



hearing covering a number of issues. The Commission will only deal with issues related to the ordinance.

Recreation Director Wilkinson presented the staff report.

Chairperson Wall opened the Public Hearing.

Ms. Karen Polivy, applicant, stated she purchased the subject property one and one half years ago and lives next door. She is renting the subject property to a couple with a baby. She is concerned about the health and safety of the trees, the damage they have created to date, and the potential hazards posed by the extreme concentration of trees to people and structures that are nearby.

Mr. Ray Moritz, urban forester and consulting arborist, stated he has viewed the trees on several occasions. Several of the trees are quite close to the house. Redwood trees have extremely aggressive roots and they are one of the shallowest rooted species within the native forest. They can be a threat to adjacent to homes and infrastructures. This particular stand of trees was logged off in the early settlement years and is “second growth”. There are six clumps of “daughter stems” which do not have the same structural stability as first growth due to the unbalanced root system. Daughter stems are also susceptible to a brown cubical rot. The very high stand density was also an issue that was reviewed. The applicant has petitioned to move the trees away from the house and to create a more open stand by thinning it.

Commissioner Blauvelt had questions about the interrelated nature of the “mother tree” and “daughter trees” and asked about the effect of taking out one tree. Mr. Moritz stated there would be more nutrients and water available for the other trees. This would accelerate their rate of growth and improve their health and vigor.

Commissioner Blauvelt asked if removing tree #23 could cause damage to tree #29 due to the wind factor. Mr. Moritz stated this was possible since tree #29 was on the opposite side of the “mother stump” and its roots were growing towards the rear of the property.

Commissioner Blauvelt asked if he saw any damage to the structure. Mr. Moritz stated he examined some of the foundation near the kitchen and the master bedroom but did not examine all of the foundation. He advised the client about the block foundation and the fact that Redwoods have an aggressive root system. He did not see any damage.

Commissioner Scammell asked about the age of the trees. Mr. Moritz stated the area was logged probably at the early part of the century. They probably date back to the 1920's. Commissioner Scammell asked about the age of the house. Ms. Polivy stated parts of the home were built around 1917. Commissioner Scammell stated the house has been there as long as the trees and there is no sign of damage to the structure. Mr. Moritz stated it was a newer foundation and was set back from the trees. Ms. Polivy stated the bedroom was added around 1977.

Commissioner McNally questioned the aggressive nature of the root system given the age of the trees and the lack of substantial damage to the structure. Mr. Moritz stated the foundation might have been replaced because it was damaged.

Commissioner McNally asked if brown cubicle rot was found in most of the trees. Mr. Moritz stated it was a heart rot and goes into the center of the tree. It tends not to attack the sap (white) wood. Rot was found in all 8 stumps. The only way to find it in a tree is to drill it but is quite likely there. Commissioner McNally asked about the impact of the rot. Mr. Moritz stated it reduces the stability of the tree.

Commissioner McNally asked how many of the 21 trees were considered “daughters”. Mr. Moritz stated they were all “daughters” except for tree #62 and #62A and perhaps a few others.

Commissioner McNally asked if it were unusual for a Redwood tree to topple over. Mr. Moritz stated studies show that Redwoods tend to be more stable due to its lightweight and columnar shape. Wind exposure is also an important factor. Trees with double tops and acute angle crotches have a significantly higher failure rate.

Commissioner Blauvelt asked Ms. Polivy if it were true that she did not have any plans at this point in time to remodel. Ms. Polivy stated “that is correct”.

Commissioner Scammell asked if the majority of Redwoods in Larkspur were second growth. Mr. Moritz stated most were probably “daughters” but there were a significant number of first growth trees as well.

Commissioner Scammell asked if neighboring stands of trees protect each other from damage. Mr. Moritz stated they could be interdependent. Commissioner Scammell asked if a neighboring property could be adversely affected by the thinning of trees. Mr. Moritz stated the downwind property could be affected.

Chairperson Wall asked Mr. Moritz to comment on the density issue. Mr. Moritz stated none of the trees could be as healthy in a higher density situation and often suffer during drought years. When there are more plants depending on a given area of soil and moisture the entire stand will suffer during times of stress. Chairperson Wall asked if the trees would be unhealthy. Mr. Moritz stated they would be less healthy and less vigorous. A few would be unhealthy but not the entire stand.

Chairperson Wall asked about the roots and the cracks in the garage and the patio. He stated normally cracks are parallel to the roots but Ms. Polivy’s patio had spider cracks and the garage looked like a settlement issue. Mr. Moritz stated he does not recall the patio but did examine the garage. He did some soil probing along the tree side of the garage and did find roots. It is true that generally cracks follow the orientation of roots, but roots can change direction and can extend out 20 to 30 feet.

