MINUTES OF THE REGULAR MEETING LARKSPUR PARKS AND RECREATION COMMISSION JUNE 21, 2012

COMMISSION: PRESENT: Chair Blauvelt, Friedel, Hauser,

Matteo, McNally

STAFF: PRESENT: Recreation Director Whitley

Recreation Supervisor Clegg

Chair Blauvelt called the meeting to order at 7:30 p.m.

APPROVAL OF CONSENT CALENDAR

Approval of Minutes of May 17, 2012

M/s Matteo/McNally to approve the minutes of May 17, 2012 as submitted.

Ayes: All

OPEN TIME

There were no comments

PUBLIC HEARING

1. Protest Heritage Tree Permit Application: 10 Park Way

Recreation Director Whitley presented the staff report. The applicant is requesting the removal of seven Redwood trees. He stated the applicant obtained two arborist reports, one from Mr. Ken Bovero of Marin County Arborists and one from Mr. Ray Moritz of Urban Forestry Associates. Both assert that the subject trees are impacting the structural integrity of the home and are causing damage to the foundation, exterior wall, and roof. Both arborists also assert that the trees are exhibiting signs of weakness. One letter of protest was received.

Commissioner McNally disclosed that he was an acquaintance of the father of one of the applicants. This would not effect his decision.

Chair Blauvelt opened the Public Hearing.

Mr. Kevin Vasquez, applicant, stated he is in contract to purchase the home. He loves the location of the home and the neighborhood. The home would provide an opportunity for his family to grow. There is a very spacious yard with 52 spectacular Redwood trees.

Seven of these trees are seriously impacting the house and pose safety concerns. The house is currently severely damaged and will continue to be damaged as the years go on. They do not plan to increase the size of the house- they will keep the structure as is. They do plan to paint the outside and change the inside of the house. It is paramount that the trees are removed because the trees are crushing the existing house. They do not think they are being irresponsible or negligent in asking for the removal of the trees. They understand and appreciate the tree removal process. They do not think they are denuding the property and feel their request is very logical. The application to remove the trees is solely a factor of enjoying the property. He is confident that nobody will buy this property without the removal of these trees. He is requesting that the Commission grant the application to remove all seven trees.

Commissioner Hauser stated tree permit applications are divided into two types of requests: those that relate to construction projects that are reviewed by the Planning Commission and those that are not related to construction projects that are reviewed by the Parks and Recreation Commission. He stated this is a beautiful piece of property and he understands the issues with the house. He looked at the property and asked if this were a prelude to a remodel- it would almost be easier to remove the house and not the trees. He is wondering whether this is the right forum and whether they are looking at a remodel. He asked Mr. Vasquez what he intends to do with the house. Mr. Vasquez stated they do not intend to do anything to the existing structure other than painting, redoing the floors and windows, and fixing the outside walls that have been damaged by the trees. They have no intention of increasing the size of the floor plan. Commissioner McNally noted the Commission received letters from residents expressing this concern. Chair Blauvelt stated she had the same concern.

Mr. Ken Bovero, arborist with Marin County Arborists, stated he has been performing tree work in Marin County for 34 years. His company provides tree pruning, tree maintenance, expert witness testimony, consultations and reports. He has never seen this much damage to a structure caused by trees. The foundation is cracked on every corner and there is damage to the walls from tree roots. The applicant made it clear that he intends to keep the existing structure. The report documents his findings on a tree-by-tree basis and he has included photographs. It is clear that many years ago the owners attempted to remove sections of the foundation and pour new sections in an attempt to stop the damage. He noted the photographs show that the structural integrity of the house has been compromised and "things are moving". There is no question that these trees will continue to damage the structure. Tree #2 is starting to push into the walls and damaging the foundation and the eves. Furthermore, the structural integrity of the trees has been compromised due to the structure growing into them. Mr. Moritz also points this out in his report.

Commissioner McNally asked if the removal of one tree that was related to another tree would undermine this second tree. Mr. Bovero stated this relates more to a forest setting and has to do with windward directions. The leading edge of a forest should not be removed because it could cause damage to the inside of the forest. There is no relevance to this situation since all of these trees have their own root systems.

Commissioner Hauser asked Mr. Bovero about Mr. Moritz's report and if there was anything he disagreed with. Mr. Bovero stated "no". Chair Blauvelt there was one difference in the two reports- Mr. Moritz recommends that tree #7 should remain. Mr. Bovero stated that tree would eventually cause damage and should be removed.

Commissioner Hauser asked how these trees would be removed given the proximity to the house. Mr. Bovero stated it would be done very carefully. One way would be to rip diagonally through the tree and take out sections or pieces one at a time with a cranesimilar to building blocks. Tree #2 would be the most difficult tree to remove and would involve the removal of part of the roof support structure or fascia detail.

Chair Blauvelt stated all of the Commissioners have been to the site.

Ms. Eileen Wallace, owner and trustee of 10 Park Way, stated she was raised in this house and now lives in Novato. Her parents purchased the property in 1955 partly due to the Redwood trees. They turned a two bedroom into a four-bedroom house. Her parents added the permanent landscaping, rock walls, fences, and all the gardens. She would like another family to enjoy the property as much as her family enjoyed it.

Ms. Doris Water, Ardmore Road, stated the trees in question are seven majestic heritage Redwood trees and once they are removed they are gone forever. She did not think there would be any way to remove those trees without severely damaging the house. Once the trees are down and the house is wrecked then it would be either sold or a new house would be built on the property. She could not envision how seven people could live in this house and did not think it would be a long-term solution. The most bothersome thing is that the proposed owners do not have a plan. She asked if there would be a way to build on the lot with minimal tree destruction. She did not think there was a plot plan showing the location of the trees in relation to the house and the property. Allowing the destruction of these seven trees would be a terrible loss. If the applicants are truly concerned about the safety of their family and the neighbors then they should remove the non-native, fire hazard Eucalyptus trees that tower over the Redwoods. She is of the opinion that there is a way to build a new home around most of the trees. It would be sad to remove the seven heritage trees.

Ms. Barbara Salzman, Ardmore Road, stated she wrote the protest letter. She pointed out that the applicants hired the two arborists. Marin County Arborists recommended the removal of the seven trees and has also offered to remove the trees and process the trees. She is concerned about arborist making money on the trees. The report from Urban Forestry Associates is very thorough and basically backs up the other arborist's report. She has never heard a consultant who disagreed with the applicant and the Commission should take this into consideration. She noted that the arborist from Urban Forestry Associates points out that one of the trees is a "pre-settlement" tree and must be 500 to 600 years old. It has been damaged by fire and could be impacting the foundation. The issues raised in the reports pertained to safety but she was of the opinion that Redwoods are very stable trees with root systems that are intertwined. They will not fall down in the

wind and are very resistant to disease. Evidence of fungus or decay does not mean that the tree is going to die. There are options including relocating the house on the property. She could not imagine how they will remove the trees without damaging the house. She stated this is probably the most significant Redwood grove in Larkspur and removing any of them would damage the habitat and integrity of the entire grove. She pointed out that the applicant might not even purchase the house and the City should not do land use planning and environmental protection based on promises. She urged the Commission to deny the request to remove the trees.

Mr. Tom Waters, Magnolia Avenue, read a letter from Mr. Mittermeyer who lives on Ardmore Avenue expressing concern about the removal of the trees. Mr. Mittermeyer noted there was no documentation about the impact to surrounding properties and birds in the area and he was concerned that the Red-Shoulder Hawks in the area use the Redwood trees. Mr. Mittermeyer felt that parts of the house would need to be demolished if the trees were removed. He noted that houses could be relocated and re-built- old Redwood trees could not. Mr. Wallers noted that tree #5 and #6 were damaged by fire prior to anybody inhabiting this area. Mr. Mittermeyer states in his letter that removal of the trees would dramatically alter the feel and the value of the neighborhood. Mr. Wallers asked Mr. Bovero about the age of the trees. Mr. Bovero stated they were probably 150 years old. Mr. Wallers read a letter from Mr. Ron Grossi who recently moved from Larkspur to Lake Tahoe. Mr. Grossi pointed out the important carbon-exchange that trees perform and stated that cutting down the trees would be an un-alterable decision. Mr. Wallers stated he walked up Baltimore Canyon and saw many homes surrounded by Redwoods that backed right up to the side of the house.

Mr. Mark Sandoval, Ardmore Road, agreed with many of the remarks. Without a comprehensive plan, removal of the trees would be premature. He could appreciate that certain trees were causing damage to the structure. He noted he is an architect and he disagreed with the suggestion that there would not be any damage to the structure while removing the trees. He reiterated the need for a plan that indicates how they would remove the trees without making the structure totally useless.

Ms. Jennifer Lagaly, prospective buyer, stated they currently live in a house that is 1,200 square feet and the subject property (1,900 square feet) seems quite large. She drew some plans on the white-board and discussed what they plan to do with the house. She reiterated that the structure would stay intact. She stated the trees are affecting the foundation. They are very excited to move to Larkspur.

Mr. James Holmes, Madrone Avenue, stated this is the latest instance of relative newcomers coming in and trying to remove trees that the previous residents managed to live with for many years. The trend suggests a cultural or consciousness problem rather than a tree problem. The intent or motivation of the applicants is irrelevant- all that should be considered is the effect which would be a large, empty building space. The Planning Commission would probably recommend that an architect work around the trees rather than cut them down. He looked at the house when it was for sale and suspected that people would make these contentions. He thought it did not look much worse than

any other old house. Foundations of old houses tend to crack and there is no showing that the trees are the cause. There is no showing that there is a hazard with respect to disease, nature of falling, or proximity to existing and proposed structures. The arborist's reports do indicate standard flaws in the trees and potential problems. He stated that Finding 2B of the Heritage Tree Ordinance ("removal would be necessary to prevent unreasonable interference with the property owner's investment backed expectations") could not be made. The City Council has cautioned the Commission to be very careful in making decisions on the basis of conditions that could apply to a large number of other structures. He stated the findings could not be made and the application is premature.

Ms. Kathryn Arrow, Baltimore Avenue, urged the Commission to deny the application. She stated she works for the Presidio Trust and the National Park Service and has been doing hazard tree assessments for urban forests. She suggested that the City of Larkspur look into the Hazard Tree Assessment System used by the National Park Service. It is a very objective way of looking at trees. The City should also contract with an independent arborist. Commissioner Hauser stated the arborist reports did not claim that the trees were hazardous and he asked about the Presidio Trust's regulations with respect to a tree causing damage to a structure. Ms. Arrow stated that criteria was part of the scoring system. She referred to the Heritage Tree Ordinance and noted that if an applicant has construction plans then they must go before the Planning Commission. Commissioner Hauser stated that was a valid point. However, not all construction projects go before the Planning Commission.

Mr. Bovero discussed the Hazard Tree Assessment System and stated it has to do with "target value", such as high voltage lines, surrounding houses, traffic, etc. He reiterated that he was confident that he could safety remove the trees without doing any further damage to the house.

Ms. Eileen Wallace stated she has had the house on the market since January. She stated many of the lumber mills take the trees out by truck and give you credit for the wood but do not pay you for the wood. She turned down a prospective buyer who wanted to remove more trees. Several of the trees have power lines running through them and a gas line under them. The back porch has a broken window due to the trees pushing in on the fascia boards. It is important that the Commission consider her efforts in trying to find a responsible property owner who could enjoy the property.

Mr. Dan Smith, husband of Ms. Jan Willis, stated he has watched those trees grow into the house for a long time. He has been in the construction business for 40 years. Those trees would continue to grow and degrade the structure.

Ms. Salzman stated it probably would not matter if the trees were smaller. The arborist did express concern about being in the house during a big wind.

Commissioner Friedel asked Mr. Bovero to indicate on the map where the trees were located.

Chair Blauvelt closed the Public Hearing.

Commissioner Hauser asked if the Commission has jurisdiction to approve the removal of a tree for safety reasons when there is also a construction permit being contemplated. Recreation Director Whitley stated there is nothing on the books prohibiting taking out a permit after the trees are removed.

Commissioner Matteo asked if they should vote on each tree separately. Chair Blauvelt stated that was a good idea.

Commissioner Matteo commended the prospective buyers for their due diligence with respect to the property. He stated many people testified that the applicants should "have a plan" but he did not think this was true. The applicants have said they would not change the footprint of the house or do a remodel. He acknowledged that the Commission has "gotten burned" in the past. He believes the arborist's assertion that he can remove the trees and not damage the house. He referred to the "investment backed expectations" not applying to inheritance and stated he was not ready to go there. He stated some of the trees were definitely doing damage to the house.

Commissioner Hauser stated the issue with respect to these trees was structural damage and not that they present any hazards. Structural damage is an issue in the ordinance. Some people are willing to put up with a substantial amount of damage while other might not have that tolerance.

Commissioner McNally wondered if those in opposition to the removal of the trees have walked the property. He stated there is so much damage going on to the foundation. If the footprint of the house remains then they would need to repair it, with or without the trees. He wondered if the house could be repaired while keeping the trees.

Chair Blauvelt asked why the prospective buyers did not simply buy the house then apply for the permit. Some of those questions would be clearer if they actually owned the property. Mr. Vasquez stated the house was not "purchasable" with the trees.

Chair Blauvelt stated the house was one issue and the porches were another issue. A lot of the damage is being done to the foundation of the porches. Porches can be rebuilt.

Chair Blauvelt asked for comments regarding Tree #1.

Commissioner McNally asked if this tree had electrical wires running through it. Mr. Bovero stated "yes". Commissioner McNally stated that was dangerous. He noted the tree was closer to the porch than he originally thought and it is pushing the eaves of the house. This tree could be removed without damaging the house. He could support the removal of this tree.

Chair Blauvelt stated the eaves could be notched and the porch could be changed.

M/s Matteo/Friedel to approve the application for removal of Tree #1.

Ayes: All Noes: Chair Blauvelt

Chair Blauvelt asked for comments regarding Tree #2.

Commissioner Hauser stated this is the worst of the seven trees.

M/s Hauser/McNally to approve the application for removal of Tree #2.

Ayes: All

Chair Blauvelt asked for comments regarding Tree #3.

Chair Blauvelt stated this tree was located by the back porch.

Commissioner Friedel asked if this tree was near the gas line. Commissioner Hauser stated that was Tree #2.

Commissioner Hauser stated this tree was definitely causing structural damage and creating problems.

Commissioner Matteo agreed and stated it was affecting the house quite a bit.

M/s McNally/Matteo to approve the application for removal of Tree #3. Ayes: All

Chair Blauvelt asked for comments regarding Tree #4.

Commissioner Hauser stated there was nothing in the reports to indicate that this tree is causing problems, although it could cause problems in the future.

M/s Hauser/Friedel to deny the application for removal of Tree #4. Ayes: All

Chair Blauvelt asked for comments regarding Tree #5.

Commissioner McNally stated this tree was very similar to Tree #3 in terms of the damage that it has caused.

Chair Blauvelt stated the eaves had been previously notched and she did not think it was causing any problems. She thought the eaves could be notched further without compromising the integrity of the house.

Commissioner Matteo stated the bottom four to five feet of the tree was very close to the house and either currently causing damage or would cause damage very soon.

Commissioner Friedel stated the tree was breaking into the bottom of the foundation right near the orange marker.

Commissioner Hauser referred to the report from Urban Forestry Associates and stated it pointed out there was some scarring and that there was growth on only one side of the tree.

M/s Friedel/Matteo to approve the application for removal of Tree #5. Ayes: Friedel, Matteo, McNally

Noes: Chair Blauvelt, Hauser

Chair Blauvelt asked for comments regarding Tree #6.

Commissioner Hauser stated he did not see any foundational problems although it is close to the house. He did see some cracks.

Commissioner McNally stated the tree seems removed from the house with the roots going down underneath.

M/s Hauser/Matteo to deny the application for removal of Tree #6. Ayes: Chair Blauvelt, Hauser Noes: Friedel, Matteo, McNally

M/s Matteo/Friedel to approve the application for removal of Tree #6. Ayes: Friedel, Matteo, McNally Noes: Chair Blauvelt, Hauser

Chair Blauvelt asked for comments regarding Tree #7.

Commissioner Hauser stated he agreed with the recommendation from Mr. Moritz.

M/s Hauser/Friedel to deny the application for removal of Tree #7. Ayes: All

Chair Blauvelt stated the Commission approved the removal of Tree #1, #2, #3, #5, and #6 and denied the removal of Tree #4 and #7.

Chair Blauvelt stated there was a 15-day appeal period.

The Commission took a 5-minute break at 9:15 p.m.

The meeting reconvened at 9:20 p.m.

2. Request to add Scoreboard to the Twin Cities Girls Softball Batting Cage at Piper Park

Recreation Director Whitley presented the staff report.

Chair Blauvelt opened the Public Hearing.

Mr. Jim Gardner, Cross Creek Place, former President of Twin Cities Girls Softball, stated there was not much to add to the staff report or the drawings. He asked the Commission if they had any questions.

Commissioner Hauser asked if there was any way to get a photograph/picture of what the scoreboard would look like. Mr. Gardner referred to the diagram and stated the most likely size would be six foot long by three foot high, however they want the option of going 7'6" by 5'. That would be the maximum window given the framework of the batting cage. Commissioner Hauser asked if the scoreboard would also be used by the Marin Catholic High School Girl's Softball team. Mr. Gardner stated "possibly" and they are discussing whether or not the high school wants to come in as a partner on the project. Commissioner Friedel asked if the high school would help pay for the scoreboard. Mr. Gardner stated "yes".

Commissioner McNally asked about the cost. Mr. Gardner stated it would cost about \$4,200 if solely used by Twin Cities Girls Softball. The cost for a joint project would be about \$5,000 since it would require two sets of wireless controls for each program.

Commissioner McNally asked about the electrical requirements. Mr. Gardner stated all the underground wiring was installed when the batting cage was built.

Commissioner Friedel had questions about the City's ownership in this since it is located in a public park. Recreation Director Whitley stated the structure itself is part of Twin Cities Girls Softball but the City has made sure that the structure was built to City standards. He is not sure that the Engineering Department looked at the plans to make sure the structure could support a scoreboard. Commissioner Hauser stated the question has more to do with use. Commissioner Friedel asked if this system would be used by only these two entities. Mr. Gardner stated the batting cages are available for rent by other organizations but there have been no requests.

Commissioner Hauser asked staff if other organizations would want to use this scoreboard. Recreation Director Whitley stated "probably not".

Commissioner Friedel asked Mr. Gardner if other groups could rent the scoreboard. Mr. Gardner stated "sure". The wireless controllers are portable and cost about \$800 each. Other organizations would need their own controllers. Recreation Director Whitley stated the City would not purchase a controller.

Commissioner Hauser asked for a mock up (displayed on the cage) of what the scoreboard would look like. He asked about the thickness of the device. Mr. Gardner stated it would be about 6" deep.

Commissioner McNally asked if the scoreboard would be permanent. Mr. Gardner stated "yes". Commissioner McNally asked if the controllers would be stored on site. Mr. Gardner stated they would probably be stored in the shed. Commissioner McNally asked

if the scoreboard could withstand the elements. Mr. Gardner stated "yes" since they are designed for outdoor use. Commissioner Hauser asked if it would be covered. Mr. Gardner stated they might get a commercial frame to protect it from the occasional foul ball.

Commissioner McNally agreed with Commissioner Hauser that a mock up, on the cage, would be helpful.

Chair Blauvelt stated anything added to the park should be unobtrusive. Commissioner McNally stated the cage was more obtrusive than he thought it would be. The scoreboard could be a problem. Mr. Gardner stated there were areas in the park dedicated to a particular use and the cage was located in an area for a specific used by a program that involves participation of over one hundred local families. Commissioner Friedel stated she walks in the park quite frequently and she does not notice the batting cage.

Commissioner Hauser asked about the proposed color of the sign. Mr. Gardner stated it comes in a variety of colors.

Commissioner Hauser asked what the Commission would do if they got a request for the Cricket Club for a scoreboard. Recreation Director Whitley stated the club has a wooden scoreboard that is on wheels that they bring out during games. It is stored in their shed. Commissioner Hauser stated his daughter played softball for Redwood High School and he does not recall seeing a scoreboard used at any games, other than major tournaments. He was not sure how essential this was to the league. Commissioner Matteo asked what other fields use a scoreboard. Mr. Gardner stated most high school and little league fields have scoreboards. Commissioner Matteo asked how many Marin Girl's Softball teams have access to a scoreboard. Mr. Gardner stated there is one in Novato and someone in San Rafael has offered to build one. Commissioner Matteo stated it was not a given that these teams have a scoreboard. Mr. Gardner agreed.

Chair Blauvelt stated she was opposed to the idea of the batting cage because it represents private use of City property. She did not want them to move further down that avenue.

