and when combined with the presence of numerous other heritage trees outside the buildable area, constrains maximum development potential. (Please see Attachment 2, Letter of Request). The applicant explored other alternative home layouts which would preserve Tree #5, but found the main home square footage too restrictive. The project arborist opines that the tree has poor-fair vigor and form, with co-dominant leaders and poor attachment. He further states that identified decay within the tree may increase the chance for future failure of the tree.

The Municipal Code requires that the Commission grant a heritage tree removal permit unless it finds that the removal of the trees would be contrary to the purpose and intent of the General Plan. The Open Space and Conservation Element of the General Plan cites that *"trees shall be preserved to the maximum extent feasible while allowing for construction within established parameters for setbacks and lot coverage in accordance with the Municipal Code chapter regulating the removal of and damage to heritage trees."*

The Town Arborist, has visited the site multiple times, reviewed the project arborist report and prepared a memo (Attachment 2). As stated in the Background section above, prior to submittal of this application the site was already granted a permit to remove a total of 7 trees determined to be dead or dangerous in 2017 (2 coast live oaks and 5 additional oak trees). She finds that the tree's root crown is fairly healthy, the amount of identified decay is minimal for a tree of this age, and that the oak can be re-cabled to limit the potential future risk of the co-dominant leaders posing potential risk.

Oak trees are native to area and are protected by the Town Municipal Code; including those in the buildable area of the lot. Per County Assessor Records, the existing home is 3,610 square feet. The presence of the existing home, and detached carport, garage and swimming pool indicate that physical improvements to the site are feasible with all existing on-site trees. Constraints of the site are acknowledged, but it is the opinion of staff that alternative designs could incorporate the tree proposed for removal. Zoning standards set a maximum allowable floor area ratio for a property based on its size, however, this ratio must consider all other development standards applicable to the individual property – including tree protection standards – thus, may not always be able to reach the maximum floor area standard.

If the Planning Commission approves the trees for removal, it is recommended that the applicant's replanting plan of 6, 48" box size oak trees at their proposed locations is included as a condition of approval. Should the Planning Commission decide to approve the request, a draft Heritage Tree Removal Certificate (Attachment 1) has been provided which incorporates these recommendations.

CONCLUSION:

The Municipal Code requires that the Commission grant a heritage tree removal permit unless it finds that the removal of the trees would be contrary to the purpose and intent of the General Plan. The Open Space and Conservation Element of the General Plan cites that *"trees shall be preserved to the maximum extent feasible while allowing for construction within established parameters for setbacks and lot coverage in accordance with the Municipal Code chapter regulating the removal of and damage to heritage trees."*

The oak tree proposed for removal to accommodate a new home could consider alternative designs to the main residence could which would allow for the preservation of this tree. It is Planning Staff's professional opinion that the removal of this one heritage oak tree would be contrary to the purpose and intent of the General Plan and the Zoning Ordinance, as there is the ability to locate the proposed improvements elsewhere on the property.

ALTERNATIVES:

The Planning Commission could approve, or modify the request.

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) as the City Council has determined that the removal of five or fewer heritage trees on a lot between one and two acres in size is exempt from further environmental review.

FORMAL MOTION:

I move that the Planning Commission find that the proposed removal of one heritage oak tree (Tree #5) at 222 Camino Al Lago in Atherton would be contrary to the purpose and intent of the General Plan, for the reasons outlined in the Staff Report, and that the Commission deny the tree removal.

ALTERNATIVE FORMAL MOTION:

I move that the Planning Commission find that the proposed removal of one heritage oak tree (Tree #5) at 222 Camino Al Lago in Atherton 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 tree removal subject to the conditions as listed in the draft Heritage Tree Removal Certificate.

/s/ Stephanie Davis
Stephanie Davis, AICP, Senior Planner

Attachments:

1. Draft Heritage Tree Removal Certificate
2. Town Arborist Memo, dated February 9, 2018
3. Letter of Request, dated February 2, 2018
4. Proposed Plans, dated February 2, 2018
5. Project Arborist Report, dated February 2, 2018

Town of Atherton

Planning Department
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0544
Fax: (650) 614-1224

TOWN OF ATHERTON
PLANNING COMMISSION
***DRAFT* HERITAGE TREE REMOVAL PERMIT**

THIS IS TO CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on Wednesday, May 24, 2017 did grant a Heritage Tree Removal Permit to Nadia Pichko on behalf of Shailesh Mehta, property owner pursuant to Atherton Municipal Code Section 8.10 to allow the removal of one 38" Coast Live Oak tree located at 222 Camino Al Lago in Atherton (Assessor's Parcel Number 070-320-170). The Permit was approved subject to the following conditions:

1. Heritage tree removal shall be limited to one 38" Coast Live Oak tree (Tree #5) as shown on the plans prepared by Nadia Pichko, dated on February 8, 2017, and as reviewed by the Planning Commission at its February 28, 2018 meeting. Any substantive changes to the plans shall be reviewed by the Planning Commission.

2. Within 60 days of removal, the applicant shall implement the replanting of six, 48" Oak trees, as shown on the plans prepared by Nadia Pichko, dated February 8, 2018 to the satisfaction, and inspection of, the Town Arborist. Any revisions to the proposed replanting plan shall be coordinated directly with the Town Arborist for other California native species.

3. This Permit is valid from one year from the effective date.

Lisa Costa Sanders
Town Planner

Effective Date: _____
Atherton, CA

Memo

To: The Atherton Planning Commission

From: Sally D Bentz, Town Arborist

CC: Stephanie B Davis, Senior Planner

Date: 2/9/18

Re: Heritage Tree Removal Permit Application, 222 Camino al Lago

I have reviewed the heritage tree at 222 Camino al Lago and offer the following observations for your review:

I visited the site in 2017 and approved the removal of 7 trees that were dead or dangerous.

TR17-00045- 2 Coast Live Oaks – 26" and 20"
TR17-00318- 5 Oak trees removed

I advised the applicant that I could not approve four of the Oak trees requested. The applicant decided to apply for the removal of one heritage tree to the Planning Commission: The tree is a Coast Live Oak inside the buildable area: Tree # 5 – Coast Live Oak- 38" diameter.

I reviewed the heritage trees on site on two occasions and the arborist report by Kevin Kielty on January 25th, 2018.

Tree #5 is 38" diameter and approximately 50 feet tall. The tree has codominant leaders with included bark. There is also an old cable between the two leaders. It was found that the root crown was fairly healthy. Kevin Kielty confirmed the presence of decay on the drill test. However I find that the amount of decay is minimal for the age of the tree.

Per the above tree removal permit 14-24" or 7-36" box native Oak trees are required. An additional Oak tree of 48" box size would be required by the Planning Commission if this application is approved. The applicant has stated they will plant 6- 48" Oak trees as replacement and per plans are placed in good locations as 3 of the 6 replacements would be seen from the street. This is above and beyond the 1-48" tree required.

If the tree removal is not granted and the applicant would be required per the town's new proposed ordinance that the house would need to be 10 x away from any heritage trees. Per the 2nd plan in the submittal there is a 42" Redwood approximately 8 x away and tree #5 is a little less than 8 x away. Because they are only 8 x away either a new design out need to be proposed or the town could work with the applicant to build so the 8 x would be sufficient.

It is my recommendation based on the trees health to deny the tree removal application. I understand the lot is constrained by the trees outside the buildable areas as well as tree #5. However this was known when the lot was bought. The Oak tree can be re-cabled to limit the risk of the codominant limbs and the tree can be monitored for further decay. The monitoring is required by the project arborist of heritage trees on site per a site development. I cannot approve based on the codominant limbs as there are many codominant Oak trees in Atherton. I don't feel the tree is dangerous if it is re-cabled and

monitored and I cannot recommend the removal. If you do approve the removal based on the constraints of the lot the 6-48" Oak trees is a good replacement plan.

The information included in this memo is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Sally Bentz
Town Arborist
Certified Arborist
WE#9238AM

Nadia Pichko
586 N 1ST ST. #226
San Jose, CA, 95112
408-646-2195

Town of Atherton
Planning Commission

Subject: Heritage tree removal
222 Camino Al Lago, Atherton

Dear Planning Commission,

The owner, Shailesh Mehta, is requesting a permit for the removal of one heritage coastal live oak (tree #5) from his property at 222 Camino Al Lago.

The subject property is approx. 1.17 acre. The lot is unusual shape with wide frontage which substantially reduces building area for a new single family residence.

Based on the lot size the total allowable buildable square footage is 9831 sq.ft. (3724 sq.ft. max allowed 2nd floor).

A cluster of redwoods: 51.2" redwood (tree #29), 45.4" redwood (tree #30), 25.8" redwood (tree #31) and 52.5" redwood (tree #32) are partially in the building envelope and are further reducing building envelope.

38.2" Coastal live oak (tree #5) located in the building envelope and will be impacted by a new house foundation. Due to a lot constraints we are requesting to remove tree #5 which will allow us to place the house as close to the front setback as we can in order to preserve cluster of redwoods and their root system.

As part of the design we have tried to locate the house without removal of the tree, please see page A3. The proposed design limited the main floor house square footage to 4425 sq.ft. (which was almost 600 sq.ft. smaller than desired) and layout.

The owner is very sensitive to the original beauty of the lot with its magnificent trees that cover all corners of the property. 29 existing heritage trees will remain and will be protected during construction. He will also plant 6 (six) new 42" Oaks as a replacement. See proposed site plan page A2 for location.

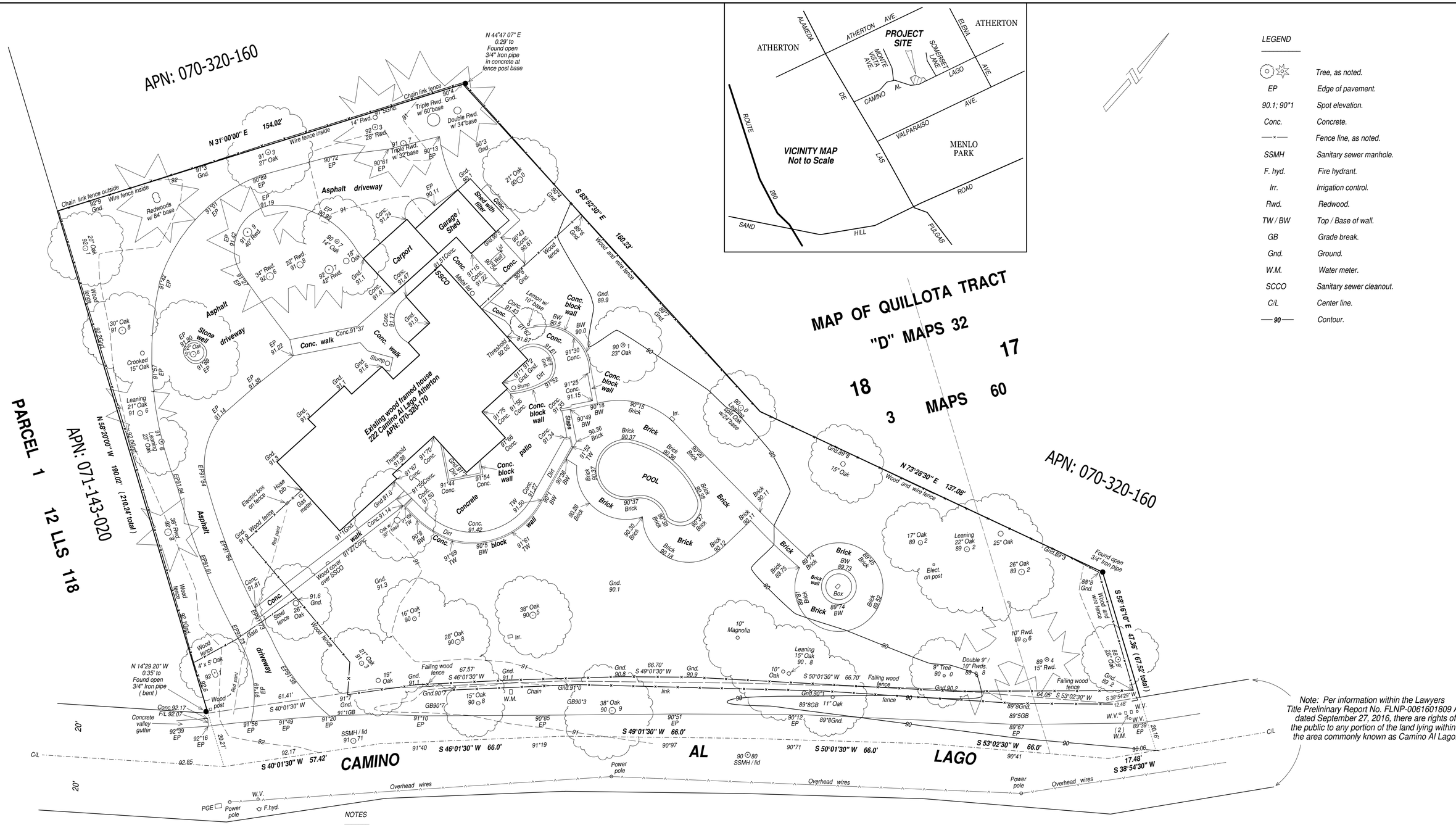
The removal of the tree was discussed with immediate neighbors.

Additional extended report for the tree was performed by a certified arborist WE#0476A. The tree received a conditional rating of 45 on a 1-100 scale (poor). The tree has poor form and decay in the trunk.

Thank you for your time reviewing this application and for your consideration for the removal of the tree. Please feel free to contact me for any additional questions.

Sincerely,

Nadia Pichko



LEGEND

	Tree, as noted.
EP	Edge of pavement.
90.1; 90*1	Spot elevation.
Conc.	Concrete.
—×—	Fence line, as noted.
SSMH	Sanitary sewer manhole.
F. hyd.	Fire hydrant.
Irr.	Irrigation control.
Rwd.	Redwood.
TW / BW	Top / Base of wall.
GB	Grade break.
Gnd.	Ground.
W.M.	Water meter.
SCCO	Sanitary sewer cleanout.
C/L	Center line.
90	Contour.

NOTES

1). This Topographic Survey Map was prepared from a ground survey done by Jeffrey M. Barnea, PLS in September, 2017.

2). Unless noted otherwise, trees shown were located at the ground and trunk diameters were measured at 4.5' above ground. Driplines were not measured at time of survey and are depicted graphically in their approximate positions only. The existing house, garage and carport were measured at their outside wood trim or stucco facing.

3). Boundaries are shown from deed Doc. No. 2013-143636 lying within the "Map of Quillota Tract" subdivision filed in "D" Maps 32 and copied into 3 Maps 60, San Mateo County Records. There are "Rights of the public...lying within the area commonly known as Camino Al Lago..." referenced within the Lawyers Title Preliminary Report No. FNLP-0061601809 AF dated September 27, 2016 provided by the owners. There may be other easements affecting this property not depicted on this drawing and this is not a record of survey map. The Gross area of this parcel (including the area within Camino Al Lago) per information within deed Doc.No. 2013-143636 is 1.32 Acres +/-. The Net Area of this parcel (excluding the area within Camino Al Lago) is 1.17 Acres +/-.

4). Elevations shown upon this drawing were established using a GPS reading and are in NAVD88 Datum.

5). The final product delivered to owners Shailesh and Kalpa Mehta were signed bond prints. An electronic CAD version of this Map may be provided to the owners or their associates upon request. Any changes, revisions or additions made to this Map without the consent and approval of Jeffrey M. Barnea, PLS, is not the responsibility of Jeffrey M. Barnea, as the owners have agreed to in writing.

Jeffrey M. Barnea 9 - 8 - 17
Jeffrey M. Barnea, L.S. 7044 Date
License expires 12-31-18

LICENSED LAND SURVEYOR JEFFREY M. BARNEA Exp. 12/31/18 Lic. # 7044 STATE OF CALIFORNIA

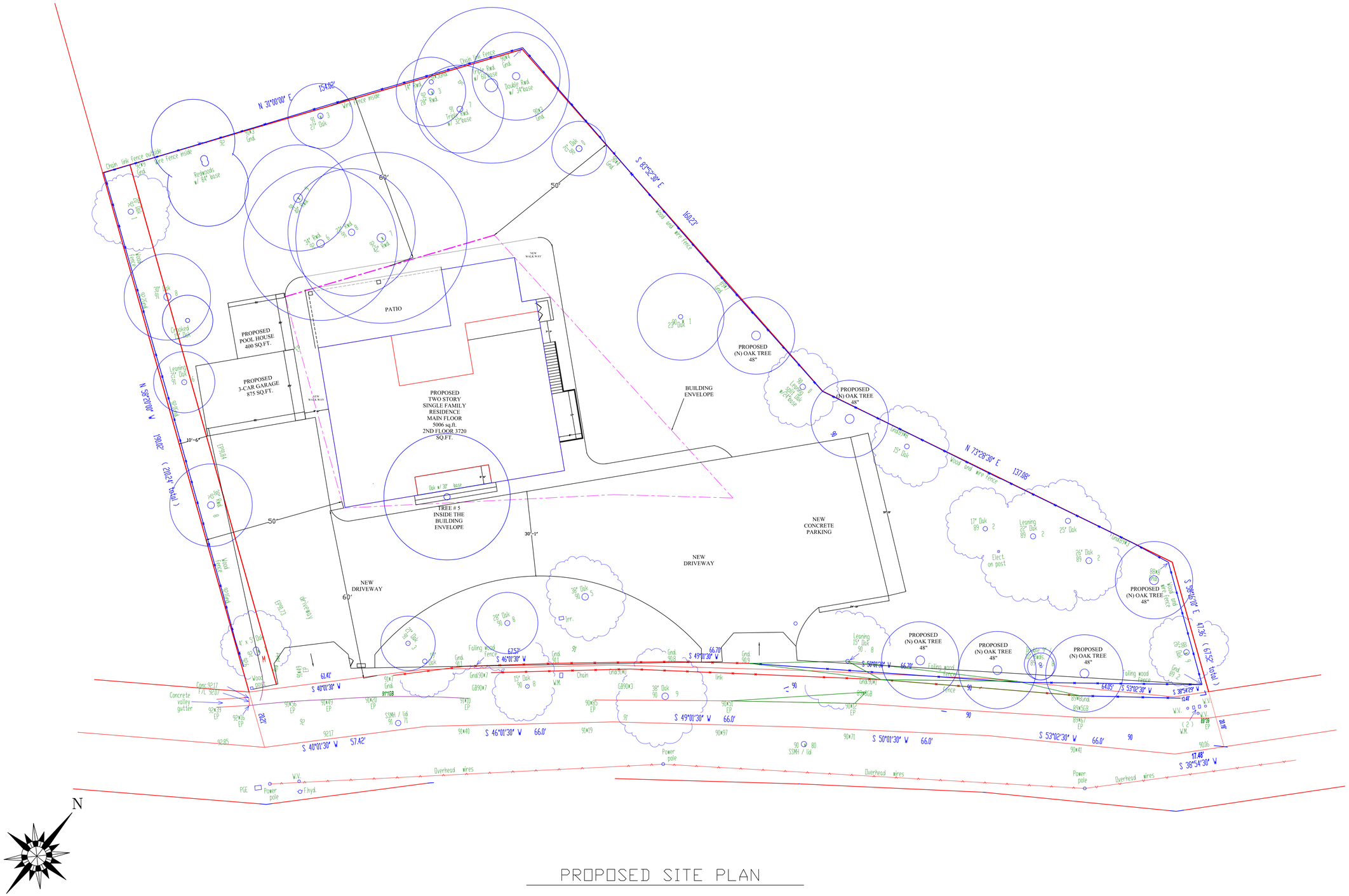
Topographic Survey Map

Lands of Mehta 222 Camino Al Lago APN: 070-320-170

Atherton San Mateo County California

JEFFREY M. BARNEA, L.S. 7044 789 14TH AVE.
MENLO PARK, CA 94025 PH/FAX (650) 261-1982

SCALE: 1" = 16' 17-131 SEPTEMBER, 2017



PROPOSED SITE PLAN

REVISIONS

NEW RESIDENCE

222 CAMINO AL LAGO ATHERTON, CA

NADIA PICHKO
586 N 1ST ST #226
San Jose, CA, 95131
(408) 646-2195

DATE 12/10/2017

SCALE 1/16"=1'-0"

