

MINUTES OF THE REGULAR MEETING
LARKSPUR PARKS AND RECREATION COMMISSION
VIA TELECONFERENCE DUE TO COVID-19
SEPTEMBER 17, 2020

COMMISSION: PRESENT: Chair Harrison, Blauvelt,
 Koepfel, Sunshine

COMMISSION: ABSENT: Friedel

STAFF: PRESENT: Community Services Director Franklin Escobedo
 Assistant Planner Aaron Matthews
 City Clerk Alison Foulis

1. Roll Call

Chair Harrison called the meeting to order at 6:31 p.m.

2. Public Comment

There were no public comments.

3. Approval of the Consent Calendar

3.1 Approval of Minutes: July 16, 2020

M/s Blauvelt/Sunshine, to approve the July 16, 2020 minutes as submitted.

Ayes: Blauvelt, Koepfel, Sunshine, Chair Harrison

Absent: Friedel

(through a roll call vote)

4. Public Hearing

4.1 Protest Hearing of Heritage Tree Permit Application at 321 W. Baltimore Ave.

Assistant Planner Matthews presented the staff report.

Chair Harrison asked if the trees were bundled in one permit request or if the Commission could look at trees individually. Commissioner Blauvelt stated she was of the opinion that the Commission could look at trees individually.

Chair Harrison opened the Public Hearing.

Mr. Len Rifkind, attorney for the applicant, stated the Commission has to make findings for each of the four trees and this is not an “all or none” situation. They are seeking approval to remove four hazardous trees on the property. All four trees are recommended for removal by the arborist. They are causing, and will continue to cause, damage to the property. They present a significant risk to injury to residents of the property and neighbors. His September 4th letter summarized the mandatory findings that must be

made. Trees #1 and #2 are located in the front yard and, according to the arborist, are “mostly dead” and have severe structural defects. Branches drop on the roof and in the yard at great risk to life. Tree #3 is also located in the front yard and has two trunks. One of the trunks is structurally defective and the second trunk has a dog-leg growth on top that poses a hazard. Tree #4 is a three-trunk cluster located in the rear yard. It has caused, and will continue to cause, property damage to the adjacent retaining wall and patio. The structural engineer states the roof structure cannot withstand impact loads from falling limbs. The arborist is of the opinion that Trees #1 through #3 will fail. The tenants of the property wrote a letter expressing concerns about possible hazards to their children. Root grown from Tree #4 could cause the retaining wall to fail and property damage to rear of the house. There are eighteen trees in the front yard and eight in the rear and removal of these four challenged trees could enhance the ability of the remaining trees to thrive.

Ms. Tammy Wilkes-Cornfeld, applicant, stated she cares about the many Redwoods on her property and in the canyon. Six of the neighboring households support her request. Removal of the trees will allow her to repair damage and maintain the structural integrity of the foundation, roof, and failing retaining wall in the rear. Trees #1 and #2 are mainly dead. Tree #3 poses a hazard to the roof and occupants due to the foreseeable failure of the huge, unstable “elbow”. Tree #4 (cluster in the rear) is pressing up against the foundation and has visibly damaged the patio and retaining wall. There are fifteen Redwood trees in the front of the property and at least six in the rear. She urged the Commission to approve the application.

Commissioner Blauvelt stated she was on the Commission eight years ago when they considered Tree #1 and #2. She recently went to the site and was amazed at how it looked exactly the same. The Commission decided in 2012 that the low aesthetic value of these trees was not a reason for their removal. She asked Mr. James McNair, arborist, what he means by “mostly dead”.

Mr. McNair stated he was referring to the fact that most of the crown is dead. Trees #1 and #2 have little, if any, live growth. The tops are dead but the lower portion of the trunk is still living. These trees also experienced severe root pruning. The heavy shading, topping, and root pruning have contributed to the decline of these trees. He stated that perhaps 10% of these trees are alive. Commissioner Blauvelt asked if there has been a change since the 2012 Commission decision. Mr. McNair stated he did not see the trees in 2012.

Commissioner Koeppel asked about the history of the property and the landscaping that has been done. Ms. Wilkes-Cornfeld stated the house was built in 1967 and she purchased it in 2011. The tree roots were cut to build the home, the retaining wall, and the patio. When she bought the home the retaining wall in the back was in good condition but developed a significant crack. She has repaired the roof as a result of falling limbs. The trees in the front have gotten worse.

Mr. Rifkind agreed with Commissioner Blauvelt that many trees in the canyon grow over people’s roofs. This circumstance is unique since the arborist says the trees are mostly dead and those are not healthy branches.

Commissioner Koeppel asked what the topography looked like prior to the home being built. He asked how large the trees in the back were in 1967. Mr. McNair stated he was not sure how qualified he is to describe the topography. There were steep slopes throughout the area and they did some grading to build the house (thus the retaining wall). He guessed it was a steep slope prior to the house being built. The trees in the front are older and Tree #4 (cluster) could have been a tree that was removed 60 years ago and these are the resultant sprouts.

Commissioner Koeppel asked what came first- were the trees there and the house was built or was the house built and then the trees grew. He asked about the health of Tree #4 (the cluster). Mr. McNair stated it was in moderate health. They were probably topped when the house was built. Since they were not heavily shaded they re-established a vertical trunk. The issue is the proximity of the trunks to the house and foundation. The roots were cut and they have regrown and are pressing against the retaining wall and putting pressure on the foundation. If the trees remain then he would recommend reducing the height of the trees to reduce the leverage force on the base of the trunks. Commissioner Koeppel asked if the trees surrounding the cluster were also a risk to fall into the house. Mr. McNair stated “no, they have not had the root impacts”.

Commissioner Koeppel asked what his recommendation would be if the applicant told him she wanted to protect her house but she loved her trees. Mr. McNair stated he would have told her to consult with a structural engineer. She could keep the trees if she wants to live with the risk.

Mr. Kelly Turbin, structural engineer, stated Tree #4 (cluster) is not about whether the trees are healthy but rather what that they are doing to the foundation. There are cracks in the concrete retaining wall. If that wall fails there will be soil spilling down into the back of the house and the tree would probably fall. The wall is the only thing confining the root ball on the downhill.

Mr. McNair stated the root structure provides anchorage for the tree. If the tree remains he would recommend topping it to reduce the leverage force. The taller the tree the more leverage force at the base of the tree.

Commissioner Sunshine referred to Trees #1 through #3 (“10% alive”) and asked if there were other trees in the canyon in similar shape. Mr. McNair stated he did not survey the other trees but this is not typical. He was concerned these trees were topped and the roots were severely pruned. They are shade suppressed and are in decline.

Commissioner Sunshine asked if trees in this state of decay could come back. Mr. McNair stated “no, they are past the point of no return”. He would put Tree #3 in the “moderate to high” risk of failure category over a three year period.

Commissioner Sunshine asked if there were benefits to the surrounding trees by retaining or removing Trees #1, #2, and #3. Mr. McNair stated he did not think there would be any impact on the adjacent trees.

Commissioner Koeppel referred to Tree #4 and asked if there were mitigating measure that could be taken to the retaining wall along with topping the trees to prevent damage to

the home. Mr. Turbin stated they could not quantify tree growth and in a situation like this it is best to remove the trees. He pointed out a crack in the wall and stated there was damage happening at the back of the wall. Mr. McNair added topping a tree is the last resort and the trunks and roots will continue to grow. The pressure against the wall and foundation will increase.

Chair Harrison asked Mr. McNair how he went about his inspection and whether he inspected all the trees or just Trees #1, #2, #3, and #4. Mr. McNair stated the focus was on those trees but he also did a cursory evaluation on the others. There was a tree in poor health off to the side of Tree #1. Commissioner Blauvelt stated a number of the trees in that area looked exactly like Trees #1 and #2.

Ms. Steve Haverness, W. Baltimore Avenue, stated he has large Redwoods very close to his house and have yet to have a branch fall and do damage to his home. The applicant has done nothing to the trees since 2011. He referred to Tree #4 and stated that wall was not a retaining wall- it is a thin brick wall that has a structural crack and it is not being pushed out by the trees. The damage to the patio and foundation is not from the trees. These trees are not dead and nothing has been done to try to save them.

Chair Harrison closed the Public Hearing.

Assistant Planner Matthews stated the Commission could discuss each trees separately.

Commissioner Sunshine stated the front trees and the tree in the back presented different issues and situations. If the front three trees were 30% alive it would indicate a possibility of regrowth- 10% is a low percent of tree health. She urged the Commission to consider the front and back yard trees separately.

Commissioner Blauvelt stated Tree #3 was referred to as a “dog-legged mess”- the arborist did not say it was not viable. There are many deformed trees in the canyon and this was not a reason to remove a tree. They should discuss Trees #1 and #2 collectively, and Tree #3 and #4 separately.

Chair Harrison asked for the Commission’s thoughts on Trees #1 and #2.

Commissioner Blauvelt stated she could not see any difference in these trees from nine years ago. She could not approve the removal of either of the two trees.

Commissioner Sunshine asked what percentage of those trees was alive in 2011. Commissioner Blauvelt stated at that time the thought was that they were valuable and should be saved. They look the same.

Commissioner Koepfel stated he was basing his decision on the information obtained in 2020. The arborist thinks these trees pose a hazard. They are beyond being simply unattractive. He is inclined to approve the removal of Trees #1 and #2.

Chair Harrison agreed with Commissioner Koepfel. She referred to the code section and stated the applicant has met the standard with respect to Trees #1 and #2. They are not

thriving, are 90% gone, and pose a hazard as far as falling branches. In addition, there are other trees on the area.

M/s Sunshine/Koeppel, to approve the permit application for the removal of Trees #1 and #2.

Ayes: Koeppel, Sunshine, Chair Harrison

Noes: Blauvelt

Absent: Friedel

(through a roll call vote)

Chair Harrison asked for the Commission's thoughts on Tree #3.

Commissioner Blauvelt stated the arborist does not say this tree is unhealthy. There are many dog-legged trees in the canyon and there is no reason to remove this tree.

Commissioner Sunshine stated she would take what Mr. McNair said about the tree and the potential for damage to the home. She is leaning towards approving the removal of this tree.

Commissioner Koeppel stated he would like to take a "watch and see" approach with this tree. He is not sure it is a "clear and present danger". He would like to monitor the tree and see if there are any mitigating measures that can be taken.

Chair Harrison stated it appears from the arborist report that the issue is the distorted trunk structure which is weak and prone to failure. She wondered if that branch could be pruned allowing the rest of the tree to thrive.

Commissioner Sunshine stated she would feel comfortable giving this tree more time and allowing the applicant to come back in a couple of years.

M/s Blauvelt/Koeppel, to allow Tree #3 to stay and hope the applicant will look into ways to manage the tree better.

Ayes: Blauvelt, Koeppel, Sunshine, Chair Harrison

Absent: Friedel

(through a roll call vote)

Chair Harrison asked for the Commission's thoughts on Tree #4 (a cluster of three).

Commissioner Koeppel stated the tree in the rear is quite different from those in the front. It is a different set of circumstances. It is in moderately good health. The issue is how much damage it could do to the house. The unfortunate placement of those trees is putting pressure on the retaining wall and the foundation. He did not hear a lot of information about other alternatives in terms of shoring up the two walls.

Commissioner Sunshine asked Commissioner Koeppel what he meant by additional information. Commissioner Koeppel stated the neighbor mentioned this is a thin masonry wall that is not bulging out and the cracks could be from settling. He asked if the wall could be shored up. He would like to see if there was something that could be done to save the trees and save the house.

Commissioner Sunshine asked if that would involve another report from a structural engineer. Commissioner Koeppel stated he would like to exhaust all potential solutions.

Chair Harrison stated she was not originally concerned about Tree #4 but the structural engineer's report indicates the trees pose a problem and the arborist believes the risk is "moderate to high" of failure in the next three years. This is compelling and she would lean towards approving the request.

Commissioner Koeppel stated the arborist report indicated a "formal tree risk assessment" could be prepared. Commissioner Sunshine asked what information that would provide. She wants to make sure the applicant knows what information to submit to the Commission.

Commissioner Blauvelt stated she agreed with the suggestion made by Commissioner Koeppel.

Commissioner Koeppel discussed the findings.

M/s Koeppel/Blauvelt, to deny the approval of the removal of the cluster of trees referred to as Tree #4. The Commission would like to see a further risk assessment study performed by an arborist and a structural engineering determination specifically about mitigations to the structure.

Ayes: Blauvelt, Sunshine, Koeppel

Noes: Chair Harrison

Absent: Friedel

(through a roll call vote)

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

5. Business Items

None

6. Director's Oral Report

Director Escobedo reported he was meeting with the County of Marin tomorrow regarding COVID-19 and moving into the Tier II level. He stated he will be meeting with Recreation Supervisor Stone about upcoming programs and planning for next summer.

7. Commissioner's Reports

There were no reports.

8. Adjourn Meeting

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Larkspur Parks and Recreation Commission.

Franklin Escobedo

Franklin Escobedo, Community Services Director