



Item No. 15 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, PRINCIPAL PLANNER
SALLY BENTZ-DALTON, TOWN ARBORIST

DATE: FEBRUARY 16, 2022

SUBJECT: APPEAL OF A PLANNING COMMISSION DECISION TO DENY A HERITAGE TREE REMOVAL (HTR) PERMIT AT 1 ELM PLACE

RECOMMENDATION

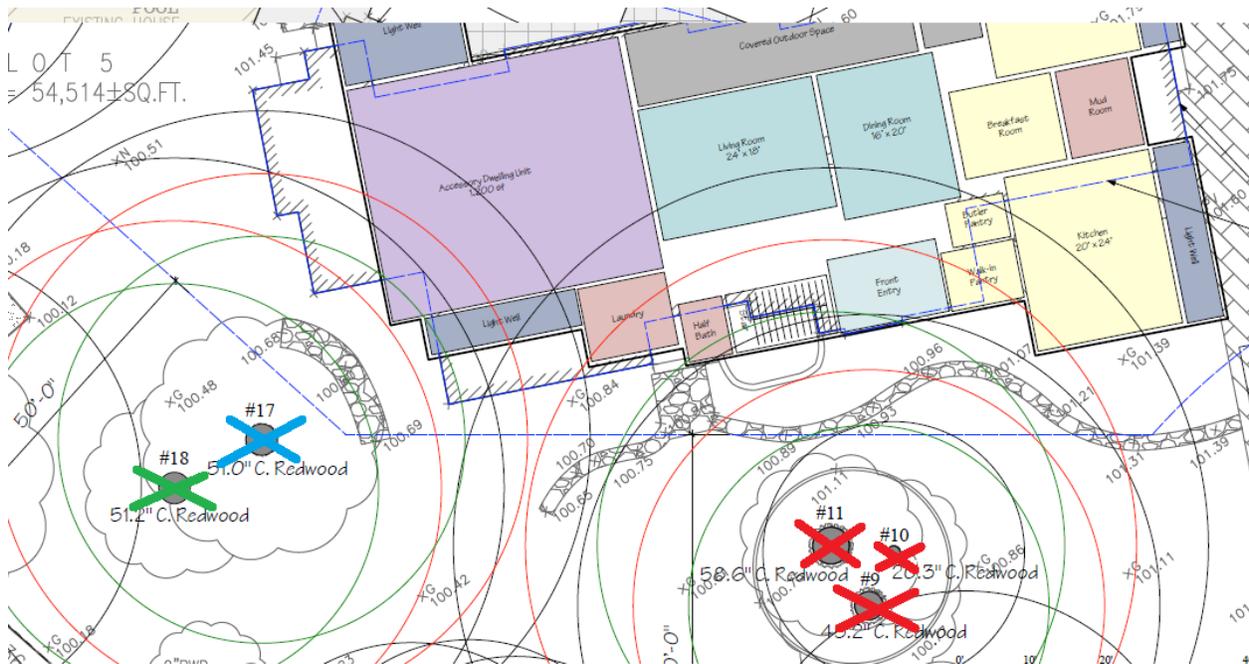
It is recommended that the City Council conduct the public hearing, deny the appeal, and uphold the decision of the Planning Commission to deny a heritage tree removal permit at 1 Elm Place to allow the removal of three heritage redwood trees.

BACKGROUND

One (1) Elm Place is a 54,514 square foot (1.25-acre) lot located within the R-1A zoning district surrounded by other low-density, single-family homes. The property owner is proposing to demolish the existing main residence and build a new two-story main residence with a basement. An existing driveway, detached garage, pool and pool house are proposed to remain. To accommodate the new main residence, the property owner applied for and received approval for a staff level (Town Arborist) Tree Protection Zone (TPZ) exception of 8 times (8x) for one heritage tree (Tree #18), whereas a standard TPZ of 10x would otherwise be required. The applicant also received staff level (Town Arborist) approval for one heritage tree removal (Tree #17) due to the poor form of the tree. Tree #18 is marked with a green X and Tree #17 is marked with a blue X in Figure 1 below.

The property owner also requested the removal of three (3) additional heritage redwood trees (Trees #9, #10 and #11, marked with a red X's in Figure 1 below), to accommodate the future proposed new main residence. Such request was denied by the Town Arborist and referred to the Planning Commission. The blue line in Figure 1 below outlines the footprint of the existing home with the colored squares outlined in black, indicating the location of the proposed new main residence.

Figure 1: Location of Trees Proposed for Removal & TPZ Exception



On January 26, 2022 the Planning Commission voted (3:1:1) to deny the Heritage Tree Removal request to remove the three (3) heritage redwood trees (Trees #9, #10, #11). The January 26, 2022 Planning Commission staff report and attachments are included as Attachment 2. Link to video recording of the Planning Commission meeting is included as Attachment 3, and abridged draft meeting minutes are included as Attachment 4. The Commission discussion included comments from the Commission that the Town’s heritage tree standards provided criteria required for granting an HTR, and the majority of the Commission did not find the application to meet the criteria in order to support approval. Denying the application would, in the opinion of the majority of the Commission, be consistent with similar determinations made by the Commission in the past. The dissenting opinion noted that the location and clustering of the three (3) trees so closely together, combined with their size, does not reflect best practices that would be used today for the planting of redwood trees and thus supported their removal. Public comment received at the meeting was from the homeowners and project architect.

The property owners/applicant subsequently applied to the City Council to appeal the decision of the Planning Commission denying the HTR.

ANALYSIS

Chapter 8.10 “Removal of and Damage to Heritage Trees” of the Atherton Municipal Code (AMC) outlines the following six criteria for considering the removal of heritage trees.

1. *The probability of failure which is a function of heritage tree and site conditions such as, but not limited to, structural defects, presence of disease, species history, age or remaining life span, and varying weather conditions.*

2. *The probability of a public safety hazard, personal injury or significant property damage as a function of proximity to existing structures and objects of value and interference with utility services.*
3. *The number, species, size and location of existing trees in the area and the effect of the requested removal upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty, health, safety and general welfare of the area and town as a whole.*
4. *Good forestry practices such as, but not limited to, the age, number of healthy trees a given parcel of land will support and/or the long-term benefits of a proposed reforestation plan relative to existing site conditions.*
5. *The necessity to remove or relocate the heritage tree(s) to allow for operation of existing solar panels that were installed prior to the planting of the heritage tree(s) on the subject or adjoining property; and*
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 applicants have submitted letter of appeal providing background as property owners and basis for the appeal (Attachment 1). The applicant's original submittal package as presented to the Planning Commission, including a project narrative, proposed plans, project arborist report and three (3) submitted neighbor letters of support are included in Attachment 2.

The property owners note that they initially began conceptualizing plans for a new main residence (as currently proposed) back in 2013 and that the TPZ regulations in place now were not applicable at that time. The letter of appeal further states, they believe the three (3) heritage trees meet the following two (2) criteria in order to support their removal. These 2 criteria, and applicants' basis of findings, are summarized below. See more detail in Attachment 1:

- *Criteria 2. The probability of a public safety hazard, personal injury or significant property damage as a function of proximity to existing structures and objects of value and interference with utility services.*

It is noted Attachment 1 all three (3) heritage trees are healthy. However, it is further noted that trees are within 4 feet of the existing house and would be equally as close to the new main residence as proposed. Combined with the intertwined nature of the trees, the applicants believe any failure of the trees would result in substantial property damage and potential injury/death. As an example of this risk, the owners previously had another tree that was considered healthy at the time fall on their garage, causing severe damage. The appeal letter notes situating a new main residence closer to the trees under a TPZ exception on the site poses a risk of disturbing roots and compromising the integrity and safety of the trees.

- *Criteria 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.

It is noted in Attachment 1 that there are forty (40) heritage trees on the site and that 37% of the main buildable area is limited by the resulting TPZ's. As the trees continue to grow, these concerns regarding safety and reasonable use of the property will only be exacerbated, the applicant notes. They note the location of the trees, combined with their limited front yard area prevents enjoyment of the use of their front lawn. The trees low hanging branches and close proximity to the house, requires "ducking" to access a pathway to their front door, and further provides substantial shading and shedding – posing a safety issue and/or become a fire risk. The applicants have no plans to remove any other on-site heritage trees and propose to replant a total of eight (8) new trees; four (4) 36-inch cork oaks and four (4) 15-gallon blue oaks to provide additional screening and exceeds the AMC minimum replanting requirement.

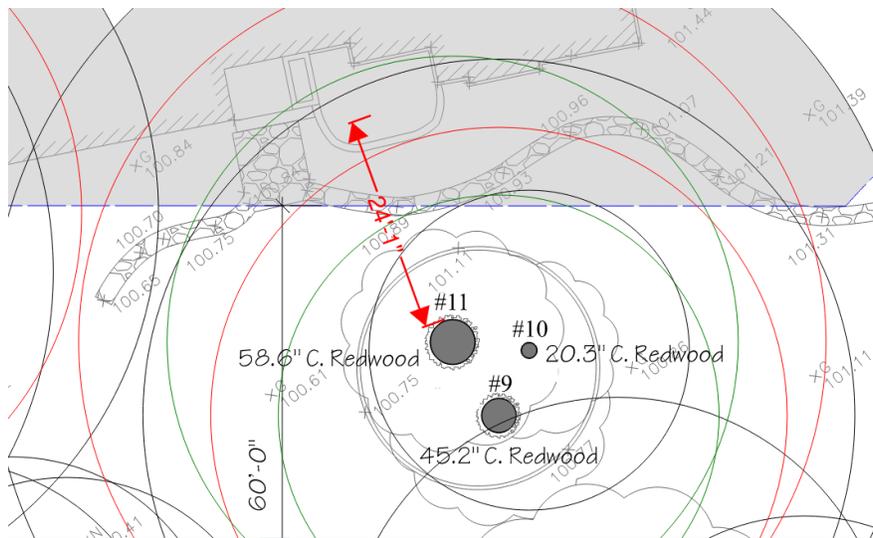
The applicant also states that there is no feasible alternative to the proposed project and that the staff supported TPZ exceptions, which maintain the trees but require revisions to the location of the main residence as currently proposed, do not allow full use of the property. The first alternative explored with staff was to move the proposed residence further toward the rear of the property (and thus further from the trees in conflict). This would necessitate the removal and relocation of the existing pool. The applicant stated at the time of the meeting and in their appeal letter, that this alternative was not desirable, as it would require relocating the pool closer to power lines running along the rear of the property. Locating the pool closer to the rear of the property would also reduce the current level of privacy afforded to the applicant and the rear adjoining neighbor. It is noted that due to the required TPZ's of other on-site heritage trees, the applicant's find that any new main residence must be generally situated in the same, general location as the existing main residence. The second alternative explored with staff was to construct a new main residence in the same general proposed location with a TPZ exception of 6x for the first floor of the main residence and an exception of 8x for the proposed basement. Pursuing this alternative would mean reducing the overall footprint of the basement. The Town Arborist noted support for such TPZ exceptions. However, the applicants note they do not want to pursue this potential alternative due to the potential for future safety hazards and that resulting buildable area does not allow them to develop and utilize their full property.

Lastly, the property owners note they find that the Planning Commission decision to deny the HTR, misunderstood and/or overlooked conditions of their application. They note that the one Commissioner who visited the site was in favor of removing the trees and benefited from visualizing context of the location of the trees and condition of the site overall. The applicant also responds to the stated concern of some of the Commissioners regarding the precedent that would be set by approving the application. The applicant opines that whether the approval of their project would lead to more work or more difficult decisions for the Commission to consider in the future is both not relevant to their project specifically and overlooks the unique context of the property that makes removal of the trees necessary.

The Town Arborist has reviewed all appeal materials submitted that were not included as part of the Planning Commission application and has prepared a detailed supplemental assessment memo (Attachment 4). The Town Arborist's original assessment memo is included within Attachment 2. As discussed above, the Town Arborist would be able to support both the staff level TPZ

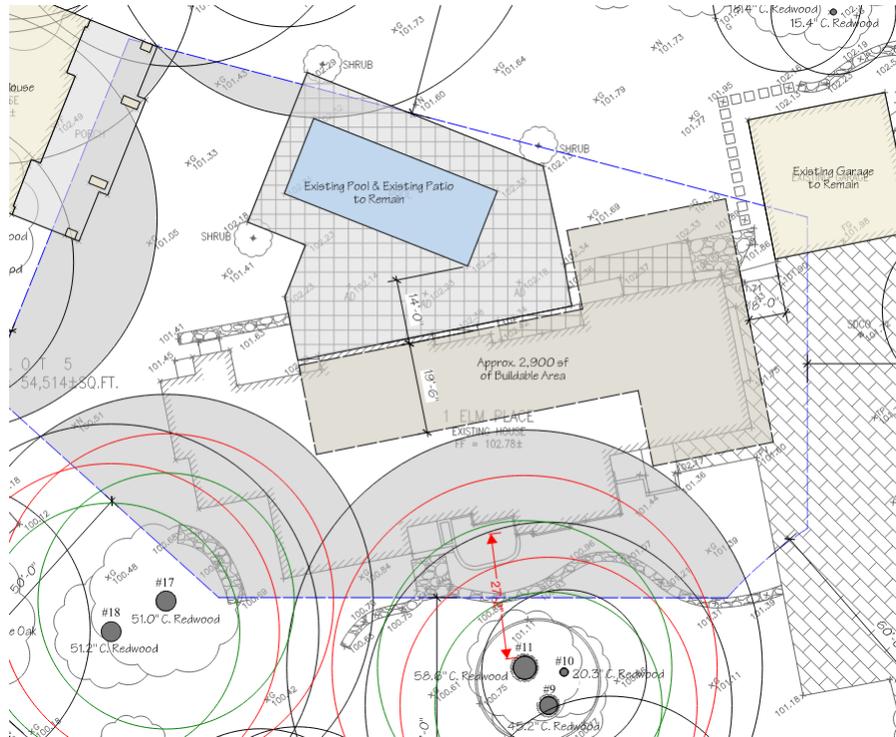
exception of 8x for the basement and an application to the Planning Commission for an exception of 6x for the first floor of the main residence. In terms of the timing of regulations from 2013 to date, the Town Arborist notes that the TPZ requirement in 2013 was at a 12x TPZ, with any request for reductions assessed on a case by case basis. Based on prior exceptions granted, the Town Arborist notes that no TPZ exception of any less than 6x TPZ had been granted as it would encroach into a trees critical root zone. It is noted that while branches of the tree(s) would be pruned upwards, it is not recommended to over prune a redwood tree. The Town Arborist notes that the largest of the trees most closely located to the main residence (Tree #11) is situated approximately 24 feet from the existing main residence as indicated in Figure 2 below.

Figure 2: Location of Tree #11 From Existing Main Residence – Prepared by Town Arborist



The applicant's provided the following Figure 3 to illustrate existing conditions and trees within the defined main buildable area (outlined in blue), in which their plans note approximately 2,900 square feet of buildable area after accounting for TPZs. However, the Town Arborist notes that this calculation is shown utilizing a 10x TPZ, and such square footage number would increase if calculated at either an 8x or 6x TPZ (i.e. reduced TPZ distances if a TPZ exception request was pursued) and additionally does not account for the existing patio area and swimming pool. The Town Arborist also notes additional on-site trees noted to be in fair to poor condition that if evaluated for removal, may be considered in a revised main residence building approach. The Town Arborist notes that redwood trees are fire resistant, that under existing conditions the trees are not found to be a fire hazard, and that the Town does not have any defined Wildland Urban Interface (WUI) zones, so defensible space is not required.

Figure 3: Existing Structures and Trees with TPZs– Prepared by Applicant



It is the professional opinion of the Town Arborist that the trees do not pose a safety concern and/or hazard, and that there are alternative development approaches available that would preserve the three (3) trees in question, and not compromise the protection of other on-site heritage trees to remain to allow reasonable use of the property.

Notice of tonight’s meeting was mailed to all property owners within 500 feet of the subject date. At the time of this report distribution, no public comment has been received.

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 three (3) heritage redwood trees 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 trees. The trees are in good condition, are located outside of the main building area and reasonable

improvements to the site are found to be accommodated with the preservation of the trees as noted within this report. As such, Staff recommends Option 1 noted above.

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 three (3) heritage redwood trees proposed for removal could be preserved with modifications to the project design to locate the main building further away from the trees or construct a residence at a modified location from that currently proposed accompanied by a TPZ exception for both the proposed main house and its basement. Preservation of the three (3) heritage redwood trees, 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 these three (3) heritage trees 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 are paid for by the applicant.

GOAL ALIGNMENT

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal B – Preserve Small Town Character and Quality of Life
- Goal F – Be Forward-Thinking, Well-Managed, and Well-Planned

PUBLIC NOTICE

Notice of this application was mailed to all property owners within 500 feet of the subject property. 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.

ATTACHMENTS

1. Appeal Application, submitted February 2, 2022
2. [January 26, 2022 Planning Commission Staff Report and Attachments](#) (*online link only. Hardcopy provided upon request*)
3. [Planning Commission Meeting Recording, January 26, 2022](#) (*External link, relevant portion begins at the 10minute:30second mark*)
4. Abridged Draft Planning Commission Minutes, January 26, 2022
5. Town Arborist Memo, dated February 8, 2022
6. Draft Heritage Tree Removal (HTR) Permit

Dear Town of Atherton City Council:

Thank you for the opportunity to meet with you and discuss some of the unique characteristics of our property and work towards a solution.

Our story:

- We moved into our home on 1 Elm Place in 2011 and are now a busy family of 5 (sons 11, 9, 6). We are excited to raise our family here and enjoy being part of the Atherton community and are especially active at Encinal Elementary school.
- Our property is a five sided, heavily wooded lot with 40 protected heritage trees, and dozens more large non-heritage trees. (Front yard photos [here](#))
- In 2013, we built a pool house in a different architectural style than our home, with a **long term plan** to knock down and rebuild our main house in the future.
 - We had a positive experience when working around heritage trees in 2013 and based our plan on the rules and experience at the time.
- In mid-2019, we started looking at finishing our long term plan, flirted for a moment with the idea of a remodel, and ultimately began detailed planning to build our forever home in Atherton, including an ADU to help with densification. We kept an open dialogue with our neighbors who are all supportive of our plan.
- While planning our home, we discovered that 37% of our buildable area fell within TPZ zones **under the new rules put in place in 2019**, severely limiting potential plans for construction and creating exceptional **hardship**. After examining many potential alternatives and consulting arborists, we determined that we had an option to only remove 3 three heritage trees to enable us to enjoy the full use of property.
- We applied in November 2022 for removal of these trees with a strong case and are **seeking help from this body to acknowledge the unique circumstances of our property and allow for removal of 3 (less than 8% of the protected total) trees** on our lot.

The Planning Commission:

On January 26, 2022 the Town of Atherton Planning Commission voted 3-1-1 to reject our application for the removal of these (3) heritage, redwood trees in our front yard. The (3) trees act as a single entity due to their intertwined canopies and root system and therefore can not be removed individually. The Chair of the Commission, Commissioner Lane, voted and spoke strongly in our favor and his voice should be given special consideration since he was the only commissioner to accept our invitation to visit the property and understand its unique nature.

We are appealing the planning commission decision for two main reasons:

1. **Our situation meets two important criteria of the six available to allow removal of heritage trees. The language and reasoning to allow us to remove these trees already exists and can be easily applied in this case.**
2. **The planning commission overlooked or misunderstood key elements of our situation.**

On the first point, the criteria that our tree meets is in the town planning code for removal is: 8.10.D.6 - which states that a heritage tree may be removed when:

8.10.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.

As the criteria is clearly somewhat subjective around “reasonable use or other enjoyment,” we list the following relevant facts as to why we must, unfortunately, remove the trees for our “reasonable use or other enjoyment,” AND why there is no “no demonstrated feasible alternative” and this meets “other adopted goals and policies of the general plan to the greatest extent feasible.”

In plain English, we have a hardship from the grove of trees, as well as TPZs which take up 37% of our buildable property - which significantly impairs our enjoyment and use of the property.

We effectively cannot use our front lawn. The size of our front yard is limited, and the trees prevent enjoyment of the front yard by ourselves and our children. They cannot play in the front yard due to the large trees directly in the middle. Our rear yard has high voltage power lines so it is not advisable to push back any construction.

The trees must be removed for our reasonable use and enjoyment:

- Irrespective of any future plans, we cannot fully enjoy our current house with the locations of the trees. We cannot have a path to our front door that does not require ‘ducking’ under the low hanging branches and substantial shade and shedding.
 - Pruning the low hanging branches would lead to a “Franken-tree” and still be too close and too big as Commissioner Lane stated.
- The nearest end of a branch lies less than 4 feet from our house, and right outside our front door, rendering our front door difficult to access, requiring a winding path and walking under low hanging tree limbs and the continually shedding of the leaves and seeds (for which redwoods are common), as well as non-stop shade and darkness at our entrance.
 - This could be a safety issue under 8.10.D.2, or become one due to fire risk from climate change and low watering requirement from Cal Water.
- The trees are very large and will continue to grow even larger.
- We have Heritage trees on our property and are able to enjoy and use our property with all of the other trees. It is only this small grove that denies us reasonable use and enjoyment of our property. With our current long term plan – **we do not envision removing any other heritage trees in the future for reasons other than safety.**

- We are planning on building a new home, yet the problems will persist and the front entrance to the house must be in generally this location for reasons discussed below around alternatives.

There is no demonstrated feasible alternative

Staff has looked very hard at our proposal and has a report which accurately represents current TPZs, which can be approved at a staff level, and has tried to provide maximum flexibility but their staff-level approval options do not allow us to develop and use our full property. We greatly appreciate their work and openness to finding solutions not requiring appearances before the planning commission or council, however, even with this recommendation:

- Irrespective of any future plans, we cannot fully enjoy our current house with the locations of the trees. We rarely use the front door because it requires ducking under branches that grow very quickly. We cannot move our current house.
- The property has small frontage on the road, at only a small corner of the property on the Cul de Sac. Given required setbacks for the garage, the only feasible place for the driveway is where it is (or alternatively, where the Heritage trees are now).
- Similarly, the garage must be approximately where it is due to setbacks and the location of the driveway.
- Given the location of the driveway and garage are set, and required setbacks, as well as the 46 other heritage trees on the property with required TPZs, the position of the house must generally be what it is currently, even if a new house is built. This is demonstrated on an attached diagram showing buildable property and TPZs.
- Any new house would have a front door at a similar location, and would still suffer from the problems of the current house with a difficult to access front door, super-shaded front lawn, and continual shedding on any entry path.
- For future plans, there are power lines in the back, and a PG&E easement preventing substantial shade trees (we have tried and they continue to be topped/aggressively pruned), which would strongly negatively impact our pool/pool deck or enjoyment area if we have to get closer to them. No one wants to get closer to the power lines. The space near the power lines is much less desirable than the space away from it. Reasonable use and enjoyment lets us get away from the power lines – not requiring us closer to them. This also preserves our neighbors' privacy.
- Restating from Commissioner Lane, **“These trees are too big, and in the wrong place.”** The recommendation to move our house back does not solve this, and creates

new concerns with high voltage power lines, losing screening trees and would be a different request to take down other heritage trees in the back of the property.

Finally, removing these trees will *meet other adopted goals and policies of the general plan to the greatest extent feasible.*

- We will reduce from 40 to 37 Heritage trees on our lot, leaving Atherton's character unchanged.
- In addition, we will plant (8) large replacement trees as recommended by the town staff and outlined in the staff report. We have a strong replanting plan and will add trees that are better suited to climate change and provide additional screening to our neighbors.
- All three neighbors bordering sides of our property that can view the trees have included emails of support (attached in the town plan). They would also like the trees removed.
- We will build an ADU which allows for a housing bonus and densification in Atherton.
- We have proposed a community benefit, exceeding the number of large box trees (8 vs 6) to re-plant.

The second criteria we qualify for would be safety.

8.10.D.2 allows removal of a heritage tree when:

The probability of a public safety hazard, personal injury or significant property damage as a function of proximity to existing structures and objects of value and interference with utility services;

While the town and our arborist agree that the trees are healthy, they are within 4 feet of our current house, and will be similarly close to our proposed house, as such – there are two challenges

- The location of the trees and their intertwined nature means any failure would be catastrophic, resulting in substantial property damage and potentially injury/death. We have already had one "healthy" tree fall on our property, which luckily only severely damaged our garage and the power lines, but caused no injuries.
- There is a fire hazard given how close the tree is to our house and from its overhanging branches.
- Construction on our property to build a new home and basement even closer to the trees (as recommended by planning commission) could compromise the roots and further aggravate the situation.

Also: There is no opposition to this tree removal. All three neighbors on the sides of property that the trees face have issued emails of support, included in this package.

Given the uniqueness of our situation, we encourage the town council to visit in advance, as Commissioner Lane did, and we trust that you will agree with Commissioner Lane from the town Council and accept the application for removal.

2. The planning commission overlooked or misunderstood key elements of our situation.

- a. **Only one commissioner visited our property (who voted to remove trees):** While planning staff accurately described the trees and TPZs and criteria for removal – we have a unique aspects and a hardship on our property due to this cluster of trees and that our heritage trees do indeed meet one of the criteria for removal - and this fact was effectively expressed by the dissenting vote, from Commissioner Lane because he was the only commissioner who visited our property and was able to properly assess the, in his exact words, “unique aspects” of our property.

After conducting this thorough assessment, he summarized why we meet the criteria for accepting our permit: “These trees are too big and they’re in the wrong space.”

Commissioner Lane also noted that, “There was a unique aspect of this property when I visited.” He also noted that “the proximity to the existing house” is an issue.

- b. **ADU/SB9 not evaluated:** Our proposed construction, submitted from the beginning, includes an ADU under SB9. As such, we do not believe that using trees to block/modify is appropriate, nor was this impact in increasing the densification of Atherton and adding a unit considered as being strongly in line with the general plan, and overall goals. Our ADU and its SB9 qualification, and increasing housing units/density in Atherton were not considered, as they should have been.
- c. **Additionally, the Planning Commission unfairly denied this request by citing many incorrect statements/concerns which have nothing to do with the guidelines for removal of heritage trees:**
- i. The other commissioners, who did not visit our property, were unable to properly assess the hardship this cluster of trees puts on our property and our “unique aspect of this property” – that we were denied a fairness or process by their not visiting – and assessing the heritage trees against this criteria and, therefore, the application should be accepted.
 - ii. A reason argued by two different commissioners for rejecting our application was that the planning Council had, “spent years doing a tree plan” and had “just spent a huge amount of time on trees.” The amount of time previously spent on trees should not influence their decision.
 - iii. A commissioner cited as a reason, “We were developers. We have times like this. We don’t get that choice to take these down just because they happen to be in a different part of the site where, you know, we ever expected, now that we want to build something. **Whether or not the Commissioner is able to take trees down in other situations should not have been considered, as he cited, in our application. In addition, the impact on our current house should be considered, which it was not.**
 - iv. In addition, **one of the major reasons stated and argued for rejecting our application by a planning commissioner, and agreed with by other commissioners, was his fear that accepting our application would lead to an “onslaught [of work] if we accept this precedent.”**

1. Whether true or not, an “onslaught” of work is not a valid reason under Atherton’s codes for rejecting our permit and should not have influenced the decision as it did.
2. Our property is so unique that there is no precedent setting.
3. In addition, if precedent setting can be considered (we do not believe it should be), denying these trees would set a precedent for both: 1) never plant trees in or near buildable property, and 2) remove trees in or near buildable property before they reach heritage status.

Summary:

This is our community and our home. We have significantly more trees (40 Heritage trees) and buildable property impacted by TPZs (37%) than the average lot. This presents a serious hardship and should be considered by this council. Removal of only three trees within the guidelines of heritage tree removal should be approved to make reasonable accommodation. We have a thoughtful tree replanting plan in place that is good for the environment and for our neighbors.

Given the many non-valid reasons brought up by the Commissioners, as well as their not visiting our property beyond Commissioner Lane, our appeal should be considered and should be accepted for the valid reasons we do meet.

Finally, we wish to clarify one incorrect statement which came up in Council Meeting. Despite being in staff’s and our verbal statements and the application, one of the Commissioners effectively stated, “You just moved in and don’t like a tree or our current rules. Tough.”

We would like to clarify that we are not developers and have lived at 1 Elm Place for over 11 years and the rebuilding of a 1950s era home has been a long term goal for us and our family. In fact, it is Atherton’s tree removal regulations which have changed in the time we have lived here. We plan to remain active members of the community and request a second look at this decision to fully use and enjoy our property.

Thank you,

Mikey and Noah Kindler
Homeowners, 1 Elm Place









TOWN OF ATHERTON
PLANNING COMMISSION APPLICATION



| | TYPE OF APPLICATION | FEE |
|---|--|-------------|
| | Appeal | \$814.79 |
| | Special Structure Permit | \$2,822.82 |
| | Conditional Use Permit | \$2,822.82 |
| | Environmental Impact Report | Actual cost |
| | Final Parcel Map | \$2,822.82 |
| | General Plan Amendment | \$5,428.50 |
| X | Heritage Tree Removal Permit / TPZ Exception | \$2,171.40 |
| | Initial Review/Negative Declaration | \$2,171.40 |
| | Lot Line Adjustment | \$1,628.55 |
| | Lot Line Redesignation | \$2,822.82 |
| | School Master Plan | \$814.79 |
| | Tentative Parcel Map | \$2,822.82 |
| | Variance | \$2,822.82 |
| | Zoning Ordinance Amendment | \$5,428.50 |

SITE ADDRESS: 1 Elm Place APN: 061-193-060

Provide a brief description of the proposed project: Application to remove 4 heritage trees and decrease TPZ of 1 tree from 10x to 8x to allow for demo of existing house and construction of new home w/ basement.

PROPERTY OWNER:

Name: Mikey & Noah Kindler
 Mailing Address: 1 Elm Place, Atherton CA 94027
 Phone: 650-215-0196
 Email: Mikey.Kindler@gmail.com
 Signature: Mikey Kindler

APPLICANT:

Name: Kelly Johnson, Zak Johnson Architects
 Mailing Address: 900 College Ave., Menlo Park CA 94025
 Phone: 650-329-9767
 Email: Kelly@zakjohnson.com
 Signature: Kelly Johnson

.....
FOR COMPLETION BY TOWN OF ATHERTON:

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

Project #: _____



DATE: PLANNING COMMISSION MEETING OF JANUARY 26, 2022

TO: THE PLANNING COMMISSION

FROM: RALPH ROBINSON, ASSISTANT PLANNER

SUBJECT: REQUEST FOR A HERITAGE TREE REMOVAL PERMIT FOR THREE HERITAGE REDWOOD TREES AT 1 ELM PLACE (APN 061-193-060)

RECOMMENDATIONS:

For the reasons as outlined in this staff report, Planning Staff recommends that the Planning Commission conduct the public hearing and deny the Heritage Tree Removal Permit for the removal of three (3) heritage redwood trees (trees #9, #10 and #11) based on the finding outlined below.

- A. The removal of the heritage trees would be contrary to the purpose and intent of the Atherton General Plan.

Basis for Finding: In the professional opinion of the Town Arborist, the three heritage trees are neither dead nor dangerous, and are in good health and condition per the findings of both the Town Arborist and the report prepared by Advanced Tree Care from November 10th, 2021. The Town Arborist also could not make the necessary findings as provided by Chapter 8.10 “Removal of and Damage to Heritage Trees” for any of the three (3) trees to support approval for their removal. As such, the project is found to be contrary to the purpose and intent of the General Plan.

BACKGROUND:

One (1) Elm Place is a 54,514 square foot (1.25-acres) lot located within the R-1A zoning district and is surrounded by other low-density, single-family homes. In January 2021, the property owner applied for and received Tree Protection Zone (TPZ) exceptions for three trees (Trees #9, #11, #17) to add a 571 square foot (sf) first floor addition to the existing house. This addition to the main residence was not carried out.

The property owner is now proposing to demolish the main residence and build a new two-story main residence with a basement. The existing driveway, detached garage, pool and pool house are proposed to remain. To accommodate the new main residence, the property owner applied for and received approval for a staff level TPZ exception of 8x for one heritage tree (tree #18). The applicant also received staff level approval for one heritage tree removal (tree #17) due to the poor form of the tree.

The property owner is requesting the removal of three additional heritage redwood trees (trees #9, #10 and #11). Figure 1 provides the location of the trees in question. Tree #18, granted a staff level TPZ exception, is marked with a green X. Tree #17, granted a staff level HTR, is marked with a blue X. Trees #9, #10 and #11, the subjects of this Planning Commission HTR request, are marked with a red X.

Figure 1: Location of Trees Proposed for Removal & TPZ Exception



A report on the size and condition of the trees was prepared by Advanced Tree Care on November 10th, 2021. The size and condition of the three trees subject to the Planning Commission HTR request are provided in Table 1. The complete findings of the arborist report are included in Attachment 4.

Table 1: Heritage Trees Requested for Removal

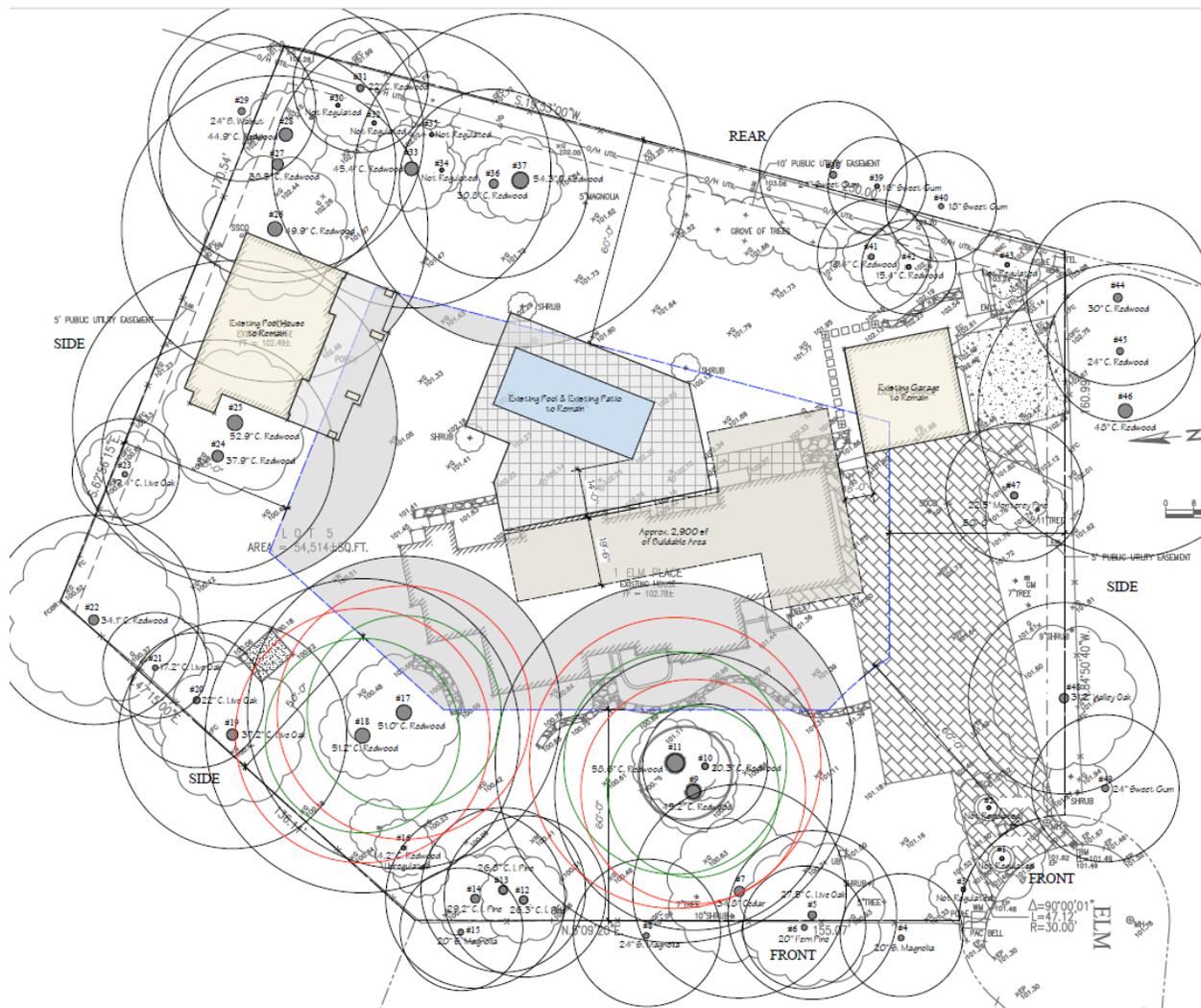
| Tree# | Species | DBH | Ht/Sp | Con Rating | Comments |
|-------|--|-------|--------|------------|--|
| 9 | Coastal redwood <i>Sequoia sempervirens</i> | 45.2" | 100/20 | 70 | Good health and condition, part of grove, Regulated |
| 10 | Coastal redwood <i>Sequoia sempervirens</i> | 20.3" | 70/15 | 60 | Good health and condition, part of grove, Regulated |
| 11 | Coastal redwood <i>Sequoia sempervirens</i> | 58.6" | 100/20 | 70 | Good health and condition, part of grove, Regulated |

ANALYSIS:

The removal of the three trees is to accommodate the construction of the new residence. An existing driveway, detached garage, pool and pool house are proposed to remain. The presence of these existing structures and the forested character of the property, as the applicant notes in the project description included here as Attachment 3, constrains where new construction can take place. The applicant submitted arborist report identifies 49 trees overall, 40 of which meet the requirements for a heritage tree.

To illustrate the constraints on the property created by existing trees and structures, the applicant provided the following, noted here and in Attachment 6 as Figure 2. The blue line indicates the main buildable area and various circles indicate associated TPZs.

Figure 2: Existing Structures and Trees with TPZs



The applicant also provided two potential options for the orientation of the new residence. The preferred orientation is provided here and within Attachment 6 as Figure 3. The three trees proposed to be removed are marked with a red X. The proposed new residence includes a 4,950 sf

first floor plan, with a basement matching the footprint of the first floor. A second option for the orientation of the house is also provided within Attachment 6 as Figure 4. This second option creates more of a courtyard around the pool patio, though without creating any additional buffer for the TPZs.

Figure 3: Layout of Proposed New Residence



The Town Arborist could not make the necessary findings to recommend the removal of these three trees based on the following six criteria for Heritage Tree Removals per Chapter 8.10 of the Atherton Municipal Code.

1. *The probability of failure which is a function of heritage tree and site conditions such as, but not limited to, structural defects, presence of disease, species history, age or remaining life span, and varying weather conditions.*
2. *The probability of a public safety hazard, personal injury or significant property damage as a function of proximity to existing structures and objects of value and interference with utility services.*
3. *The number, species, size and location of existing trees in the area and the effect of the requested removal upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty, health, safety and general welfare of the area and town as a whole.*
4. *Good forestry practices such as, but not limited to, the age, number of healthy trees a given parcel of land will support and/or the long-term benefits of a proposed reforestation plan relative to existing site conditions.*
5. *The necessity to remove or relocate the heritage tree(s) to allow for operation of existing solar panels that were installed prior to the planting of the heritage tree(s) on the subject or adjoining property; and*

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.*

While it is understood that the trees present constraints on the use of the property, Staff finds that a new residence could be reasonably accommodated with the issuance of Tree Protection Zone (TPZ) exceptions of six times the trees' diameters (6x) for the new residence and eight times the trees' diameters (8x) for the basement. The good health and condition of the trees would also support the findings needed to grant a TPZ exception, as was previously granted for this property. Additionally, it is found that there is sufficient space to locate the main residence and pool area further back within the property, limiting impacts to the three trees.

These alternative approaches that could be supported by staff were discussed with the applicant at a meeting held on December 21, 2021. The applicant stated their desire not to pursue the TPZ exceptions for the three trees, as they would be located close to the new house and may pose a risk to the home and its denizens in the future. The alternative to remove the pool and locate both the house and pool further back towards the rear of the property was also not preferred by the applicant. As referenced at the time of the meeting, and in the letter provided as Attachment 3, the applicant states that locating the pool closer to the rear of the property would intrude on other trees and create additional noise and privacy concerns for neighbors. However, as Figure 2 shows, there is space in the rear of the property where no TPZ zones for heritage trees would be impacted, and additional space could be created with the issuance of TPZ exceptions. The trees in the rear of the property also provide a fair degree of screening, mitigating privacy concerns. Following this discussion of December 21, the applicant decided to move forward with requesting removal of the three trees.

The applicant has submitted a Replacement Tree Planting Plan, which the project would be subject to per the "Draft Heritage Tree Removal Permit (HTR) Permit" provided in Attachment 1, should the Commission make the findings to approve the application. Input on the species of the replacement trees was taken from the Town Arborist. The plan includes the planting of 4, 36" box Cork Oaks and 4, 15-gallon Blue Oaks overall. The complete replanting plan is included as Figure 5 within Attachment 6.

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. The applicant conducted their own outreach to adjacent neighbors and received several emails in support of their application. Those are included as Attachment 7.

CONCLUSION

To grant a Heritage Tree Removal Permit, the Planning Commission must find that the removal of the trees would not be contrary to the purpose and intent of the Atherton General Plan. Land Use Goal 1.210 of the General Plan states it is an Objective, "*To preserve the Town's character as a scenic, rural, thickly wooded residential area with abundant open space*" while 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.*"

Staff is not supportive of the removal of the three coastal redwood trees from this property due to their good condition and form. The trees are not dead, dying nor determined to be dangerous and are not likely to result in possible damage to private property should they remain in the opinion of the Town Arborist. Lastly, it is found that there may be feasibility to locate improvements elsewhere on the property which could allow the trees to remain. As such, it is Planning Staff's professional opinion that the removal of the heritage trees would be contrary to the purpose and intent of the General Plan and the Zoning Ordinance.

ALTERNATIVES:

The Planning Commission could approve or modify the request for the Heritage Tree Removal permit. Should the Planning Commission make the finding to approve the Heritage Tree Removal (HTR) permit, it is further recommended that the Commission do so subject to the draft conditions as listed in Attachment 1, "Draft Heritage Tree Removal Permit (HTR) Permit".

FISCAL IMPACT:

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

ENVIRONMENTAL IMPACT:

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

FORMAL MOTION:

I move that the Planning Commission find the request for a heritage tree removal for three coastal redwood trees (Trees #9, #10 and #11) is contrary to the purpose and intent of the General Plan, for the reasons outlined in the Staff Report and the Planning Commission deny the Heritage Tree Removal (HTR) Permit at 1 Elm Place.

/s/ Ralph Robinson

Ralph Robinson, Assistant Planner

Attachments:

1. Draft Heritage Tree Removal (HTR) Permit
2. Town Arborist Memo, dated December 16, 2021
3. Applicant Provided Project Description, dated January 16, 2022
4. Arborist Report Prepared by Advanced Tree Care, dated November 10, 2021
5. Detailed Application for Tree Removals, dated November 10, 2021
6. Project Drawings, dated November 10, 2021
7. Neighbor Letters of Support



TOWN OF ATHERTON
PLANNING COMMISSION
HERITAGE TREE REMOVAL PERMIT

THIS IS TO CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on Wednesday, January 26, 2022 did grant a Heritage Tree Removal Permit to Kelly Johnson of Zak Johnson Architects., applicant, on behalf of property owners Mikey and Noah Kindler pursuant to Atherton Municipal Code Section 8.10 to allow the removal of three heritage coastal redwood trees, Trees #9, #10 and #11, at 1 Elm Place in Atherton (Assessor's Parcel Number 061-193-060). The Permit was approved subject to the following conditions:

1. Heritage tree removal shall be limited to three coastal redwood trees, Trees #9, #10 and #11 as shown on the plan prepared by Zak Johnson Architects, dated November 22, 2021, and as reviewed by the Planning Commission at its January 26, 2022 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 approved replanting plan 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.
4. Applicant shall defend, indemnify, and hold harmless the Town of Atherton and its agents, officers and employees from any claim, action or proceeding against the Town, or its agents, officers and employees to attach, set aside, void, or annul, an approval of the Planning Commission, or City Council concerning this project.

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, Principal Planner
Date: 1/26/22
Re: Heritage Tree Removal Application at 1 Elm Road

I have reviewed the application at 1 Elm Road and offer the following observations and recommendation for your review:

At the January 27th, 2021, Planning Commission meeting the Commission approved the following TPZ's for a remodel/addition of the existing house.

1. Tree #5 – Redwood – Sequoia sempervirens - 60” dbh – 3.5x – Is now tree #11
2. Tree #6 – Redwood - Sequoia sempervirens – 46” dbh – 7x – Is now tree #10
3. Tree #9 – Redwood - Sequoia sempervirens - 52” dbh – 5.5x – Is now tree #17

The applicant now wishes to build a new house.

At staff level I approved an 8x TPZ for tree #18 and at staff level I approved the tree removal of tree #17.

Tree #17 has poor form with three leaders at the top.

The application for Planning Commission is to remove Redwood trees # 9, 10, and 11.

Per Advanced Tree Care’s report from November 10th, 2021:

| <u>Tree#</u> | <u>Species</u> | <u>DBH</u> | <u>Ht/Sp</u> | <u>Con Rating</u> | <u>Comments</u> |
|--------------|--|------------|--------------|-------------------|--|
| 9 | Coastal redwood <i>Sequoia sempervirens</i> | 45.2” | 100/20 | 70 | Good health and condition, part of grove, Regulated |
| 10 | Coastal redwood <i>Sequoia sempervirens</i> | 20.3” | 70/15 | 60 | Good health and condition, part of grove, Regulated |
| 11 | Coastal redwood <i>Sequoia sempervirens</i> | 58.6” | 100/20 | 70 | Good health and condition, part of grove, Regulated |

Trees #9, 10 and 11 are neither dead nor dangerous and so are in front of the Commission for a request to remove.

I could not make any of the findings below.

1. The probability of failure which is a function of heritage tree and site conditions such as, but not limited to, structural defects, presence of disease, species history, age or remaining life span, and varying weather conditions.
2. The probability of a public safety hazard, personal injury or significant property damage as a function of proximity to existing structures and objects of value and interference with utility services.
3. The number, species, size and location of existing trees in the area and the effect of the requested removal upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty, health, safety and general welfare of the area and town as a whole.
4. Good forestry practices such as, but not limited to, the age, number of healthy trees a given parcel of land will support and/or the long-term benefits of a proposed reforestation plan relative to existing site conditions.
5. The necessity to remove or relocate the heritage tree(s) to allow for operation of existing solar panels that were installed prior to the planting of the heritage tree(s) on the subject or adjoining property; and
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.

E. At the discretion of the planning commission, for each heritage tree permitted to

Advanced tree care does not recommend that any of the three trees should be removed without them all being removed. Because the trees are neither dead nor dangerous. I understand the applicant has multiple constraints on the lot with multiple large heritage trees however I cannot recommend their removal. I feel there is sufficient room with the 8x TPZ exception of tree #18 and with the removal of tree #17. If the Commission does not approve the removal of tree #9, 10 and 11, I would recommend allowing the house to be at 6x TPZ and a basement at 8x TPZ for this group of trees. I would not want the house to be closer than 6x as to avoid future tree conflicts with a new house.

If approved by the Commission, the applicant has a good replanting plan. The requirement is for every tree approved for removal is to plant three trees of fifteen-gallon container size, or two trees of twenty-four-inch box container size, or one tree of fifteen-gallon container size and one tree of thirty-six-inch container size. The applicant is suggesting replanting four 36" box Cork Oaks and four 15-gallon Blue Oaks.

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

Project Description
1 Elm Place, Atherton, CA
January 16, 2022

Town of Atherton Planning Commissioners:

We are submitting this Application for Heritage Tree Removal for your consideration. In our application we are asking to remove (4) Coastal Redwoods and decrease the Tree Protection Zone (TPZ) for one additional Coastal Redwood from 10X to 8X the diameter. The purpose of these removals is to facilitate the building of a new 2-story home with a basement at the above listed address for the Kindler family. It is the owner's desire to build their forever home on this property where they have lived for the past 9 years.

Attached to this application you will find the following drawings that are referenced in this narrative:

- Figure 1** - Existing Site Plan showing buildings, driveway & pool with required TPZ's for all regulated trees on site and on neighboring sites.
- Figure 2** - Impact of TPZ's on allowable Building Area.
- Figure 3** - Diagrammatic Layout of 1st Floor of New Residence - Option 1
- Figure 4** - Diagrammatic Layout of 1st Floor of New Residence - Option 2
- Figure 5** - Site Plan showing proposed location, size & species of replacement trees.

Rob Weatherill, Certified Arborist from Advanced Tree Care, has provided a complete tree inventory and arborist report for the property. In addition, a supplemental report has been provided for the 4 specific trees we are asking to remove and another supplemental report provided for the 1 tree in which we are asking to decrease the TPZ.

Mr. Weatherill's report identifies (49) trees on the property that have a diameter greater than 12" and/or on neighboring properties within 8' of the property line that may be impacted by construction. (40) of the trees in the Tree Survey are Regulated by the Town of Atherton. See **Figure 1**. In addition to the regulated trees, there are many, other smaller ornamental and landscape screening trees in existence on the site. The overall site is park like in nature and has almost complete privacy from the neighboring properties.

Of the regulated trees, the 10X required TPZ's cover 37% of the buildable area inside the building setbacks. The current house is 4,658sf and is located deep in the TPZ's of (5) Coastal Redwoods. See **Figure 1**.

The Owners intend to save the Existing Pool House (built in 2012), the Existing Pool & Pool Deck (built in 2013), the Existing Garage location, and the Existing Driveway. When you take into account these existing conditions and the impacts of the required TPZ's, the leftover "footprint" for a new house is a very unusable shape as shown in **Figure 2**. This "footprint" is a long, hammer configuration that is not

conducive to the functions of a family home and is much smaller than the existing house currently on site. The owners are not able to develop a new house that is comparable to the neighboring properties due to the strict limitations of these (5) Coastal Redwoods.

Referring again to **Figure 2**, an argument might be made that the existing swimming pool & pool deck could be demolished allowing for a larger building footprint within the setbacks. But realistically there is no other location for the pool & pool deck that would not be impacted by other regulated trees. There is only one small patch of land to the Northeast side of the garage that is unaffected by the TPZ's of the regulated trees, yet this area would only allow for a considerably smaller pool with very little pool deck. In addition, this location would have a greater privacy impact with more noise intrusion for the rear yard neighbor.

Figure 3 and **Figure 4** show 2 different building diagram options within the setbacks of the building area and look at the impacts these designs have on the Coastal Redwood trees #9, #10, #11, #17, and #18. As you can see the bubble diagram shown in **Figure 3** – Option 1 has a very similar footprint to the existing house. We show an approximately 4,950sf first floor plan with an additional 850sf of covered patio area located near the pool. The owner desires to build a basement under the full footprint of the first floor. There are areas of this footprint where we are further away from the trees than the existing house, but to make the plan work, we are still deep into the TPZ's of the nearby trees.

In **Figure 4** – Option 2 we try a different orientation for the bubble diagram to create an overall courtyard around the existing pool. We did not find that this orientation has any clear advantage to staying outside the TPZ's.

After studying multiple options and considering the impact that the basement construction would have on the root system of the Redwoods, we are asking to remove Tree #9, #10, #11, and #17 and to reduce the 10X TPZ of Tree #18 to a TPZ of 8X.

Trees #9, #10, & #11 act as a single cluster and cannot realistically be removed independently from each other. There is fear that even if we could design the building to stay just outside the 6X TPZ diameter, the construction of the basement could severely impact the root system of this tree cluster and it would not be safe for the occupants in the new house. Because of this safety issue, we ask to remove the trees, not to get closer to them with a reduced TPZ.

Tree #17 is a co-dominant trunk with (3) competing stems. It is less desirable than the neighboring tree #18 and due to the multiple stems, we feel that the basement construction in this area would again create an unsafe condition for the residents. We feel that we can adequately stay outside the 8X diameter of tree #18 and that this would be acceptable for the basement construction.

Overall, we feel that the removal of the (4) Redwood Trees, representing just 10% of the (40) trees that are regulated in the Tree Survey is a reasonable request on a piece of land that is home to so many protected trees. In addition, the redwoods draw a vast amount of water from the ground and as the climate becomes dryer and hotter, their thirst and location will affect the health of adjacent native trees in the landscape.

As part of our application, we have included a Replacement Tree Planting Plan. With careful consideration of the species selection and location of (8) new trees, the impact of the Coastal Redwoods removal can be partially mitigated. In **Figure 5** we call out and show size and location of these proposed new trees. Particular attention was paid to a list given to us by Town Arborist, Sally Bentz with her recommendations for specific Oak tree varieties that she feels will do better in the years to come in the warmer, dryer conditions we are seeing due to climate change.

In addition, we have reached out to (3) neighbors, Devesh Garg located at 2 Elm Pl, Marc Verdiell located at 48 Linden Ave., and Michelle Donatelli of 8 Catalpa Dr. We received support of our plans to remove the 4 Redwoods from all three of the property owners. See attached emails for confirmation.

Thank you for your consideration of this application.

Kelly Johnson, Zak Johnson Architects
Mikey & Noah Kindler, Owners

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

Mikey and Noah Kindler
1 Elm Pl
Atherton, CA 94027

Site: 1 Elm Pl., Atherton

Dear Mikey and Noah,

At your request I visited the above site for the purpose of inspecting and commenting on the regulated trees around the property. A new home is planned, prompting the need for this tree protection report.

Method:

Atherton regulates the following trees:

1. All trees outside the buildable with a trunk than 48" in circumference (15" diameter), when measured 48" above grade. Except for the following species *Acacia baileyana*; *Acacia decurrens*; *Acacia melanoxylon*; *Ailanthus altissima*.

2. Only native oaks (*Quercus*) species with a trunk diameter greater than 48" in circumference (15" diameter), when measured 48" above grade located in the 'Building or Dwelling Area'. This is the area within a lot in which the dwelling may be constructed.

Atherton requests that the tree protection plan contains all trees with a trunk diameter greater than 12 inches be included, this also includes trees on neighboring properties within 8 feet of the property line that may also be impacted by construction.

The location of the regulated trees on this site can be found on the plan provided by you. Each tree is given an identification number. The trees are measured at 54 inches above ground level (DBH or Diameter at Breast Height). A condition rating of 1 to 100 is assigned to each tree representing form and vitality on the following scale:

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

The height and spread of each tree is estimated. A Comments section is provided for any significant observations affecting the condition rating of the tree.

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

A Summary and Tree Protection Plan are at the end of the survey providing recommendations for maintaining the health and condition of the trees during and after construction.

Photos and Appraised Values of the trees can be found in the Addendum at the end of the report

If you have any questions, please don't hesitate to call.

Sincerely



Robert Weatherill
Certified Arborist WE 1936A

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

Tree Survey

| Tree# | Species | DBH | Ht/Sp | Con Rating | Comments |
|-------|--|--------|--------|------------|--|
| 1 | Valley oak <i>Quercus lobata</i> | 13.1" | 20/15 | 58 | Fair health and condition Not Regulated |
| 2 | Coast live oak <i>Quercus agrifolia</i> | 12.5" | 25/18 | 60 | Good health and condition Not Regulated |
| 3 | Coast live oak <i>Quercus agrifolia</i> | 14.5" | 30/18 | 60 | Good health and condition, suppressed by #2, Not Regulated |
| 4 | Southern magnolia <i>Magnolia grandiflora</i> | 20"est | 30/20 | 30 | Poor health and condition, topped at 20', neighbors, Regulated |
| 5 | Coast live oak <i>Quercus agrifolia</i> | 27.5" | 50/30 | 65 | Good health and condition Regulated |
| 6 | Fern pine <i>Podcarpus gracilior</i> | 20"est | 30/20 | 55 | Fair health and condition, neighbors tree, Regulated |
| 7 | Deodar cedar <i>Cedrus deodara</i> | 34.8" | 80/40 | 65 | Good health and condition, codominant at 50', Regulated |
| 8 | Southern magnolia <i>Magnolia grandiflora</i> | 24"est | 25/20 | 30 | Poor health and condition, topped at 20', neighbors, Regulated |
| 9 | Coastal redwood <i>Sequoia sempervirens</i> | 45.2" | 100/20 | 70 | Good health and condition, part of grove, Regulated |
| 10 | Coastal redwood <i>Sequoia sempervirens</i> | 20.3" | 70/15 | 60 | Good health and condition, part of grove, Regulated |
| 11 | Coastal redwood <i>Sequoia sempervirens</i> | 58.6" | 100/20 | 70 | Good health and condition, part of grove, Regulated |
| 12 | Canary Island pine <i>Pinus canariensis</i> | 26.3" | 70/30 | 60 | Good health, fair condition, leaning, part of grove, Regulated |
| 13 | Canary Island pine <i>Pinus canariensis</i> | 26.8" | 70/30 | 70 | Good health and condition, part of grove, Regulated |
| 14 | Canary Island pine <i>Pinus canariensis</i> | 29.2" | 70/30 | 60 | Good health, fair condition, leaning, part of grove, Regulated |
| 15 | Southern magnolia <i>Magnolia grandiflora</i> | 20"est | 20/15 | 30 | Poor health and condition, topped at 20, neighbors, Not Regulated |
| 16 | Coastal redwood <i>Sequoia sempervirens</i> | 14.2" | 35/10 | 80 | Excellent health and condition Not Regulated |
| 17 | Coastal redwood <i>Sequoia sempervirens</i> | 51.0" | 100/25 | 55 | Fair health and condition, thin canopy, codominant, Regulated |
| 18 | Coastal redwood <i>Sequoia sempervirens</i> | 51.2" | 80/30 | 70 | Good health and condition Regulated |

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

| Tree# | Species | DBH | Ht/Sp | Con Rating | Comments |
|-------|--|----------|--------|------------|---|
| 19 | Coast live oak <i>Quercus agrifolia</i> | 37.2"@3' | 40/25 | 68 | Good health and condition, oozing stress fracture, Regulated |
| 20 | Coast live oak <i>Quercus agrifolia</i> | 22.0" | 30/28 | 55 | Fair health and condition, suppressed by adjacent, Regulated |
| 21 | Coast live oak <i>Quercus agrifolia</i> | 17.2" | 30/15 | 50 | Fair health and condition Regulated |
| 22 | Coastal redwood <i>Quercus agrifolia</i> | 34.1" | 40/40 | 70 | Good health and condition Regulated |
| 23 | Coast live oak <i>Quercus agrifolia</i> | 17.4" | 40/25 | 60 | Fair health and condition, leaning Regulated |
| 24 | Coastal redwood <i>Sequoia sempervirens</i> | 37.9" | 80/30 | 70 | Good health and condition, suppressed by adjacent, Regulated |
| 25 | Coastal redwood <i>Sequoia sempervirens</i> | 52.9" | 80/30 | 70 | Good health and condition, suppressed by adjacent, Regulated |
| 26 | Coastal redwood <i>Sequoia sempervirens</i> | 49.9" | 80/30 | 70 | Good health and condition Regulated |
| 27 | Coastal redwood <i>Sequoia sempervirens</i> | 38.5" | 70/20 | 65 | Good health and condition, lost its top Regulated |
| 28 | Coastal redwood <i>Sequoia sempervirens</i> | 44.9" | 90/25 | 70 | Good health and condition, pruned for utility, Regulated |
| 29 | Black walnut <i>Juglans nigra</i> | 24"est | 50/30 | 60 | Good health, fair condition, significant lean, neighbors, Regulated |
| 30 | Coastal redwood <i>Sequoia sempervirens</i> | 13.1" | 25/6 | 10 | Very poor health and condition, topped by utility, Not Regulated |
| 31 | Coast live oak <i>Quercus agrifolia</i> | 22.0" | 25/30 | 40 | Good health, poor condition, topped by utility, Regulated |
| 32 | Coastal redwood <i>Sequoia sempervirens</i> | 14.3" | 60/20 | 50 | Good health, poor condition, side pruned, utility, Not Regulated |
| 33 | Coastal redwood <i>Sequoia sempervirens</i> | 45.4" | 80/30 | 60 | Fair health and condition, thin canopy, codominant at 60', Regulated |
| 34 | Coastal redwood <i>Sequoia sempervirens</i> | 13.2" | 50/15 | 60 | Fair health and condition Not Regulated |
| 35 | Coastal redwood <i>Sequoia sempervirens</i> | 13.3" | 35/8 | 10 | Very poor health and condition, topped by utility, Not Regulated |
| 36 | Coastal redwood <i>Sequoia sempervirens</i> | 30.8" | 60/15 | 60 | Fair health and condition, Regulated |
| 37 | Coastal redwood <i>Sequoia sempervirens</i> | 54.3" | 100/30 | 65 | Good health and condition, side pruned by utility, Regulated |

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

| Tree# | Species | DBH | Ht/Sp | Con Rating | Comments |
|-------|--|--------|-------|------------|--|
| 38 | Sweet gum <i>Liquidambar styraciflua</i> | 24"est | 65/30 | 60 | Fair health and condition, side pruned by utility, neighbors, Regulated |
| 39 | Sweet gum <i>Liquidambar styraciflua</i> | 16"est | 55/20 | 60 | Fair health and condition, side pruned by utility, neighbors, Regulated |
| 40 | Sweet gum <i>Liquidambar styraciflua</i> | 18"est | 55/20 | 60 | Fair health and condition, side pruned by utility, neighbors, Regulated |
| 41 | Coastal redwood <i>Sequoia sempervirens</i> | 18.4" | 30/10 | 55 | Good health, poor condition, topped by utility, Regulated |
| 42 | Coastal redwood <i>Sequoia sempervirens</i> | 15.4" | 20/10 | 40 | Good health, poor condition, topped by utility, Regulated |
| 43 | Photinia <i>Photinia fraseri</i> | 14.5" | 20/20 | 20 | Poor health and condition, Not Regulated |
| 44 | Coastal redwood <i>Sequoia sempervirens</i> | 30"est | 20/20 | 30 | Good health, poor condition, topped by utility, neighbors, Regulated |
| 45 | Coastal redwood <i>Sequoia sempervirens</i> | 24"est | 70/15 | 50 | Fair health, poor condition, side pruned by utility, neighbors, Regulated |
| 46 | Coastal redwood <i>Sequoia sempervirens</i> | 48"est | 80/40 | 70 | Good health and condition, neighbors, Regulated |
| 47 | Monterey pine <i>Pinus radiata</i> | 22.5" | 50/25 | 60 | Fair health and condition Regulated |
| 48 | Valley oak <i>Quercus lobata</i> | 31.2" | 40/30 | 55 | Fair health and condition, decay and cavity, Regulated |
| 49 | Sweet gum <i>Liquidambar styraciflua</i> | 24"est | 60/30 | 65 | Good health and condition, neighbors Regulated |

Summary:

The trees on the site are a variety of natives and non-natives.

There are 40 Regulated trees on the property in varying health and condition.

Tree #s 4, 6, 8, 15, 29, 38, 39, 40, 44, 45, 46 and 49 are Regulated trees on neighbor's properties that may be impacted by construction and should be protected.

Tree #s 5, 7, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 33, 36, 37, 41, 42, 47 and 48 are Regulated trees on this property that should be protected during construction.

The non Regulated trees on this property can be removed if desired.

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

Appraised Values of Regulated Trees to be protected during construction

| | | |
|-----------|-------------|-----------------|
| Tree #4 | \$4,180.00 | Neighbor's tree |
| Tree #5 | \$22,800.00 | |
| Tree #6 | \$13,000.00 | Neighbor's tree |
| Tree #7 | \$36,600.00 | |
| Tree #8 | \$6,000.00 | Neighbor's tree |
| Tree #9 | \$53,200.00 | |
| Tree #10 | \$9,200.00 | |
| Tree #11 | \$89,400.00 | |
| Tree #12 | \$19,300.00 | |
| Tree #13 | \$23,400.00 | |
| Tree #14 | \$23,800.00 | |
| Tree #15 | \$4,180.00 | Neighbor's tree |
| Tree #17 | \$26,600.00 | |
| Tree #18 | \$68,200.00 | |
| Tree #19 | \$35,000.00 | |
| Tree #20 | \$12,400.00 | |
| Tree #21 | \$6,900.00 | |
| Tree #22 | \$37,800.00 | |
| Tree #23 | \$8,400.00 | |
| Tree # 24 | \$37,400.00 | |
| Tree # 25 | \$72,800.00 | |
| Tree #26 | \$64,800.00 | |
| Tree # 27 | \$35,800.00 | |
| Tree # 28 | \$52,500.00 | |
| Tree # 29 | \$9,600.00 | Neighbor's tree |
| Tree # 31 | \$17,000.00 | |
| Tree # 33 | \$46,000.00 | |
| Tree # 36 | \$21,200.00 | |
| Tree # 37 | \$53,400.00 | |
| Tree # 38 | \$13,600.00 | Neighbor's tree |
| Tree # 39 | \$6,100.00 | Neighbor's tree |
| Tree # 40 | \$7,700.00 | Neighbor's tree |
| Tree # 41 | \$5,200.00 | |
| Tree # 42 | \$2,650.00 | |
| Tree # 44 | \$5000.00 | Neighbor's tree |
| Tree # 45 | \$5,400.00 | Neighbor's tree |
| Tree # 46 | \$45,000.00 | Neighbor's tree |
| Tree # 47 | \$11,300.00 | |
| Tree # 48 | \$12,100.00 | |
| Tree # 49 | \$22,100.00 | |

See addendum for table of appraised values and calculations.

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

Total value of all trees on this property \$927,250.00

Total value of all trees on neighbor's property \$119,760.00

Total value of all trees that may be impacted by construction \$1,047,010

Tree Protection Plan

1. The Tree Protection Zone (TPZ) should be defined with protective fencing. This should be cyclone or chain link fencing on 1½” or 2” posts driven at least 2 feet in to the ground standing at least 6 feet tall. Normally a TPZ is defined by the dripline of the tree. I recommend the TPZ’s as follows:-

Tree # 4: TPZ should be at 33 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 5: TPZ should be at 23 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 6: TPZ should be at 16 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 7: TPZ should be at 29 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 8: TPZ should be at 20 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 9: TPZ should be at 38 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 10: TPZ should be at 17 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 11: TPZ should be at 48 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 12: TPZ should be at 22 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 13: TPZ should be at 22 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 14: TPZ should be at 24 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 15: TPZ should be at 16 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 17: TPZ should be at 42 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

Tree # 18: TPZ should be at 42 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 19: TPZ should be at 31 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 20: TPZ should be at 18 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 21: TPZ should be at 15 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 22: TPZ should be at 28 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 23: TPZ should be at 14 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 24: TPZ should be at 31 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 25: TPZ should be at 44 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 26: TPZ should be at 41 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 27: TPZ should be at 32 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 28: TPZ should be at 37 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 29: TPZ should be at 20 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 31: TPZ should be at 18 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 33: TPZ should be at 37 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Tree # 36: TPZ should be at 26 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾ .

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

Tree # 37: TPZ should be at 45 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 38: TPZ should be at 20 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 39: TPZ should be at 13 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 40: TPZ should be at 15 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 41: TPZ should be at 15 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 42: TPZ should be at 13 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 44: TPZ should be at 25 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 45: TPZ should be at 20 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 46: TPZ should be at 40 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 47: TPZ should be at 19 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 48: TPZ should be at 26 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

Tree # 49: TPZ should be at 20 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2⁽⁶⁾.

**IMAGE 2.15-1**

Tree Protection Fence at the Dripline

**IMAGE 2.15-2**

Tree Protection Fence at the Dripline

• Type I Tree Protection

The fences shall enclose the entire area under the **canopy dripline or TPZ** of the tree(s) to be saved throughout the life of the project, or until final improvement work within the area is required, typically near the end of the project (see *Images 2.15-1 and 2.15-2*). Parking Areas: If the fencing must be located on paving or sidewalk that will not be demolished, the posts may be supported by an appropriate grade level concrete base.

2. Any pruning and maintenance of the tree shall be carried out before construction begins. This should allow for any clearance requirements for both the new structure and any construction machinery. This will eliminate the possibility of damage during construction. **The pruning should be carried out by an arborist, not by construction personnel.** No limbs greater than 4" in diameter shall be removed.
3. Any excavation in ground where there is a potential to damage roots of 1" or more in diameter should be carefully hand dug. Where possible, roots should be dug around rather than cut.⁽²⁾
4. If roots are broken, every effort should be made to remove the damaged area and cut it back to its closest lateral root. A clean cut should be made with a saw or pruners. This will prevent any infection from damaged roots spreading throughout the root system and into the tree.⁽²⁾

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

5. Do Not:⁽⁴⁾

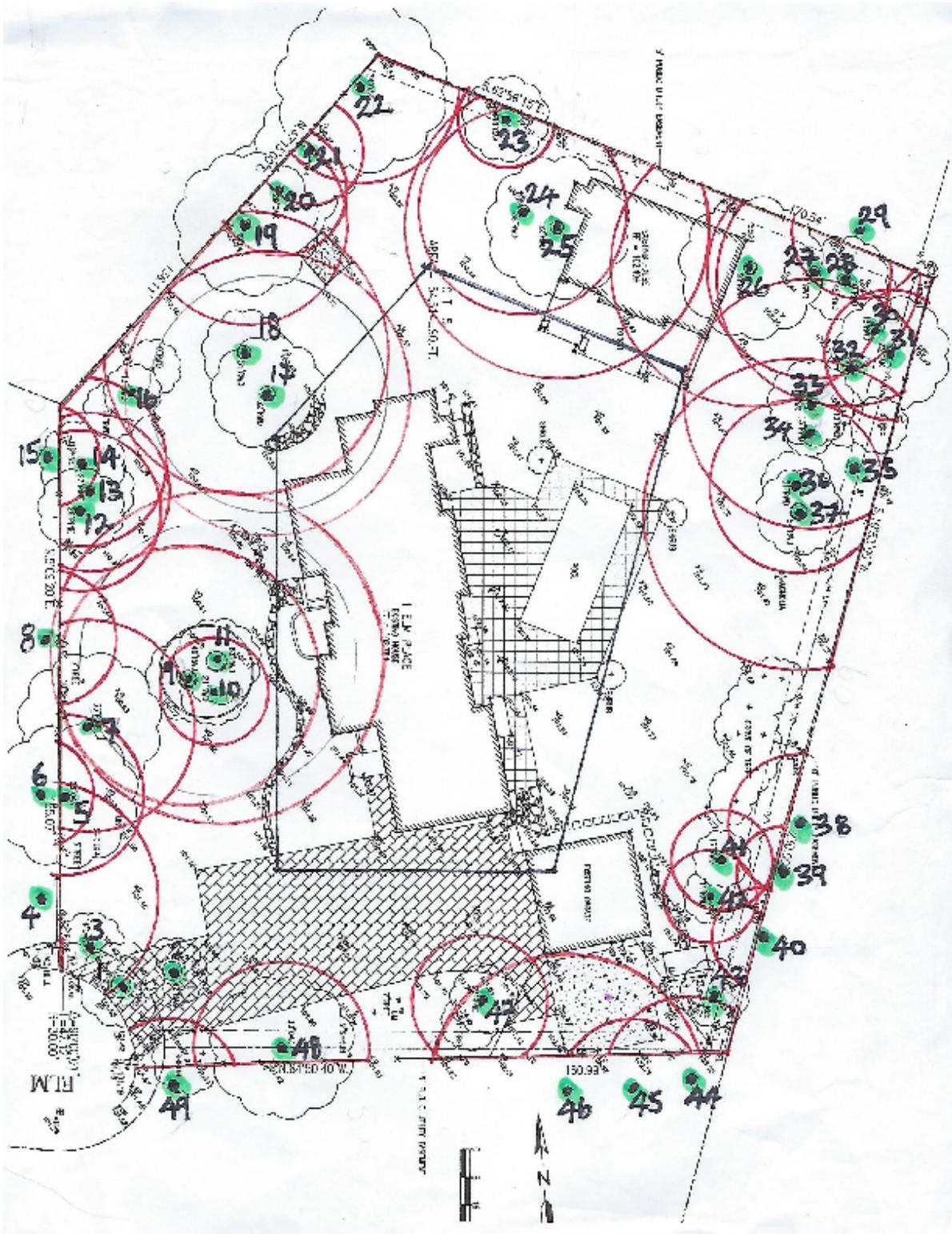
- a. Allow run off or spillage of damaging materials into the area below any tree canopy.
 - b. Store materials, stockpile soil, park or drive vehicles within the TPZ of the tree.
 - c. Cut, break, skin or bruise roots, branches or trunk without first obtaining permission from the city arborist.
 - d. Allow fires under any adjacent trees.
 - e. Discharge exhaust into foliage.
 - f. Secure cable, chain or rope to trees or shrubs.
 - g. Apply soil sterilants under pavement near existing trees.
6. Where roots are exposed, they should be kept covered with the native soil or four layers of wetted, untreated burlap. Roots will dry out and die if left exposed to the air for too long.⁽⁴⁾
7. Route pipes into alternate locations to avoid conflict with roots.⁽⁴⁾
8. Where it is not possible to reroute pipes or trenches, the contractor is to bore beneath the dripline of the tree. The boring shall take place no less than 3 feet below the surface of the soil in order to avoid encountering “feeder” roots.⁽⁴⁾
9. Compaction of the soil within the dripline shall be kept to a minimum.⁽²⁾ If access is required to go through the TPZ of a protected tree, the area within the TPZ should be protected from compaction either with steel plates or with 4” of wood chip overlaid with plywood.
10. Any damage due to construction activities shall be reported to the project arborist or city arborist within 6 hours so that remedial action can be taken.
11. Ensure upon completion of the project that the original ground level is restored

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021



Location of existing house, protected trees and their Tree Protection Zones

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

Location of proposed new house, protected trees and their Tree Protection Zones

Glossary

| | |
|------------------------|--|
| Canopy | The part of the crown composed of leaves and small twigs. ⁽²⁾ |
| Cavities | An open wound, characterized by the presence of extensive decay and resulting in a hollow. ⁽¹⁾ |
| Decay | Process of degradation of woody tissues by fungi and bacteria through the decomposition of cellulose and lignin ⁽¹⁾ |
| Dripline | The width of the crown as measured by the lateral extent of the foliage. ⁽¹⁾ |
| Genus | A classification of plants showing similar characteristics. |
| Root plate | The point at which the trunk flares out at the base of the tree to become the root system. |
| Species | A Classification that identifies a particular plant. |
| Standard height | Height at which the girth of the tree is measured. Typically 4 1/2 feet above ground level |

References

- (1) Matheny, N.P., and Clark, J.P. Evaluation of Hazard Trees in Urban Areas. International Society of Arboriculture, 1994.
- (2) Harris, R.W., Matheny, N.P. and Clark, J.R.. Arboriculture: Integrated Management of Landscape Trees, Shrubs and Vines. Prentice Hall, 1999.
- (3) Carlson, Russell E. Paulownia on The Green: An Assessment of Tree Health and Structural Condition. Tree Tech Consulting, 1998.
- (4) Extracted from a copy of Tree Protection guidelines. Anon
- (5) T. D. Sydnor, Arboricultural Glossary. School of Natural Resources, 2000
- (6) D Dockter, Tree Technical Manual. City of Palo Alto, June, 2001

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

September 21, 2021

Certification of Performance⁽³⁾

I, Robert Weatherill certify:

- * That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and appraisal is stated in the attached report and the Terms and Conditions;
- * That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;
- * That the analysis, opinions and conclusions stated herein are my own, and are based on current scientific procedures and facts;
- * That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events;
- * That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;
- * That no one provided significant professional assistance to the consultant, except as indicated within the report.

I further certify that I am a member of the International Society of Arboriculture and a Certified Arborist. I have been involved in the practice of arboriculture and the care and study of trees for over 20 years.

Signed



Robert Weatherill
Certified Arborist WE 1936a
Date: 9/25/21

Terms and Conditions(3)

The following terms and conditions apply to all oral and written reports and correspondence pertaining to consultations, inspections and activities of Advanced Tree Care :

1. All property lines and ownership of property, trees, and landscape plants and fixtures are assumed to be accurate and reliable as presented and described to the consultant, either verbally or in writing. The consultant assumes no responsibility for verification of ownership or locations of property lines, or for results of any actions or recommendations based on inaccurate information.
2. It is assumed that any property referred to in any report or in conjunction with any services performed by Advanced Tree Care, is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations, and that any titles and ownership to any property are assumed to be good and marketable. Any existing liens and encumbrances have been disregarded.
3. All reports and other correspondence are confidential, and are the property of Advanced Tree Care and its named clients and their assignees or agents. Possession of this report or a copy thereof does not imply any right of publication or use for any purpose, without the express permission of the consultant and the client to whom the report was issued. Loss, removal or alteration of any part of a report invalidates the entire appraisal/evaluation.
4. The scope of any report or other correspondence is limited to the trees and conditions specifically mentioned in those reports and correspondence. Advanced Tree Care and the consultant assume no liability for the failure of trees or parts of trees, either inspected or otherwise. The consultant assumes no responsibility to report on the condition of any tree or landscape feature not specifically requested by the named client.
5. All inspections are limited to visual examination of accessible parts, without dissection, excavation, probing, boring or other invasive procedures, unless otherwise noted in the report. No warrantee or guarantee is made, expressed or implied, that problems or deficiencies of the plants or the property will not occur in the future, from any cause. The consultant shall not be responsible for damages caused by any tree defects, and assumes no responsibility for the correction of defects or tree related problems.
6. The consultant shall not be required to provide further documentation, give testimony, be deposed, or attend court by reason of this appraisal/report unless subsequent contractual arrangements are made, including payment of additional fees for such services as described by the consultant or in the fee schedules or contract.
7. Advanced Tree Care has no warrantee, either expressed or implied, as to the suitability of the information contained in the reports for any purpose. It remains the responsibility of the client to determine applicability to his/her particular case.
8. Any report and the values, observations, and recommendations expressed therein represent the professional opinion of the consultants, and the fee for services is in no manner contingent upon the reporting of a specified value nor upon any particular finding to be reported.
9. Any photographs, diagrams, graphs, sketches, or other graphic material included in any report, being intended solely as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys, unless otherwise noted in the report. Any reproductions of graphs material or the work product of any other persons is intended solely for the purpose of clarification and ease of reference. Inclusion of said information does not constitute a representation by Advanced Tree Care or the consultant as to the sufficiency or accuracy of that information.

Addendum

Appraised Values of Regulated Trees

Advanced Tree Care and Consulting Inc.

965 East San Carlos Ave, San Carlos, CA 94070

650 839 9539

Valuation Appraisal Worksheet Based on *Guide for Plant Appraisal, 10th Edition, 2nd Printing (2019)*

"Functional Replacement Method / Trunk Formula Technique"

Address: 1 Elm Place, Atherton, CA 94027

Date: 9/25/21

| Tree Tag # | Name (Initials) | WCISA Species Group Classification Booklet Page | Health (Weighted 0.15) | Structure (Weighted 0.70) | Form (Weighted 0.15) | Overall Condition Rating (OCR) "Weighted Method" | Diameter Inches at 4.5 ft. Above Grade | Depreciation Factors | | WCISA Species Group Number | Trunk Square Inches for Replacement-Size Specimen of This Species | Average SF Bay Area Cost of 24 Inch Box Tree (2019) | Line 9 | | Line 10 | | Line 11 | | Rounded-off Appraised Values |
|------------|-----------------|---|------------------------|---------------------------|----------------------|--|--|------------------------|----------------------|----------------------------|---|---|---|---|---|--|----------|--|------------------------------|
| | | | | | | | | Functional Limitations | External Limitations | | | | (UTC) Unit Tree Cost per Sq Inch (M Divided by L) | Trunk Area (TA) ((dia. x dia.) x 0.785) | Basic Functional Replacement Cost (BFC) = (OxN) | Depreciated Functional Replacement Cost (DFRC) = PxGxIxJ | | | |
| 4 | Mg | 21 | 0.3 | 0.3 | 0.3 | 30% | 20 | 90% | 75% | 3 | 3.8 | \$250.00 | \$65.79 | 314.00 | \$ 20,657.89 | \$ 4,183 | \$4,180 | | |
| 5 | Qag | 30 | 0.65 | 0.65 | 0.65 | 65% | 27.5 | 90% | 100% | 3 | 3.8 | \$250.00 | \$65.79 | 593.66 | \$ 39,056.33 | \$ 22,848 | \$22,800 | | |
| 6 | Pgra | 26 | 0.55 | 0.55 | 0.55 | 55% | 20 | 90% | 75% | 2 | 2.24 | \$250.00 | \$111.61 | 314.00 | \$ 35,044.64 | \$ 13,010 | \$13,000 | | |
| 7 | Cdec | 8 | 0.65 | 0.65 | 0.65 | 65% | 34.8 | 90% | 100% | 3 | 3.8 | \$250.00 | \$65.79 | 950.67 | \$ 62,543.84 | \$ 36,588 | \$36,600 | | |
| 8 | Mg | 21 | 0.3 | 0.3 | 0.3 | 30% | 24 | 90% | 75% | 3 | 3.8 | \$250.00 | \$65.79 | 452.16 | \$ 29,747.37 | \$ 6,024 | \$6,000 | | |
| 9 | Ss | 34 | 0.7 | 0.7 | 0.7 | 70% | 45.2 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 1603.79 | \$ 84,409.81 | \$ 53,178 | \$53,200 | | |
| 10 | Ss | 34 | 0.6 | 0.6 | 0.6 | 60% | 20.3 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 323.49 | \$ 17,025.82 | \$ 9,194 | \$9,200 | | |
| 11 | Ss | 34 | 0.7 | 0.7 | 0.7 | 70% | 58.6 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 2695.66 | \$ 141,876.77 | \$ 89,382 | \$89,400 | | |
| 12 | Pc | 24 | 0.6 | 0.6 | 0.6 | 60% | 26.3 | 90% | 100% | 3 | 3.8 | \$250.00 | \$65.79 | 542.98 | \$ 35,722.15 | \$ 19,290 | \$19,300 | | |
| 13 | Pc | 24 | 0.7 | 0.7 | 0.7 | 70% | 26.8 | 90% | 100% | 3 | 3.8 | \$250.00 | \$65.79 | 563.82 | \$ 37,093.32 | \$ 23,369 | \$23,400 | | |
| 14 | Pc | 24 | 0.6 | 0.6 | 0.6 | 60% | 29.2 | 90% | 100% | 3 | 3.8 | \$250.00 | \$65.79 | 669.32 | \$ 44,034.37 | \$ 23,779 | \$23,800 | | |
| 15 | Mg | 21 | 0.3 | 0.3 | 0.3 | 30% | 20 | 90% | 75% | 3 | 3.8 | \$250.00 | \$65.79 | 314.00 | \$ 20,657.89 | \$ 4,183 | \$4,180 | | |
| 17 | Ss | 34 | 0.55 | 0.55 | 0.55 | 55% | 51 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 2041.79 | \$ 107,462.37 | \$ 53,194 | \$26,600 | | |
| 18 | Ss | 34 | 0.7 | 0.7 | 0.7 | 70% | 51.2 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 2057.83 | \$ 108,306.86 | \$ 68,233 | \$68,200 | | |
| 19 | Ss | 34 | 0.68 | 0.68 | 0.68 | 68% | 37.2 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 1086.31 | \$ 57,174.44 | \$ 34,991 | \$35,000 | | |
| 20 | Qag | 30 | 0.55 | 0.55 | 0.55 | 55% | 22 | 90% | 100% | 3 | 3.8 | \$250.00 | \$65.79 | 379.94 | \$ 24,996.05 | \$ 12,373 | \$12,400 | | |
| 21 | Qag | 30 | 0.5 | 0.5 | 0.5 | 50% | 17.2 | 90% | 100% | 3 | 3.8 | \$250.00 | \$65.79 | 232.23 | \$ 15,278.58 | \$ 6,875 | \$6,900 | | |
| 22 | Qag | 30 | 0.7 | 0.7 | 0.7 | 70% | 34.1 | 90% | 100% | 3 | 3.8 | \$250.00 | \$65.79 | 912.81 | \$ 60,053.02 | \$ 37,833 | \$37,800 | | |
| 23 | Qag | 30 | 0.6 | 0.6 | 0.6 | 60% | 17.4 | 90% | 100% | 3 | 3.8 | \$250.00 | \$65.79 | 237.67 | \$ 15,635.96 | \$ 8,443 | \$8,400 | | |
| 24 | Ss | 34 | 0.7 | 0.7 | 0.7 | 70% | 37.9 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 1127.58 | \$ 59,346.41 | \$ 37,388 | \$37,400 | | |
| 25 | Ss | 34 | 0.7 | 0.7 | 0.7 | 70% | 52.9 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 2196.75 | \$ 115,618.52 | \$ 72,840 | \$72,800 | | |
| 26 | Ss | 34 | 0.7 | 0.7 | 0.7 | 70% | 49.9 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 1954.66 | \$ 102,876.73 | \$ 64,812 | \$64,800 | | |
| 27 | Ss | 34 | 0.65 | 0.65 | 0.65 | 65% | 38.5 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 1163.57 | \$ 61,240.33 | \$ 35,826 | \$35,800 | | |
| 28 | Ss | 34 | 0.7 | 0.7 | 0.7 | 70% | 44.9 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 1582.57 | \$ 83,293.04 | \$ 52,475 | \$52,500 | | |
| 29 | Jn | 18 | 0.6 | 0.6 | 0.6 | 60% | 24 | 90% | 75% | 4 | 4.75 | \$250.00 | \$52.63 | 452.16 | \$ 23,797.89 | \$ 9,638 | \$9,600 | | |
| 31 | Qag | 30 | 0.4 | 0.4 | 0.4 | 40% | 22 | 90% | 75% | 4 | 4.75 | \$250.00 | \$52.63 | 379.94 | \$ 19,996.84 | \$ 5,399 | \$17,000 | | |
| 33 | Ss | 34 | 0.6 | 0.6 | 0.6 | 60% | 45.4 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 1618.01 | \$ 85,158.45 | \$ 45,986 | \$46,000 | | |
| 36 | Ss | 34 | 0.6 | 0.6 | 0.6 | 60% | 30.8 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 744.68 | \$ 39,193.81 | \$ 21,165 | \$21,200 | | |
| 37 | Ss | 34 | 0.65 | 0.65 | 0.65 | 65% | 54.3 | 90% | 75% | 4 | 4.75 | \$250.00 | \$52.63 | 2314.56 | \$ 121,819.19 | \$ 53,448 | \$53,400 | | |

Advanced Tree Care and Consulting Inc.

965 East San Carlos Ave, San Carlos, CA 94070

650 839 9539

Valuation Appraisal Worksheet Based on *Guide for Plant Appraisal, 10th Edition, 2nd Printing (2019)*

"Functional Replacement Method / Trunk Formula Technique"

Address: 1 Elm Place, Atherton, CA 94027

Date: 9/25/21

| Tree Tag # | Name (Initials) | WCISA Speces Group Classification Booklet Page | Health (Weighted 0.15) | Structure (Weighted 0.70) | Form (Weighted 0.15) | Overall Condition Rating (OCR) "Weighted Method" | Diameter Inches at 4.5 ft. Above Grade | Depreciation Factors | | WCISA Species Group Number | Trunk Square Inches for Replacement- Size Specimen of This Species | Average SF Bay Area Cost of 24 Inch Box Tree (2019) | Line 9 (UTC) Unit Tree Cost per Sq Inch (M Divided by L) | Trunk Area (TA) ((dia. x dia.) x 0.785) | Line 10 Basic Functional Replacement Cost (BFRC) = (OxN) | Line 11 Depreciated Functional Replacement Cost (DFRC) = PxGxixJ | Rounded-off Appraised Values |
|------------|-----------------|---|------------------------------|---------------------------------|----------------------------|--|---|---------------------------|-------------------------|-------------------------------------|---|--|--|---|---|---|------------------------------------|
| | | | | | | | | Functional Limitations | External Limitations | | | | | | | | |
| 38 | Ls | 20 | 0.6 | 0.6 | 0.6 | 60% | 24 | 90% | 50% | 2 | 2.24 | \$250.00 | \$111.61 | 452.16 | \$ 50,464.29 | \$ 13,625 | \$13,600 |
| 39 | Ls | 20 | 0.6 | 0.6 | 0.6 | 60% | 16 | 90% | 50% | 2 | 2.24 | \$250.00 | \$111.61 | 200.96 | \$ 22,428.57 | \$ 6,056 | \$6,100 |
| 40 | Ls | 20 | 0.6 | 0.6 | 0.6 | 60% | 18 | 90% | 50% | 2 | 2.24 | \$250.00 | \$111.61 | 254.34 | \$ 28,386.16 | \$ 7,664 | \$7,700 |
| 41 | Ss | 34 | 0.55 | 0.55 | 0.55 | 55% | 18.4 | 90% | 75% | 4 | 4.75 | \$250.00 | \$52.63 | 265.77 | \$ 13,987.87 | \$ 5,193 | \$5,200 |
| 42 | Ss | 34 | 0.4 | 0.4 | 0.4 | 40% | 15.4 | 90% | 75% | 4 | 4.75 | \$250.00 | \$52.63 | 186.17 | \$ 9,798.45 | \$ 2,646 | \$2,650 |
| 44 | Ss | 34 | 0.3 | 0.3 | 0.3 | 30% | 30 | 90% | 50% | 4 | 4.75 | \$250.00 | \$52.63 | 706.50 | \$ 37,184.21 | \$ 5,020 | \$5,000 |
| 45 | Ss | 34 | 0.5 | 0.5 | 0.5 | 50% | 24 | 90% | 50% | 4 | 4.75 | \$250.00 | \$52.63 | 452.16 | \$ 23,797.89 | \$ 5,355 | \$5,400 |
| 46 | Ss | 34 | 0.7 | 0.7 | 0.7 | 70% | 48 | 90% | 75% | 4 | 4.75 | \$250.00 | \$52.63 | 1808.64 | \$ 95,191.58 | \$ 44,978 | \$45,000 |
| 47 | Prad | 25 | 0.6 | 0.6 | 0.6 | 60% | 22.5 | 90% | 100% | 4 | 4.75 | \$250.00 | \$52.63 | 397.41 | \$ 20,916.12 | \$ 11,295 | \$11,300 |
| 48 | Qlob | 31 | 0.55 | 0.55 | 0.55 | 55% | 31.2 | 90% | 100% | 2 | 2.24 | \$250.00 | \$111.61 | 764.15 | \$ 85,284.64 | \$ 42,216 | \$12,100 |
| 49 | Ls | 20 | 0.65 | 0.65 | 0.65 | 65% | 24 | 90% | 75% | 2 | 2.24 | \$250.00 | \$111.61 | 452.16 | \$ 50,464.29 | \$ 22,141 | \$22,100 |
| | | | | | | | | | | | | | | | | | \$1,047,010 |

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

November 10, 2021

Heritage Tree Removal Application

The following trees have been requested for removal. The location of the trees and photos of the trees are attached.

Tree #s 9, 10 and 11

| <u>Tree#</u> | <u>Species</u> | <u>DBH</u> | <u>Ht/Sp</u> | <u>Con Rating</u> | <u>Comments</u> |
|--------------|--|------------|--------------|-------------------|--|
| 9 | Coastal redwood <i>Sequoia sempervirens</i> | 45.2" | 100/20 | 70 | Good health and condition, part of grove, Regulated |
| 10 | Coastal redwood <i>Sequoia sempervirens</i> | 20.3" | 70/15 | 60 | Good health and condition, part of grove, Regulated |
| 11 | Coastal redwood <i>Sequoia sempervirens</i> | 58.6" | 100/20 | 70 | Good health and condition, part of grove, Regulated |

Tree #s 9, 10 and 11 are a grove of redwoods located approximately 15 feet from the front door of the existing house. Tree #s 9 and 11 are the dominant trees in the grove and Tree # 10 is a smaller tree that has been suppressed by the two larger trees. All three trees have grown together and so have impacted each other in growth. The trees stand about 3 to 4 feet from each other and they are all in good health and condition. Their canopies are thick, healthy, but one sided, and there are no signs of disease or insect infestation. Since these trees are so close together and have grown together, they should be treated as one entity. Removing one of the three trees would leave the remaining two trees at a higher risk of failure since they are now exposed to elements that they would previously be sheltered from and have therefore not put on the reaction roots and wood to support themselves.

A TPZ for the largest tree at 10x would be 48 feet radius from the trunk of the tree and for the second largest tree, 38 feet radius from the trunk of the tree. The current house is located well within the TPZs of these trees.

Tree # 17

| <u>Tree#</u> | <u>Species</u> | <u>DBH</u> | <u>Ht/Sp</u> | <u>Con Rating</u> | <u>Comments</u> |
|--------------|--|------------|--------------|-------------------|--|
| 17 | Coastal redwood <i>Sequoia sempervirens</i> | 51.0" | 100/25 | 55 | Fair health and condition, thin canopy, codominant, Regulated |

Tree # 17 is one of 2 redwoods located close together at the far end of the house. Tree #s 17 and 18 stand approximately 8 feet apart and are less dependent on each other. They both have individual canopies such that if one were removed, the remaining tree would not appear one sided, and I would expect them both to have their own separate root systems. Tree # 17 has a thin canopy and a poor structure. The tree has co-dominant stems at 20 feet and 40 feet above grade.

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

November 10, 2021

The stems appear to have developed from latent buds beneath the bark of the tree as opposed to developing co-dominant stems at the same time from apical buds. Co-dominant stems of this nature are typically weakly attached and susceptible to failure.

A TPZ for the Tree # 17 at 10x would be 42 feet radius from the trunk of the tree. The current house is located well within the TPZ of this tree.

I am recommending removal of all 4 trees for the following reasons:

1. The redwoods requested for removal are located close to the existing house such that the proposed new house with basement cannot be built within the footprint of the existing house due to the size of the Tree Protection Zones.
2. There are 16 Regulated redwoods on this property with an average trunk diameter of 40.5” as well as many non Regulated redwoods around this and adjacent properties. The redwoods can be seen on the attached drawing as green dots. The redwoods requested for removal have ‘X’s through them. Redwoods draw a vast amount of water from the ground which affects the health of adjacent native trees in the landscape. Towns such as Portola Valley are requesting the removal of redwoods to allow for the more native trees such as valley oaks, live oaks and blue oaks to survive.
3. Redwoods have a shallow and invasive root system that can prevent any form of landscaping other than ferns from surviving.
4. There are many mature trees around the property and removing these four trees to allow for a new home with basement will not affect the wooded feel of the property and the privacy from the neighbors.

The trees should be replaced with 4 x 36” box and 4 x 15g replacements, *Quercus suber* and *Quercus douglassi*

If you have any questions, please don’t hesitate to call.

Sincerely



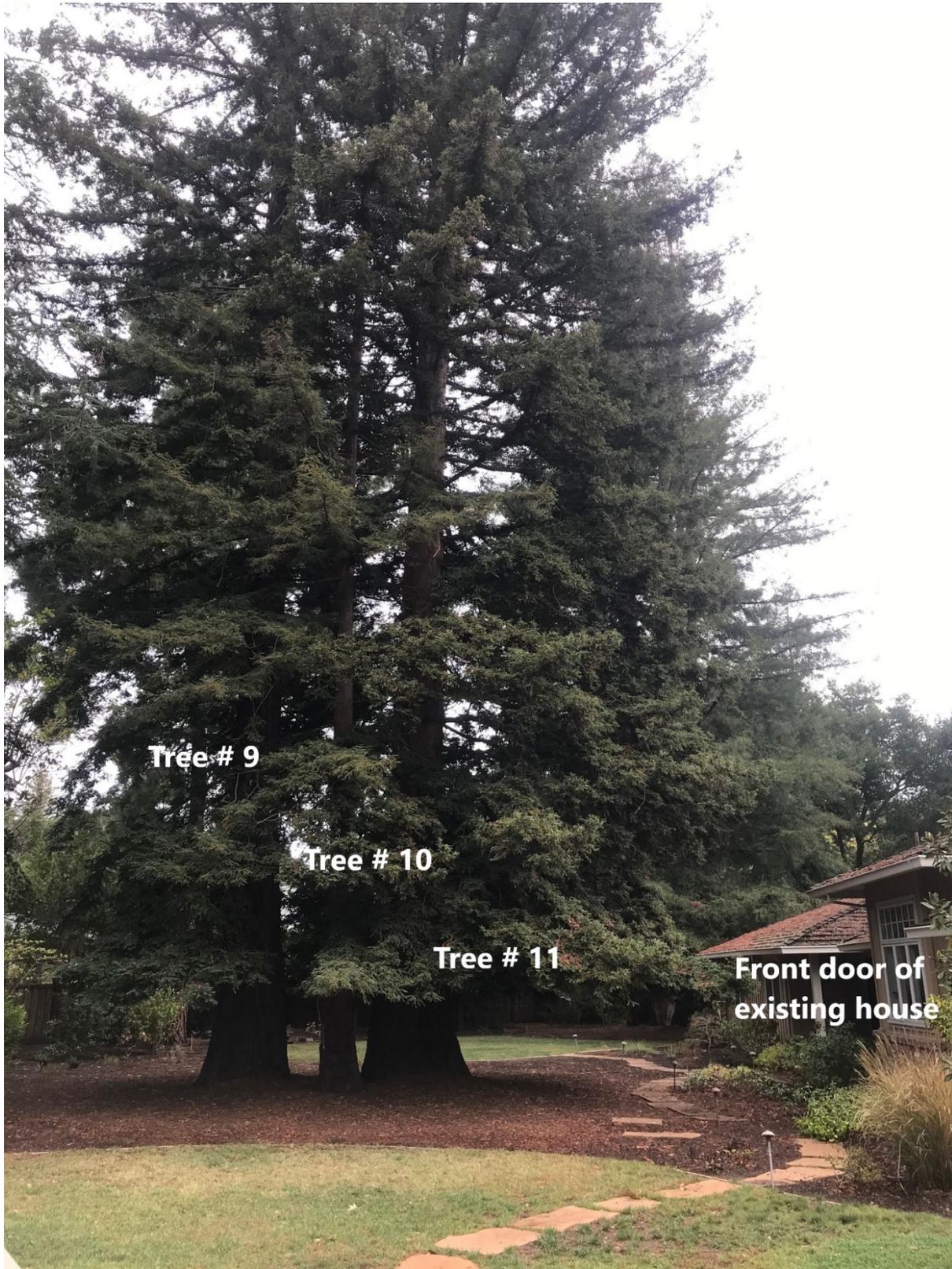
Robert Weatherill
Certified Arborist WE 1936A

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

November 10, 2021



Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

November 10, 2021

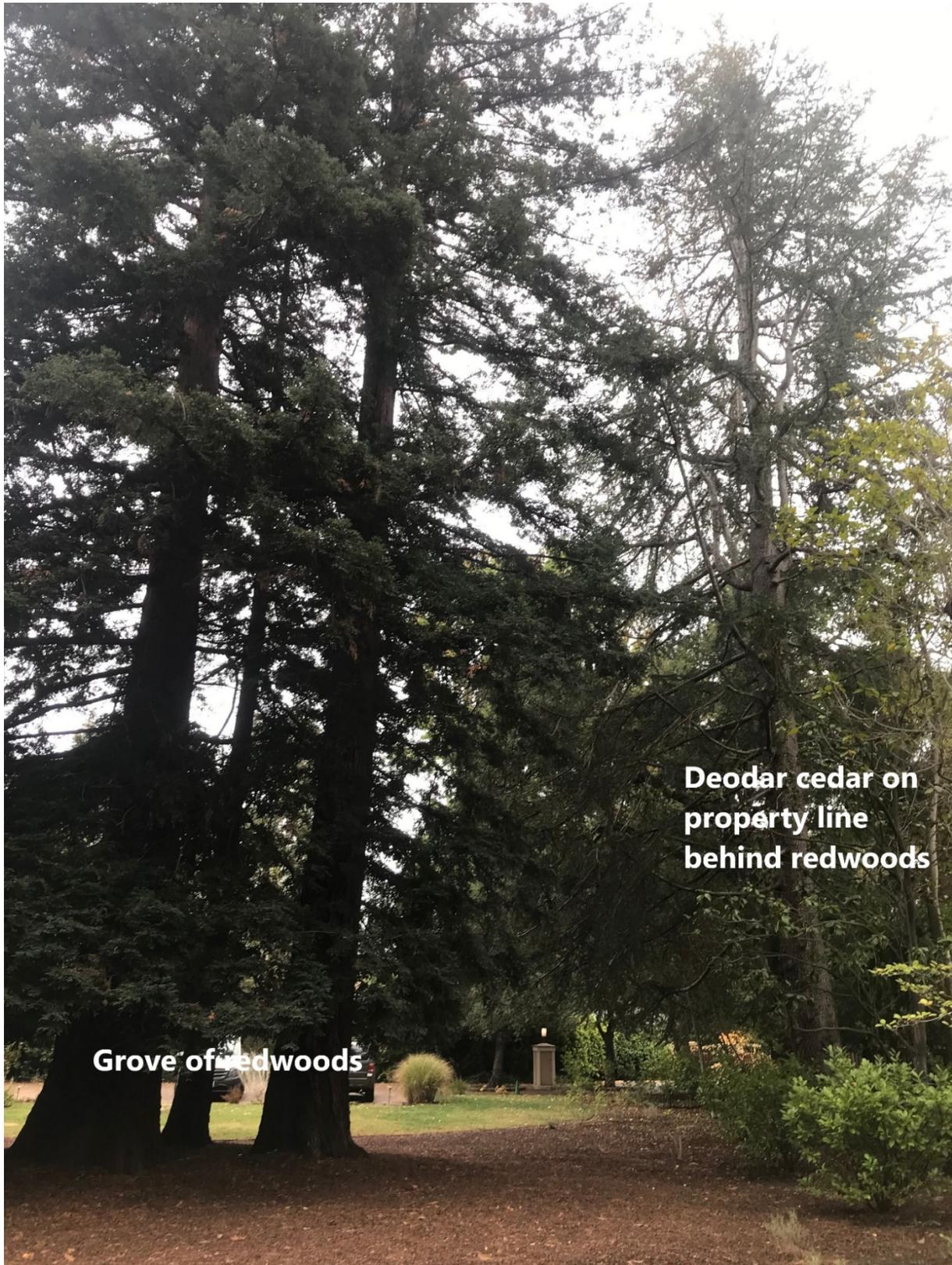


Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

November 10, 2021



Grove of redwoods

**Deodar cedar on
property line
behind redwoods**

Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

November 10, 2021

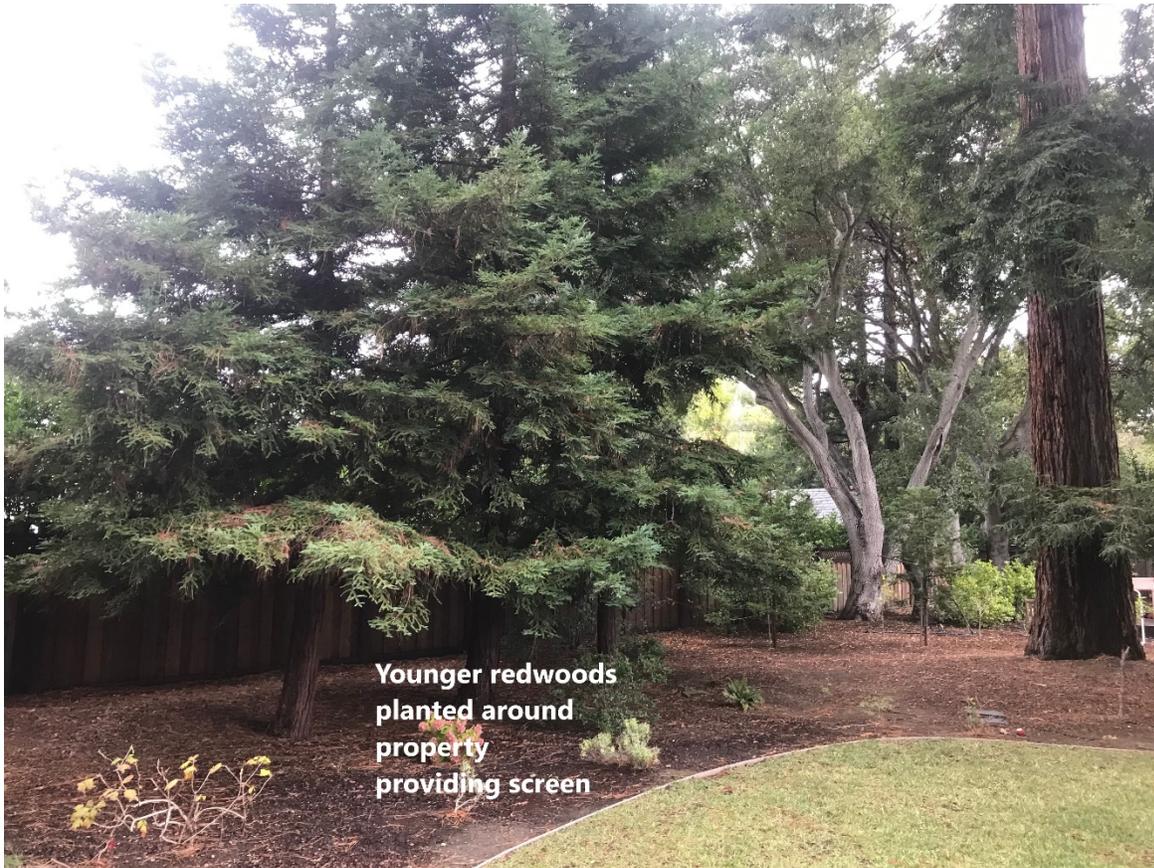


Advanced Tree Care

965 East San Carlos Ave, San Carlos

1 Elm Pl., Atherton

November 10, 2021



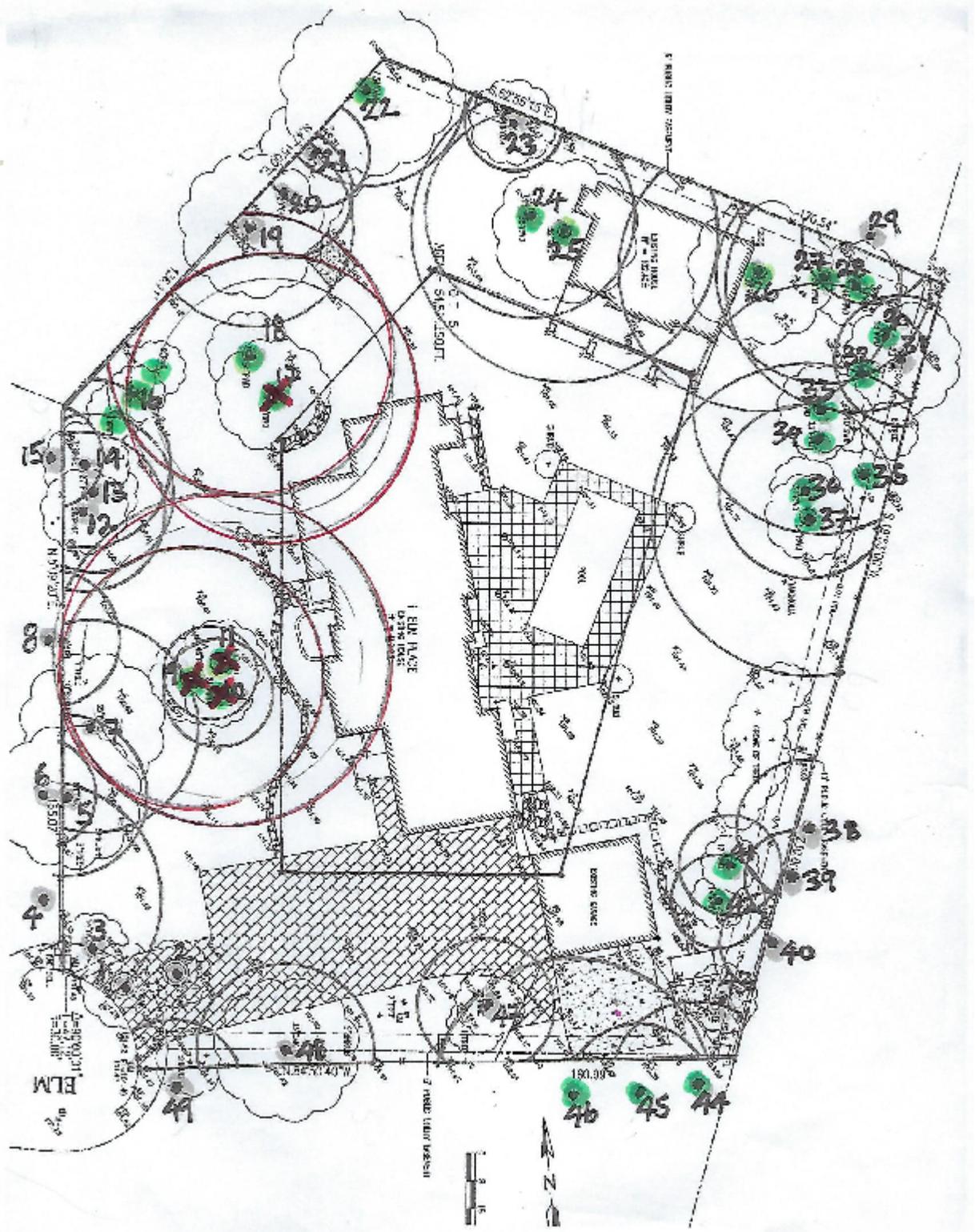
More redwoods planted on property

Advanced Tree Care

965 East San Carlos Ave, San Carlos

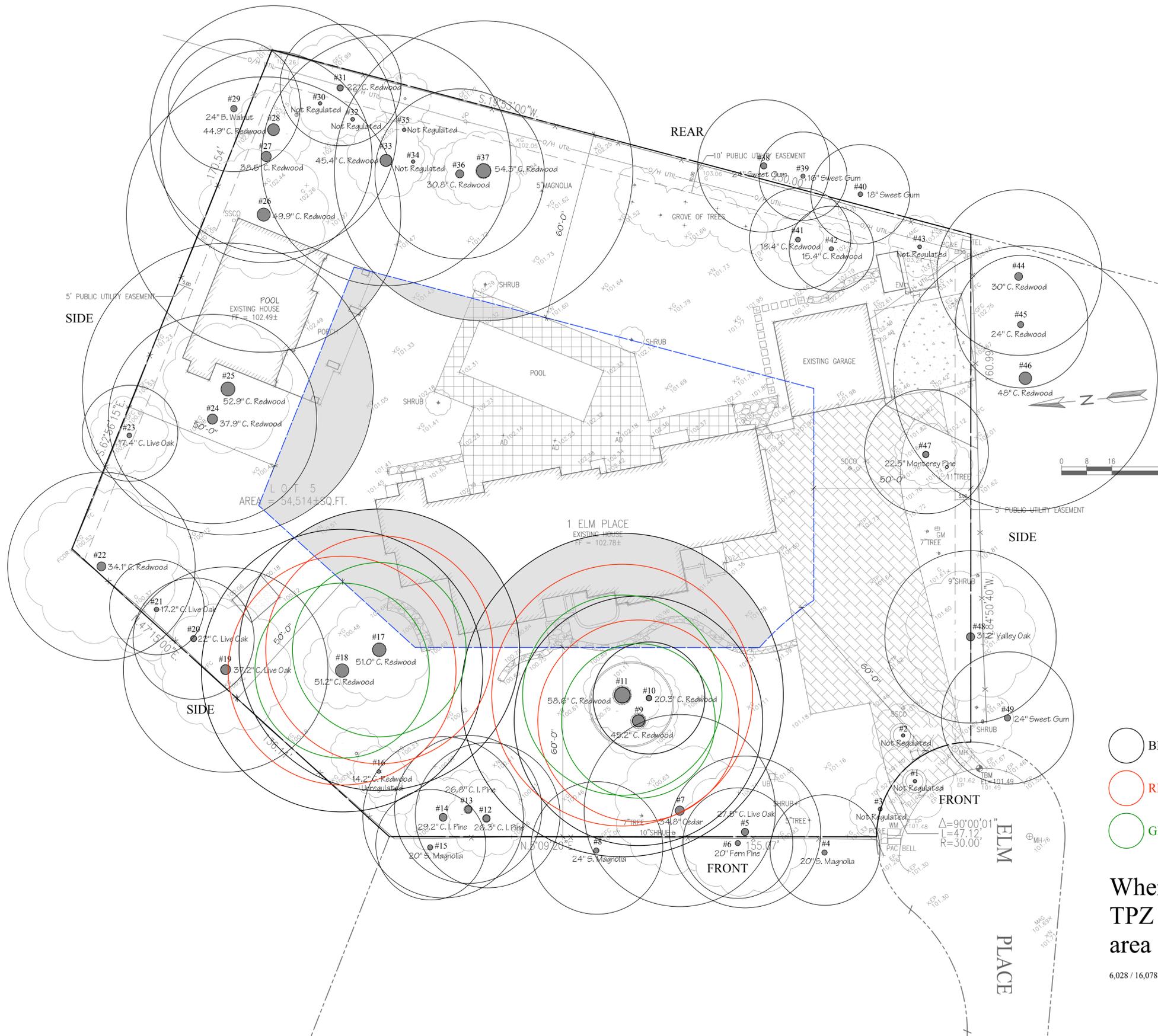
1 Elm Pl., Atherton

November 10, 2021



Location of redwoods (green dot) around property and proposed redwood removals (red 'x') with their TPZs

ATTACHMENT 6



LEGEND:

| | |
|-------|--------------------------|
| AC | ASPHALT CONCRETE |
| BC | BUILDING CORNER |
| BW | BACK OF WALK |
| CB | CATCH BASIN |
| CMP | CORRUGATED METAL PIPE |
| CO | CLEAN OUT |
| CRN | CROWN |
| EC | EDGE OF CONCRETE |
| EM | ELECTRIC METER |
| EP | EDGE OF PAVEMENT |
| FC | FENCE CORNER |
| FD | FOUND |
| FF | FINISHED FLOOR |
| FL | FLOW LINE |
| FH | FIRE HYDRANT |
| G | GROUND |
| GC | GARAGE CORNER |
| GFC | GROUND AT FENCE |
| GM | GAS METER |
| HC | HOUSE CORNER |
| HCR | HANDICAP RAMP |
| INV | INVERT |
| IP | IRON PIPE |
| JP | JOINT POLE |
| LG | LIP OF GUTTER |
| O/H | OVERHEAD |
| PC | PROPERTY CORNER |
| RW | RETAINING WALL |
| SL | STREET LIGHT |
| SSCO | SANITARY SEWER CLEAN-OUT |
| SSMH | SANITARY SEWER MANHOLE |
| SDMH | STORM DRAIN MANHOLE |
| TBC | TOP BACK OF CURB |
| TC | TOP OF CURB |
| TOT | TOP OF BANK |
| TOE | TOE OF BANK |
| TP | TOP OF PAVEMENT |
| TW | TOP OF WALL |
| U/G | UNDERGROUND |
| VCP | VITRIFIED CLAY PIPE |
| WV | WATER VALVE |
| WM | WATER METER BOX |
| -CIV- | CABLE TELEVISION LINE |
| -E- | ELECTRICAL LINE |
| -G- | GAS LINE |
| -S- | SANITARY SEWER LINE |
| -D- | STORM DRAIN LINE |
| -T- | TELEPHONE LINE |
| -W- | WATER LINE |

BASIS OF BEARINGS:

THE BEARING, N5°09'20"E, OF THE RIGHT OF WAY LINE OF LINDEN AVENUE, AS SHOWN ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, IN BOOK 21 OF MAPS AT PAGE 39, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

BASIS OF ELEVATION:

TBM ELEV = 101.49 (ASSUMED)

UTILITY NOTE:

UNDERGROUND UTILITIES, SHOWN PER SURFACE EVIDENCE AND RECORD MAPS, MAY BE DIFFERENT THAN AS SHOWN. BEFORE EXCAVATION, CALL UNDERGROUND SERVICE ALERT (USA) 1-800-642-2444.

LEGAL DESCRIPTION:

LOT 5, BLOCK 1, MAP NO. 1 LINDENWOOD, ATHERTON, SAN MATEO COUNTY, CALIFORNIA, IN BOOK 21 OF MAPS AT PAGES 37 THROUGH 39

- BLACK Circle shows a TPZ of 10X
- RED Circle shows a TPZ of 8X
- GREEN Circle shows a TPZ of 6X

When TPZ is 10X, the area of the TPZ covers 37.5% of the buildable area inside the setbacks.

$6,028 / 16,078 \text{ sf} = .375 = 37.5\%$

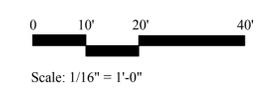
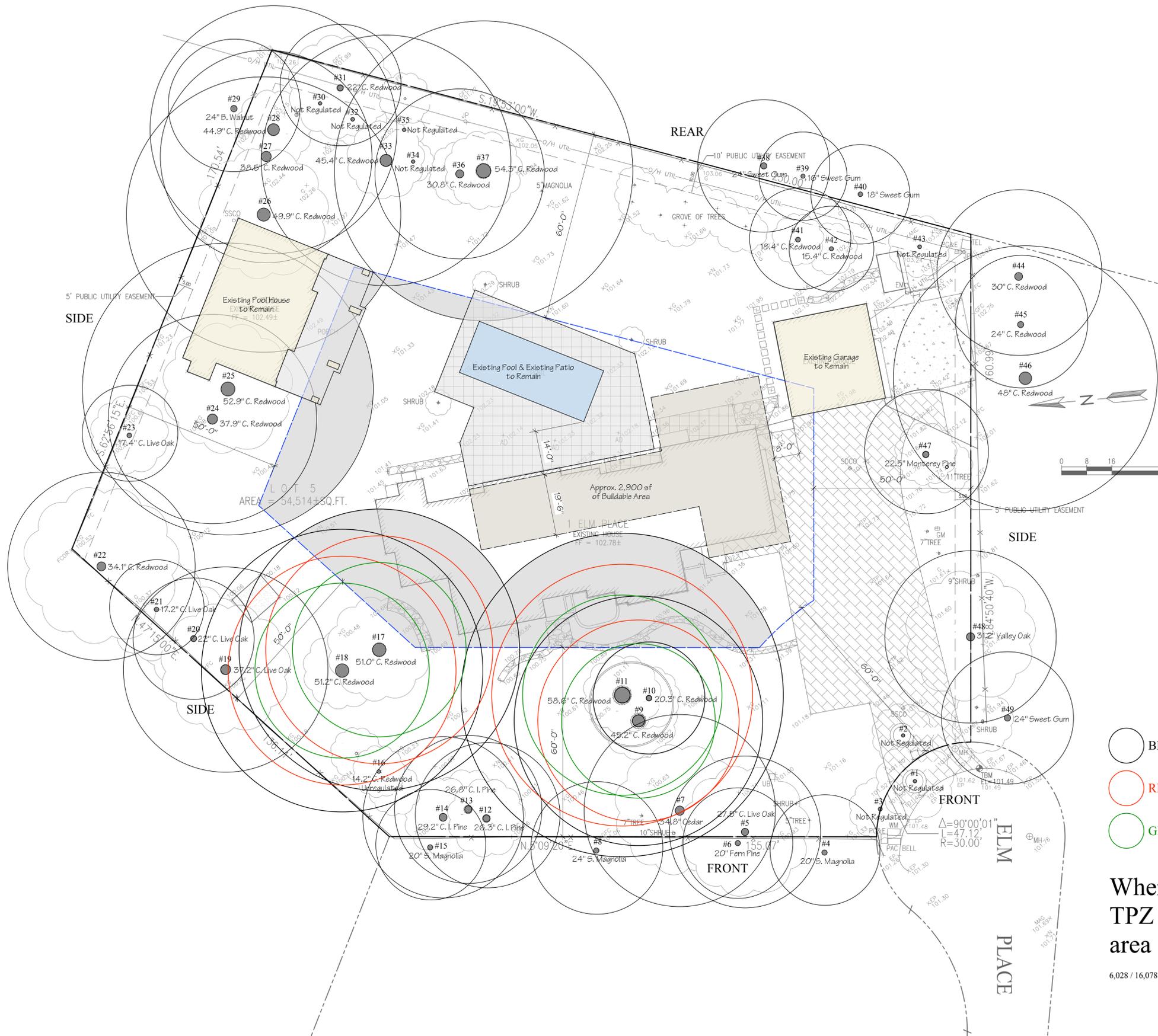


Figure 1

Mikey & Noah Kindler
1 Elm Place
Atherton, CA 94027

Zak Johnson Architects
900 College Avenue
Menlo Park, CA 94025
650.329.9767

| | |
|-------------|-------------------|
| Sheet Title | |
| Scale | As Noted |
| Job No. | |
| Date | November 22, 2021 |



LEGEND:

- AC ASPHALT CONCRETE
- BC BUILDING CORNER
- BW BACK OF WALK
- CB CATCH BASIN
- CMP CORRUGATED METAL PIPE
- CO CLEAN OUT
- CRN CROWN
- EC EDGE OF CONCRETE
- EM ELECTRIC METER
- EP EDGE OF PAVEMENT
- FC FENCE CORNER
- FD FOUND
- FF FINISHED FLOOR
- FL FLOW LINE
- FH FIRE HYDRANT
- G GROUND
- GC GARAGE CORNER
- GFC GROUND AT FENCE
- GM GAS METER
- HC HOUSE CORNER
- HCR HANDICAP RAMP
- INV INVERT
- IP IRON PIPE
- JP JOINT POLE
- LG LIP OF GUTTER
- O/H OVERHEAD
- PC PROPERTY CORNER
- RW RETAINING WALL
- SL STREET LIGHT
- SSCO SANITARY SEWER CLEAN-OUT
- SSMH SANITARY SEWER MANHOLE
- SDMH STORM DRAIN MANHOLE
- TBC TOP BACK OF CURB
- TC TOP OF CURB
- TOB TOP OF BANK
- TOE TOP OF BANK
- TP TOP OF PAVEMENT
- TW TOP OF WALL
- U/G UNDERGROUND
- VCP VITRIFIED CLAY PIPE
- WV WATER VALVE
- WM WATER METER BOX
- CIV- CABLE TELEVISION LINE
- E- ELECTRICAL LINE
- G- GAS LINE
- S- SANITARY SEWER LINE
- D- STORM DRAIN LINE
- T- TELEPHONE LINE
- W- WATER LINE

BASIS OF BEARINGS:

THE BEARING, N5°09'20"E, OF THE RIGHT OF WAY LINE OF LINDEN AVENUE, AS SHOWN ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, IN BOOK 21 OF MAPS AT PAGE 39, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

BASIS OF ELEVATION:

TBM ELEV = 101.49 (ASSUMED)

UTILITY NOTE:

UNDERGROUND UTILITIES, SHOWN PER SURFACE EVIDENCE AND RECORD MAPS, MAY BE DIFFERENT THAN AS SHOWN. BEFORE EXCAVATION, CALL UNDERGROUND SERVICE ALERT (USA) 1-800-642-2444.

LEGAL DESCRIPTION:

LOT 5, BLOCK 1, MAP NO. 1 LINDENWOOD, ATHERTON, SAN MATEO COUNTY, CALIFORNIA, IN BOOK 21 OF MAPS AT PAGES 37 THROUGH 39

- BLACK Circle shows a TPZ of 10X
- RED Circle shows a TPZ of 8X
- GREEN Circle shows a TPZ of 6X

When TPZ is 10X, the area of the TPZ covers 37.5% of the buildable area inside the setbacks.

$6,028 / 16,078 \text{ sf} = .375 = 37.5\%$

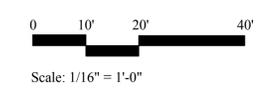


Figure 2

Mikey & Noah Kindler
 1 Elm Place
 Atherton, CA 94027

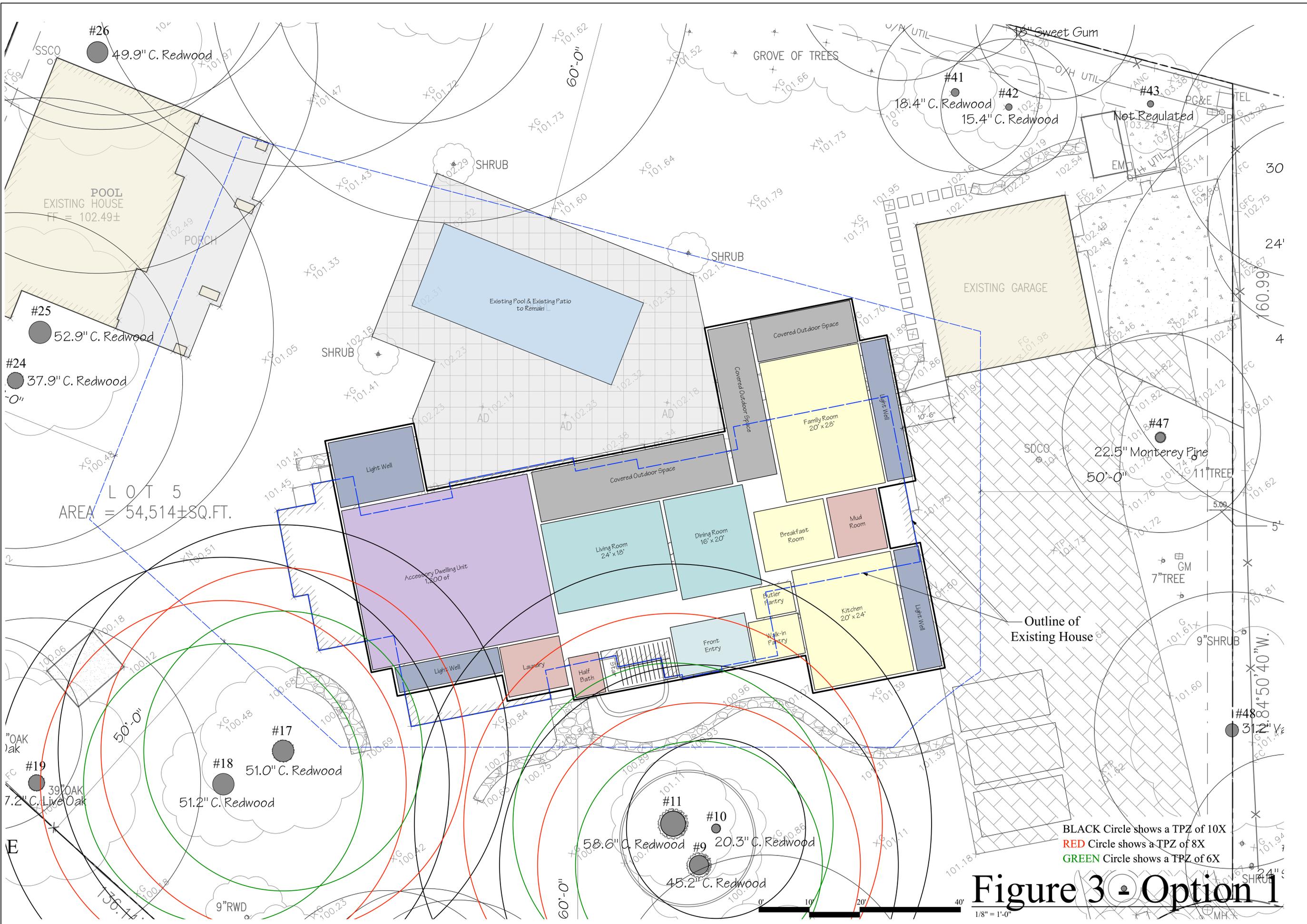
Zak Johnson Architects
 900 College Avenue
 Menlo Park, CA 94025
 650.329.9767

Sheet Title

Scale
 As Noted

Job No.

Date
 November 22, 2021



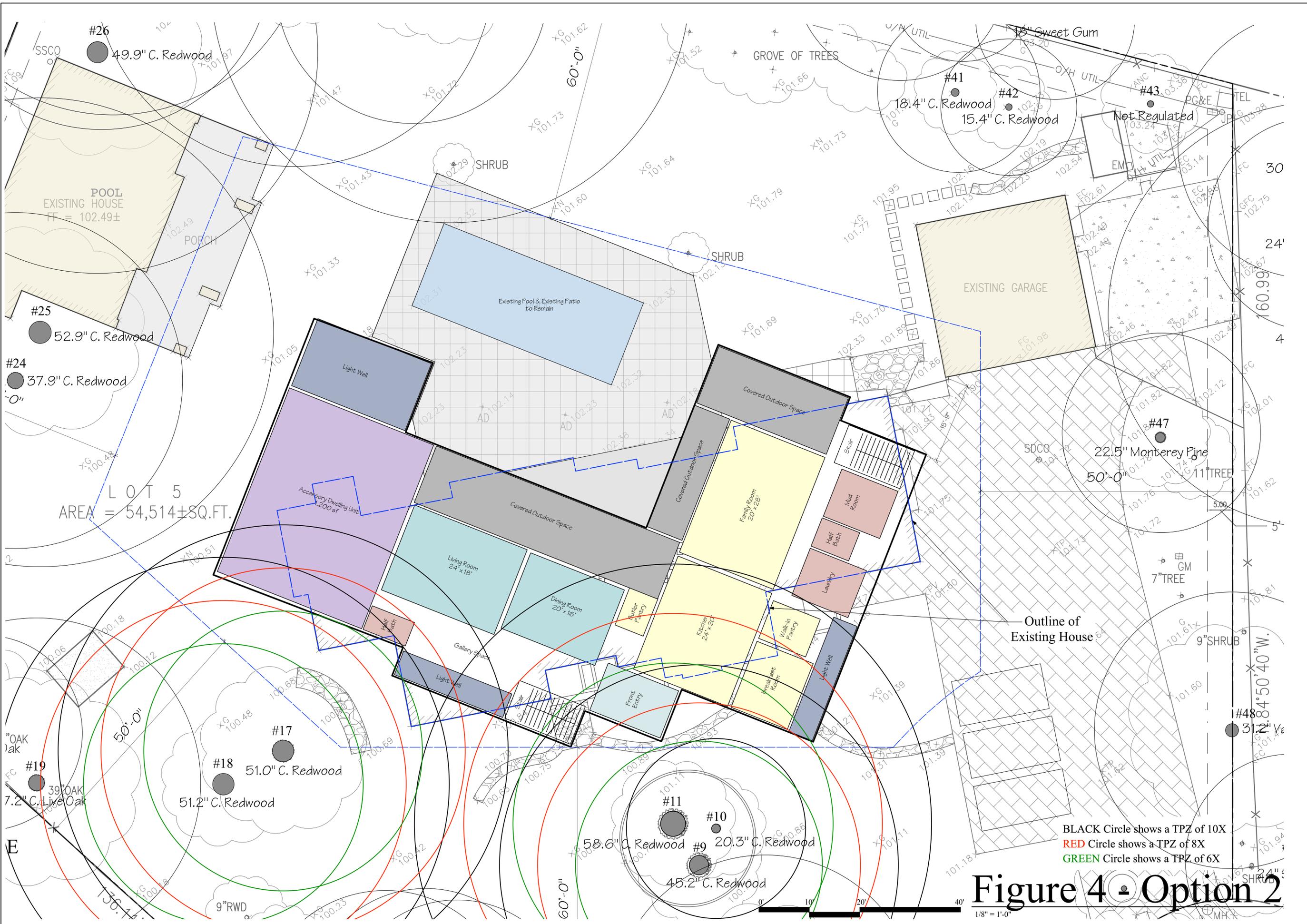
BLACK Circle shows a TPZ of 10X
 RED Circle shows a TPZ of 8X
 GREEN Circle shows a TPZ of 6X

Figure 3 - Option 1
 1/8" = 1'-0"

Mikey & Noah Kindler
 1 Elm Place
 Atherton, CA 94027

Zak Johnson Architects
 900 College Avenue
 Menlo Park, CA 94025
 650.329.9767

| |
|-------------------|
| Sheet Title |
| Scale |
| As Noted |
| Job No. |
| Date |
| November 22, 2021 |



LOT 5
AREA = 54,514±SQ.FT.

Outline of Existing House

BLACK Circle shows a TPZ of 10X
 RED Circle shows a TPZ of 8X
 GREEN Circle shows a TPZ of 6X

Figure 4 - Option 2

1/8" = 1'-0"

Mikey & Noah Kindler
 1 Elm Place
 Atherton, CA 94027

Zak Johnson Architects
 900 College Avenue
 Menlo Park, CA 94025
 650.329.9767

Sheet Title

Scale
As Noted

Job No.

Date
November 22, 2021



LEGEND:

| | |
|-------|--------------------------|
| AC | ASPHALT CONCRETE |
| BC | BUILDING CORNER |
| BW | BACK OF WALK |
| CB | CATCH BASIN |
| CMP | CORRUGATED METAL PIPE |
| CO | CLEAN OUT |
| CRN | CROWN |
| EC | EDGE OF CONCRETE |
| EM | ELECTRIC METER |
| EP | EDGE OF PAVEMENT |
| FC | FENCE CORNER |
| FD | FOUND |
| FF | FINISHED FLOOR |
| FL | FLOW LINE |
| FH | FIRE HYDRANT |
| G | GROUND |
| GC | GARAGE CORNER |
| GFC | GROUND AT FENCE |
| GM | GAS METER |
| HC | HOUSE CORNER |
| HCR | HANDICAP RAMP |
| INV | INVERT |
| IP | IRON PIPE |
| JP | JOINT POLE |
| LG | LIP OF GUTTER |
| O/H | OVERHEAD |
| PC | PROPERTY CORNER |
| RW | RETAINING WALL |
| SL | STREET LIGHT |
| SSCO | SANITARY SEWER CLEAN-OUT |
| SSMH | SANITARY SEWER MANHOLE |
| SDMH | STORM DRAIN MANHOLE |
| TBC | TOP BACK OF CURB |
| TC | TOP OF CURB |
| TOB | TOP OF BANK |
| TOE | TOE OF BANK |
| TP | TOP OF PAVEMENT |
| TW | TOP OF WALL |
| U/G | UNDERGROUND |
| VCP | VITRIFIED CLAY PIPE |
| WV | WATER VALVE |
| WM | WATER METER BOX |
| -CIV- | CABLE TELEVISION LINE |
| -E- | ELECTRICAL LINE |
| -G- | GAS LINE |
| -S- | SANITARY SEWER LINE |
| -D- | STORM DRAIN LINE |
| -T- | TELEPHONE LINE |
| -W- | WATER LINE |

BASIS OF BEARINGS:
 THE BEARING, N5°09'20"E, OF THE RIGHT OF WAY LINE OF LINDEN AVENUE, AS SHOWN ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, IN BOOK 21 OF MAPS AT PAGE 39, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

BASIS OF ELEVATION:
 TBM ELEV = 101.49 (ASSUMED)

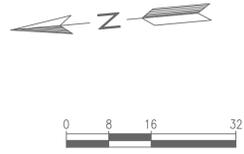
UTILITY NOTE:
 UNDERGROUND UTILITIES, SHOWN PER SURFACE EVIDENCE AND RECORD MAPS, MAY BE DIFFERENT THAN AS SHOWN. BEFORE EXCAVATION, CALL UNDERGROUND SERVICE ALERT (USA) 1-800-642-2444.

LEGAL DESCRIPTION:
 LOT 5, BLOCK 1, MAP NO. 1 LINDENWOOD, ATHERTON, SAN MATEO COUNTY, CALIFORNIA, IN BOOK 21 OF MAPS AT PAGES 37 THROUGH 39

Provide (1) 36" box Cork Oak (Quercus suber, Evergreen)

Provide (4) 15 gal. Blue Oak (Quercus douglasii, Deciduous)

Provide (3) 36" box Cork Oak (Quercus suber, Evergreen)



Proposed Replacement Tree Planting Plan

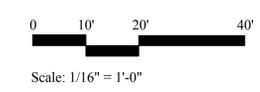


Figure 5

Mikey & Noah Kindler
 1 Elm Place
 Atherton, CA 94027

Zak Johnson Architects
 900 College Avenue
 Menlo Park, CA 94025
 650.329.9767

| |
|-------------------|
| Sheet Title |
| Scale |
| As Noted |
| Job No. |
| Date |
| November 22, 2021 |



From: Noah Kindler [REDACTED]
Subject: Fwd: Plans for your new house
Date: November 20, 2021 at 6:49 PM
To: Kelly Johnson [REDACTED]; Mikey Kindler [REDACTED]

Marc is our neighbor on Linden Ave.

----- Forwarded message -----
From: Marc Verdiell <[REDACTED]>
Date: Sat, Nov 20, 2021 at 6:47 PM
Subject: Plans for your new house
To: Kindler Noah [REDACTED]

Noah,
We have reviewed the plans for 1 Elm Place and are supportive.
Marc

From: Noah Kindler [redacted]
Subject: Fwd: Email - Does this work ?
Date: November 23, 2021 at 4:11 PM
To: Mikey Kindler [redacted], Kelly Johnson [redacted]



----- Forwarded message -----

From: Devesh Garg <[redacted]>
Date: Tue, Nov 23, 2021 at 4:09 PM
Subject: Email - Does this work ?
To: Noah Kindler [redacted]

Dear Atherton Planning Board,

My name is Devesh Garg, and I reside at 2 Elm Place, Atherton, CA. 94027. My neighbor, Noah Kindler, at 1 Elm Place, Atherton, CA. 94027, has indicated his desire to undertake construction on his property. He has also shared his plans with me, and I am comfortable with them as well as the removal of the redwood trees that are in front of his present home.

If you have any questions, please feel free to contact me.

Sincerely, Devesh

Devesh Garg

[redacted]

[redacted]

From: Noah Kindler [REDACTED]
Subject: Fwd: Supportive of 1 Elm place plans
Date: November 26, 2021 at 9:55 PM
To: Kelly Johnson [REDACTED] Mikey Kindler [REDACTED]



----- Forwarded message -----
From: **Michelle Donatelli** <[REDACTED]>
Date: Fri, Nov 26, 2021 at 6:00 PM
Subject: Supportive of 1 Elm place plans
To: Noah Kindler <[REDACTED]>

Town of Atherton

We have seen the plans for [1 Elm Place](#) and we are supportive of the plans.

Dave and Michelle Donatelli

PLANNING COMMISSION
REGULAR MEETING
ABRIDGED DRAFT MINUTES

TOWN OF ATHERTON
January 26, 2022
6:00 pm
This meeting was held virtually.

1. ROLL CALL

PRESENT: Eric Lane
Nancy Lerner
Perry Narancic
Randy Lamb

ABSENT: Gabia Konce

Lisa Costa Sanders, Town Planner, Andreas Booher, Deputy Town Attorney, Principal Planner Stephanie Bertollo-Davis, Assistant Planner Ralph Robinson and Town Arborist Sally Bentz-Dalton were present.

2. PUBLIC HEARING

b. Heritage Tree Removal Permit (SSP) – 1 Elm Place, Atherton (APN 061-193-060) – Request for a Heritage Tree Removal Permit to allow for the removal of three (3) heritage redwood trees. Atherton Municipal Code Chapter 8.10.

Assistant Planner Ralph Robinson presented the Staff Report.

Chair Lane asked a clarifying question regarding a graphic showing TPZ zones on the property.

Open Public Hearing.

Project applicant Mikey Kindler, homeowner, noted the property has a tremendous number of trees and that the trees proposed for removal are close to existing house, within a TPZ of 6x. As the homeowner she noted that they would like to build a larger home to accommodate their family while still being thoughtful about having the least amount of impact on existing trees and noted removal of these trees is the best option for allowing use of the property while still preserving other trees. Mrs. Kindler believes the property has unique conditions and spoke to three adjoining neighbors who provided written support for the project. A suggested alternative of moving the pool was not preferred because it would mean a smaller pool and pool deck and would locate the pool closer to power lines along the rear of the property, which would also require removing other trees that provide shading and privacy for the homeowner and rear adjoining neighbor. She noted

that a thorough replanting plan using more climate change resistant species has also been included as part of the project.

Project representative Kelly Johnson, architect, provided clarification on the diagram provided showing TPZ zones for existing trees. She reiterated there are a large number of redwood trees on the property, which draw lots of water. Ms. Johnson noted that other towns, such as Portola Valley, have moved away from protecting redwoods and that the replanting plan would feature more appropriate, drought resistant species.

Chair Lane asked the applicant to walk through the plans for the proposed new residence and clarify impacts on its roots from a basement.

Ms. Johnson provided detail on extent of the proposed new plans and described a preference for a basement matching the footprint of the first floor. She noted a smaller basement with a larger first floor would still impact roots significantly.

Commissioner Narancic asked to clarify that if the reason for the removal request is because it would not be possible to construct a basement otherwise.

Mrs. Kindler provided clarification on Commissioner Narancic's question and added that the property previously had another healthy tree fall on the garage which was noted to reinforce their concerns regarding the proximity of the trees proposed for removal to the house.

Commissioner Narancic stated that these applications are typically for projects that build over the footprint of the trees, which is not the case with this application.

Mrs. Kindler reiterated the constraints created by the number of trees on the property.

Project applicant Noah Kindler, homeowner, overviewed their efforts to avoid trees with the new building and that the presented option is the best-case scenario for avoiding trees while accommodating the new residence. He also added the need to remove all three trees was due to intertwined canopies making it not possible to remove them as individual trees.

Closed Public Hearing.

Chair Lane said that the application was a difficult one for him due to the conditions on the property and that the trees proposed for removal are in the wrong spot. He noted that the trees are too close to the existing house and too big, and that it may have seemed like a good idea to plant them 30 years ago, but they no longer work where they are. Chair Lane asked the Town Arborist and staff to opine on this issue of the trees being in the wrong spot for good planning and safety.

Principal Planner Davis overviewed the six criteria for considering the application and reiterated that the Commission has the discretion to make any of the six criteria independent of the staff recommendation. She noted that the applicant has made the argument that criteria numbers 2 and 6, related to safety and reasonable use of the property, support their request.

ATTACHMENT 4

Commissioner Narancic stated he did not see anything in the application to support the second criteria related to safety and noted he did not feel that criteria 6 alone, related to reasonable use of the property, is sufficient to support the application.

Commissioner Lamb he noted the time the Commission had spent creating the heritage tree standards and concluded the application would be contrary to the intent of the heritage tree standards. He expressed concern that approving the project would set a bad precedent for future applications.

Chair Lane discussed his impressions from site visit, noting that the trees tower over the existing house and that he felt this is a case where the trees are in the wrong spot. He stated his conclusion that he believed that there was sufficient information to support criteria 2 and 6.

Town Arborist Sally Bentz-Dalton added that it would be possible to build a basement that is not a full basement as proposed with a reduced TPZ.

Chair Lane noted the Town's long history of preserving trees while balancing that with the need for new development. and acknowledged the nuances of this project. He asked the Commission to move forward with a motion and added that he would vote no on denying the application because of the unique conditions he felt evident on the property.

M/S Narancic/Lamb Ayes: 1 Noes: 3 Absent: 1

Respectfully Submitted:

/s/Stephanie B.-Davis

Stephanie B. Davis, Principal Planner



Memo

To: The Atherton City Council
From: Sally D Bentz, Town Arborist
CC: Stephanie B Davis, Principal Planner
Date: 2/8/22
Re: Heritage/ Tree Removal Application at 1 Elm Road – Appeal to City Council

I have reviewed the application for appeal at 1 Elm Road and offer the following observations and recommendation for your review:

At the January 27th, 2021, Planning Commission meeting the Commission approved the following TPZ's for a remodel/addition of the existing house.

1. Tree #5 – Redwood – Sequoia sempervirens - 60” dbh – 3.5x – Is now tree #11
2. Tree #6 – Redwood - Sequoia sempervirens – 46” dbh – 7x – Is now tree #10
3. Tree #9 – Redwood - Sequoia sempervirens - 52” dbh – 5.5x – Is now tree #17

The applicant applied for tree removals to build a new house at the Planning Commission. At staff level I approved an 8x TPZ for tree #18 and at staff level I approved the tree removal of tree #17.

Planning Commission denied the application to approve the removals of Redwood trees, 9, 10 and 11.

After reviewing the applicant appeal letter the found the below:

Per the applicants Arborist report and inventory there are 39 heritage trees on the site. That is any tree over 15.2” diameter. I approved tree #17 for removal so that would leave 38 heritage trees. However, of the 38 trees, 12 are on neighbor's sites. Tree protection zones do count on neighbor's sites, however for this application I do not see how neighbor's trees would affect the new residence or pool area.

The tree protection rules per the Muni code were 12x away structures from buildings prior to the new rules set in 2019. However, 12x was never enforced. Staff did not allow structures less than 6x away as that is considered the critical root area. The current rules are 10x away from structures with a possible 8x away if applied for and approved at staff level. So, per the largest redwood, tree #11 at 58” diameter then 6x away would be 29’ feet, 8x away would be 38’ away and 10x away would be 48’ away. The applicant did not apply, but staff suggested they could recommend a basement at 8x and foundation at 6x if the trees were to remain. Many sites must shore the basement due to trees and or cantilever structures due to trees. In 2021 the Planning Commission reviewed an application for 70 Amador for a different basement location then the foundation. The basement was approved at a lesser TPZ then the house foundation. Also, in 2021 at 55 Melanie the Planning Commission approved different TPZ's for the shored basement and structure. In this case to build closer to the trees they were approved for parts of the building to be cantilevered over. These examples show that trees in Atherton can

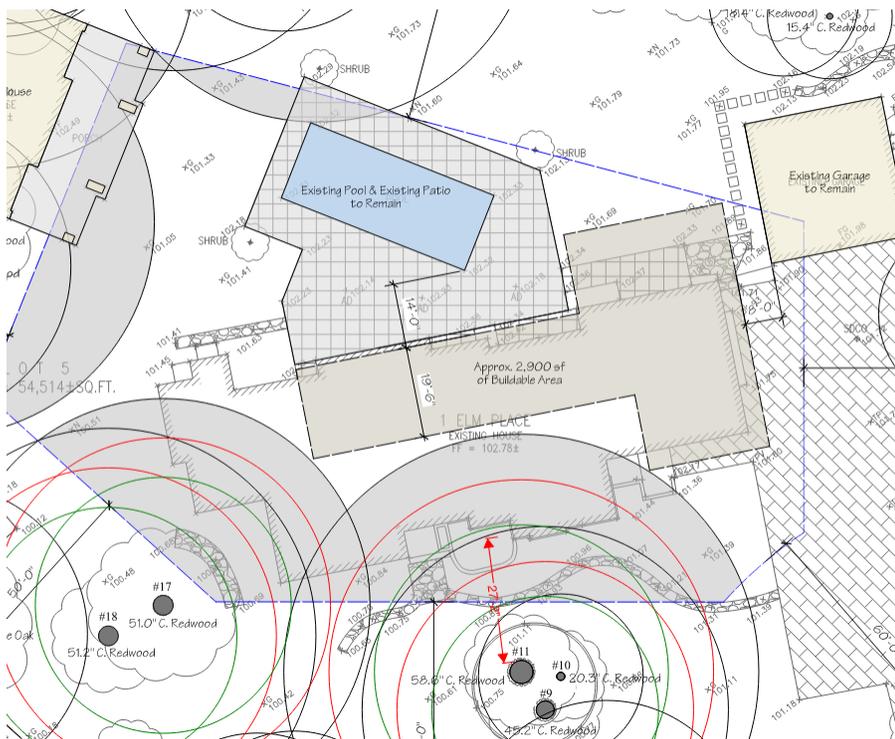
cause issues for certain designs that don't confer to the current rules however the applicants were willing to get creative or work around the rules so that the heritage trees could or would remain. In both the above cases the trees were Redwoods.

Redwood trees are known to be fire resistant and have thick burrowed bark to protect them from fire. Currently Redwood trees are still protected under the current municipal code and are considered heritage trees. Also, currently Atherton is not a WUI or Wildland Urban Interface so rules about defensible space are not enforced. Until Redwood trees are considered not heritage or Atherton becomes a WUI and there are rules with removal of trees around structures then I will do my job and protect the healthy Redwoods.

I also wanted to point out in Figure 2 of the plans submitted that they show that there is only 2,900 square feet of buildable area to build. However, this is shown at 10x away. A more accurate depiction would be at 8x and 6x accordingly to my recommendation if they applied at Planning Commission level. That would allow for more square footage. I also wanted to point out that in the applicants 2,900 square footage calculation that they calculated keeping the pool and large patio area surrounding it.

The applicant wishes to keep the pool and patio area which takes up a large amount of buildable area space for building a new residence. You will see in diagram 1 the 2,900 sf of buildable area, but it doesn't consider the pool area and patio area. If it did the square foote to build a new home would be much larger.

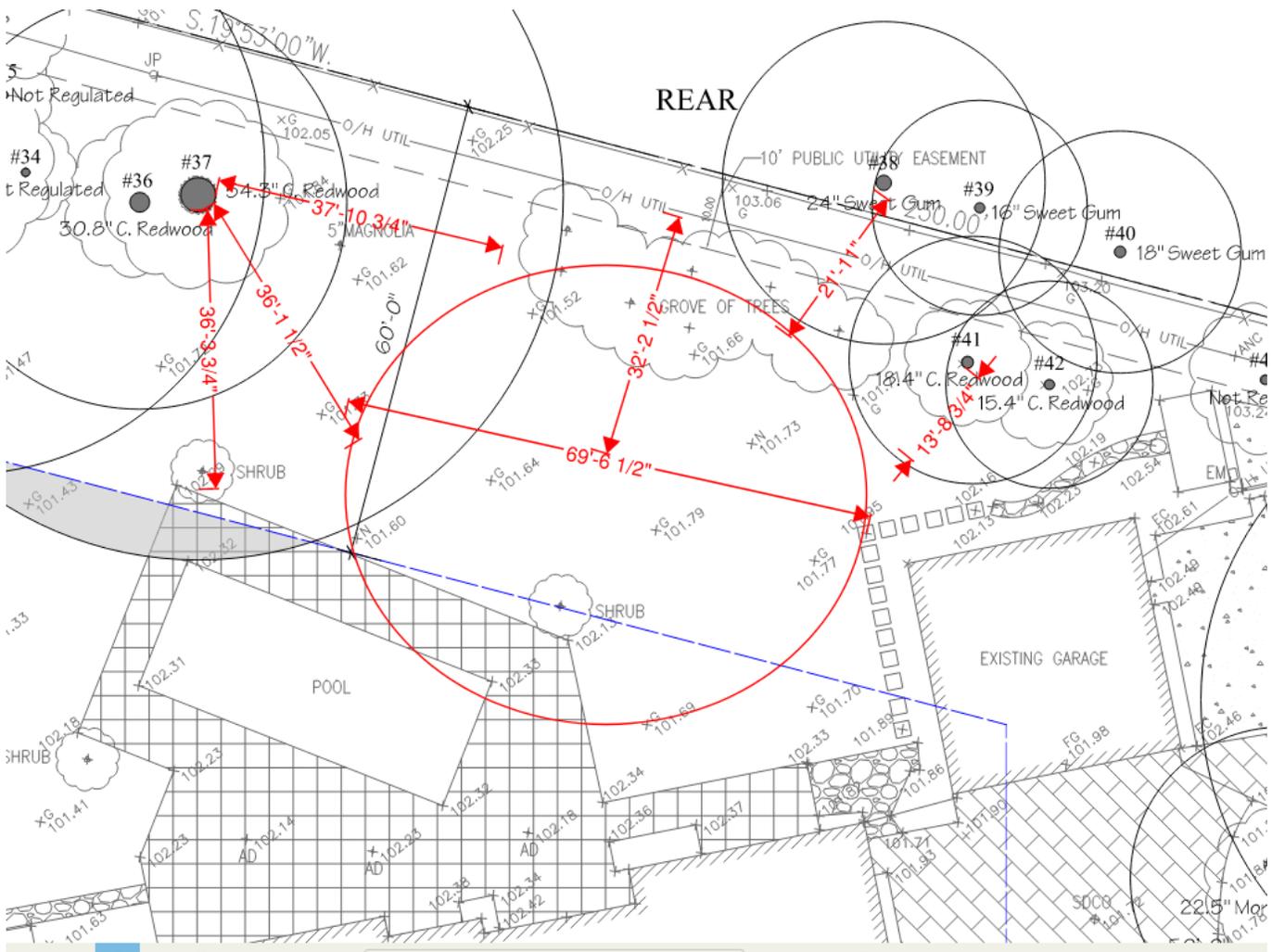
Diagram 1



I also wanted to show in diagram 2 below that there may be space for a pool/patio in the back yard. I calculated the distances from the Redwood trees at 8x and the Sweetgum at 10x. I also calculated the overhead wires away as well as the approximate distance across to be at 69'. A lap pool is approximately 40' long. I feel not being able to move the pool, that, that is a factor in not being able to use the lot to the extent feasible. Many sites in Atherton have high voltage PG&E lines that go through the back yard property line. I do not know of a required setback from the lines to where you can build in the backyard. However residents with power lines are still able

to use their backyards.

Diagram 2



As with any construction site in Atherton the private arborist will be on hand during demo, basement, and foundation work to look at roots and root cutting. If the trees stay, they would be required to be protected during the demo and site development.

After reviewing the arborist report I saw that a few of the trees in the report were considered fair to poor condition. I do not know if applying for those trees for removal would help with the design or future design. Trees 20, 21, 23, 33, 36, 47 and 48 were the trees on the report. They have not applied and or I have not reviewed.

As stated for the Planning Commission if approved by the Council, the applicant has a good replanting plan. The requirement for Planning Commission is for every tree approved for removal is to plant three trees of fifteen-gallon container size, or two trees of twenty-four-inch box container size, or one tree of fifteen-gallon container size and one tree of thirty-six-inch container size. The applicant is suggesting replanting four 36" box Cork Oaks and four 15-gallon Blue Oaks.

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

ATTACHMENT 6



Town of Atherton
Planning Department
80 Fair Oaks Lane
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, February 16, 2022 did approve the appeal application and thereby approve the Heritage Tree Removal (HTR) application of Kelly Johnson of Zak Johnson Architects., applicant, on behalf of property owners Mikey and Noah Kindler pursuant to Atherton Municipal Code Section 8.10 to allow the removal of three heritage coastal redwood trees, Trees #9, #10 and #11, at 1 Elm Place in Atherton (Assessor's Parcel Number 061-193-060). The Permit was approved subject to the following conditions:

1. Heritage tree removal shall be limited to three coastal redwood trees, Trees #9, #10 and #11 as shown on the plan prepared by Zak Johnson Architects, dated November 22, 2021, and as reviewed by the City Council at its February 16, 2022 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 approved replanting plan 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.
4. Applicant shall defend, indemnify, and hold harmless the Town of Atherton and its agents, officers and employees from any claim, action or proceeding against the Town, or its agents, officers and employees to attach, set aside, void, or annul, an approval of the Planning Commission, or City Council concerning this project.

Lisa Costa Sanders
Town Planner

Effective Date: _____

Atherton, CA