

M/s, Lundstrom/Hartzell and approved 5-0 to approve the Consent Calendar with corrections to the October 18, 2006 minutes and the removal of item #4, Resolution No. 38/06 for discussion.

Mayor Chu stated Consent Calendar item #4 shall become Business Item #4.

SITE VISIT AT DOWNTOWN FIRE STATION- PRESENTATION OF NEW PIERCE FRONT LINE FIRE FIGHTING APPARATUS

Deputy Chief Shurtz stated the new vehicle was very impressive in terms of its fire fighting effectiveness and its firefighter safety components. He thanked the Council for providing the resources that enabled the department to obtain this new engine. He invited everyone to the firehouse at 7:35 p.m. and gave a presentation of the new engine and answered questions.

The meeting reconvened in the Council Chambers at 7:55 p.m.

CITY MANAGER'S ORAL REPORT

The City Manager reported the City had quite an eventful Halloween, including a one-man crime spree that started in Larkspur and ended in San Francisco. It started with a carjacking near Rivera Circle and included the theft of two cars and several car crashes. The Twin Cities Police Chief estimated the suspect committed eleven separate crimes in the space of about an hour. Staff has received some complaints about the condition of the trees on the Polivy property. The City arborist would be looking at the site to determine whether or not the owner adhered to the conditions of approval to remove several trees. Staff has been tied up in a number of regional activities involving the Ross Valley Watershed Project, Twin Cities Police Facility, and helping to identify a successor for several of the County JPA's. Staff is also involved in a lot of follow up activity with FEMA and legal counsel related to the New Year's flood.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Lundstrom reported she met with the representatives of Marin Primary School yesterday to observe traffic near the school and the number of students walking and biking. She was pleased to report that the school has agreed to participate in the Safe Routes to School Program.

Mayor Chu reported the Larkspur Library Board, Friends of the Larkspur Library, and Library Foundation are holding an "Open House" on Saturday, November 4th from 10:00 a.m. to 3:00 p.m. He encouraged everyone to attend.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS

NONE

BUSINESS ITEMS

Mayor Chu stated he would like to rearrange the order of the agenda items.

2. ANNUAL BAIL SCHEDULE REVIEW

The City Manager introduced the staff report and called upon Sergeant Steve Fogle who presented the report to the Council.

Twin Cities Police Sergeant Fogle stated there were some minor numerical changes that had to be made to make the schedule consistent with current codes.

Councilmember Hartzell referred to the letter from the Court Executive Officer regarding the dismissal of cases and asked if this matter had been addressed. Sergeant Fogle stated this matter does not necessarily apply to this schedule. Some jurisdictions have all their municipal codes as misdemeanors and the additional fines are disproportionate to the crime. This is not an issue for Larkspur.

M/s, Lundstrom/Hillmer and approved 5-0 to adopt the Annual Bail Schedule Review as submitted.

4. ADOPT RESOLUTION NO. 38/06, SUMMARILY VACATING A STREET RIGHT OF WAY IN A PORTION OF TAMALPAIS STREET

The City Manager presented the staff report.

Councilmember Hartzell asked if the underlying land was always owned by the parties in question. The City Manager stated the underlying land was owned first by the original owners of the subdivision. It was purchased in fee by the adjacent property owners at 11 Tamalpais. Councilmember Hartzell asked if the City's easement was being purchased by the parties at 11 Tamalpais. The City Manager stated "yes".

Mr. Robert Epstein, attorney for Mr. and Mrs. Epidendio, the owners of the subject property, thanked staff for their help in this process and stated the fee title for the property in question has been acquired by his clients.

He will be concluding a “quiet title” action soon. The City is not selling property but rather quitclaiming a right-of-way. The Epidendios have offered \$2,500 plus the payment of staff time.

M/s, Hartzell/Arlas and approved 5-0 to adopt Resolution No. 38/06.

1. JOINT MEETING- LARKSPUR CITY COUNCIL AND LARKSPUR
HERITAGE PRESERVATION BOARD

The City Planner presented the staff report.

Councilmember Arlas asked why some of these homes were not considered in the original Inventory of Historic Resources. The City Planner stated the scope has been expanded. Heritage Board member Heitkamp added they did not have time to complete the original research because, at that time, there was a sense of urgency. Mayor Chu asked if the passage of time had anything to do with their qualification. Boardmember Curley stated “yes”. Councilmember Arlas was concerned the Board wanted to add 60 homes to the inventory and he stated there would be some very surprised homeowners. Boardmember Heitkamp discussed some of the benefits including property tax relief.

Councilmember Hillmer asked what constraints were imposed by being included in the inventory. The City Planner stated a process was created that requires Design Review with the idea that the historic integrity be protected.

Improvements are peer reviewed by the City’s consulting architectural historian and then it goes through the regular Design Review process. There is an extra layer of heritage review before the application goes to the Zoning Administrator or Planning Commission. Councilmember Hillmer stated he would like to review that process and felt there were property rights issues. The City Planner stated the potential loss of a home on the historic inventory must be evaluated under CEQA. However, there is a “carrot and stick” approach that allows exemption from CEQA if they make improvements to the home that can be found to be compatible with the historic character according to the Secretary of the Interior Guidelines. Councilmember Hillmer asked if this review would be above and beyond what is required for the normal residential zoning district. The City Planner stated standard single-family homes are exempt from CEQA review.

Councilmember Hillmer asked about the difference between the traditional downtown district designation and the inventory. He stated there was a huge distinction in property rights. The City Planner stated there was no difference. Councilmember Hillmer stated previously it was voluntary and now it would be required. Boardmember Heitkamp stated Design Review is required for any major remodel.

Mr. Dan Peterson, AIA Historical Architect, stated Design Review was required for many single-family residence remodels so this is not an added layer of review. Under the historic regulations the appropriate definition is “rehabilitation” and not “restoration” and this allows owners to make alterations. He discussed several of the benefits including exemption from Title 24 requirements.

Councilmember Hillmer stated he was concerned that a homeowner would be given a list of demands and want to tear the house down because they could no longer afford the remodel. Mr. Peterson stated the Board has allowed this in some cases. Councilmember Hillmer stated he would like to carefully discuss imposing new rules where the outcome may not be what was intended.

Senior Planner Toft stated CEQA applies to any discretionary (as opposed to administrative) project. They now have discretionary review of many single-family type projects that they did not have before. There is a bit of a leap that will occur because they do have that discretionary review. Design Review now creates the trigger by which CEQA can be imposed on homes that are on the list or are potentially historic.

Mayor Chu asked about the other financial incentives for homeowners. Mr. Peterson stated the State Historic Building Code allows the applicant to look at alternative solutions and offers the greatest advantages to homeowners.

Councilmember Lundstrom stated if this process goes forward it must be explained clearly to homeowners. This discussion was very useful.

Councilmember Arlas stated it sounded like the process puts form over substance and could impinge upon the Uniform Building Code. Mr. Peterson stated the State Historic Building Code takes precedent over many other codes and regulations and was part of the Health and Safety Code.

Councilmember Hillmer stated it sounded like they need to expand the Historic District to include these homes. Boardmember Curley stated this could be considered “spot zoning”.

Boardmember Heitkamp stated it was only the public view of the building that was being addressed and she discussed the findings that need to be made by the Board. Councilmember Lundstrom asked if there were timeframes to these applications. The City Planner stated they were subject to the Permit Streamlining Act. Councilmember Lundstrom stated she wanted to make sure these deadlines were clearly explained.

Boardmember Kearely-Green stated she has done two such projects and found it to be a very smooth process working with staff and the Heritage Preservation Board.

Board member Heitkamp discussed the benefits of the Mills Act. Councilmember Hillmer asked when the most recent Mills Act contract occurred. The City Planner stated there has been only one. Boardmember River stated there were a limited number of homes that would qualify. Boardmember Wilson explained the Mills Act was a commitment that the property owners make to get a tax reduction but the savings goes into a plan over a period of time for reinvestment in the house.

