

Commissioner Wall asked who owned the property. Superintendent Meyers stated it was primarily a drainage easement and there is an adjacent storm drain line. Superintendent Meyers stated the question of ownership was in dispute. Typically an easement is taken out from an adjacent property. The City has no maintenance responsibility for a Public Utility Easement, but rather the adjacent property owner takes care of the vegetation, etc. The trees have been there for a very long time and although the City did not plant them, he feels they have some responsibility in this situation. Commissioner Wall asked who would pay for removal of the trees. Superintendent Meyers stated this has been an on-going discussion. The City uses that easement as a drainage corridor and has some responsibility. Commissioner Wall asked if the drainage system would be damaged if one of the trees fell over. Superintendent Meyers stated that was possible and was one of the reasons why the City would not plant a hedge of trees in that type of location.

Commissioner McNally asked if either of the adjacent property owners has lodged a complaint about the trees. Superintendent Meyers stated the property owner at 101 Elm Avenue brought the situation to the attention of staff. Commissioner McNally stated the trees have been there for a very long time and wondered why it was brought to staff's attention at this point in time.

Commissioner Wall asked if the City paid for one of the arborist reports. Superintendent Meyers stated the City paid for the report from Marin Tree Service.

Chair Blauvelt opened the meeting to public comments.

Mr. Dan Petron, 101 Elm Avenue, stated in October of 2005 he noticed a tree leaning over towards his roof. He received an arborist report that stated that all the trees were damaged and bad. He brought it to the attention of the City and they have been going back and forth about ownership of this piece of property. A City representative told him that the property owner was responsible for property along the street. He noted this was not a street and he did not feel he was responsible. He received a verbal response from the Department of Public Works last June that the trees were the responsibility of the property owner. He challenged that opinion and the process has been ongoing. His title company told him this was a sewer drain that ran from Elm Avenue down to Bay View and the property belonged to the City of Larkspur.

Commissioner Matteo asked if Mr. Petron was trying to determine ownership in order to see who would pay for the work. Mr. Petron stated "yes" and who was responsible in the event of a falling tree. Commissioner Wall noted the issues regarding ownership and who pays for the work do not come under the purview of the Commission.

Ms. Barri Caplan Bonaparte, attorney for Mr. Petron, stated she has a letter from the City Attorney acknowledging that this property is a public right-of-way and not private property or an easement over private property. The debate is whether or not it qualifies as a street for purposes of the ordinance which discusses private property owner's obligations to care for sidewalk trees and street planter trees. They have taken the position that it is a pathway akin to open space or parkland and it does not even resemble

a street. There is no street planter or sidewalk. The City has obtained only one, pricey bid for the work and she felt that multiple bids would help to lessen the cost and the concerns about payment. Mr. Petron obtained a bid about a year ago that was less than half the cost of the bid obtained by the City.

Commissioner Wall asked if the letter stated that the City was taking responsibility. Ms. Bonaparte stated the letter states that the property is public right-of-way and not privately owned.

Chair Blauvelt asked if they were still in negotiations about who would be responsible. Ms. Bonaparte stated the City Attorney said they would proceed with the application and asked if Mr. Petron would contribute half. Mr. Petron was not interested in that since it is not his obligation.

Commissioner Wall wondered why the application was being reviewed by the Commission for trees located in the public right-of-way. Ms. Bonaparte stated it could also fall under the following Heritage Tree Ordinance exemptions: 1) Section 12.16080, No Permits Necessary for Hazards, 2) Section 12.16080(j), Pyrophytic Trees, 3) Section 12.16110.

Chair Blauvelt asked if the property owner for 109 Elm Avenue was in attendance. There was no response from the audience. Commissioner McNally asked if the property owner at 109 Elm Avenue was involved in this process. Mr. Petron stated “no”.

Commissioner Hauser asked if staff would be submitting an application to the Commission if there this were City property. Superintendent Meyers stated they are required to go through the process because these are Heritage trees. Commissioner Hauser stated he could not recall reviewing any applications from the City. Chair Blauvelt agreed.

Commissioner Wall stated it appeared there was an issue regarding responsibility. He stated the application should not be before the Commission if the trees are located in the public right-of-way and the City can decide and take action on safety issues. If the trees are the responsibility of the homeowner and there is a protest then the application should come before the Commission. Someone needs to determine who is responsible for these trees before the Commission takes any action. Commissioner Hauser stated the homeowner should submit the application if it is his responsibility.

Recreation Director Wilkinson suggested they send the matter back to the Public Works Director and the City Manager for clarification. The Commission agreed to this suggestion.

Mr. Raymond Lynch, Elm Avenue, stated he came to the meeting to address the merits of the City’s request. He is of the opinion that an application has been made and he is not sure what type of clarification they are seeking. Commissioner Hauser stated it is not clear who should be the “applicant”.

Chair Blauvelt asked staff to provide a pad of paper so interested parties could write down their name and address for future noticing and meeting minutes. The list was compiled by the Recreation Supervisor.

Chair Blauvelt closed the meeting to public comments.

Chair Blauvelt thanked everyone for attending the meeting.

RECREATION DIRECTOR'S ORAL REPORT

Recreation Director Wilkinson reported staff attended last night's City Council meeting and distributed a copy of the letter written by Chair Blauvelt regarding relocation of the Corporation Yard. There was extensive discussion by the Council and they agreed that the new facility should be permanent, and not temporary, due to the financing. There was a 4 to 1 vote in favor of Option #1. Chair Blauvelt stated the Council would discuss the matter further at their March 21st meeting. Recreation Director Wilkinson stated the issue regarding participation by the Town of Corte Madera was also discussed. Commissioner Hauser asked if the Council discussed a shared Corporation Yard. Recreation Director Wilkinson stated "yes".

M/s Wall/Hauser, that the Commission place the issue regarding the relocation of the Corporation Yard and Option #1 on their March 15th agenda.

Ayes: All

Recreation Supervisor Whitley presented the Commission with the "Larkspur Parks and Recreation" T-shirts with the new logo.

Recreation Director Wilkinson stated they need to set a date for the Annual Parks Tour. The Commission decided to meet on Saturday, April 21st for the tour.

COMMISSIONERS' REPORTS

Commissioner McNally asked about the proposal to install lights at the synthetic field at Hall Middle School. Recreation Director Wilkinson stated they are waiting for resolution of the Twin Cities Police Facility before moving forward.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary