



**CITY COUNCIL  
and  
COMMUNITY DEVELOPMENT AGENCY MINUTES**

Tuesday, June 17, 2003

7:30 p.m.

The Menlo Park Council Chamber  
801 Laurel Street  
Menlo Park, CA 94025

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**7:30 pm REGULAR MEETING** (Menlo Park City Council Chamber)

Mayor Jellins called the meeting to order at 7:30 p.m.

**ROLL CALL** - Jellins, Duboc, Collacchi, Kinney, Winkler

**STAFF PRESENT** - David Boesch, City Manager; William McClure, City Attorney; Audrey Seymour, Assistant City Manager; Silvia Ponte, City Clerk. Various department heads and other City staff were present.

**PLEDGE OF ALLEGIANCE**

**A. PRESENTATIONS AND PROCLAMATIONS - None**

**B. COMMISSION VACANCIES AND REPORTS**

1. Mayor Jellins announced the current vacancies. Library Commission one vacancy for an un-expired term, ending September 2003 (due to the brevity of this term, Council consensus is to extend this term for four more years, upon its expiration). The deadline for applications is June 20, 2003. A Transportation Commission vacancy for an un-expired term, ending July 2005; the deadline for applications is July 15, 2003.
2. Council Member Reports.

Council Member Winkler reported that she and Mr. David Boesch attended an event sponsored by Joint Venture Silicon Valley. The focus of this event was on the vision for El Camino Real.

Council Member Kinney reported that he would attend the swearing in ceremony as the City representative for this newly created entity, the Bay Area Water Conservation Service Agency (BAWCSA). Mr. Kinney said that the purpose of this Agency is to assist the Public Utilities Commission (PUC) upgrade the Hetch Hetchy water system.

Mayor Jellins reported that he attended the City and County Association of Government (C/CAG) meeting that dealt with the approval of its budget and review of various pending legislation items. This legislative sub-committee reviewed 2,000 pieces of legislation.

Mr. Boesch informed those present that the meeting of June 24, 2003 would begin at 7:00 p.m. in order to accommodate a full agenda.

**C. PUBLIC COMMENT #1 (*Limited to 30 minutes*)**

Howard Van Jepmond thanked the Council for its support and quick action on the housing problems the city has had for so many years. Mr. Van Jepmond reiterated that the opinion of the Council reflects the opinion of the residents of Menlo Park, since they were elected by the people.

Lzqun Song spoke on behalf of Charles Lee, a Menlo Park resident, who is imprisoned in China because of his association with the Falun Gong group. Ms. Song stated that Mr. Lee has withstood physical abuse, and she asked for help from Council in the form of a letter or a phone call to the Chinese Consulate.

Bill Newell works with older adults from this community and expressed his concern on the Library cuts because these will greatly affect the elderly. Mr. Newell said that most of these senior citizens use books on tape, and project READ. Mr. Newell supports a furlough across the board and not just for the Library.

Mayor Jellins referred Mr. Newell to Mr. Boesch and informed Mr. Newell that on June 24, 2003 the City Council will consider the City Budget and his remarks will be taken into consideration.

Dick Poe, with the "Menlo Park Matters" organization presented the Council with a document entitled "Goals for the City of Menlo Park". Mr. Poe elaborated on the ten goals which included: Fiscal Integrity, Shorten Council Meetings, Improve Traffic Congestion, Improve Downtown Parking, Residential Zoning, Neighborhoods, Sand Hill Road, Grade Separation, Smart Growth, Business Specialist. Mr. John Conway, president of this organization, donated time to Mr. Poe.

Council Member Kinney asked questions of Mr. Poe and he stated that Menlo Park Matters is a Political Action Committee.

Milton Borg said that the 1% for Art fee that businesses have to pay in order to do business in Menlo Park, is a burden. Mr. Borg mentioned that this is a difficult situation for him, because he has to find an artist and implement an art plan. He stated this is a costly matter aimed only at commercial investors.

#### **D. CONSENT CALENDAR**

1. Authorization for staff to enter into a two-year lease agreement with Xerox Corporation for a Copier in an amount not to exceed \$60,000.

#### **Item pulled**

2. Approval of the City Council Minutes of June 3, 2003.

**M/S Collacchi/Winkler to approve item D1 of the Consent Calendar. Motion passes unanimously.**

#### **Discussion on item D2**

Council Member Duboc noted a change on page six of the Minutes, on the fourth paragraph, fifth line the word "book" should be deleted and include "where citizens could contribute monetarily to help defray Library costs". Council concurred with this change.

**M/S Collacchi/Duboc to approve the minutes with one correction. Motion passes unanimously.**

**E. PUBLIC HEARING - The Public Hearing regarding revisions to the Residential Zoning Ordinance has been cancelled and will be rescheduled to a later date.**

#### **F. REGULAR BUSINESS**

1. Consideration of the one-year review of the Heritage Tree Ordinance.

Justin Murphy, Principal Planner presented a summary report and Mr. Theo Keet, Chair of the

Environmental Quality Commission (EQC) presented a report on behalf of that Commission. Council asked questions of Mr. Keet. The EQC made one suggestion to raise the diameter for redwood trees that would trigger the permit from the current 10 inches to 15 inches. This new limit would provide some relief for residents when considering removal and pruning of these trees.

Mayor Jellins asked staff about the possibility of self-verification without review by a City Arborist and how the current process has been working so far. Mr. Murphy stated that currently the City Arborist inspects the tree, staff reviews the information provided by applicants and some applicants do a better job than others at presenting the information needed for their proposal. Staff also stated that if the City were to rely solely on the applicant's arborist, then this would represent substantial savings for the City.