SHEET **A2**

PROPOSED SITE PLAN WITH ALL TREES TO REMAIN

REVISIONS

NEW RESIDENCE

222 CAMINO AL LAGO ATHERTON, CA

NADIA PICHKO
586 N 1ST ST #226
San Jose, CA, 95131
(408) 646-2195

DATE 12/10/2017

SCALE 1/16"=1'-0"

SHEET **A3**

Kielty Arborist Services LLC

Certified Arborist WE#0476A
P.O. Box 6187
San Mateo, CA 94403
650-515-9783

January 25, 2018

Bolt Design
Attn: Ms. Nadia Pichko
586 North 1st Street #226
San Jose, CA 95131

Site: 222 Camino al Lago, Atherton, CA

Dear Ms. Pichko,

As requested on Wednesday, January 25, 2018, I visited the above site to inspect and comment on tree #5. Oak tree #5 is a large oak with obvious form flaws. This report will be more thorough than the survey type report.

Method:
All inspections were made from the ground; the trees were not climbed for this inspection. The protected trees on site were located on a site plan provided by you. The trees was then measured for diameter at 48 inches above ground level (DBH or diameter at breast height). The trees were given a condition rating for form and vitality. The trees' condition rating is based on 50 percent vitality and 50 percent form, using the following scale.

1	-	29	Very Poor
30	-	49	Poor
50	-	69	Fair
70	-	89	Good
90	-	100	Excellent

The height of the tree was measured using a Nikon Forestry 550 Hypsometer. The spread was paced off. Comments and recommendations for future maintenance are provided. A drill test using a RESI300 resistance device designed to detect decay in wood was carried out on this tree.

Observations:
The tree in question is a coast live oak *(Quercus agrifolia)* with a diameter at breast height of 38.2 inches. The tree is located on the front setback for the new planned home. The estimated height of the oak is 50 feet with a total crown spread of 60 feet. The vigor of the oak is poor-fair with slightly less than normal shoot growth for the species. The form of the oak is poor with codominant leaders at 4 feet and poor attachment of those leaders.

The poor attachment is due to included bark at the crotch formation and decay at several locations around and below the crotch. A drain tube was install years ago to help drain rain water from the poor crotch formation. A cable was placed between the leaders to help support the poor crotch and a second cable was installed recently.

38 inch diameter coast live oak at the edge of the front setback. The tree is quite heavy over the home site.

The root crown was buried by approximately 8 inches of fill (common for houses build in the 1950s -1970s). The root crown was exposed as a part of the inspection. The root crown was fairly healthy with superficial oak root fungus on the outer bark. The lack of root flare on the house side was of concern as the tree may have been negatively impacted during construction or landscaping.

Drill Test:
Several small 1/16 of an inch holes were drilled into the trunk to help detect decay and map decayed areas. The drill test also helps to identify included bark. The drill test detected pockets of decay below and beside the poor crotch formation. The pockets of decay were located 4-8 inches inside the outer bark. The decay inside the trunk may increase the trees chances of failure at the poor crotch formation.

Summary:
The large oak receives a condition rating of 45 on a 1-100 scale (poor). Attempts to improve the trees form have had limited results. The drain at the base of the crotch is an obvious indicator of decay in the trunk. The drill test confirmed the presence of decay. The cabling of the tree is the result of an arborist concerned about the possible failure of the large leader over the house. A second cable 30 or more years later confirmed the original arborist's doubts.

The oak tree is located on the front setback and its root zone will extend well (38 feet) into the buildable space of the new home. The root zone of the large oak #5 and redwood #32 at the rear setback (52 inch diameter) cover nearly the entire buildable area. Removal of the oak will allow for the grove of redwoods to the rear to be less impacted by moving the home forward.

Poor crotch formation with area of decay (top arrow), included bark (center arrow) and installed drain tube (lower arrow).

Trimming the oak with ANSI standards and Best Management Practices will not improve the poor form of the tree or greatly lessen the trees chances of failure. Remove and replace this oak as removal is the only method that will eliminate all hazard and liabilities associated with the tree. The oak should be replaced with a coast live or valley oak of a size acceptable to the town arborist or planning commission.

The information included in this report is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Kevin R. Kielty
Certified Arborist WE#0476A

David P. Beckham
Certified Arborist WE#10724A

PLANNING COMMISSION
DRAFT MINUTES

TOWN OF ATHERTON
February 28, 2018
6:00pm
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD

1. **ROLL CALL**

PRESENT: **Eric Lane**
Nancy Lerner
Paul Tonelli
Joann Byrne-Sockolov
Randy Lamb

Senior Planner Stephanie Davis, Assistant Planner Nestor Delgado, Town Arborist Sally Bentz and Assistant City Attorney Jen Larson were present.

2. **PUBLIC COMMENTS** – No public comments.

Tina Patterson, Atherton resident at 176 Tuscaloosa, mentioned damaged oak trees due to construction on 172 Tuscaloosa. She noted the Town Tree Preservation Guidelines not being followed during construction, as well as tree protection fencing not being respected. Ms. Patterson also noted lack of enforcement of tree protection.

3. **APPROVAL OF MINUTES**

MOTION to approve the minutes of the December 6, 2017.
M/S Lamb/Sockolov Ayes: 5 Noes: 0

4. **PUBLIC HEARINGS**

a) **Special Structures Permit– 74 Barry Lane (APN 070-201-090) – Request for a Special Structures Permit to allow for the construction of a portion of an accessory structure (swimming pool and equipment) to encroach within the required front yard setback. Atherton Municipal Code Sections 17.15 and 17.40.**

Senior Planner Davis presented the staff report.

Commissioner Tonelli asked if proposed location for pool equipment is facing pool equipment at abutting property.

Senior Planner Davis responded 62 Faxon has an existing pool that is almost parallel to the proposed pool at 74 Barry.

Commissioner Lamb asked about any neighbor support for the project.

Senior Planner Davis responded there was 1 letter of support submitted for the project.

OPEN PUBLIC COMMENT

Randy Thueme, Landscape Architect for the project, noted that main reason for the proposed location of the pool is to preserve trees.

Chair Lane asked about two orange flags he noticed on the property by the putting green.

Randy Thueme, Landscape Architect, responded those might be to identify existing utilities.

CLOSE PUBLIC COMMENT

Motion to approve the Special Structures Permit to allow for the construction of a pool and pool equipment to encroach within the front yard setback.
M/S Lamb/Sockolov Ayes: 5 Noes: 0

b) Special Structures Permit– 6 Cowell Lane (APN 070-270-300) – Request for a Special Structures Permit to allow for the construction of an accessory structure (swimming pool) to encroach within the required side yard setback. Atherton Municipal Code Sections 17.15 and 17.40.

Senior Planner Davis presented the staff report.

Chair Lane asked why there was no lot line re-designation for side and rear property lines.

Senior Planner Davis responded that this would cause a domino effect making other buildings and structures in the property non-compliant.

OPEN PUBLIC COMMENT

Phoebe Lam, Landscape Architect for the project, noted that through screening and building angle they are looking to provide privacy for both the homeowners and Camino al Lago with future improvements.

Chair Lane asked the difference in grade from Camino al Lago to the proposed pool area.

Phoebe Lam, Landscape Architect, responded she believes it is one foot.

CLOSE PUBLIC COMMENT

Motion to approve the Special Structures Permit to allow for the construction of a pool to encroach within the side yard setback.
M/S Lerner/Tonelli Ayes: 5 Noes: 0

c) Variance - 99 Orchard Hills Street (APN 070-012-280) – Request for a Variance to allow to allow for a first floor addition to the main residence to encroach within the required side yard setback. Atherton Municipal Code Sections 17.16 and 17.32.

Senior Planner Davis presented the staff report. She also noted a letter of support from property across, 46 Alameda de las Pulgas, and a letter received after the packets were distributed from Archie Snider, homeowner at 48 Orchard Hills in opposition of granting the variance.

OPEN PUBLIC COMMENT

Dana Carmel, homeowner of 99 Orchard Hills, mentioned pre-existing conditions at the time of purchase such as noise from Alameda de las Pulgas and angling of the house. She mentioned inconvenience and cost of demolition and re-build. She noted the proposed addition is under an existing trellis area. She noted no tress would be impacted and that there is no view of the proposed area of addition from the neighbors or from the road.

Commissioner Lamb asked about letter of opposition from homeowner at 48 Orchard Hills.

Senior Planner Davis mentioned the letter was received from the homeowner of 48 Orchard Hills was a landowner of Orchard Hills and who had stated he was involved in the subdivision of the area.

Commissioner Lamb asked about moving the area of addition back.

Dana Carmel, homeowner, responded the pool is too close to the house, and moving it back would leave no resulting patio space.

David Barna, Architect, noted the proposal would serve as sound barrier, while allowing continued use of patio.

Commissioner Tonelli asked if the applicant is willing to sacrifice some square footage to comply with setback.

Dana Carmel, homeowner, responded it would still impact setback due to angle of house and it would not provide a noise barrier.

Commissioner Lamb asked about moving the pool back.

Dana Carmel, homeowner, responded this would be too expensive.

Commissioner Sockolov asked if any other previous iteration of design would work.

David Barna, Architect, responded all other iterations did also encroach within the setback.

Commissioner Tonelli asked about iterations that did not go into setback.

David Barna, Architect, responded these itierations would result in too little square footage for the desired addition.

City Attorney Jen Larson mentioned noise mitigation is not in 4 findings, and discussion should pertain to 4 findings for variance.

Motion to deny the Variance to allow for the addition to encroach within the side yard setback.
M/S Lane/Lamb Ayes: 5 Noes: 0

d) Heritage Tree Removal Permit– 222 Camino Al Lago (APN 070-320-170) – Request for a Heritage Tree Removal Permit to allow the removal of one heritage oak tree. Atherton Municipal Code Section 8.10.

Senior Planner Davis presented the staff report.

Chair Lane asked about broken branches on site.

Town Arborist Sally Bentz responded this might be due to demolition process.

OPEN PUBLIC COMMENT

Kevin Kielty, project arborist, mentioned the 40 heritage trees on the property and the strange shape of the lot making it difficult to build. He mentioned failure of the tree being requested to be removed could impact the a structure. He also noted new house construction could further damage the tree.

Anna, realtor for the project, mentioned the house was chosen by homeowners due to its proximity to neighboring friends. She noted project arborist identified tree as in poor shape.

Commissioner Lamb asked about different designs in submittal.

Nadia Pichko, project designer, noted the proposed submittal would allow for more redwood trees in the back to be saved. She mentioned 6 more oak trees would be planted.

CLOSE PUBLIC COMMENT

Town Arborist Sally Bentz mentioned she felt a design could work around the tree. She noted the tree has moderate to fair form and decay is not extensive.

Chair Lane asked about the angle of the tree.

Town Arborist Bentz responded the tree is angled or co-dominant as it was looking for light over the prior home that was there.

Commissioner Lamb asked about cables on trees.

Project Arborist Kevin Kielty mentioned they are 30 feet up.

The Commission discussed the safety hazards associated with new structures built close to tree that might fail.

Chair Lane asked if there is any more testing that could be done on the tree.

Project Arborist Kevin Kielty mentioned a radar would be too expensive.

Motion to deny the removal of one Heritage Oak tree.
M/S Lane/Lamb Ayes: 3 Noes: 2

e) Consideration of amendments to Chapter 8.10 "Removal of and Damage to Heritage Trees" and to the Town's Tree Preservation Guidelines Standards and Specifications.

Senior Planner Davis presented the staff report.

Chair Lane asked why not have both bond and nuisance as remedy.

City Attorney Jen Larson responded only one can be used. She mentioned the remedy for a nuisance is already available within the Municipal Code.

Senior Planner Davis presented two items of public comment from local architects expressing concern of adding redwood trees as protected trees and of the proposed tree protection zone not allowing for much buildable area.
OPEN PUBLIC COMMENT

Betsy Colby, Atherton resident and member of the Tree Committee, expressed her hope of the amendments being recommended. She mentioned her support for further enforcement of tree preservation measures.

Matt Griffiths with Pacific Peninsula Group expressed concern of new amendments leading to loss of ability of collaborating on case by case basis and open dialogue. He noted he believes the current process works.

Tina Patterson, Atherton resident, stated she does not believe the current process works. She noted the importance of enforcement.

John McClenahan, arborist, questioned if the stem of multi trunk trees will be measured at the tree base or at 54 inches up. He noted the proposal for no disturbance within the Tree Protection Zone (TPZ). He also mentioned utility service considerations being close to trees.

CLOSE PUBLIC COMMENT

Motion to approve amendments to Chapter 8.10 "Removal of and Damage to Heritage Trees" and to the Town's Tree Preservation Guidelines Standards and Specifications.
M/S Lane/Sockolov Ayes: 5 Noes: 0

5. COMMISSIONERS' REPORTS

NONE

6. STAFF REPORTS

a) Update on all Planning Commission applications for Heritage Tree Removals from October 2016 – December 2017.

Senior Planner Davis presented the staff report.

Chair Lane requested staff to present this to City Council and City Manager.

Senior Planner Davis updated the Commission on the project at 46 Almendral construction. She mentioned everything was finaled in the site, but some landscaping and planting.

Commissioner Lamb requested conference with the Building Official on other open permits that have not been finaled.

Betsy Colby, Atherton resident and Tree Committee member, asked about the 3 withdrawal applications mentioned regarding prior Heritage Tree Removal permits.

Senior Planner Davis responded those applications were withdrawn following further discussion with staff and that the trees proposed for removal remain.

Betsy Colby, Atherton resident and Tree Committee member, expressed concerns regarding trees being approved for removal to accommodate accessory structures.

7. ADJOURN

The meeting was adjourned 8:46 PM

Respectfully Submitted:

/s/Stephanie Bertollo-Davis
Stephanie Bertollo-Davis, Senior Planner

Memo

To: The Atherton Planning Commission

From: Sally D Bentz, Town Arborist

CC: Stephanie B Davis, Senior Planner

Date: 2/9/18 updated supplemental memo 3/11/18

Re: Heritage Tree Removal Permit Application Appeal, 222 Camino al Lago

I reviewed tree #5 at 222 Camino al Lago and submitted a memo on 2/9/18 to the Planning Commission. At that time I recommend the denial of the removal and the Planning Commission also denied the application. The applicant has now appealed to the City Council. I offer the following observations for your review:

On March 5th Kielty Arborist Services submitted an updated arborist report, a Basic Tree Risk Assessment Form and a Tree Hazard Evaluation form that were not submitted as part of the Planning Commission submittal. The new information is mostly assessing the risk of the tree with the future house and children as the targets. Kielty Arborist Services give the tree a high risk rating that needs immediate action.

In my professional opinion the tree is not an immediate hazard. I found the tree to be of moderate risk based on the codominant leaders having a possible failure with high impact which would somewhat likely impact the target (construction workers) and could cause severe consequences which would have a moderate risk rating. Kielty assessed the targets assuming the new house would be close to the tree and children.

I would require the house to be built 10x – 31' away so as the failure if to occur would cause less damage. This is why a Tree Protection Zone is so important. Let's keep in mind that just owning a heritage tree that there is risk and removing all trees there is no risk. Kielty stated this in his original arborist report that to remove the tree would result in no risk or liability. However even with the mitigation of 10x, new cabling and monitoring the decay near the crotch there would still be a moderate risk. Most heritage Oak trees in Atherton have a moderate risk based on age, form, decay, etc.

Also, Kielty stated that this is the 2nd heritage tree to be removed on the lot. This is false. This would be the 8th heritage Oak tree to be removed. I approved seven heritage Oak trees on the lot that were deemed dangerous at staff level.

The applicant has not seriously considered alternative designs.

If the City Council wishes to approve the appeal then the applicant will plant 6-48" Oak trees. This goes beyond the requirement of 1-48" native Oak. I would also recommend the applicant design the home, driveway and structures 8x from any remaining heritage trees on the site to make sure all remaining heritage trees are properly protected.

In conclusion my recommendation of denial has not changed.

The information included in this memo is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Sally Bentz
Town Arborist
Certified Arborist
WE#9238AM

Appeal $750.00 APL18-00001

TOWN OF ATHERTON
PLANNING APPLICATION
93 STATION LANE
ATHERTON, CA 94027
(650) 752-0544

RECEIVED
MAR 05 2018
By HL

SITE ADDRESS 222 Camino AL LAGO APN 070320170

Provide a brief description of the proposed project: We are submitting this appeal to remove the tree #5 due to it's hazardous condition - which introduces both safety and liability concerns. The tree as it stands, is unhealthy, is artificially held together w/cables, and would not be in prime condition naturally. The danger herein is poseed both to the residents of the house, and visitors, which will often include family members & young children (<10 years of age)

PROPERTY OWNER:

Name: Shailesh Mehta

Mailing Address: 401 El Cerrito Ave., Hillsborough, CA, 94010

Phone: 415-810-4405

Email: shaileshjmehta@gmail.com

PAID

ARCHITECT:

Name: Same as applicant

Mailing Address:

Phone/Fax:

Email:

APPLICANT:

Name: Nadia Pichko

Mailing Address: 586 N 1st. St. #226, San Jose, CA, 95112

Phone/Fax: 408-646-2195

Email: boltstudio@yahoo.com

Notice: You may protest any of the fees assessed for this permit in accordance with California Government Code 66020(a). The protest must satisfy requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of this notice. In addition, you must tender payment of the protested fees at the time of protest, or provide evidence of arrangements to pay the protested fees or exactions at the time they are due if they are not already due.

