



ENVIRONMENTAL QUALITY COMMISSION MEETING MINUTES

Wednesday, September 1, 2010 at 6:30 p.m.
Burgess Recreation Center
700 Alma Street, Menlo Park

CALL TO ORDER: The meeting was called to order at 6:30 PM.

Commissioners Present: Kristin Kuntz-Duriseti (Chairperson), Daniel Kocher, Kathy Schrenk and Mitch Slomiak.

Absent: Jean Baronas, Lawrence Byers and Doug Scott.

Staff Present: Regina Wheeler, Environmental Programs Specialist, Rebecca Fotu, Environmental Programs Manager, Deanna Chow, Senior Planner, and Kent Steffens, Deputy City Manager

Public Present: Maureen Teter, Dan Gutheil, Jim Sanford, Bob Lencioni, Arthur Weil, Mara Young, Steve Simpson (architect), Kim LeMieux (property owner), Christina Smolke and Drew Endy (appellants).

A. PUBLIC COMMENTS: None.

B. BUSINESS ITEMS

1. Approval of July 7, 2010, Minutes

Commissioner Kuntz-Duriseti motioned to approve the minutes and Commissioner Slomiak seconded. The motion was approved unanimously.

2. Introduction of new Commissioners: Jean Baronas and Kathy Schrenk.

3. Heritage Tree Appeal, 240 University Drive

Staff Report by Rebecca Fotu summarizes the extensive history behind the Planning Commission decision to grant a building permit to the property owner, Kim LeMieux. Much of the discussion both from the public and the commissioners indicates a clear dissatisfaction with a process, or an understanding of a process, that essentially requires Planning approval prior to filing a Heritage Tree Removal permit. In this and similar cases, it would be better to ask the property owners to submit a sketch of possible designs to submit to the EQC for a Heritage Tree Appeal. Furthermore, these sketches should be acceptable design alternatives to the property owners, not mere formalities that would not be considered seriously.

Since the issue of the staff report, the property owner, Kim LeMieux and the appellants, Christina Smolke and Drew Endy, have reached an agreement, which would include the tree removal along with mitigative measures. However, Mr. Endy informed the commission that this decision was based on an expectation that their appeal was unlikely to be approved, and they desired to reach a tolerable outcome in the event of the tree removal.

Kim LeMieux, property owner, Deanna Chow, Senior Planner, and Steve Simpson, architect, reiterated their position that the placement and size of the tree presented too great an obstacle to the development of a broadly appealing residence design.

The Commissioners present unanimously expressed their support for the appeal citing:

1. the opportunity to receive a setback variance, which would reduce the side setback by 50% from 5' to 2.5' (confirmed as a likely option by Deanna Chow),
2. the property owner's awareness of the Heritage Tree Ordinance and the condition of the property at purchase, and her extensive knowledge both as a realtor and multiple property owner,
3. the criteria for removing a heritage tree, as provided in the Ordinance:
 - a. criteria 1, 3, 4, 5, and especially 6 do not support tree removal,
 - b. criteria 2 does support tree removal, but in conjunction with criteria 8 (availability of feasible alternatives), is not sufficient justification.

Commissioner Kuntz-Duriseti motioned in favor of upholding the appeal and Commissioner Slomiak seconded. The motion passed unanimously. It is duly noted that the property owner left the meeting prior to the vote. The property owner has indicated her intent to appeal this decision to the Menlo Park City Council. The Commission requests that it be appraised of the scheduling of this appeal on the Council agenda.

4. Election of Environmental Quality Commission Vice-Chair

Commissioner nominated Commissioner Byers as the Vice-Chair, subject to his consent. Commissioner Schrenk seconded. Commissioners Kocher, Schrenk and Slomiak approved; Commissioner Kuntz-Duriseti dissented, noting the absence of the Commissioner to agree to the nomination.

5. Environmental Quality Awards

An advertisement was placed in The Almanac. As of 9/1, no nominations had been received. Nominations are due 9/17

6. Climate Action Plan

Rebecca Fotu reported that the release of the revised CAP revision is pending a supplemental assessment that includes defining goals more clearly, evaluating costs and benefits, cooperating with other departments and meeting greenhouse gas reduction targets. Once the CAP has been reviewed internally by department heads and their feedback has been incorporated, the CAP will be presented to the EQC ad-hoc sub-committee and the full Commission during the fall 2010. Findings from the CAP will be included in the long-range plans on environmental projects in the spring budgeting process.

C. REPORTS AND ANNOUNCEMENTS

1. Commissioner Slomiak reports that the Menlo Park Green Ribbon Citizens' Committee has decided to participate in the "NO on 23" initiative, citing not only the negative environmental implications for greenhouse gas emission reductions, but also the potential for negative economic consequences.

2. Ms. Wheeler announced a San Francisquito Creek Clean-up for September 25.

Minutes submitted by Commissioner Kuntz-Duriseti with assistance from Ms. Wheeler.