



# ENVIRONMENTAL QUALITY COMMISSION MEETING MINUTES

Wednesday, January 9, 2013 at 6:30 p.m.  
**City Administration Building**  
701 Laurel Street, Menlo Park

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The meeting was called to order by Mitch Slomiak at 6:40 p.m.

## **ROLL CALL**

Present: Allan Bedwell, Chris DeCardy, Adina Levin, Scott Marshall, Mitchel Slomiak (Chair), Christina Smolke (Vice Chair)

Absent: Kristin Kuntz-Duriseti

## **A. PUBLIC COMMENT**

Steve Schmidt requested that a discussion on the City's use of herbicide be agendaized before spraying this year.

## **B. REGULAR BUSINESS**

### **B1. Approve December 5, 2012 Minutes**

**ACTION:** Motion and Second (Levin/Marshall) to approve December 5, 2012 minutes and include B5 agenda item with action listed as "No Action," noting that feedback was given to Commissioner Marshall passes (6-0-1), (Absent: Kuntz-Duriseti).

### **B2. Consider Electing a New Vice Chair**

Commissioner Smolke will continue to serve as Vice Chair until further notice.

**ACTION:** No Action

### **B3. Information Report on Final Phase of the El Camino Real Tree Planting Project Staff Presentation.**

The Commission provided supportive comments and feedback about the project.

#### Public Comment

Chuck Kinney expressed support for the project.

**ACTION:** No Action

**B4. Issue a Determination on Three Heritage Tree Appeals at 1976 Menalto Avenue**

**NOTE:** Commissioners DeCardy and Marshall recused from item B4 due to a potential conflict of interest due to living in close proximity to the property on 1976 Menalto Avenue and left the meeting at 7:45 p.m.

Public Comment

- Michelle Daher, appellant, property owner of 106 O'Connor, and representative of Neighbors for Sustainable Development stated the following:
  - She supports the appeal to keep the trees.
  - She is concerned about the impact the development will have on the Coast Live Oak on her property.
  - All appellants were not properly noticed.
  - Mr. McNair can build within the allowable setbacks from Menalto without having the heritage trees removed.
  - She and her neighbors provided Mr. McNair with suggestions to design alternatives.
  - The Coast Live Oak on her property provides a buffer for neighbors.
- Billy McNair, developer and property owner of 1976 Menalto Avenue, stated the following:
  - He supports staff's recommendation to deny the appeal for all three trees.
  - On September 24, 2012, the Planning Commission reviewed his project in a study session.
  - On November 19, 2012, the Planning Commission voted to approve his site plan and the removal of the three heritage trees located on the property.
  - Two arborists were hired and both found that the Chilean Lantern and Valley Oak are in poor condition.
  - He and his architect initially took trees into consideration during the project's design phases, but keeping the trees in place would conflict with planning restrictions and would not be consistent with the Planning Commission's directions.
  - He has identified replacement trees once the heritage trees are removed.
- Manfred Kopisch, stated that he supports the appeal to keep the trees.
- Jason Watson stated he supports the appeal to keep the trees.
- Shannon Thoke stated she supports the appeal to keep the trees.

**ACTION 1:** Motion and Second (Slomiak/Bedwell) to uphold the appeal for the Southern Magnolia (Tree No. 1), based on considerations 2 and 8 of the Heritage Tree Ordinance passes (4-0-1-2), (Absent: Kuntz-Duriseti, Recused: DeCardy, Marshall).

**ACTION 2:** Motion and Second (Slomiak/Bedwell) to deny the appeal for the Chilean Lantern (Tree No. 2), based on considerations 1, 4, and 8 of the Heritage Tree Ordinance passes (4-0-1-2), (Absent: Kuntz-Duriseti, Recused: DeCardy, Marshall).

**ACTION 3:** Motion and Second (Slomiak/Levin) to deny the appeal for the Valley Oak (Tree No. 3), based on considerations 1, 4, and 8 of the Heritage Tree Ordinance passes (3-1-1-2), (Noes: Bedwell, Absent: Kuntz-Duriseti, Recused: DeCardy, Marshall).

**NOTE:** Commissioners DeCardy and Marshall returned to the meeting at 9:30 p.m.

**B5.** Consider Revisions to the Environmental Quality Commission's Report to City Council Regarding Establishment of Greenhouse Gas Reduction Target

**ACTION:** Motion and Second (Slomiak/Bedwell) to make minor revisions to the report and presentation as suggested by the Commission, change Carbon Offset Trading on page four to Renewable Energy Credit Trading, include baseline emissions for comparison purposes, and use a format similar to the formal staff report that includes more headings of reading. The Commission also agreed to use of summary PowerPoint shared by Commissioner Slomiak with minor modifications as a summary for the actual presentation of this report to City Council. Commissioner Slomiak to deliver the report on behalf of the Commission if he is unavailable or another member of the Climate Action Plan Subcommittee will do so if he is not, passes (6-0-1), (Absent: Kuntz-Duriseti).

**B6.** Consider Making Recommendations to City Council Regarding the Capital Improvement Plan (CIP)

**ACTION:** Motion and Second (Levin/Smolke) to state that the EQC strongly support all projects in the "Environmental" category of the CIP. In addition, the EQC recommends moving the Heritage Tree Ordinance to next fiscal year to improve efficiency and reduce costs for staff, residents, and developers. This project was carefully vetted by the EQC's Heritage Tree Subcommittee and staff, passes (6-0-1), (Absent: Kuntz-Duriseti).

**B7.** Discuss EQC Participation in the Housing Element and General Plan Consistency Update

Due to legal time constraints in completing the Housing Element and General Plan Consistency Update the Commission will hold off on participation until the full General Plan update is undertaken next fiscal year.

**ACTION:** No action

**B8.** Consider Changing Regular Environmental Quality Commission Meeting Day

**ACTION:** Motion and Second (Slomiak/Bedwell) to change the Environmental Quality Commission meeting date to the fourth Wednesday of every month to establish a consistent meeting venue for the EQC passes (6-0-1), (Absent: Kuntz-Duriseti).

**B9. Update and Report on Environmental Quality Awards Progress**

Commissioner Marshall briefed the Commissioner on the progress in obtaining award applications.

**ACTION:** No Action

**C. COMMISSION REPORTS AND ANNOUNCEMENTS**

The following reports and announcements were received:

**C1.** Staff Update on Environmental Policies to be Considered by City Council

**C2.** Commission Subcommittee Reports and Announcements

**C3.** Discuss Future Agenda Items

**D. ADJOURNMENT**

The meeting was adjourned at 10:53 p.m.

Meeting minutes prepared by Vanessa Marcadejas, Environmental Programs Specialist