Applicant's Signature

3.5.2018
Date

Kielty Arborist Services LLC

Certified Arborist WE#0476A
P.O. Box 6187
San Mateo, CA 94403
650-515-9783

January 25, 2018, revised March 5, 2018

Bolt Design
Attn: Ms. Nadia Pichko
586 North 1st Street #226
San Jose, CA 95131

Site: 222 Camino al Lago, Atherton, CA

Dear Ms. Pichko,

As requested on Wednesday, January 25, 2018, I visited the above site to inspect and comment on tree #5. Oak tree #5 is a large oak with obvious form flaws. This report will be more thorough than the survey type report. Young grandchildren will frequently visit this site (10 years and younger) and your concern as the long term health and safety of the tree has prompted this visit.

Method:
All inspections were made from the ground; the trees were not climbed for this inspection. The protected trees on site were located on a site plan provided by you. The trees was then measured for diameter at 48 inches above ground level (DBH or diameter at breast height). The trees were given a condition rating for form and vitality. The trees' condition rating is based on 50 percent vitality and 50 percent form, using the following scale.

1	-	29	Very Poor
30	-	49	Poor
50	-	69	Fair
70	-	89	Good
90	-	100	Excellent

The height of the tree was measured using a Nikon Forestry 550 Hypsometer. The spread was paced off. Comments and recommendations for future maintenance are provided. A drill test using a RESI300 resistance device designed to detect decay in wood was carried out on this tree. The Matheny and Clark 12 point hazard assessment method was used to help quantify the chances of tree failure and subsequent damages if failure were to occur.

Observations:
The tree in question is a coast live oak *(Quercus agrifolia)* with a diameter at breast height of 38.2 inches. The tree is located on the front setback for the new planned home. The estimated height of the oak is 50 feet with a total crown spread of 60 feet. The vigor of the oak is poor-fair with slightly less than normal shoot growth for the species. The form of the oak is poor with codominant leaders at 4 feet and poor attachment of those leaders.

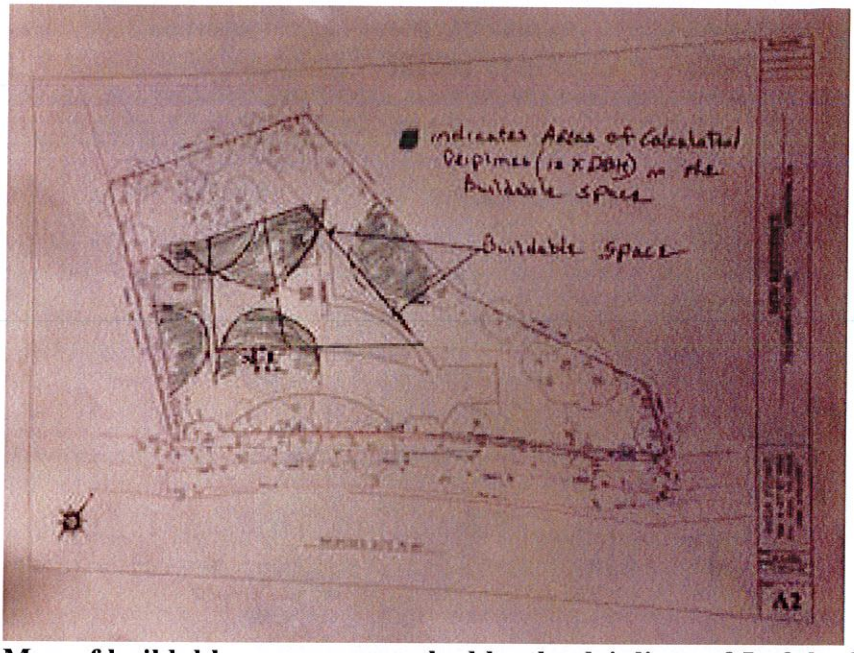
The poor attachment is due to included bark at the crotch formation and decay at several locations around and below the crotch. A drain tube was install years ago to help drain rain water from the poor or split crotch formation. A cable was placed between the leaders to help support the poor crotch and a second cable was installed recently evidence of the arborists concern as to the safety of the tree.

38 inch diameter coast live oak at the edge of the front setback. The tree is quite heavy over the home site.

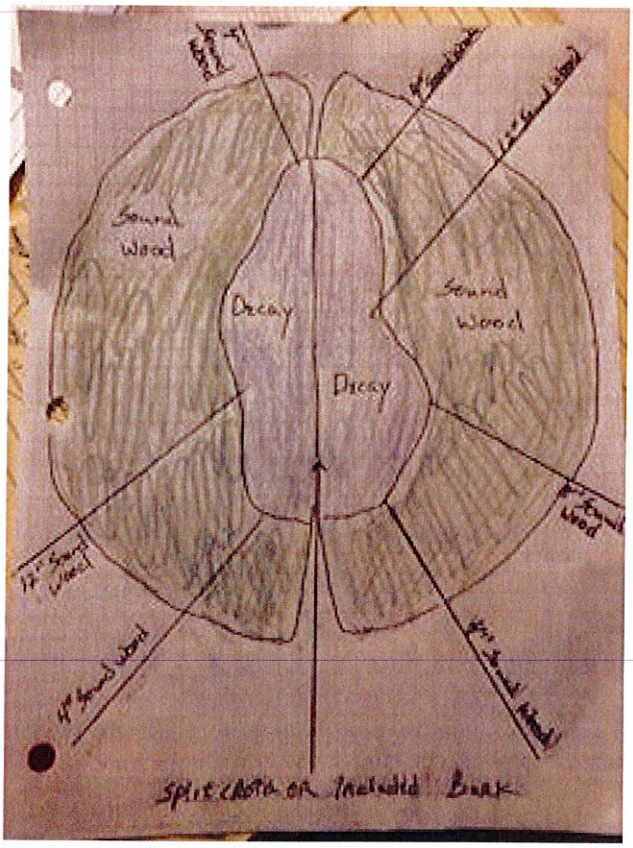
The root crown was buried by approximately 8 inches of fill (common for houses built in the 1950s -1970s). The root crown was exposed as a part of the inspection. The root crown was fairly healthy with superficial oak root fungus on the outer bark. The lack of root flare on the house side was of concern as the tree may have been negatively impacted during construction or landscaping.

Site Observations and Tree Location in Relationship to the Buildable Space:
The lot is an odd shaped property with non-rectangular property lines. The setbacks for the lot follow the property lines making a difficult area to build in with the eastern portion of the buildable area being triangular in shape. The triangular area would require an odd shaped building footprint. The small 1.17 acre lot has 38 heritage trees making the lot nearly completely covered with tree canopy.

The oak tree in question is located on the southeast edge of the buildable space and has a dripline radius (12xDBH) of 38 feet. Two very large redwoods ate located on the northwestern edge of the buildable space and their dripline radius is 52 feet. Trees on the side setbacks also encroach slightly into the buildable space.



Map of buildable space encroached by the driplines of 5 of the 38 heritage trees on site. The odd shape of the buildable space makes the house design very difficult.



Drill Test:
Several small 1/16 of an inch holes were drilled into the trunk to help detect decay and map decayed areas. The drill test also helps to identify included bark. The drill test detected pockets of decay below and beside the poor crotch formation. The pockets of decay were located 4", 8" and 12"inches inside the outer bark. The decay inside the trunk may increase the trees chances of failure at the poor crotch formation.

A map of the drill test results shows area of decay surrounding the split crotch or included bark. The decay would increase the trees chances of failure.

Matheny and Clark 12 Point Assessment Method:
The Matheny and Clark International Society of Arboriculture approved - 12 point hazard assessment method was used to help prioritize work that is needed. The hazard rating system rates each tree with a possible four points in three categories. The 3 categories represent a) *part*, the section of tree causing the possible hazard that may fail; b) *chance*; the likelihood that the part will fail; c) *target*, what will be damaged if the *part* fails. An explanation of the ratings is as follows.

Part	**Chance**	**Target**
1 = Small limbs or branches	1 = Not likely	1 = Open space or fencing
2 = Larger lateral limbs	2 = Slight chance	2 = Wires and not heavily used roads
3 = Trunks or leaders	3 = Failure likely	3 = Heavily used roads
4 = Entire tree or large trunks	4 = Failure eminent	4 = Homes

Using the hazard assessment method chosen for this project, the trees rated with the higher combined hazard rating, the higher the risk of that tree failing. A total rating of "12" would be considered a high probability for damage and or injury. A rating of "3" would be considered a very low chance of failure and or injury.

Coast live oak #5 receives the following hazard rating:

- Part most likely to fail (Large trunk). 4
- Chances of part to fail (Failure is likely) 2.5
- Target (home) 4

Total 10.5

Poor crotch formation with area of decay (top arrow), included bark (center arrow) and installed drain tube (lower arrow).

Summary:
The large oak receives a condition rating of 45 on a 1-100 scale (poor). Attempts to improve the trees form have had limited results. The drain at the base of the crotch is an obvious indicator of decay in the trunk. The drill test confirmed the presence of decay. The cabling of the tree is the result of an arborist concerned about the possible failure of the large leader over the house. A second cable 30 or more years later confirmed the original arborist's doubts.

The oak tree is located on the front setback and its root zone will extend well (38 feet) into the buildable space of the new home. The root zone of the large oak #5 and redwood #32 at the rear setback (52 inch diameter) cover nearly the entire buildable area. Removal of the oak will allow for the grove of redwoods to the rear to be less impacted by moving the home forward.

Trimming the oak with ANSI standards and Best Management Practices will not improve the poor form of the tree or greatly lessen the trees chances of failure. The tree received a 10.5 out of a maximum of 12 making the tree a high risk tree. Any rating over 9 generally triggers mitigation or removal. Past mitigation has been less than effective in reducing the trees chances of failure and no new mitigation is recommended for this tree.

Remove and replace this oak as removal is the only method that will eliminate all hazard and liabilities associated with the tree. The oak should be replaced with a coast live or valley oak of a size acceptable to the town arborist or planning commission. One decayed heritage tree has been removed making this tree the second of forty heritage trees (5% of heritage trees) to be removed. Thirty eight heritage trees on a 1.17 acre lot makes this a high density well canopied lot.

The information included in this report is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Kevin R. Kielty
Certified Arborist WE#0476A

David P. Beckham
Certified Arborist WE#10724A
Certifies Risk Assessor

A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 222 Camino al Lago
Map/Location:
Owner: public ____ private ✓ unknown ____ other ____
Date: 3/5/18 Inspector: Kevin Kielty
Date of last inspection: 1/25/18

HAZARD RATING: 2.5 (Failure Potential) + 4 (Size of part) + 4 (Target Rating) = 10.5 (Hazard Rating)
✓ Immediate action needed
____ Needs further inspection
____ Dead tree

TREE CHARACTERISTICS

Tree #: 5 Species: Coast live Oak
DBH: 38.2 # of trunks: 2 Height: 50' Spread: 60'
Form: ☐ generally symmetric ☐ minor asymmetry ✓ major asymmetry ☐ stump sprout ☐ stag-headed
Crown class: ☐ dominant ✓ co-dominant ☐ intermediate ☐ suppressed
Live crown ratio: 20 % Age class: ☐ young ✓ semi-mature ☐ mature ☐ over-mature/senescent
Pruning history: ☐ crown cleaned ☐ excessively thinned ☐ topped ☐ crown raised ☐ pollarded ✓ crown reduced ☐ flush cuts ✓ cabled/braced
☐ none ☐ multiple pruning events Approx. dates: 1980 - 2000
Special Value: ☐ specimen ✓ heritage/historic ☐ wildlife ☐ unusual ☐ street tree ☐ screen ☐ shade ✓ indigenous ✓ protected by gov. agency

TREE HEALTH

Foliage color: ✓ normal ☐ chlorotic ☐ necrotic Epicormics? (Y) N
Foliage density: ✓ normal ☐ sparse Leaf size: ✓ normal ☐ small
Annual shoot growth: ☐ excellent ✓ average ☐ poor Twig Dieback? (Y) N
Woundwood development: ☐ excellent ✓ average ☐ poor ☐ none
Vigor class: ☐ excellent ☐ average ✓ fair ☐ poor
Major pests/diseases:

Growth obstructions:
☐ stakes ☐ wire/ties ☐ signs ☐ cables
☐ curb/pavement ☐ guards
☐ other

SITE CONDITIONS

Site Character: ✓ residence ☐ commercial ☐ industrial ☐ park ☐ open space ☐ natural ☐ woodland/forest
Landscape type: ☐ parkway ☐ raised bed ☐ container ☐ mound ☐ lawn ✓ shrub border ☐ wind break
Irrigation: ☐ none ☐ adequate ☐ inadequate ✓ excessive ☐ trunk wetted
Recent site disturbance? (Y) N ✓ construction ☐ soil disturbance ☐ grade change ☐ line clearing ☐ site clearing
% dripline paved: 0% (0-25%) 25-50% 50-75% 75-100% Pavement lifted? Y (N)
% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% (75-100%)
% dripline grade lowered: (0%) 10-25% 25-50% 50-75% 75-100%
Soil problems: ✓ drainage ☐ shallow ☐ compacted ☐ drought ☐ saline ☐ alkaline ☐ acidic ☐ small volume ✓ disease center ☐ history of fail
✓ clay ☐ expansive ☐ slope 0 ° aspect:
Obstructions: ☐ lights ☐ signage ☐ line-of-sight ☐ view ☐ overhead lines ☐ underground utilities ☐ traffic ☐ adjacent veg. ✓
Exposure to wind: ✓ single tree ☐ below canopy ☐ above canopy ☐ recently exposed ☐ windward, canopy edge ☐ area prone to windthrow
Prevailing wind direction: N.West Occurrence of snow/ice storms: ✓ never ☐ seldom ☐ regularly

TARGET

Use Under Tree: ✓ building ☐ parking ☐ traffic ☐ pedestrian ☐ recreation ☐ landscape ☐ hardscape ☐ small features ☐ utility lines
Can target be moved? Y (N) Can use be restricted? Y (N)
Occupancy: ☐ occasional use ☐ intermittent use ☐ frequent use ✓ constant use

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: (Y) N Mushroom/conk/bracket present: (Y) N ID: oak root fungus

Exposed roots: ☐ severe ☐ moderate ☐ low Undermined: ☐ severe ☐ moderate ☐ low

Root pruned: 0 distance from trunk Root area affected: 0 % Buttress wounded: Y (N) When:

Restricted root area: ☐ severe ☑ moderate ☐ low Potential for root failure: ☐ severe ☑ moderate ☐ low

LEAN: 30% deg. from vertical ☐ natural ☑ unnatural ☐ self-corrected Soil heaving: Y (N)

Decay in plane of lean: Y (N) Roots broken Y (N) Soil cracking: Y (N)

Compounding factors: Lean severity: ☐ severe ☐ moderate ☐ low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper	✓	✓		
Bow, sweep		✓		
Codominants/forks		✓		
Multiple attachments		✓		
Included bark		✓		
Excessive end weight		✓		
Cracks/splits				
Hangers				
Girdling		✓		
Wounds/trauma		✓		
Decay		✓		
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burls		✓		
Previous failure				

HAZARD RATING

Tree part most likely to fail:

Inspection period: annual biannual other

Failure Potential + Size of Part + Target Rating = Hazard Rating

2.5 + 4 + 4 = 10.5

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm); 3 - 18-30" (45-75 cm); 4 - >30" (75 cm)

Target rating: 1 - occasional use; 2 intermittent use; 3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: ☐ remove defective part ☐ reduce end weight ☐ crown clean ☐ thin ☐ raise canopy ☐ crown reduce ☐ restructure ☐ shape

Cable/Brace: Inspect further: ☐ root crown ☐ decay ☐ aerial ☐ monitor

Remove tree: (Y) N Replace? (Y) N Move target: Y (N) Other:

Effect on adjacent trees: ☑ none ☐ evaluate

Notification: ☑ owner ☐ manager ☐ governing agency Date: 3/5/18

COMMENTS

TREE has Decay @ included or split CROTCH
2 cables installed Drain for Cavity

Glossary

Adventitious	Arising from parts of the root or stem and having no connection to apical meristems
Air Excavator	A device that directs a jet of highly compressed air to excavate soil.
ANSI	An acronym for American National Standards Institute.
ANSI A300	In the United States, industry developed national consensus standards of practice for tree care.
Bifurcation	A natural division of branch or stem into two or more stems or parts.
Branch union	A point where a branch originates from the trunk or another branch. Fork. Crotch.
Brown rot	A fungal wood rot characterized by the breakdown of cellulose.
Buttress roots	Roots at the trunk base that help support the tree and equalize mechanical stress
Butt rot	Decay of the lower trunk, trunk flare or buttress roots.
Cabling	Installation of steel or synthetic cable in a tree to provide supplemental support to week branches or crotches.
Canker	A dead, discolored, often sunken area (lesion) on a branch, root, stem or trunk.
Canopy	The part of the crown composed of leaves and small twigs.
Cavity	Open or closed hollow within a tree stem, usually associated with decay.
Compartmentalize	Natural defense process in trees which chemical and physical boundaries are created that act to limit the spread of disease and decay organisms.
Decay	An area of wood that is undergoing decomposition.
Epicormic shoot	Shoot arising from latent or adventitious bud (growth point).

Eradicate	Total removal of a species from a particular area. May refer to pathogens or insect pests or to unwanted plants.
Hypoxylon	Black hemispherical fruiting bodies that develop on the surface of dead bark or wood. The fungus causes a white rot of the sap wood of living trees and dead wood.
Included bark	Bark that becomes embedded in a crotch between branch and trunk or between codominant stems. Causes week structure.
Infectious	Capable of being spread to plants from other plants or organisms.
Lateral	Secondary or subordinate branch or root.
Live crown ratio	Ratio of the height of the crown containing live foliage to the overall height of the tree.
Mycelium	Vegetative body of a fungus.
Watersprout	Upright, epicormic shoot arising from the trunk or branches of a plant above the root graft or soil line.

References

(1) Harris, Richard W, Clark, James R, Matheny, Nelda P Arboriculture, Third Edition Prentice Hall 1999.

(2) Matheny, Nelda P, Clark, James R Evaluation Of Hazard Trees In Urban Areas Second Edition International Society of Arboriculture 1994

(3) Dreistadt, Steve H., Pests of Landscape Trees and Shrubs, *An Intergrated Pest Management Guide,* Second Edition. Agriculture and Natural Resources Publication 3359, 2004.

(4) International Society of Arboriculture, Glossary of Arboricultural Terms. 2006

Kielty Arborist Services

P.O. Box 6187
San Mateo, CA 94403
650-525-1464

ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like a medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

Arborist: _____
Kevin R. Kielty

Date: March 5, 2018

Kevin R. Kielty

CURRICULUM VITAE

March 5, 2018

EDUCATION

American Society of Consulting Arborists Academy, Rhode Island ▪ 1999

College of San Mateo, San Mateo, CA

- **Pest Control Certification Program** ▪ 1983
- **Environmental Horticulture Certification Program** ▪ 1981

CREDENTIALS

- Qualified Applicator's License, Department of Pesticide Regulations
- International Society of Arboriculture Certified Arborist, 1989 to present WE #0476A
- International Society of Arboriculture Certified Tree Worker, 1986-1999 #124

EXPERIENCE IN FIELD

Kielty Arborist Services, San Mateo, CA ▪ 3/2007 to present

Mayne Tree Expert Company, San Carlos, CA ▪ 3/1978 to 3/2007
Consulting ▪ 6/1999 to 3/2007

Gardener, Marina Garden Apartments, San Mateo, CA ▪ 6/1976 to 3/1978

ORGANIZATIONS AND ASSOCIATIONS

California Arborist Association, President, 2001, 2000, 1998, 1997
International Society of Arboriculture, Member
American Society of Consulting Arborists, Member

Kielty Arborist Services

CLIENT LIST (consulting, partial)

Municipalities and School Districts:

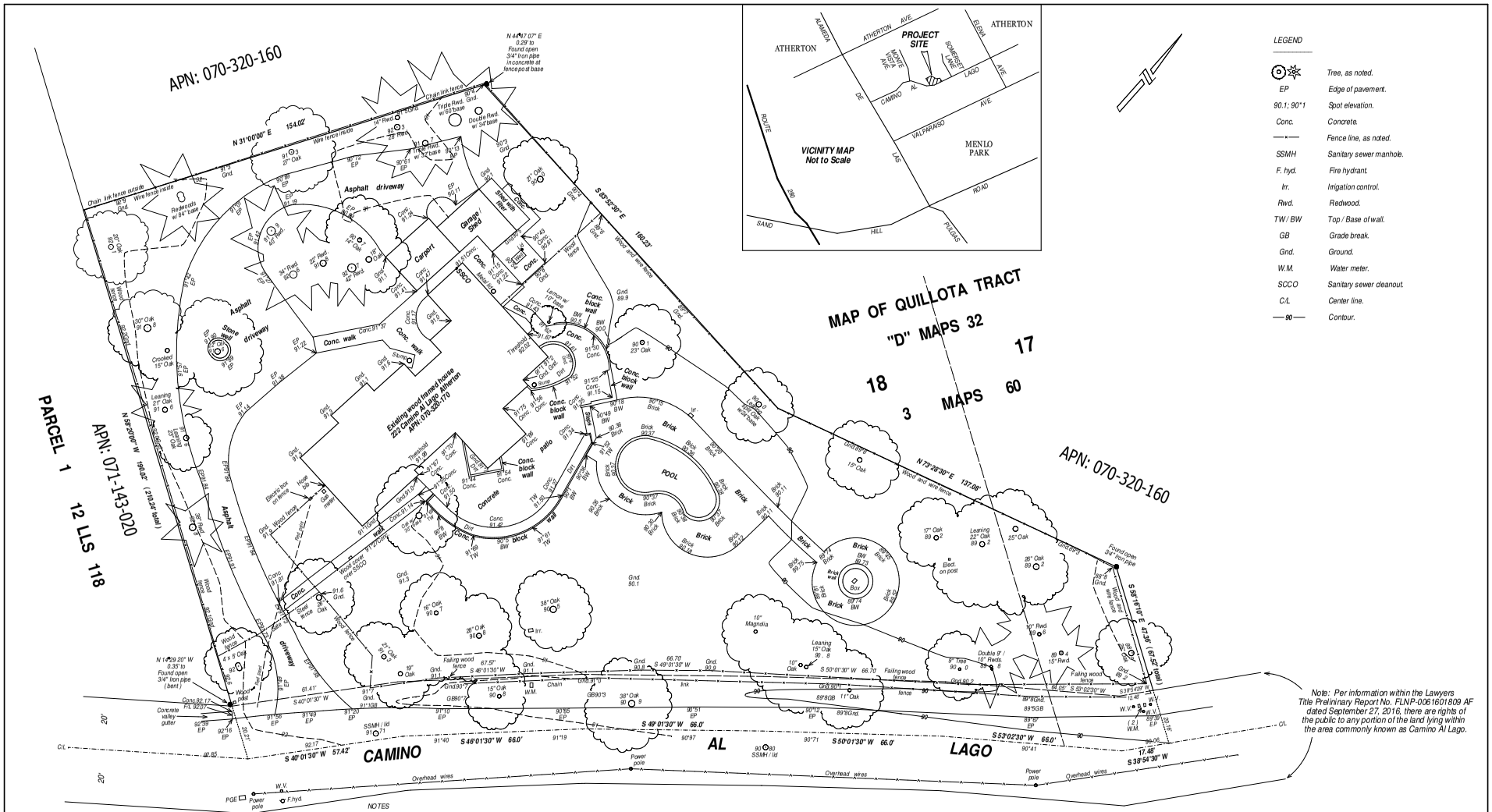
Atherton:	Interim Arborist, Town Arborist
BART	Tree assessment A Line
Belmont:	Decay assessment, maintenance recommendations
Burlingame:	Sudden oak death survey, decay assessment, Pruning specifications, hazard tree assessments, El Camino eucalyptus
California Water Service	Construction impacts, tree protection
East Bay M.U.D.	Pipeline installation, Clements, CA
Hillsborough	Island inspections, Heritage tree assessment
Hillsborough School District	Construction impacts, planting plans, hazard assessment
Los Altos Hills	Street tree assessment
Menlo Park School District	Decay assessment
Millbrae	Eucalyptus assessment, Redwoods (El Camino)
Mountain View:	Heritage tree inspections
National Parks Service	Survey of trees at Alcatraz Island
Portola Valley	Decay assessment
San Bruno	Eucalyptus survey, City Park, SB Fire site
San Carlos	Heritage tree assessment, plan check
San Francisco	Construction impacts (Boys and Girls Club)
San Francisco PUC	Hetch Hetchy Pipeline, Fremont, CA, Pipeline, Crystal springs Lake to San Francisco, Sunol, CA
San Mateo County	Hazard assessment Flood park, Fitzgerald Marine Preserve forest restoration
San Mateo Union High school district	Construction impacts
Town of Woodside	Protected tree violations and reforestation inspections

Architects and Landscape Architects:

Roger Kohler
Simpson Design
Small Brown
Square 3 Design
Suzman and Cole
WEC Architects
BAR Architects
Schwanke Architects
Mark Helton (civil)
John Berry (civil)
Steve Hartsell (Septic)

Tree Care providers:

Advanced Tree Care
Bay Area Tree
John Arnaz Tree Movers
Mitchell Tree Service
Timberline Tree Care
McClenahan Consulting LLP
Pearson Tree Service
Loral Tree
Peninsula Tree



NOTES

1). This Topographic Survey Map was prepared from a ground survey done by Jeffrey M. Barnea, PLS in September, 2017.

2). Unless noted otherwise, trees shown were located at the ground and trunk diameters were measured at 4.5' above ground. Driplines were not measured at time of survey and are depicted graphically in their approximate positions only. The existing house, garage and carport were measured at their outside wood trim or stucco facing.

3). Boundaries are shown from deed Doc. No. 2013-143636 lying within the "Map of Quillota Tract" subdivision filed in "D" Maps 32 and copied into 3 Maps 60, San Mateo County Records. There are "Rights of the public...lying within the area commonly known as Camino Al Lago..." referenced within the Lawyers Title Preliminary Report No. FNLP-0061601809 AF dated September 27, 2016 provided by the owners. There may be other easements affecting this property not depicted on this drawing and this is not a record of survey map. The Gross area of this parcel (including the area within Camino Al Lago) per information within deed Doc.No. 2013-143636 is 1.32 Acres +/-. The Net Area of this parcel (excluding the area within Camino Al Lago) is 1.17 Acres +/-.

4). Elevations shown upon this drawing were established using a GPS reading and are in NAVD88 Datum.

5). The final product delivered to owners Shailesh and Kalpa Mehta were signed bond prints. An electronic CAD version of this Map may be provided to the owners or their associates upon request. Any changes, revisions or additions made to this Map without the consent and approval of Jeffrey M. Barnea, PLS, is not the responsibility of Jeffrey M. Barnea, as the owners have agreed to in writing.

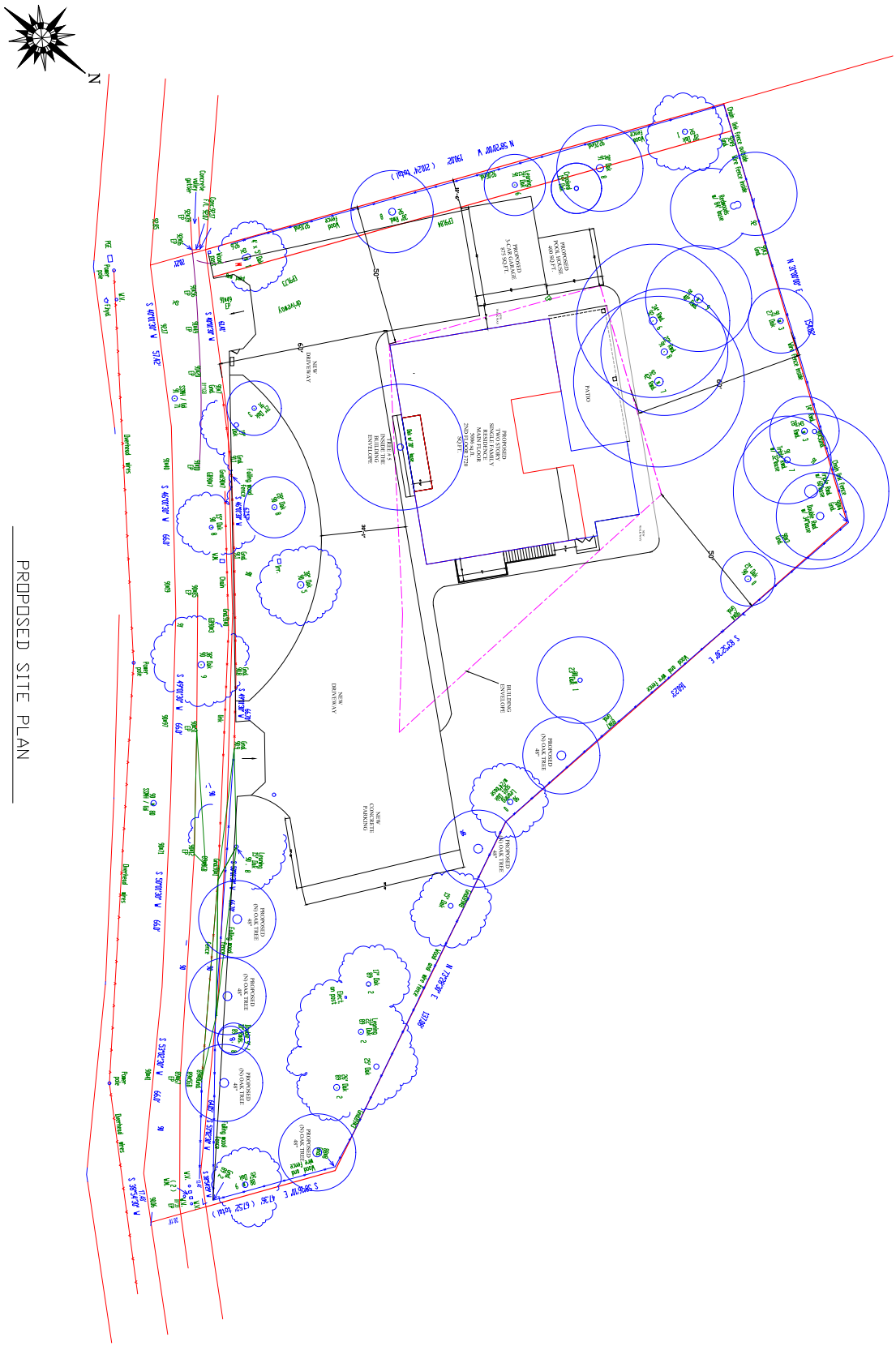
Jeffrey M. Barnea 9 - 8 - 17
Jeffrey M. Barnea, L.S. 7044 Date
License expires 12-31-18

LICENSED LAND SURVEYOR JEFFREY M. BARNEA Exp. 12/31/18 Lic. # 7044 STATE OF CALIFORNIA

Topographic Survey Map
Lands of Mehta 222 Camino Al Lago APN: 070-320-170
Atherton San Mateo County California

JEFFREY M. BARNEA, L.S. 7044 789 14TH AVE.
MENLO PARK, CA 94025 PH/FAX (650) 261-1982

SCALE: 1" = 16' 17-131 SEPTEMBER, 2017



SHEET A2	DATE 12/10/2017 SCALE 1/16"=1'-0"	NADIA PICHKO 586 N 1ST ST #226 San Jose, CA, 95131 (408) 646-2195	NEW RESIDENCE 222 CAMINO AL LAGO ATHERTON, CA

REVISIONS

PROPOSED SITE PLAN WITH ALL TREES TO REMAIN

REVISIONS

NEW RESIDENCE

222 CAMINO AL LAGO ATHERTON, CA

NADIA PICHKO
586 N 1ST ST #226
San Jose, CA, 95131
(408) 646-2195

DATE 12/10/2017

SCALE 1/16"=1'-0"

SHEET **A3**

A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 222 Camino al Lago

Map/Location:

Owner: public ____ private ✓ unknown ____ other ____

Date: 3/5/18 Inspector: Kevin Kielty

Date of last inspection: 1/25/18

HAZARD RATING:

2.5 + 4 + 4 = 10.5

Failure Potential + Size of part + Target Rating = Hazard Rating

✓ Immediate action needed

____ Needs further inspection

____ Dead tree

TREE CHARACTERISTICS

Tree #: 5 Species: Coast live Oak

DBH: 38.2 # of trunks: 2 Height: 50' Spread: 60'

Form: ☐ generally symmetric ☐ minor asymmetry ☑ major asymmetry ☐ stump sprout ☐ stag-headed

Crown class: ☐ dominant ☑ co-dominant ☐ intermediate ☐ suppressed

Live crown ratio: 30 % **Age class:** ☐ young ☑ semi-mature ☐ mature ☐ over-mature/senescent

Pruning history: ☐ crown cleaned ☐ excessively thinned ☐ topped ☐ crown raised ☐ pollarded ☑ crown reduced ☐ flush cuts ☑ cabled/braced ☐ none ☐ multiple pruning events Approx. dates: 1980 - 2000

Special Value: ☐ specimen ☑ heritage/historic ☐ wildlife ☐ unusual ☐ street tree ☐ screen ☐ shade ☑ indigenous ☑ protected by gov. agency

TREE HEALTH

Foliage color: ☑ normal ☐ chlorotic ☐ necrotic **Epicormics?** (Y) N

Foliage density: ☑ normal ☐ sparse **Leaf size:** ☑ normal ☐ small

Annual shoot growth: ☐ excellent ☑ average ☐ poor **Twig Dieback?** (Y) N

Woundwood development: ☐ excellent ☑ average ☐ poor ☐ none

Vigor class: ☐ excellent ☐ average ☑ fair ☐ poor

Major pests/diseases:

Growth obstructions:

☐ stakes ☐ wire/ties ☐ signs ☐ cables

☐ curb/pavement ☐ guards

☐ other

RECEIVED
MAR 05 2018
BY

SITE CONDITIONS

Site Character: ☑ residence ☐ commercial ☐ industrial ☐ park ☐ open space ☐ natural ☐ woodland/forest

Landscape type: ☐ parkway ☐ raised bed ☐ container ☐ mound ☐ lawn ☑ shrub border ☐ wind break

Irrigation: ☐ none ☐ adequate ☐ inadequate ☑ excessive ☐ trunk wetted

Recent site disturbance? (Y) N ☑ construction ☐ soil disturbance ☐ grade change ☐ line clearing ☐ site clearing

% dripline paved: 0% (10-25%) 25-50% 50-75% 75-100% **Pavement lifted?** Y (N)

% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% (75-100%)

% dripline grade lowered: (0%) 10-25% 25-50% 50-75% 75-100%

Soil problems: ☑ drainage ☐ shallow ☐ compacted ☐ droughty ☐ saline ☐ alkaline ☐ acidic ☐ small volume ☑ disease center ☐ history of fail ☑ clay ☐ expansive ☐ slope 0 ° aspect: ____

Obstructions: ☐ lights ☐ signage ☐ line-of-sight ☐ view ☐ overhead lines ☐ underground utilities ☐ traffic ☐ adjacent veg. ☑ ____

Exposure to wind: ☑ single tree ☐ below canopy ☐ above canopy ☐ recently exposed ☐ windward, canopy edge ☐ area prone to windthrow

Prevailing wind direction: N.West Occurrence of snow/ice storms ☑ never ☐ seldom ☐ regularly

TARGET

Use Under Tree: ☑ building ☐ parking ☐ traffic ☐ pedestrian ☐ recreation ☐ landscape ☐ hardscape ☐ small features ☐ utility lines

Can target be moved? Y (N) **Can use be restricted?** Y (N)

Occupancy: ☐ occasional use ☐ intermittent use ☐ frequent use ☑ constant use

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: (Y) N **Mushroom/conk/bracket present:** (Y) N **ID:** oak Root fungus

Exposed roots: ☐ severe ☐ moderate ☐ low **Undermined:** ☐ severe ☐ moderate ☐ low

Root pruned: 0 distance from trunk **Root area affected:** 0 % **Buttress wounded:** Y (N) **When:**

Restricted root area: ☐ severe ☑ moderate ☐ low **Potential for root failure:** ☐ severe ☑ moderate ☐ low

LEAN: 30° deg. from vertical ☐ natural ☑ unnatural ☐ self-corrected **Soil heaving:** Y (N)

Decay in plane of lean: Y (N) **Roots broken** Y (N) **Soil cracking:** Y (N)

Compounding factors: **Lean severity:** ☐ severe ☐ moderate ☐ low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper	✓	✓		
Bow, sweep				
Codominants/forks		✓		
Multiple attachments				
Included bark		✓		
Excessive end weight		✓		
Cracks/splits		✓		
Hangers				
Girdling				
Wounds/seam		✓		
Decay		✓		
Cavity		✓		
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burls				
Previous failure		✓		

HAZARD RATING

Tree part most likely to fail:

Inspection period: _____ annual _____ biannual _____ other _____

Failure Potential + Size of Part + Target Rating = Hazard Rating

2.5 + 4 + 4 = 10.5

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe
Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm); 3 - 18-30" (45-75 cm); 4 - >30" (75 cm)
Target rating: 1 - occasional use; 2 intermittent use; 3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: ☐ remove defective part ☐ reduce end weight ☐ crown clean ☐ thin ☐ raise canopy ☐ crown reduce ☐ restructure ☐ shape

Cable/Brace: **Inspect further:** ☐ root crown ☐ decay ☐ aerial ☐ monitor

Remove tree: (Y) N **Replace?** (Y) N **Move target:** Y (N) **Other:**

Effect on adjacent trees: ☑ none ☐ evaluate

Notification: ☑ owner ☐ manager ☑ governing agency **Date:** 3/5/18

COMMENTS

TREE has Decay @ included or split crotch
2 cables installed Drain for cavity