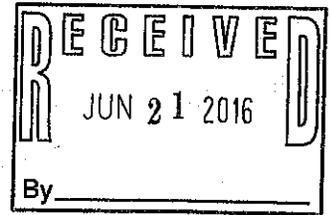


TOWN OF ATHERTON
 PLANNING COMMISSION APPLICATION



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

SITE ADDRESS: 70 Stern Lane APN 070-170-050

Provide a brief description of the proposed project: Remodel of existing house and cabana, new front fencing and drive gates, and new landscaping.

PROPERTY OWNER:

Name: 70 Stern Lane LLC
 Mailing Address: 394 Pacific Avenue, 2nd Floor, SF CA 94111
 Phone: 415-967-7763
 Email: admin@iconiqcapital.com
Signature: _____

APPLICANT:

Name: Bernard Trainor + Associates
 Mailing Address: 537 Houston Street
 Phone: 831-655-1414
 Email: chris@bernardtrainor.com (Chris Merritt)
Signature: _____

.....
 FOR CITY COMPLETION:

Amount Paid: \$2,064.80 Received by: HTR16-00004 Date Submitted: 6/21/2016
 Project #: HTR16-00004 Helen Luo

70 Stern
 Misc
 JM



DATE: PLANNING COMMISSION MEETING OF JULY 27, 2016

TO: THE PLANNING COMMISSION

FROM: NEAL MARTIN, PLANNING CONSULTANT

SUBJECT: REQUEST FOR THE REMOVAL OF THREE HERITAGE TREES AT 70 STERN LANE (APN 070-170-050)

RECOMMENDATION:

For the reasons outlined in this staff report, Planning Staff recommends that the Planning Commission conduct the public hearing and approve the Heritage Tree Removal Permit to allow for the removal of three Deodar Cedar Trees at 70 Stern Lane based on the following finding;

1. The removal of the three Deodar Cedar trees would not be contrary to the purpose and intent of the Atherton General Plan.

Basis for finding: The removal of the three Deodar Cedar heritage trees, Tree #35, #36, and #37, in combination with a replanting plan and additional site landscaping, would not be contrary to the purpose and intent of the general plan due to the enhanced replanting requirements, maintenance of existing heritage trees on site, and long term benefit of establishing more native species on site.

INTRODUCTION:

The subject site at 70 Stern Lane is an interior lot containing approximately 44,625 square feet (1.02 acres) in area. The site currently contains a two-story residence and several accessory structures.

The property is surrounded by single-family residences and located within the R1-A zoning district. The three Deodar Cedars proposed for removal are located at the right front of the property. The property also contains twelve other heritage trees including Coast live oaks and Coast Redwoods along the sides and rear of the site.

ANALYSIS:

The applicant is requesting Planning Commission consideration of the removal of three Deodar Cedar heritage trees. The three trees are located in a cluster at the right, front of the site between the circular entry drive and the Stern Lane pavement. The applicant indicates that the three Cedars

“... are over mature and in decline.” The applicant is proposing to replace the three Cedars with thirteen mature Maidenhair Trees, *Ginkgo biloba*, at both 48 inch and 60 inch box size. The replacement trees are all proposed to be planned in front of the main house.

Ms. Sally Bentz, Town Arborist, has visited the site and prepared a memo (attached) based on her review of the Heritage Tree Removal request, the applicant’s submitted arborist report, as well as a site inspection. Based on her review, Ms. Bentz notes that there are many Deodar Cedars in Atherton and have handled the drought. They are evergreen trees and have low amounts of pests and diseases. These specific trees are very visible from the street and removal of the trees would have a visual impact on the street. Ms. Bentz does not recommend removing the three tall Cedar trees that are seen from the street and to be removed for new landscaping. She notes that new landscaping can be installed around the Cedars and when the trees reach full maturity or decline, new landscaping can be filled in.

The applicant has submitted a preliminary landscape plan (attached) showing multiple landscape improvements on the site including 13 *Ginkgo biloba*, 12 *Wilsonii* Olive trees and 5 Coast Live Oak trees

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. 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.*” As indicated above, existing Deodar Cedar trees do not appear to be dangerous, their removal would have a significant visual impact from the street, the proposed replacement trees are slow growing and would take some time to reach full maturity. For these reasons Staff is recommending denial of the Heritage Tree Removal request.

ALTERNATIVES:

The Planning Commission could approve, or modify the request.

FISCAL IMPACT:

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

ENVIRONMENTAL IMPACT:

This project has been determined to be exempt from 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 – two acres in size is exempt from further environmental review.

RECOMMENDED FORMAL MOTION:

I move that the Planning Commission find that the proposed removal of three heritage trees at 70 Stern Lane in Atherton would be contrary to the purpose and intent of the General Plan, for the reasons outlined in the Staff Report, and that the Commission deny the tree removal.

/s/ Neal Martin
Neal Martin, Planning Consultant

STOPPED HERE

Attachments:

1. Draft Heritage Tree Removal Certificate
2. Letter of Request & Photos of Existing Trees
3. Town Arborist Memo, prepared by Ms. Sally Bentz, dated June 27, 2016
4. Applicant's Submitted Arborist report, prepared by John H. McClenahan of McClenahan Consulting, LLC, Certified Arborist, dated April 4, 2016
5. Proposed Tree Removal Plans and Landscape Plan



Town of Atherton
Planning Department
91 Ashfield
Atherton, California

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

THIS IS TO CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on Wednesday, July 27, 2016 did grant a Heritage Tree Removal Permit to Bernard Trainor & Associates on behalf of 70 Stern lane LLC, pursuant to Atherton Municipal Code Section 8.10 to allow the removal of three Deodar Cedar trees at 70 Stern Lane in Atherton (Assessor's Parcel Number 070-170-050). The Permit was approved subject to the following conditions:

1. Heritage tree removal shall be limited to three Deodar Cedar trees located in the front yard as shown on the Tree Removal and Landscape Plan dated March 30, 2016 and April 19, 2016, and as reviewed by the Planning Commission at its July 27, 2016 meeting. Any substantive changes to the plans shall be reviewed by the Planning Commission.
2. The applicant shall plant five (5) Coast Live Oak trees as replacement trees for the three trees removed subject to the satisfaction of the Town Arborist. In addition, the applicant shall implement the Landscape Plan which includes 13 Ginkgo biloba and 12 Wilsonii Olive trees for landscape screening.
3. This Permit is valid from one year from the effective date.

Lisa Costa Sanders
Town Planner

Effective Date: _____
Atherton, CA

T 831.655.1414
F 831.655.3462

537 Houston St.
Monterey
California
93940

www.bernardtrainor.com

To: Town of Atherton Planning Commission
Re: Proposed Tree Removal + Replacement at 70 Stern Lane

We are the Landscape Architects on the project at 70 Stern Lane and are proposing to remove and replace three Deodar Cedars along the street frontage. They are numbered Tree #35, #36 and Tree #37 in the attached Arborist Report.

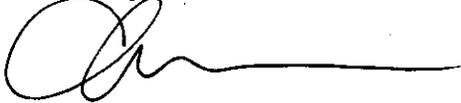
The three Cedars have been described by the Project Arborist, John McClenahan as having "a one sided crown and lack vigor" and should be removed. The cluster of three are planted too close with Tree #35 having visible "old toadstools" growing in the critical root area, Tree #36 having a "codominant leader" and Tree #37 having a "slight lean toward house". If any of the tree(s) were to fail, the house would be the target.

We are proposing to replace the three Cedars and mitigate the removals by installing thirteen mature Maidenhair Tree, *Ginkgo biloba* at both 48" and 60" box size (see attached plan). The clients are in for the long haul and the three Cedars are over mature and in decline. We would like to establish new mature trees with more vigor, which would thrive for the long term while still providing screening from the street.

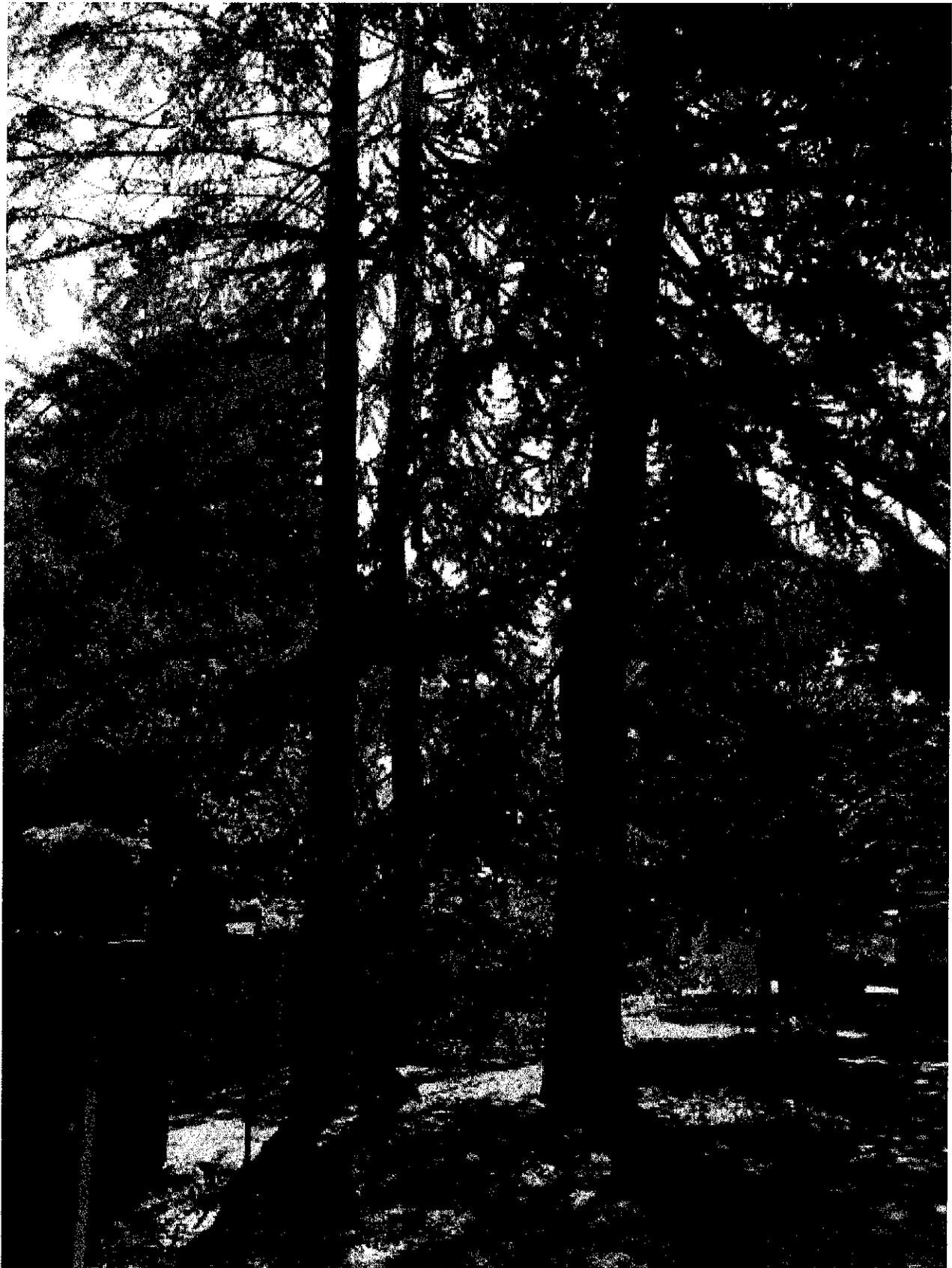
Based on the arborist's recommendations for removal and the mitigation strategy of installing new mature trees we feel the Cedars should be removed.

Please feel free to contact me with any questions.

Thank you,



Chris Merritt
Project Manager





Memo

To: The Atherton Planning Commission
From: Sally Bentz, Town Arborist
CC: Lisa Costa-Sanders- Planning Director
Date: 6/27/2016
Re: Heritage Removal Permit, 70 Stern Lane

I have reviewed the tree removal application for 70 Stern Lane and offer the following observations and recommendation for your review:

The applicant applied on 5/31/2016. After reviewing the trees and arborist report I denied the application. I did not find the trees to be dead or dangerous. I referred the applicant to the Planning Commission

The applicant would like to remove tree #35, 36 and 37. All three are Deodar Cedar's (*Cedrus deodora*).

The arborist report from McClenahan Consulting LLC states the trees are one sided. Toadstools were found at the base. Tree #36 was stated as having codominant leaders. Tree #37 was noted as having irregular curvature and a slight lean.

Deodar cedars are not native to this area, but because of the size of the trees they are considered heritage trees. There are many Deodar cedars in the town of Atherton and have handled the drought. Deodars are evergreen trees and have low amounts of pests and diseases.

The three cedars are located in the front setback where most trees are located after a site development is developed and can be seen from the street.

The applicant wishes to remove the trees so that a new landscape can be established. The applicant is proposing 13 – 48" and 60" Ginkgo box trees.

Although these are large box trees, Ginkgo's are very slow growing. The applicant would be removing mature 65' Cedars and putting in 15' Ginkgo's that are slow growing. Since the trees are very visible to the street the removal of the trees is going to have an impact on the street.

Co-dominant leaders does not necessary mean that a tree is dangerous and is not a sole reason to approve the removal of the trees. The trees are one sided because they grew together as a grove. As long as they remain a grove the trees being one sided is not an issue. Armarillia was not tested for. The lean on tree #37 is not a new lean. I do not feel the trees are dangerous.

I do not recommend that three tall mature Cedar trees that are seen from the street to be removed for new landscaping. New landscaping can be installed around the Cedar's and when the trees reach full maturity or decline new landscaping can be filled in.

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

Sincerely,

Sally Bentz
Town Arborist
WE#9238AM

ARBORIST REPORT

Submitted To:

**70 Stern Lane LLC
Attention: Mrs. Erica Hewitt
398 Pacific Avenue
Los Altos, CA 94111**

Project Location:

**70 Stern Lane
Atherton, CA**

Submitted By:

**McCLENAHAN CONSULTING, LLC
John H. McClenahan
ISA Board Certified Master Arborist, WE-1476B
member, American Society of Consulting Arborists
April 4, 2016
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McClenahan Consulting, LLC

Arboriculturists Since 1911

1 Arastradero Road, Portola Valley, CA 94028-8012

Telephone (650) 326-8781

Fax (650) 854-1267

www.spmcclenahan.com

April 4, 2016

70 Stern Lane LLC

Attention: **Mrs. Erica Hewitt**

398 Pacific Avenue

San Francisco, CA 94111

RE: **70 Stern Lane
Atherton, CA**

Assignment

As requested, I performed a visual inspection of eight trees to determine size and condition and provide Tree Preservation Guidelines for proposed site improvements.

Summary

Tree numbers correspond to the site plan below. Tree Protection Zones have been established for each tree. Any grading or excavation within a designated TPZ must be accomplished by hand or digging. Deodar cedars 35-37 are surrounded by old mushrooms, the soil or the root flares should be sampled for root rots, these three trees are proposed for removal as part of site improvements.

Methodology

No root crown exploration, climbing or plant tissue analysis was performed as part of this survey. For purposes of identification, trees have been numbered with aluminum tags.

In determining Tree Condition several factors have been considered which include:

Rate of growth over several seasons;
Structural decays or weaknesses;
Presence of disease or insects; and
Life expectancy.

Tree Description/Observation

23: Coast live oak (*Quercus agrifolia*)

Diameter: 25.9"

Height: 50' **Spread:** 45'

Condition: Poor to Fair

Location: Left rear corner

Observation: Crown partially topped for line clearance. Grows to a lean over neighbors property. Located next to power pole. The TPZ is 13-feet.

24: Coast live oak

Diameter: Est 26"

Height: 45' **Spread:** 55'

Condition: Poor to Fair

Location: Rear fence

Observation: Crown partially topped for line clearance. Interior deadwood observed. Slight lean toward neighbors. The TPZ is 13-feet.

25: Coast live oak

Diameter: 26.4"

Height: 40' **Spread:** 40'

Condition: Fair

Location: Rear setback

Observation: Tree grows to a lean into backyard. 19" limb is partially supported by a 4" pipe support. Minor boring insect infestation on tension side of lean. The TPZ is 14-feet.

26: Coast live oak

Diameter: 17.8"

Height: 20' **Spread:** 40'

Condition: Fair

Location: Rear setback

Observation: Crown topped for line clearance. Previously climbed with spurs. The TPZ is 9-feet.

27: Coast live oak

Diameter: 18.5"

Height: 20' **Spread:** 36'

Condition: Poor to Fair

Location: Rear setback

Observation: Grows to a significant lean over rear neighbor's. The TPZ is 10-feet.

28: Coast live oak

Diameter: 14.9"

Height: 24' **Spread:** 35'

Condition: Fair

Location: Rear setback

Observation: Crown partially topped for line clearance. Grows to a lean over pool. The TPZ is 8-feet.

29: Coast live oak

Diameter: 33.9" Multi trunk

Height: 40' **Spread:** 55'

Condition: Poor to Fair

Location: Rear setback

Observation: Crown topped for line clearance. Multi trunk growth habit creates an inherent structural weakness. The TPZ is 17-feet.

30 Coast live oak

Diameter: 25.6"

Height: 38' **Spread:** 40'

Condition: Poor to Fair

Location: Between pool and pool house

Observation: Crown is slightly sparse and lacks vigor. Scaffold limbs exhibit narrow attachments. Existing pool patio and old sport court create a poor environment. The TPZ is 13-feet.

31: Coast redwood

Diameter: 40.0"

Height: 95' **Spread:** 34'

Condition: Fair

Location: Behind pool house

Observation: Crown appears slightly water stressed. Pool house creates a limited root environment. The TPZ is 20-feet.

32: Coast live oak

Diameter: 42.5"

Height: 60' **Spread:** 65'

Condition: Poor to Fair

Location: Behind garage

Observation: Crown is slightly sparse with a minor accumulation of deadwood. Three cable supports observed in canopy. Crown is somewhat one sided with a slight lean towards pool. The TPZ is 22-feet.

33: Coast redwood

Diameter: 34.3"

Height: 80' **Spread:** 36'

Condition: Fair

Location: Right of drive

Observation: Crown appears water stressed. 6-feet from existing gravel drive. 11-feet from existing drain box. The TPZ is 18-feet.

34: Coast live oak

Diameter: 17.1"

Height: 20' **Spread:** 27'

Condition: Fair

Location: Right of drive

Observation: Crown is one sided and leans over existing driveway. The TPZ is 9-feet.

35: Deodar cedar (*Cedrus deodara*)

Diameter: 17.7"

Height: 65' **Spread:** 24'

Condition: Poor to Fair

Location: Front setback

Observation: Cluster of three trees. Crown is one sided and lacks vigor. Old toadstools observed at root flare. Recommend sampling for *Armillaria spp.* The TPZ is 9-feet. Proposed for removal.

36: Deodar cedar

Diameter: 26.6"

Height: 65' **Spread:** 28'

Condition: Poor to Fair

Location: Front setback

Observation: Cluster of three trees. Crown is one sided and lacks vigor. Old toadstools observed in area. Recommend sampling for *Armillaria spp.* Codominant leaders observed it 25 feet. The TPZ is 14-feet. Proposed for removal.

37: Deodar cedar

Diameter: 17.8"

Height: 65' **Spread:** 28'

Condition: Fair

Location: Front setback

Observation: Cluster of three trees. Crown is one sided. Old mushrooms observed in critical root area. Recommend sampling for *Armillaria spp.* irregular curvature of the stem observed. Grows to a slight lean toward house. The TPZ is 9-feet. Proposed for removal.

38: Coast live oak

Diameter: 21.4"

Height: 30' **Spread:** 28'

Condition: Fair

Location: Front left

Observation: Crown is one sided with phototropic lean toward house. The TPZ is 11-feet.





TREE PRESERVATION GUIDELINES

Tree Preservation and Protection Plan

In providing recommendations for tree preservation, we recognize that injury to trees as a result of construction include mechanical injuries to trunks, roots and branches, and injury as a result of changes that occur in the growing environment.

To minimize these injuries, we recommend grading operations encroach no closer than six times the trunk diameter, (i.e. 30" diameter tree x 6=180" distance). At this distance, buttress/anchoring roots would be preserved and minimal injury to the functional root area would be anticipated. Should encroachment within the area become necessary, hand digging is *mandatory*.

Barricades

Prior to initiation of construction activity, temporary barricades should be installed around all trees in the construction area. Six-foot high, chain link fences are to be mounted on steel posts, driven 2 feet into the ground, at no more than 10-foot spacing. The fences shall enclose the entire area under the drip line of the trees or as close to the drip line area as practical. These barricades will be placed around individual trees and/or groups of trees as the existing environment dictates.

The temporary barricades will serve to protect trunks, roots and branches from mechanical injuries, will inhibit stockpiling of construction materials or debris within the sensitive 'drip line' areas and will prevent soil compaction from increased vehicular/pedestrian traffic. No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground around the tree canopy shall not be altered. These barricades should remain in place

Barricades continued

until final inspection of the building permit, except for work specifically required in the approved plans to be done under the trees to be protected. Designated areas beyond the drip lines of any trees should be provided for construction materials and onsite parking.

Root Pruning (if necessary)

During and upon completion of any trenching/grading operation within a tree's drip line, should any roots greater than one inch (1") in diameter be damaged, broken or severed, root pruning to include flush cutting and sealing of exposed roots should be accomplished under the supervision of a qualified Arborist to minimize root deterioration beyond the soil line *within twenty-four (24) hours*.

Pruning

Pruning of the foliar canopies to include removal of deadwood is recommended and should be initiated prior to construction operations. Such pruning will provide any necessary construction clearance, will lessen the likelihood or potential for limb breakage, reduce 'windsail' effect and provide an environment suitable for healthy and vigorous growth.

Irrigation

A supplemental irrigation program is recommended for the trees on site and should be accomplished at regular three to four week intervals during the period of October 31st through May 1st. Irrigation is to be applied at or about the 'drip line' in an amount sufficient to supply approximately fifteen (15) gallons of water for each inch in trunk diameter.

Irrigation can be provided by means of a soil needle, 'soaker' or permeable hose. When using 'soaker' or permeable hoses, water is to be run at low pressure, avoiding runoff/puddling, allowing the needed moisture to penetrate the soil to feeder root depths.

Fertilization

A program of fertilization by means of deep root soil injection is recommended with applications in spring and summer for those trees to be impacted by construction.

Such fertilization will serve to stimulate feeder root development, offset shock/stress as related to construction and/or environmental factors, encourage vigor, alleviate soil compaction and compensate for any encroachment of natural feeding root areas.

Inception of this fertilizing program is recommended prior to the initiation of construction activity.

Mulch

Mulching with wood chips (maximum depth 3") within tree environments (outer foliar perimeter) will lessen moisture evaporation from soil, protect and encourage adventitious roots and minimize possible soil compaction.

Inspection

Periodic inspections by the *Site Arborist* are recommended during construction activities, particularly as trees are impacted by trenching/grading operations.

Inspections at approximate four (4) week intervals would be sufficient to assess and monitor the effectiveness of the Tree Preservation Plan and to provide recommendations for any additional care or treatment.

70 Stern Lane LLC
Attention: Mrs. Erica Hewitt
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All written material appearing herein constitutes original and unpublished work of the Arborist and may not be duplicated, used or disclosed without written consent of the Arborist.

We thank you for this opportunity to be of assistance in your tree preservation concerns.

Should you have any questions, or if we may be of further assistance in these concerns, kindly contact our office at any time.

Very truly yours,

McCLENAHAN CONSULTING, LLC



By: **John H. McClenahan**
ISA Board Certified Master Arborist, WE-1476B
member, American Society of Consulting Arborists

JHMc: pm



McClenahan Consulting, LLC

Arboriculturists Since 1911

1 Arastradero Road, Portola Valley, CA 94028-8012

Telephone (650) 326-8781

Fax (650) 854-1267

www.spmcclenahan.com

ARBORIST DISCLOSURE STATEMENT

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

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

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

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

Arborist:

John H. McClenahan

Date:

April 4, 2016