Commissioner McNally asked if there were other methods to take care of the roots other than putting down walls. Mr. Moritz stated there were root barriers, some of which have chemicals that turn the root away from the barrier. The more typical root barriers are solid but space is needed to install them. Commissioner Scammell asked how far down they are installed. Mr. Moritz stated 3 feet would be adequate for a Redwood tree.

Mr. Doug Kerr, Monte Vista, stated he has Redwoods in his backyard and they have not caused any damage to his garage. He urged the Commission to disallow this harvesting since it would impact the neighborhood. He would like to have another arborist look at the situation.

Ms. Bernice Gilardi, Coleman Avenue, stated she sold the subject property last year and it had been in the Gilardi family for over 70 years. She sold the property to a gentleman from the East Bay and surprisingly the title was transferred to Ms. Polivy three days later. The Commission should question the findings of the arborist since he made many general, and few specific, remarks about the subject trees. She has maintained the grove since 1978 and has had it inspected and evaluated regularly by reputable arborists. Each time it was given a clean bill of health. Approving this application would set a dangerous precedent. The trees in Baltimore Park are part of the City's historical heritage.

Mr. Rich Adler, William Avenue, stated he has many Redwood trees on his property but would rather alter structures than trees. He wants to live in co-existence with the trees. He did not trust the findings of the arborist since he would make a lot of money cutting them down. If trees are removed they should be replaced in kind.

Mr. James Holmes, Madrone Avenue, stated he was opposed to what would be the largest instance of Redwood logging in Larkspur since the 1850's. He lives under Redwoods and they can be messy. They have not caused any problems to his property. Most of the allegations by the applicant have been mere speculation about what might happen. The footprint of the proposed removal of trees tells the story- half the grove is being removed near the structure. This application should be denied since it is not about avoiding hazards but rather about convenience and caprice. In addition, the findings cannot be made.

Cynthia Rock, Corte Madera resident, stated she supports the applicant's request to remove the trees. Property owners have the right to attend to his or her property as they see fit while respecting the environment. She has heard a lot of emotion and anger at the applicant and speculation about what she is going to do to the property but not much caring about the trees. She asked people to stick with the facts.

Ms. Tina McArthur, Baltimore Avenue, stated she was the real estate agent who represented Ms. Gilardi and she told all prospective buyers that this was a magical Redwood grove that could not be touched. The applicant's request to remove 21 Redwood trees was unconscionable.

Ms. Judith Catino, Larkspur Plaza Drive, stated the applicant has the responsibility to maintain her property, to limit liability, and to mitigate potential damages. Tree branches falling on houses can do a lot of damage. A family with a child currently lives in the house and they need to take a risk analysis into account. She supports the arborist's assertion that the grove is so dense that it impairs the health of some of the trees and they will, over time, reduce their density by attrition. She supports the request to remove the 21 trees.

Ms. Laura Hill, Monte Vista, stated the emotion comes from frustration that anyone would want to come into a neighborhood and tear down a heritage Redwood grove. This is not a personal issue- it is about the trees. She strongly objects to the removal of the trees and stated it would set a dangerous precedent. The trees have been there for a very long time and create a magnificent view and a habitat for wildlife. Every avenue should be explored to save these trees.

Mr. Dale Eubanks, Monte Vista, stated he has lived in Larkspur for more than 40 years and this is the first time he has heard of anyone wanting to remove 21 Redwood trees. The applicant took him on a tour of the backyard and discussed her request. He stated there were 3 trees that are impacting either the roofline or foundation of the house and could possibly be removed. He could see perhaps one tree from each one of the "mother grove" trees being removed but not 21 trees.

Ms. Erin Kemp, William Avenue, stated she lives directly across the street and enjoys looking at the grove every day. Cutting the grove in half would be very noticeable. She understood that trees need to be removed and she could support the removal of 4 or 5 trees if they were damaging the property. Twenty-one trees seems very excessive and could compromise the health of the other trees.

Ms. Lisa Lee, San Rafael, stated she has worked for Ms. Polivy for many years. She was concerned about the safety of the trees.

Ms. Bambi Grbac, corner of Magnolia/Baltimore Avenue, stated this obvious clearcutting should not be allowed.

Mr. Clark Thompson, insurance agent for Ms. Polivy, stated an application must be submitted prior to obtaining insurance on any dwelling. Part of the scrutiny is an inspection of the property. The way insurance companies are working these days, a standard carrier would not insure Ms. Polivy's property because of the proximity of the trees and the potential for property damage or bodily injury. Thinning out the grove would make the stronger trees persevere and become more vigorous. He urged the Commission to agree with the arborists report and approve the application.

