



Item No. 17 Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARINGS

TO: HONORABLE MAYOR AND CITY COUNCIL

**FROM: STEVE TYLER, PUBLIC WORKS SUPERINTENDENT
ROBERT BARRON III, FINANCE DIRECTOR**

DATE: JULY 19, 2017

SUBJECT: REVIEW AND DISCUSS, AND IF APPROPRIATE, CONDUCT THE PUBLIC HEARING AND ADOPT A FEE RESOLUTION AMENDING FEES AND CHARGES RELATED TO RENTAL FEES AT HOLBROOK PALMER PARK AND DEAD TREE REMOVAL INSPECTION FEE

RECOMMENDATION

Review and discuss, and if appropriate, conduct the Public Hearing and adopt the attached fee resolution amending fee and charges related to rental fees at Holbrook Palmer Park and dead tree removal inspection fee.

BACKGROUND

Fees related to the rental of Park facilities can be based upon market conditions and are set at the discretion of the City Council. Catering by Dana has managed facility rentals at the park for the past 3 years. Based on maintenance needs and increased use at the park, staff believes there needs to be an adjustment in the rental fee for the Carriage House. Also, recently the City Council added Chapter 9.06 to the Atherton Municipal Code addressing the use of civil unmanned aircraft systems (UAS) at the Holbrook Palmer Park. Staff is recommending that a drone use permit fee be established for use at the Park.

In addition to the above fees, staff is presenting for review and discussion to the City Council consideration of waiver of the tree removal inspection fee for dead trees within the building and planning department review process.

ANALYSIS

Carriage House

Currently rental of the Carriage House comes with the use of the North Meadow picnic area. There continues to be a growing demand for the Carriage House for larger corporate events such as picnics and business meetings. Staff is suggesting a fee modification to the existing rental fee

based on improved utilization, access improvements, and maintenance management of the facility. The current fee schedule for the Carriage House is a fixed fee based on the number of people. The current fee and proposed fee is as follows:

Rental of the Carriage House			
Type of Rental	Level	Current	Proposed
Mon-Sun/ half day	Less than 100 people	\$400	\$400
Mon-Sun/ half day	More than 100 people	\$700	\$800
Mon-Sun/ full day	Less than 100 people	\$700	\$700
Mon-Sun/ full day	More than 100 people	\$1,000	\$1,100

Drone Use Fee

The City Council adopted Chapter 9.06 of the Atherton Municipal Code regulating operation of unmanned aircraft systems (UAS) on February 15, 2017 and it became effective on April 14, 2017. Per the ordinance, *no Model UAS operations* are allowed in Holbrook-Palmer Park. The Ordinance allows Civil UAS (commercial) operation in Holbrook-Palmer Park. The Ordinance requires that a permit be obtained. Staff is recommending that a Civil UAS Fee be established at \$150 fee per day (Civil UAS only).

Waive of Dead Tree Removal Inspection Fee

Currently, every tree that falls under the “heritage” category requires a permit for removal. This includes requests for removal due to convenience, property damage, potential hazard, construction purposes and dead trees. An application for removal of any kind is applied for with the Town arborist. The following fees are paid for at the time of application:

- 1 tree \$261.00
- Every tree thereafter \$103.00

Upon receiving the permit application, the Town Arborist (TA) reviews the permit for completeness and reviews the private arborist report (if one is attached). A site visit is conducted and a determination is made by the TA as to the status of the tree.

- If the tree is dead, it is approved for removal.
- If the tree is a significant hazard, the tree (or a portion thereof) may be approved for removal.
- If the tree meets criteria for removal per the Atherton Building/Planning code, it is approved for removal.

- If the tree does not, in the opinion of the TA, meet requirements for removal, the applicant is informed and is given a chance to remediate the request with the Atherton Planning Commission (for an additional filing fee).

Members of the City Council has asked staff to assess the effect of eliminating the tree removal fee for **dead** trees. If the Council supports waiver of the fee, staff does not suggest removal of the application and review process; only the fee. Maintaining the application process will insure that the Town continues to monitor the removal of trees considered dead by our residents/builders and obtaining staff approval prior to removal.

In the last calendar year, staff processed 203 applications for removal of heritage trees. Of those trees, 66 trees were considered dead with the other 67 considered not dead. Of those 67 trees, some were allowed for removal upon consensus of the TA because of the following reasons:

- Severe stress (water issues - death imminent).
- Stress related conditions including insect infestation, disease, fungus and other maladies (death imminent).
- Extreme hazard (uprooted condition, loss of roots, extensive broken canopy)

Not all the applications were for single tree removals (some were multiple trees). It is estimated that should the Council eliminate fees for dead tree removals, application fees which go to offset a portion of the TA's costs would be approximately \$25,000 annually.

Staff suggests that should Council choose to waive the fee for dead trees, the fee still be kept for any other tree removal condition. This area can become quite "gray" as demonstrated above but our TA is in the best position to make the determination of whether an application fee will be needed for the removal or not. The TA should be the final determining factor of whether a tree qualifies for no fee or not.

Unintended consequences of removal of this fee could be residents and builders choose to neglect the removal process altogether. This could happen because their private arborist might deem a tree to be dead and the resident/builder might choose to ignore the requirement of having our TA verify this condition. Also, there may be some cases where the permit is filed for a dead tree removal (no fee) and upon inspection, the tree is determined not to be dead.

Therefore, if the Council recommends that the fee be eliminated, staff recommends that all applicants pay the fee in advance but that the Council expressly allow waiver of the fee for dead trees. Staff would take in the fee (check or cash) and return it if/when the inspection reveals that the tree is dead and authorizes removal.

POLICY FOCUS

The City Council's policy discussion should revolve around the setting of fees for facilities and use at Holbrook Palmer Park and the policy issues related to allowing waiver of the fee for dead tree removal.

FISCAL IMPACT

It is expected that any fee increases will add revenue to the Town's Park revenues. The impact of waiving the fee for dead tree removal is approximately \$25,000.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENTS

- Resolution

RESOLUTION NO. 17-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
UPDATE FEES TO THE PARK AND BUILDING DEPARTMENT
SECTION OF THE MASTER FEE SCHEDULE**

WHEREAS, the City Council established a Master Fee Schedule for the Town in September, 2013;

WHEREAS, it is proposed that the Master Fee Schedule be updated to include the following increase to the fees for the rental of the Carriage House/North Meadow at Holbrook Palmer park; and

WHEREAS, also the proposed waiver of dead tree removal inspection fee in the building department fee section; and

WHEREAS, to also include a new Drone application fee for professional use at Holbrook Palmer park; and

WHEREAS, the City Council must take action to add these fees to the Park and Building department Fee Section of the approved Master Fee Schedule. Upon approval, the fee will be added to the Master Fee Schedule.

* * * * *

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton passed and adopted the fees in Exhibit A. I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 19th day of July, 2017, by the following vote:

- AYES: Council Members:*
- NOES: Council Members:*
- ABSENT: Council Members:*
- ABSTAIN: Council Members:*

Michael Lempres, Mayor

ATTEST:

Judi Herren, Deputy City Clerk

APPROVED AS TO FORM:

William Conners, City Attorney

EXHIBIT A

Proposed fees to be adjusted/added to the Town Master Fee Schedule

Carriage House	Type of Rental	Current	Proposed Fee
	Mon-Sun/ half day	Under 100 people \$400	\$400
	Mon-Sun/ half day	Over 100 people \$700	\$800
	Mon-Sun/ full day	Under 100 people \$700	\$700
	Mon-Sun/ full day	Over 100 people \$1,000	\$1,100

Drone Application Fee: \$150 per application per day

Dead Tree Permit Fee waiver if only identified and approved by the Town Arborist