



ENVIRONMENTAL QUALITY COMMISSION

MINUTES – Special Meeting

February 18, 2004

Administration Building
701 Laurel Street, Menlo Park

CALL TO ORDER: The meeting was called to order by Chairperson Mary Kenney at 5:35 p.m.

Commissioners Present: Mary Kenney (Chairperson), Dan Kocher, Frank Carney, Bob Swezey

Commissioners Absent: Rick Stevens, Kevin McCarthy, Laura Teksler,

Staff present: Dianne Dryer, Environmental Programs Coordinator
Kent Steffens, Public Works Director
Justin Murphy, Principle Planner

Public present: Councilmember Mickie Winkler
Dick Poe
Nancy Goldkamp

A. PUBLIC COMMENTS

None.

B. REPORTS AND ANNOUNCEMENTS

Dianne Dryer announced the Commissioners Recognition Event on March 18 from 5 to 7 p.m. Invitations are being mailed.

C. BUSINESS ITEMS

1. **Approval of Minutes of January 7, 2004:** Correction of Mary Kenney's last name. Approved unanimously.

2. **Discussion about proposed changes to the Heritage Tree Ordinance.**

Chairperson Mary Kenney noted the list of questions distributed in advance of the meeting as a guide to the discussion. Councilmember Mickie Winkler stated her view that the City should be looking for efficiencies in a time of budget cutbacks and that costs for the Heritage Tree Program could be used for more necessary programs. She believes that the ordinance should not apply to the buildable area in zones R-1 and R-2, and thereby would help streamline development permitting. Dick Poe, a realtor, stated that there is sometimes uncertainty for potential homebuyers if there is a heritage tree on the property. If they want to develop the property, they don't know whether they will be granted a tree removal permit or not, or whether neighbors or others might appeal to the City to save the tree. He also believes that the permit process is expensive, time consuming and not necessary.

Justin Murphy reviewed the current process for determining permits related to construction projects, which involves a permit application and review of alternatives to removal. The Planning Division discusses alternative designs that might save the tree with the property owner and architect, but has not denied a removal permit related to R-1 or R-2 in his memory. In 2003 there were eight permit applications that were related to construction out of a total of 255 permits acted upon. Mickie Winkler stated that on December 9, 2003, the Council had asked staff to propose an amendment that would exempt property owners from needing to get a permit if their plans for a new house or remodel would require removal of a heritage tree. Staff could discuss alternative designs with owners, but owners would make their own decision about whether or not to remove a tree if it was in the buildable area, not including ancillary structures. Some Commissioners expressed the need for consideration of the community value of trees, especially by neighbors within sight of the tree. There was discussion of the current wording of the ordinance, which allows a permit "in order to construct proposed improvements to the property". Some Commissioners felt that, therefore, there was no need to amend the ordinance and that staff review of the development project should include heritage trees on the property.

Further discussion centered around the idea of exempting certain species from the ordinance. Dianne Dryer stated that this was considered in a previous round of amendments in 2002 and was rejected due to the additional complexity it would add. Staff and the City Attorney advised that the public would be confused about which trees were exempted, more staff time would be needed to respond to inquiries, and that some people might remove protected trees claiming they thought they were exempted. There was also discussion of the need for the City to apply for a permit for heritage trees on public property and easements. Staff believes that if the City complies with its own regulations and issues public notification about the reasons for removals, community relations are improved.