

MINUTES NO. 196
PARKS & OPEN SPACE COMMISSION
NOVEMBER 12, 2002 7:00 P.M.
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California

CALL TO ORDER

Chair Lindqvist called the regular meeting of the Parks & Open Space Commission to order at 7:00 P.M., Tuesday, November 12, 2002, in the Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

I. ROLL CALL

PRESENT: COMMISSIONERS: Lindqvist, Fraser, Zender, McMullen, and Canter (7:10)

ABSENT: NONE

EX-OFFICIO: Town Engineer/Public Works Director Echols

II. PUBLIC QUESTIONS AND COMMENTS

There were none.

III. STAFF AND COMMISSION BRIEFING

Director Echols commented that the POSC traditionally does not meet during the month of December due to the holidays. He recommended to the Commission that the next POSC meeting be scheduled for January. Commissioner Fraser recommended that Echols confirm with Wayne Snow, who is tentatively scheduled to give a presentation on the commercial use of overflow parking lots and the replacement of plants on the berm adjacent to Blackie's Pasture, that he does not object to postponing the meeting until January.

Echols further noted that elections for the POSC Chair and Vice-Chair positions were held last November and reelection should be agendaized for the January meeting.

Echols gave a brief overview of October's Trestle Glen Bicycle Pedestrian Advisory Committee meeting, during which consultants gave a presentation displaying the existing conditions and constraints of the project. Surveys, layouts, and mappings showed some of the issues they may face if improvements are made. Echols commented that over three hundred surveys were sent the residents of the Trestle Glen area to solicit feedback. Most of the feedback came from the residents of Paradise Drive, whom were generally concerned that making improvements to the

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Trestle Glen path would encourage more cycling on Paradise Dr., which they consider to be dangerous and expressed that the Town should not encourage cycling in high-risk areas. BPAC is arranging a meeting for December, during which they will present preliminary design concepts based on the feedback they received from the public. Based on existing restraints and public feedback, it appears likely that the approach will be to put in Class II bicycle lanes, which are five feet wide, adjacent to the existing roadway with some slight widening. Additionally, it appears that they will investigate a way to put in a separate pedestrian only path. A good deal of the public feedback has been concerned with the conflict between cyclists and pedestrians sharing a single space. It is apparent that a multi-use path may not be the best approach due to the speed at which the bikes travel down that corridor.

Echols commented that approximately twelve members of the public attended the BPAC meeting, only five or six of which voiced opinions on the subject of the proposed Trestle Glen bike paths.

Commissioner Zender inquired if a survey had been conducted to identify how many cyclists use the bike path lanes in the Paradise Drive area. Zender and McMullen agreed that the Trestle Glen area is currently very unsafe for cyclists. McMullen commented that he agrees that a safer path should be created for children going to and from school.

Director Echols informed the Commission that he will notify them of future BPAC meeting dates.

Chair Lindqvist inquired about the Town's budget, asking if the POSC had any say on how the funds allocated for the Commission are spent. Echols replied by stating that the budget can be amended if a project is identified. To amend the budget, Staff would have to go to the Town Council to make a budget amendment request, assuming that there are funds available for the project. Echols further commented that spending has already been earmarked in the current year's budget. The budget shows, for illustrative purposes, what funds are out there and what they get used for.

Chair Lindqvist inquired if any funds will be used to make improvements to the South of Knoll "tot-lot" or the playground in Belveron. Echols replied that that the intent of the budget's line item Lindqvist was referring to was not for that purpose but rather to upgrade some of the existing, aging equipment in the parks.

In response to Commissioner Zender's question about complying with certain playground regulations, such as safety and accessibility for children with disabilities, Echols informed that Commission that Town was prepared to undertake efforts to comply with regulations set forth by the ADA Act in the coming year or two. Echols further commented that the City of Belvedere is holding a fundraiser to provide funds.

Echols further commented that if the Commission identifies a project and receives sufficient support, the Commission may propose the project to the Town Council for their approval and funds would then be earmarked for the next fiscal year's budget.

Commissioner Zender informed the Commission of the status on the Playground Tile Project, commenting that the artist chosen to complete the remainder of the tiles will provide samples of their work. Zender concluded by stating that at least half of the tiles have been finished.

IV. CONSENT CALENDAR

- A. Minutes of October 8, 2002 (No. 195) M/S Fraser/Lindqvist (5-0) to approve as submitted.**

V. BUSINESS ITEMS

- A. Discussion with Frank Dittle of the Richardson Bay Sanitary District to top and trim several eucalyptus trees adjacent to the treatment plant.**

Director Echols noted the late correspondence received from Frank Dittle of the Richardson Bay Sanitary District stating that the District will not be removing or significantly trimming the eucalyptus trees adjacent to their property. As a result, discussion of this business item was cancelled.

- B. Review and comment on the Policy for Trees and Shrubs on Town Property**

Director Echols informed the Commission that the Policy for Trees and Shrubs on Town Property has been forwarded to the POSC for their comments. Scott Anderson will likely forward the policy to the Town Council in January. Echols gave a brief summary of the policy, noting that the main points address trees in the sidewalk area. Echols explained that the Town recently revised Chapter 24 of the municipal code approximately a year ago, primarily to transfer the responsibility and liability of maintaining the sidewalk area to the fronting property owners. Echols referred to a sketch included in the Staff Report that depicts what is meant by the *sidewalk area*, and defined it as essentially being the area from the edge of the asphalt where it meets the gutter pan (curb and gutter) back to the private property line. He reiterated that this entire area is the responsibility of the homeowner, including any landscaping, planting strips, trees, and bushes. However, because the trees are in the right-of-way, the homeowner must obtain an encroachment permit to either plant or alter a tree. Echols referenced a flow-chart included in the staff report to illustrate the necessary steps that a party would need to take if they were to alter or remove a tree, or any other issues that they may have concerning trees.