Councilmember Hillmer asked where the City has “Heritage” combined with “Residential” zoning. The Senior Planner stated it was under Design Review. Design Review was required for any building identified on the City’s local listing of historic structures as approved by the City Council. Councilmember Hillmer stated it was confusing that it was hiding within Design Review. He asked if there were small enough projects that would not require discretionary or Design Review. The City Planner Stated “yes”. The Senior Planner stated this could include work inside the house, to the rear of the house, etc.

Mayor Chu stated much of the discussion has been about the different “what-if” scenarios that could occur as a result of bringing this new inventory on line. He stated part of the workshop should include those homeowner already included on the inventory so they would be better educated about the guidelines.

Boardmember River stated most people who buy an old, historic home do so because they like it and plan to preserve it. She suggested they provide some real life examples and alternatives at the workshop. Councilmember Lundstrom stated that was a good idea and suggested they choose several different types of examples (exterior remodel, possible teardown, etc.).

Councilmember Arlas asked if the City could force someone to be on the list. The City Manager stated “yes” and added most communities update their historic inventory more often than every 30 years. Councilmember Arlas asked who made the decision to put someone on the list. The City Manager stated the Council would make the ultimate decision. It was the same process as an appeal and the Council must decide whether or not the community interests are being represented by the decision that the property owner wants to make.

Mayor Chu stated they need to provide clarity about what this process would mean to the 62 homeowners. They are all in agreement that historic preservation is a part of the community’s values and culture.

Boardmember Heitkamp suggested they prepare a one-page fact sheet that includes the regulations, findings, what is proposed, etc.

Councilmember Hillmer stated he would like assurance from the City Attorney that they are protected.

Senior Engineer Phiroze Wadia, speaking as a member of the public, suggested that Mayor Chu include this matter in his weekly column in the Twin Cities Times.

The City Manager suggested they revisit this issue in January.

Boardmember Heitkamp discussed the status of the Larkspur Past and Present Update Project. She stated their target date would tie in with the City's 100th Birthday in January of 2008. They are planning on a new look to the book with a special jacket to promote the birthday celebration. The goal is keep the book affordable.

Boardmember River stated the publishing costs would be from \$25,000 to \$50,000. Hopefully the book would go to print sometime in September of 2007.

The City Manager discussed the ReStore Loan Program and asked the Council to think about how they would like to use the funding in the future. The three options include: 1) re-establish the program, 2) return the money to the original funds and dissolve the rest in some proportional basis, 3) determine a new use for the funds.

Boardmember River had questions about the lack of interest in the program. The City Manager stated the constraints were too restrictive and the amount of money was quite small.

The City Manager stated the permit to remove the tree at 484 Magnolia has been issued. She stated the Council had recently discussed root and trunk barriers, the streetscape, and the trees themselves. She discussed the difficulty in finding male Carob trees and distributed photographs of Crepe Myrtle trees and tree barriers used in other communities. She stated they might want to revisit this issue soon. Boardmember Wilson asked the City Manager to contact Mr. Jim Adams for suggestions about appropriate street tree species and possible some thoughts about barriers. Boardmember Heitkamp was concerned that there were some healthy Carob trees and they would lose the "visual rhythm" by infilling with other species. The City Manager stated it was very difficult to identify the male Carob tree and the streetscape might be a mix for a little while.

Councilmember Lundstrom asked the Board to research this issue and submit suggestions to the Council.

3. ADOPT RESOLUTION NO. 57/06, A RESOLUTION OF INTENT TO BUILD THE TWIN CITIES POLICE FACILITY

The City Manager presented the staff report.

M/s, Arlas/Hartzell and approved 5-0 to adopt Resolution No. 57/06.

ADJOURN MEETING

The Mayor adjourned the meeting at 10:17 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary