



ENVIRONMENTAL QUALITY COMMISSION MEETING MINUTES

Wednesday, January 6, 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), Lawrence Byers, Jeanne Durnford, Megan Gutelius, Daniel Kocher, Douglas Scott and Mitch Slomiak.

Staff Present: Lisa Ekers, Engineering Services Manager and Regina Wheeler, Environmental Programs Specialist.

Public Present: Cheryl Benedict, Danielle Bye, John Benedict, Richard Huntington Chop Keenan, and Susan Wright.

A. PUBLIC COMMENTS: None.

B. BUSINESS ITEMS

1. Approval of December 2nd Minutes

There was one minor editorial correction suggested by Mitch. This was captured in the published minutes. A motion to approve the minutes was made by Daniel and seconded by Mitch.

2. Heritage Tree Appeal at 220 Felton Drive

Pictures were provided to meeting attendees from a recent site visit to the property. Attendees were reminded that there are four heritage redwood trees on the property subject to removal. The City of Menlo Park Arborist had evaluated the trees and concluded that the trees were healthy, and permits were not granted for removal.

Lisa Ekers, Engineering Services Manager, presented the staff report and explained the action needed by the Commission.

The Commission's options were:

1. Deny the appeal
2. Uphold the appeal: All four with or without conditions
3. Uphold the appeal in part: Approve one or more permits with or without conditions
4. Continue discussion of item

Speakers

Cheryl Benedict, the applicant, spoke and provided handouts to meeting attendees including signatures of neighbors supporting the removal of the four trees at 220 Felton. Charles Keenan, representing his daughter at the neighboring property at 218 Felton Drive, expressed concerns about the safety of the trees.

Richard Huntington of Mayne Tree Expert Company stated that cutting the tree roots will make them unhealthy. If greater than one half the diameters of the roots are cut, the tree should be removed. The roots go out 2 ½ times the diameter of the tree.

Danielle Bye stated that on the deep end of the pool, the roots could go down far enough to create a root barrier. The home owner may need to go as deep as the pool to prevent root damage to the pool in the future for roots. Commissioner Gutelius asked if the pool was used, and if the homeowners considered removing the pool. The homeowner stated that the pool was used by her grandchildren.

Chairperson Kuntz-Duriseti stated that the purpose of the heritage tree ordinance is that trees are a public good. The Commission's job is to balance the public good with private property rights. The responsibility lies with the homeowner for landscape obligations.

Commissioner Gutelius suggested building a root barrier since the roots will continue to grow. The consulting arborist stated that root cutting would affect tree health. Based upon expert opinion, if the root ball was removed, the structure would be unstable.

The Commission discussed what is legal for a condition of appeal. Ms. Ekers informed the Commission that conditions must be reasonable and a nexus between the activity and the condition must exist.

Based upon the expert opinion expressed during the meeting regarding root ball removal making the root structure unstable, Commissioner Scott moved to uphold the appeal of all four trees due to lack of mitigation measures. No suitable mechanisms or design alternatives could be determined. Commissioner Scott moved that the following conditions be implemented:

1. The removed trees shall be milled for reuse. The permittee shall provide evidence of compliance with this condition to City within (15) days of removal via timber tax receipt, mill tag or other document that lists address of origin.
2. The removed trees shall be replaced with suitable species as approved by City in a 1:1 ratio on the private property at 220 Felton Drive.
3. The applicant shall pay the cost of four redwoods or other appropriate trees to be planted by the City within 15 months (March 2011) at a cost not to exceed \$2,000. City shall determine the location, size and species of trees to be planted.

Commissioner Durnford seconded the motion. The appeal was upheld 6:1 (Slomiak opposed).

3. Water Efficient Landscape Ordinance

Commissioner Kuntz-Duriseti moved the EQC support the proposed Menlo Park Ordinance as presented on the spreadsheet provided by Regina. The EQC further recommends that pools should be required to have a cover. It was seconded and passed unanimously.

Commissioner Kuntz-Duriseti moved to speak on the need to conserve water and support covering pools in a brief report to the Jan. 26, 2010 City Council meeting. This was seconded and passed unanimously.

4. Climate Action Plan

The Sub-Committee completed profiling 5 nearby communities on goal setting.

C. REPORTS AND ANNOUNCEMENTS

1. Ad-Hoc Sub-Committee Reports or Announcements

Done

2. Arbor Day Coordination

City Arborist Juan Alvarez is working on it. Commissioner Kuntz-Duriseti will work with Juan to get the date and place for the program.

3. Commission Governance Process

Commissioners deferred this topic to the next meeting.

Minutes submitted by: Commissioner Durnford (Heritage tree appeal minutes submitted by Regina Wheeler)