Mr. Joe Waldren, Monte Vista, stated he is certain that the work of the arborist was done in a professional, straightforward manner. No disease was found and he would fight to save the trees.

Mr. Paul Winward, Sausalito, stated he lived in Madrone Canyon years ago and recalls when a large Redwood limb came down and blocked the road. He read the arborist report and went to the site and stated the trees do not look healthy. The arborist report should be considered.

Mr. Holmes stated the limb that Mr. Winwood referred to was not from a Redwood tree but rather a Pine tree.

Ms. Lynn Eubanks, Monte Vista, stated they should get a comparison report to see if the trees are sick enough to remove. The trees may need to be pruned.

Mr. Dennis Gilardi, Hawthorne Avenue, stated he grew up in that Redwood grove and he was concerned about the birds that nest in those trees.

Ms. Polivy stated she spoke to all the neighbors on William Avenue except one family. She has a lot of support. She has the highest density of Redwoods in the neighborhood. She stated she is not clearcutting but rather removing half of the trees. The trees closest to the house scare her and have created a lot of damage over the years. She would like to build a house on the subject property and rent the one she is currently living in. She is concerned about health and safety issues and had a difficult time getting insurance on the property. She stated the findings could be made to approve this application.

Ms. Ann Knobloch, Holcolm Avenue, stated these trees were living, breathing reservoirs that take away carbon dioxide and give off oxygen. They should be protected.

Ms. Sue Ellen Thompson, Sonoma County resident, has known Ms. Polivy for many years. She stated if the trees are thinned then the remaining trees would be healthier. She felt Ms. Polivy would have no objection to removing these dangerous trees and buying the City more trees for the bike/walking paths.

Mr. Sven Lund, William Avenue, stated the grove is beautiful but crowded. The applicant should be able to do what she wants.

Chairperson Wall closed the Public Hearing.

Commissioner Blauvelt stated she looked at this very carefully and stated they need to abide by the ordinance. She noted that the arborists report states there was "potential" damage or "potential" reasons to remove the trees. She visited the site and found no damage to the foundation. She referred to tree #23 and stated the applicant could notch back the rafters. Removal of this tree could cause damage to the other trees. The applicant bought the property knowing there was a Redwood grove in the backyard. She could not approve the removal of any of the trees at this time.

Commissioner McNally stated there is no reference to density in the ordinance. There is nothing wrong with density unless it can be proved that it is a safety issue. He would like to see more evidence of a dangerous situation. This is not a thinning of trees but rather

the removal of the entire grove in the front of the lot. Tree #23 and #25 were very close to the house and he would be willing to consider those in a new application.

Commissioner Scammell stated she agreed with the other Commissioners. She might look at Tree #23 and #25 in a different light if they came on a separate application. She visited the site and could not see any damage to the foundation. The arborist's report did not include any definitive discussion on any particular tree and used the terms "may" and "could". She could not approve the removal of any of the trees. She wanted everyone to remember that we are the temporary custodians of trees and they will be here long after we are gone.

Chairperson Wall stated he lives in a Redwood grove and has experienced damage to his home- it is just a part of living with trees. Tree #23 could be addressed by a larger notch in the roof fascia board. He did not see any damage to the foundation. The damage to the garage and patio appear to be due to settlement. There was nothing definitive or conclusive in the report that could justify removing any of the trees. The Tree Ordinance is intended to protect the trees in Larkspur. He could not approve removing any of the trees.

M/s Blauvelt/McNally, to deny the removal of any of the trees at this time.  
Ayes: All Absent: Hauser

Recreation Director Wilkinson stated there was a 10-day appeal period.

Chairperson Wall thanked everyone for his or her comments.

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

The meeting reconvened at 9:20 p.m.

#### RECREATION DIRECTOR'S ORAL REPORT

Recreation Director Wilkinson reported he attended the Larkspur School District Board of Trustees meeting several weeks ago regarding the installation of lights at the Hall Middle School Multi-Use Field. Many of the same issues were brought up and they were in favor of having a demonstration of the lights. Chairperson Wall asked if the lighting company would be willing to fund the demonstration. Recreation Director Wilkinson stated he would look into that. Commissioner Scammell stated there is interest in the community to install lights at the Redwood High School field. Commissioner Scammell asked about the status of the Roller Hockey season. Recreation Director Wilkinson stated there is a small increase in participation and it is rolling along quite well. All three levels are going strong.

## COMMISSIONERS' REPORTS

Commissioner Blauvelt presented Commissioner Scammell a “farewell” present and thanked her for her years of service and wonderful contribution to the Commission. Commissioner Scammell stated it is with regret that she must leave the Commission.

## ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary