

December 13, 2001
385 El Dorado Avenue
Palo Alto, CA 94306

Lisa Grote, Chief Planning Official
Planning and Community Environment
250 Hamilton Avenue
Palo Alto, CA 94301

Re: Unfair Code Enforcement

Dear Ms. Grote:

Today I received your acknowledgement of my November 28, 2001 letter regarding selective enforcement of code violations. Thank you. However, I find that you obliquely sidestepped most of my direct questions.

I notice that you sent copies of your letter to Les White and Lance Bayer. I hope that you shared my letter with them but just so I can be assured that they also see my viewpoint, I include my original letter with this one. I want these comments to be taken in context.

Just stating that “a complaint-based program is an equitable approach to enforcement” doesn’t make it true. You might just as well have said that, given limited staff, a complaint-based program is an **expedient** approach to enforcement. And you would be closer to the truth.

You wrote that “the Code Enforcement Officer does not have the discretion to change or ignore those standards.” No he can’t change or ignore standards but as I read Section 9.56.010(1)(a) of the municipal code, he can use **judgment** in balancing the general safety of the community against the wishes of one complainer. You say the officers “strive to balance safety and fairness in every case they manage.” I don’t see the fairness in blind adherence to “the rules” claiming safety concerns in one case and ignoring hundreds of violations of “the rules” elsewhere in town. Are those other violations safety hazards or not?

It is difficult to believe that political pressure was not a factor in my particular case when one of the first things Officer Fujimoto told me was that this was a high-profile case involving a community association. I am interested in safety. I was probably more surprised than anyone to read in the October 17 issue of the Palo Alto Weekly that for the entire length of my lot there were 10-foot high bushes in the city-owned median strip. Look at the pictures the officer took. Do you see 10-foot tall bushes? Such an extreme claim coupled with characterizing city staff as “just saying no” to enforcing ordinances creates political pressure. Surely you and your boss were not unaware of this opinion piece in the newspaper.

In particular, your recount of events since August made it sound like I did not respond to the first notice or even the second. This is far from what really happened. I returned from vacation on the Labor Day weekend and found the first notice. That weekend I cleared all growth overhanging the sidewalk on both sides, pruned the bushes on the corner so that anyone stopped at the stop sign could see on-coming traffic, and started a good-faith effort to top the rest of the hedge. This has sufficed in the past to satisfy the previous enforcement officer. Did the city for many years employ an officer who was incompetent? Was the enforcement policy changed abruptly with no public notice?

When I received the certified letter, I called Officer Fujimoto and asked him to judge whether or not I had met the safety concerns of the complainer. He refused. I contacted both individuals who had complained publicly. I tried to understand their concerns and did substantial additional pruning, both in the planting strip (which had been requested) and on the corner of the lot (which had not). No, I did not cut the bushes that have been growing there for thirty years to 2-foot stubs. I called the officer again and asked for an inspection. He did grant me an extension of the deadline and patiently answered questions but refused to come look unless he could be assured that he would find the required 2-foot stubs.

I have not done any more pruning. I am seriously ill and the weather is bad. I am not convinced that the plants are a safety hazard. I am instead working toward solving more pressing safety problems at my corner: stop sign violations, speed, and cut-through traffic.

I wrote to you hoping for common sense. I got generalities. I hope you will answer my questions directly and prove my husband wrong. He says I am wasting my time trying to talk with bureaucrats.

Sincerely,

Kay Leibrand

cc: Les White, Interim director of Planning and Community Environment
Lance Bayer, Special Legal Counsel
Chris Fujimoto, Code Enforcement Officer