

City of Palo Alto

Department of Planning and
Community Environment

December 10, 2001

Ms. Kay Leibrand
385 El Dorado Avenue
Palo Alto, CA 94306-2453

Planning Division Re: Plant Material in the Public Right-of-Way

Dear Ms. Leibrand:

Thank you for your November 28, 2001 letter regarding your conversations with one of our Code Enforcement Officers, Chris Fujimoto. I appreciate your point of view that both safety and fairness should be taken into consideration in every code enforcement case. Both of our Code Enforcement Officers strive to balance these two factors in every case they manage.

As you note in your letter, our code enforcement program is complaint-based, which means that when a complaint is registered with one of the Officers, he will investigate it and then take the appropriate action. Given the limited staff that we have to enforce zoning and other related regulations, a complaint-based program is an equitable approach to enforcement. When a complaint is received, a site visit is always conducted to verify the validity of the complaint. All valid complaints are responded to by the Code Enforcement Officer notifying the property owner or tenant about the nature of the violation, the action that needs to be taken to correct the situation and the timeframe within which the action must be taken. When specific standards are included in the Municipal Code, establishing maximum heights or other limitations, the Code Enforcement Officer does not have the discretion to change or ignore those standards. This is not the result of political pressure, but occurs because the standards are there to protect people from potentially unsafe situations and Code Enforcement Officers are responsible for enforcing the standards.

In your particular case, the complaint about the height of the hedges in the public right-of-way was received on August 30, 2001. Chris conducted a site visit that day and verified that the hedges were in fact exceeding the two-foot height limit allowed by the Municipal Code (Section 8.04.050). A Notice of Violation was left at your residence with a date by which pruning to reduce the hedge heights needed to be complete. That date was October 1, 2001. On October 26, 2001 Chris conducted another site inspection and

250 Hamilton Avenue
P.O. Box 10250
Palo Alto, CA 94303
650.329.2441
650.329.2154 fax

discovered that the pruning had not taken place. On October 30, 2001, he mailed you a certified letter letting you know that the pruning must be completed by November 30, 2001 or you would be fined \$500.00. Pictures were included with the letter so that you would know the exact location and nature of the pruning that needed to be done.

I believe Chris has approached this case in a fair and even-handed manner and in a manner consistent with City of Palo Alto code enforcement practices. He received a complaint, verified its validity, notified the property owner of the violation and what was needed to correct the violation and outlined a reasonable and clearly understood timeframe within which the violation needed to be corrected. I believe he has considered both fairness and safety in his approach to this case.

Thank you again for taking the time to write to me regarding this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Grote". The signature is fluid and cursive, with the first name "Lisa" and last name "Grote" clearly distinguishable.

Lisa Grote
Chief Planning Official

cc: Les White, Interim Director of Planning and Community Environment
Lance Bayer, Special Legal Counsel
Chris Fujimoto, Code Enforcement Officer
385 El Dorado Avenue file