

Mr. Rick Adler, William Avenue, stated this was a good first step but it did not save the Heritage trees due to the loopholes. He would eliminate the economic reason for cutting trees because it was too vague and subjective. People do not own these Heritage trees that have been here for hundreds of years. They belong to “Mother Nature”. The penalty was not nearly enough given the property values. They need to find a way to prevent the trees from being cut in the first place. People should be given notice that they are buying property and not the trees and they could not be cut without following proper procedures. The City should hire somebody to watch over the trees as they are being trimmed or cut. This should be paid for by the applicant. The City needs to hire a third party arborist to counteract the applicant’s arborist. Illegally cutting down trees is an act of violence and should be a misdemeanor. There should also be a requirement to replace trees so there is no net loss to the biosphere.

Ms. Kathryn Arrow, Baltimore Avenue, distributed some suggested edits to the ordinance. She discussed the process of evaluation for trees and stated there was an established program called the Evaluation of Hazard Trees in Urban Areas. She would like this process included in the ordinance since it would eliminate the vagaries. It would make sense to have a certified arborist reviewing applications and preparing risk assessment reports. She recommended raising the fine to \$10,000 per tree and 100 hours of community service per tree. She stated violations should include pruning trees to the point of causing permanent decline of the health and growth of the tree. Topping is one of the worse things that can be done to a tree and should be prohibited. She agreed with Mr. Adler’s suggestion that new buyers should be notified about protected trees.

Ms. Karen Polivy, Monte Vista Avenue, discussed the recent tragedy that occurred in San Geronimo Valley and stated safety for people and property should be a priority. She then distributed a memo to the Commission regarding the Heritage Tree Ordinance and recent articles from various newspapers about falling trees. She stated the addition of Palm trees should include some type of qualification such as the height or circumference.

Ms. Laura Hill, Monte Vista Avenue, stated she agreed with the comments made by Mr. Adler and Ms. Arrow. Most people buy homes in Larkspur because they love the trees but there are some that do not. She stated a fine of \$5,000 per tree was not enough and it should be raised to \$10,000 per tree. There are some people who do not care about the trees or what the community wants so they need to make sure the ordinance was effective. The ordinance should give guidelines for pruning. Trees that have been topped were very unattractive. In addition, it is detrimental to the tree.

Ms. Lynn Eubanks, Monte Vista Avenue, stated she agreed with Mr. Adler’s suggestion that tree trimming should be supervised. She stated the company doing the work on the tree should be held responsible, along with the property owner.

Mr. Joe Waldron, Monte Vista Avenue, asked the Commission why they decided to review the Heritage Tree Ordinance. Recreation Director Wilkinson stated this was a topic that the City Council wanted the Commission to review. Mr. Waldron asked if

there was some dissatisfaction with the ordinance and he asked about the Commission's objective. Chair Wall stated the tenor of Larkspur over the years has been that the community values its Heritage trees. This is a community that is fortunate to have these beautiful assets, in particular Redwood trees. The ordinance was drafted to protect these trees. As guardians of the ordinance they have changed it a few times over the years to reflect the sense of the community. The last set of changes were in response to the feeling that some trees were being taken out too easily.

Mr. Waldron stated they have gone a long ways in putting some "teeth" into the ordinance. They do not want to make the fine more than a misdemeanor. They are not putting a fine in place with the hopes of having to levy that fine. They want the dollar amount to be the maximum amount that can be charged and still be a misdemeanor. The fine should be a significant deterrent to someone usurping the City's process. He agreed that the majority of Larkspur's residents cherish the Heritage trees.

Ms. Marty Weisensee, Magnolia Avenue, discussed a tree on Magnolia Avenue that was recently removed after it sustained damage by a truck. She stated there should be a better system for removal of trees on an emergency basis. There are four street trees that were recently removed and not replaced.

Ms. Margaret Von Tress, Magnolia Avenue, stated the tree issue was very emotional and the ordinance somewhat confusing. She was concerned that the four street trees along Magnolia Avenue have been replaced. The business owners would like some clarification about the policy regarding street trees.

Chair Wall stated the public-right-of way trees are not covered by the Heritage Tree Ordinance and are not in the purview of the Commission. Commissioner Blauvelt stated the business owners should bring their concerns to the Heritage Preservation Board. Recreation Director Wilkinson stated the City Council would be addressing this issue in March.

Chair Wall closed the meeting to public comments.

The Commission took a 5-minute break at 8:20 p.m.

The meeting reconvened at 8:25 p.m.

Commissioner Hauser stated for the most part, the guidelines work and there was enough flexibility in the ordinance to meet everyone's needs. The problem with the ordinance was the amount of the fine. They have been trying to get a definitive opinion from the City Council City Attorney as to the maximum amount that can be levied. His interpretation of the ordinance is that anyone involved in cutting down a tree could be subject to a fine. The problem with the ordinance is that some people chose to violate it. Another important issue has to do with a property owner's application being denied and then they turn around and cut down the tree or do something to kill the tree. This is far

worse than someone who makes an honest mistake. He was very concerned about willful violation after a permit was denied..

M/s Hauser/Blauvelt, to change the penalty to at least \$10,000 per tree, or the maximum allowable as determined by the City Attorney, for a willful violation of the ordinance. Any person involved is subject to the fine.

Ayes: All

Commissioner McNally stated he felt strongly that there was a difference between a willful violation and an unintentional violation.

Commissioner Blauvelt stated the ordinance was strong and she supported the “tweaks” recommended by staff. She viewed the City Arborist as a replacement for staff and stated there was no need for multiple arborists.

M/s Blauvelt/Hauser, to support staff recommendations #1 and #2 with possible refinements if staff thinks it is necessary.

Ayes: All

Commissioner Matteo stated it was a good ordinance and did not need to be rewritten. He stated he would like to add a provision that allows them to consider “good forestry practices” as one of the criteria. He stated it would strengthen the ordinance, and in some cases, thinning a grove of trees could be appropriate. He is concerned that the ordinance, as it is written, requires them to look at a single tree at a single point in time rather than being able to consider the entire grove over a longer period of time. They are the guardians and protectors of the trees and they should have that in their “arsenal” to use when appropriate.

Commissioner Blauvelt stated this would be covered now that they have the use of a City Arborist. Chair Wall and Commissioner Hauser agreed.

Commissioner Matteo stated he did not think the language in the ordinance addressed this issue.

Commissioner Matteo made a motion to add a provision that allows them to consider “good forestry practices” as one of the criteria. The motion died for lack of a second.

2. Election of Chair and Vice-Chair

M/s Wall/Matteo, to elect Commissioner Blauvelt as Chair.

Ayes: All

M/s Blauvelt/Wall to elect Commissioner McNally as Vice Chair.

Ayes: All

Chair Blauvelt thanked Commissioner Wall for his year of leadership.

RECREATION DIRECTOR'S ORAL REPORT

Recreation Supervisor Whitley reported there was great participation in the after-school programs at Hall Middle School and Bacich. They got off to a slow start but now registrations are strong. He put in an order for the new Recreation Department apparel.

Recreation Director Wilkinson stated staff added two more classes as a part of the developmentally disabled program- a Weight Watchers class and a World Dance Beat class.

COMMISSIONERS' REPORTS

Chair Blauvelt reported on the most recent Larkspur Centennial Committee meeting and stated they plan to meet once a month. She stated they would hold an Open House in April. She asked for volunteers.

ADJOURNMENT

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary