

Heritage tree removal application

1 Elm Place

Quick background on our story

- Moved in to 1 Elm Place in 2011
- 40 Heritage trees and dozens more large trees on property

- Long term plan to rebuild
- Built pool house in different style 2013 - different tree rules

- Building our **forever home**
- Flirted with a remodel in 2019
- Decided to go for it- Designing new home with ADU

We are only requesting the removal of the grove of 3 Redwood trees and have an excellent replanting plan exceeding requirements

Why we are here tonight (and have 75+ pages of reports)



The planning commission rejected our application 3-1 (one not present)

Defects in the planning commission process:

- Only one commissioner visited our property (and he voted for removal).
- 73% of the time in the planning commission discussing our tree removal application was spent on non-valid reasons (fear of “onslaught” of work if they voted for acceptance, precedent setting, their pasts as developers, the time they spent designing these rules, etc).
- The commissioners cited incorrect facts as their rationale for denying our application (and we were not permitted to respond). “You just moved in here after we made these rules...”

There is existing language to allow for tree removal and we meet the criteria (need only one)

Atherton's current (2019) Heritage Tree Removal rules

8.10.D.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;

8.10.D6. 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.

SB9:

Rule forming still underway, however,

- Spirit is to reduce impediments to increasing housing density and adding ADUs
- General plan and “adopted goals” could reflect goal of densification through ADUs, and need to at the margin support such projects and remove obstacle

Pre-2019 rules experienced when building the pool house, under which our long term plan began

8.10.D.2: Safety



● Trees are healthy

- However, **failure** would be catastrophic to property/injuries given location
 - We have already had one “healthy” Heritage tree fall while living here
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- Atherton has in the past considered **both: tree health and location** regarding tree removal
 - Precedent: 2014 removal of tree from Laurel school cited both health of tree and dangerous location (school playground)
 - Not seeking removal of any other safe/healthy trees

8.10.D6: Reasonable use or other enjoyment

- 37% of buildable land is taken up by 40 TPZs created in 2019. 9 other TPZs from neighbors' trees
- **Hardship on property** grove of trees planted too close to buildable area – exceeds average amount of buildable area taken up by new TPZs
- Cannot use front yard - need to duck (pruning discouraged) – never use front door nor do children play there
- 5 sided lot and limited cul-de-sac frontage limited potential placements for the house - Can't have a 'pointy' room
- Large electric lines on the backside make effective offset in the back much larger due to need to plant any shading trees greatly in front power lines (PG&E aggressively chops the trees anywhere close) – limiting the “feasible alternative” in the back.
 - Desire not to put pool or play area under power lines (or move closer to neighbor's fences)
 - Tree regulations do not properly weight these power lines and the impact they have on the backyard and ability to improve or plant trees there – making alternative not feasible
- Replanting proposal exceeds town recommendation
- We maintain the wooded nature of Atherton with significant number of very large trees
- ADU adds a new unit for Atherton densification
- Desire to avoid precedent that, “No healthy trees are allowed down ever”
 - Would lead to near-Heritage trees being removed
 - Would lead to no-planting in/near buildable area

Community supported development

3 immediate neighbors

submitted letters of support for the project

Several additional Atherton residents

Many residents are here today supporting us

One letter from the public

- Said that she would support with strong replanting plan
- Potentially confused our trees without nests with neighbor's trees

Our application should be accepted

- ✓ Meets the accepted criteria for Heritage tree removal
- ✓ Has public support
- ✓ Serves the interest of the community with a strong replanting plan

Thank you for your time and kind consideration of our situation!