Commissioner McNally stated he attends many girls' softball games and he would like to see a scoreboard.

Commissioner Friedel stated a mock-up (cardboard cut out) on the batting cage would be helpful including size, color, location, etc.

Mr. Gardner stated there was a serious disparity between what the community makes available to girls sports vs. boys sports. He asked for some lenience in this matter- a very small addition to an existing structure.

Chair Blauvelt closed the Public Hearing.

Commissioner Hauser stated he would like to get a better idea about what is being proposed.

Commissioner Matteo agreed a mock up would be helpful in making a decision.

Commissioner McNally stated he would like to see a mockup placed on the cage itself. He noted Mr. Gardner had mentioned two different dimensions and he asked that the larger of the two be used for demonstration purposes. He agreed with Mr. Gardner's argument regarding girls vs. boy's sports but he was not sure he wanted to take the next step.

It was the consensus of the Commission that the Twin Cities Girls Softball League place a mockup (cardboard cut out) of the proposed scoreboard on the batting cage including the size, color, location, etc.

Recreation Director Whitley stated he would let the Commission know when the mock up was ready for review.

BUSINESS ITEM

1. Additional Information Resulting from the May 12, 2012 Parks Tour and the May 17; 2012 Canine Commons Discussion

Recreation Director Whitley stated the Commission had questions regarding they type of maintenance agreements in place for Neighborhood Park (Larkspur Landing area). A letter regarding the maintenance agreement from the Lincoln Property Company dated August 4, 1975 was missing from the record. Staff did find a reference to "lands to be accepted for dedication including Neighborhood Park, Tubb Lake, and some loop roads" and the City accepted these dedications from the developers. He stated the City is responsible for maintenance of Neighborhood Park.

Recreation Director Whitley stated that in response to the Commission's request he had the landscape company of Cagwin and Dorward break out their bid for Canine Commons to match the work proposed by W. K. McClellan. The bid from W. K. McClellan came in at \$33,537 and the bid from Cagwin and Dorward came in at \$38,813. He noted the Commission was reluctant to spend a lot of money on the dog park if the use was negligible. He spoke to Public Works Superintendent Myers about re-building it to its former condition. This would entail some drainage work and installing some engineered wood chips. Chair Blauvelt asked if the chips would be similar to the ones in the playground. Recreation Director Whitley stated "yes".

Commissioner Friedel asked if there was a governing body that is responsible for overseeing the Canine Commons. Recreation Director Whitley stated "no". Commissioner Friedel briefly discussed the formation of a 501(c)(3) not-for-profit organization. Recreation Director Whitley stated he sent emails to all interested persons.

Chair Blauvelt asked if staff installed a "suggestion box" at the dog park. Recreation Director Whitley stated "not yet".

RECREATION DIRECTOR'S ORAL REPORT

Recreation Director Whitley reported staff will be teaming up with the Larkspur Chapter of the Champion's Lion's Club and will be participating in the Corte Madera/Larkspur 4th of July Parade. The theme for the "float" will be Marin Magical Musical Moments. The Super Cool Summer School is coming to the end of the first week of Session I. There were close to 500 students enrolled for Session I (including the Bacich and Hall Middle School campuses). Session II is quickly filling up. Commissioner Friedel asked how many students live in Larkspur, etc. Recreation Director Whitley stated Super Cool Summer School Directors Erin Duggan and Beth Seuss would be compiling that information and he would report back to the Commission soon. Commissioner McNally asked about the fees. Recreation Director Whitley stated the fees vary according to the type of class. Commissioner McNally asked if there was any financial aide available. Recreation Director Whitley stated "no".

Recreation Supervisor Clegg stated she was working on fall programming and would welcome any suggestions from the Commission.

COMMISSIONER REPORTS

Commissioner Matteo stated some bushes obscure the sign for Centennial Park. Recreation Director Whitley stated he would ask Public Works Superintendent Myers to take care of this.

Commissioner Hauser briefly discussed the Heritage Tree Permit application process and whether or not it should remain in the jurisdiction of the Parks and Recreation Commission. He asked about the possibility of an ordinance that required a moratorium on applying for a building permit subsequent to the approval of a tree removal permit. Recreation Director Whitley stated he would discuss this with the City Manager.

ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Toni DeFrancis Recording Secretary