### **Public Comment**

Janet Davis spoke on behalf of three trees along Alpine Road. Ms. Davis stated that three 48 inch diameter oak trees on Alpine Road, will be demolished by Stanford, and she opposes such action. These trees have not only visual impact, but are part of the habitat and are a noise barrier. They offer an invaluable contribution to the residents of that area. Ms. Davis hopes the Council can assist her.

Mayor Jellins referred Ms. Davis to Kent Steffens who is going to review the Stanford Sand Hill plan.

Harry Harrison stated that the Environmental Quality Commission should be more tolerant of people's needs. Mr. Harrison would like to be informed of when the meetings get cancelled, and hopes that the Council can accommodate the public's needs and input.

### **Council Discussion**

Council Member Winkler stated that the ordinance is too costly to administer and puts an undue burden on residents, especially since a high percentage of applications are approved. For this reason Council Member Winkler presented a proposal for Council to consider in the form of a motion.

#### **M/S Winkler/Duboc to reinstate the old heritage tree ordinance with the following exceptions:**

- 1. all trees greater than 15 inches in diameter and native oaks greater than 10 inches in diameter (measured at 48 inches from grade) are designated heritage trees**
- 2. that neighbors within 300 feet of a property are notified before an application to remove any healthy heritage tree in the designated set back of said property is granted**
- 3. Every heritage tree removed from any place on the property be replaced by an approved 24-inch box replacement tree**
- 4. That the penalties in the existing ordinance apply.**
- 5. That time-lines established in the existing ordinance apply**
- 6. And that the ordinance as herein proposed now go back to the Environmental Quality Commission for review.**
- 7. Adding on section XIII the right of the property owner to manage his or her own property.**

Council Member Collacchi said that rather than identifying specific changes that the Council could identify what goals it wants the ordinance to achieve and staff can draft the ordinance accordingly for review by the EQC and action by the Council.

Council discussed different approaches and mentioned that certain members of the public have expressed frustration over the process. Certain Council Members stated that under the current section XIII subsection 2 and 8 the right provisions are already in place. Council discussed possible benefits of adding more scrutiny in the revised and proposed ordinance.

Mr. McClure elucidated that staff receives calls from residents inquiring about the process and these queries are not logged anywhere. Therefore it is difficult to know how many people do not apply for

permits because they learn that they would not qualify. Mr. McClure also stated that the more complex the ordinance, the harder it becomes for the applicant to understand its exceptions. It was clarified that only six of the 195 applications went to the EQC, and the Director of Community Development decided the remaining 189. Of the six that went to the EQC, three were appealed to the City Council. Certain Council members stated that the best option is to simplify the process and not add more steps or layers.

Council asked questions about the notification procedures. Staff explained that no notices are sent out regarding dead trees. Council discussed approaching this issue by setting a group of goals to guide staff. Council agreed that the goals embedded in the previous motion should be distilled by staff, and prepared for review and comment by the EQC, and then to be presented to Council in the form of an Ordinance.

**Goals Agreed Upon:**

- Explore cost reduction to the City and to the applicant
- Study tree replacement options (include a palate of measures to mitigate removal of heritage trees – ministerial mitigation)
- Create a user-friendly process and forms
- Make the ordinance simple and brief and/or develop outreach materials to explain the ordinance
- Distinguish between removal of heritage trees in the building set back versus the building area
- Adopt the EQC recommendation that all trees greater than 15 inches in diameter and native oaks greater than 10 inches are heritage trees
- Continue the enforcement procedures established by the current ordinance but synthesize them
- Review pruning regulations in current versus old ordinance
- Maintain the purpose of the tree ordinance to protect trees

Mr. McClure stated that most of this discussion was around residential properties, however some of the commercial properties in Menlo Park also have heritage trees. Council asked that staff and the EQC address this matter, and then bring back recommendations to Council, with the concept that the City will continue regulating heritage trees in commercial properties, especially on the perimeter.

Ms. Heineck, asked for confirmation whether a discretionary permit process is to be used for all the trees that fall within the size limits, and whether it will also include a notification procedure. It was clarified that trees within the build-able area will have a non-discretionary process, and a discretionary process will apply to trees within the set back area.

Council Member Kinney stated that his position is that while he agreed with many of the goals set forth, he could not concur with all the items proposed. Council consensus was that there was no need to take a vote at this time since direction had been given to staff, and the item would come back to Council for action.

Mr. Boesch stated that this has become a larger project than previously anticipated and it will impact other staff priorities. Staff will communicate with Council regarding the workplan for this project and the impact on other projects.

2. Consideration of state and federal legislative items or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative, written communication or information item.

Ms. Seymour, Assistant City Manager, presented a report on Assembly Bill 1326. Ms. Seymour stated that this Bill was sponsored by Assembly Member Joe Simitian to create a pilot program in which the County of San Mateo would have the ability to design a different program for subsidized childcare. Ms. Seymour stated that this program would take into consideration the high cost of living in

this County. Mayor Jellins stated that C/CAG endorses this bill, and he will send a letter of support.

Ms. Seymour was asked about the impact of this program in our community, and she explained that while subsidized childcare is a need in Menlo Park, she cannot specify how many children might be affected.

**G. WRITTEN COMMUNICATIONS - None**

**H. INFORMATION ITEMS - None**

**I. PUBLIC COMMENT #2 (Limited to 30 minutes)**

**J. ADJOURNMENT – 9:51 p.m.**

**Respectfully submitted,**

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**Silvia M. Ponte, City Clerk**

Approved at the City Council Meeting of Menlo Park on July 15, 2003.