



ENVIRONMENTAL QUALITY COMMISSION

MINUTES

March 3, 2004

Burgess Recreation Center
700 Alma Street, Menlo Park

CALL TO ORDER: The meeting was called to order by Chairperson Mary Kenney at 7:17 p.m.

Commissioners Present: Mary Kenney, Laura Teksler, Dan Kocher, Frank Carney, Rick Stevens

Commissioners Absent: Bob Swezey, Kevin McCarthy

Staff present: Dianne Dryer, Environmental Programs Coordinator
Juan Alvarez, City Arborist

Public present: Councilmember Chuck Kinney, Robert Shawn Hector, Edward Johnson, Bruce Barnes, Myron Gananian, Ray Morneau, Leslie Fithian

A. PUBLIC COMMENTS

None.

B. REPORTS AND ANNOUNCEMENTS

Dianne Dryer reminded Commissioners about the City Commission Recognition Event on March 18. She also announced that April 23 is Arbor Day and suggested that Commissioners be thinking of a location for a tree planting ceremony.

C. BUSINESS ITEMS

- 1. Approval of Minutes of February 18, 2004:** Approved unanimously.
- 2. Appeal Hearing on 1111 Johnson Street:** Dianne Dryer reviewed background on the appeal of the denied permit to remove a redwood tree. Myron Gananian, owner of the property, had applied for a permit for the same tree in 2002 and was denied by staff, the Commission and the Council because the tree was in good condition and there were alternatives to removal. The City Arborist denied this second application for the same reasons. Mr. Gananian spoke to the Commission about the continuing damage to his concrete patio by the roots of the tree. He did not think that cutting a portion of the patio out from around the base of the tree would solve the problem. Discussion centered around the effectiveness of removing a portion of the concrete, the possibility of replacing it with bricks, the question of whether the roots were actually causing the cracks, the old age of the patio, that cutting out some concrete might allow some root pruning if necessary, the cost of cutting out some concrete versus the cost of removing the tree (which might cause more damage to the patio). Some Commissioners stated that the tree is in a very bad location if the owner wants to preserve the patio, that the tree will continue to

be a problem and inevitably will have to be removed, that the applicant feels very strongly about his patio and is not willing to try other measures to save the tree. Mary Kenney made a motion to approve the permit; Rick Stevens seconded the motion. The motion passed with Kenney/Stevens/Teksler voting yes and Kocher/Carney voting no.

- 3. Appeal Hearing on 323 Pope Street (#'s 03-306, 03-307, 03-308):** Dianne Dryer reviewed the background on the permit applications to remove three Monterey Pines which were approved due to the hazardous condition of the trees. The City Arborist approved the permits, stating that the trees are in poor health, one is nearly dead and all are leaning over or toward homes. The appellant, Edward Johnson, who owns the property to the rear, stated that he has offered to pay the cost for pruning the trees to make them less hazardous and to remove the areas with pitch canker disease. Mr. Johnson submitted an evaluation conducted by a certified arborist that he hired to evaluate the trees. Mr. Morneau, the arborist, said that the condition of the trees might be improved by heavy pruning and watering. Mr. Johnson said that he wants the trees to remain because they are a screen between the properties, they provide shade, and he enjoys looking at them. The applicant, Shawn Hector, stated that he is sorry to see the trees go, but is very worried about falling limbs and the possibility of one of them falling and hurting someone or a building. He wants to plant more trees as a screen and to beautify the area. The neighbor adjacent to the property, Leslie Fithian, stated that she and her family fear that the tree leaning toward their home will fall during a storm. She stated that several large limbs have already dropped onto their property and she has complained to Mr. Hector about the problem. The Commission discussed the possibility of pruning the trees, but recognized that all three arborists' reports indicated that the trees are in declining health due to disease that is rarely eradicable. Commissioners expressed concern about the hazardous condition and the proximity to homes and yards. Laura Teksler made a motion to deny the appeal; seconded by Frank Carney. The motion was approved unanimously.
- 4. Proposed amendments to the Heritage Tree Ordinance:** The Commission discussed a proposed amendment to exempt heritage trees from the permitting requirements if they are located within a certain distance from a proposed main building. Commissioners expressed concern about losing the safety net for an egregious situation and eliminating the opportunity for staff to present alternatives to property owners during design review, which might save the tree. It was noted that some owners are open to alternatives and others, who aren't, have gotten a permit to remove the tree. Staff doesn't hold up a development project over a heritage tree. The current ordinance has two clauses that allow permits for trees related to construction of projects. Commissioners questioned the need for an exemption amendment that appears to complicate the ordinance and might increase staff time. They also were concerned about the elimination of notification of neighbors and the lack of an appeal process.