Echols further commented that the revision of the ordinance was precipitated by the issues raised by the cottonwood tree in Blackies' Pasture, an unusual case where the Town agreed to have the tree thinned in an attempt to improve some of the view-blockage issues for the residents of the Reed-Highlands area. Concurrent with the Town's policy, the Reed-Highlands residents, not the Town, paid for the work performed on the tree.

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The policy submitted by Anderson states that the Town will only get involved if a tree is diseased, dying, or hazardous. Additionally, the Town has no interest in maintaining trees on Town property for aesthetic purposes such as restoring views.

Echols confirmed again for Commissioner Canter that, per the advice of the Town's risk management group at ABAG (Association of Bay Area Governments), they adopted the model ordinance to transfer responsibility for maintaining the sidewalk to the homeowner. ABAG is advising all cities and towns in California to adopt similar policies to relieve themselves of the liabilities associated with sidewalks. Commissioner Canter stated that the policy is very clear and agrees with its provisions to protect existing trees that add to our quality of life. However, Canter expressed concern for the process of obtaining a permit for trimming trees on private property, stating that it seemed too bureaucratic for simple maintenance and pruning. Echols clarified for Canter that under the proposed policy, the only requirement for pruning a tree in the sidewalk area would be to obtain an encroachment permit, which is a fairly simple and streamlined process compared to obtaining a tree permit. The only circumstance for which a tree permit would be required is to remove or significantly alter the appearance of a tree, or if a tree's health was to be damaged. The permit would then be handled by the Planning Department and notices would be sent out as outlined in the policy. Canter stated that she misunderstood the policy and agreed with the provisions as explained by Echols.

Echols further confirmed for Canter that any root damage to the sidewalk would be the homeowner's responsibility to repair. This type of damage is usually remedied by cutting a piece of the sidewalk to remove the offending root. Customarily, Dave and Tony of the DPW would inspect the situation to ensure that root removal will not compromise the tree's strength. If it is determined that removing the root would in fact harm the tree, the entire tree would usually be removed. When trees are planted by homeowners in the public right-of-way, Public Works will give detailed information about excavation and creating a root barrier to prevent damage to the shallow areas of the sidewalk.

Commissioner McMullen inquired if anything was being done to educate the public about the tree policy and sidewalk ordinance. Echols informed McMullen that once feedback had been received from the Commission that the policy would be posted on the Town's website and The Ark would be asked to write an article on the proposed ordinance. This would also allow the Town an opportunity to inform the public about revision of the Chapter 24 Sidewalk Ordinance.

Chair Lindqvist commented on the condition of the sidewalks near St. Hillary's School. Director Echols informed the Commission that the Town has applied for a Safe Route to Schools grant that would provide funding to extend the sidewalk on Hillary Drive to the school. Once constructed, the responsibility of the sidewalk would belong to the fronting property owners. Additionally, the Town annually applies for funding to install ADA curb ramps at sidewalk corners. Once completed, the maintenance of the ramps becomes the responsibility of the adjacent property owner.

Commissioner McMullen inquired about creating a "standing permit" that would allow a property owner to perform routine maintenance on trees in the public right-of-way without having to obtain an encroachment permit each month. Echols replied by informing McMullen of the steps that the Public Works Department is currently taking to revise its encroachment permit fee schedule, which

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will most likely be forwarded to the Town Council the third week of January. Commissioner McMullen commented that if the Town is requiring property owners to maintain their sidewalks to certain standards that they should be able to perform that maintenance without having to pay the encroachment permit fee each month. Canter commented that "pruning" should include the use of chainsaws to provide routine maintenance and cosmetic work. McMullen suggested the definition of the area that the homeowner is responsible for be clarified to reflect areas that do not include sidewalks. Echols confirmed that the ordinance is not limited to areas with sidewalks but that property owners are responsible for maintaining trees in the public right-of-way from the curb to their property line. Echols suggested that the diagram be modified to reflect this.

Chair Lindqvist and Director Echols explained the definition of undesirable trees and why certain trees have been designated as such. Echols explained that requests for removing undesirable trees will be favored over requests to remove desirable ones. Lindqvist further commented that the list of desirable and undesirable trees serves as an aid when designing landscape plans. Echols noted planting undesirable trees is not altogether prohibited. Rather, the party wishing to plant the tree must first request approval from the Town by applying for a permit. Commissioner McMullen requested clarification of the term "prominent" and how it relates to involving the POSC in the tree permitting process. Echols noted that historical and visual significance, as well as age, are some of the terms used to describe "prominence" in the staff report's Criteria for Review of Applications Involving Trees and Shrubs on Town of Tiburon Property. Echols stated that Staff needs to exercise a certain amount of judgment and discretion to recognize certain trees that may be controversial. Commissioner Zender asked if an encroachment permit was needed to remove trees on private property to which Echols suggested that she refer to Chapter 15(a) in the Town's Municipal Code. Commissioner McMullen suggested the Town include information about trees on private property when it performs its educational campaign for the new ordinance.

Lindqvist inquired about the potential for homeowners to request that the Town prune trees to restore views. Echols stated that the new policy clearly supports the Town's desire to not get involved in view restoration. Otherwise, the Town would be inundated with requests to maintain trees to provide homeowners with better views of the bay. Echols informed Chair Lindqvist that homeowners would have to make an appeal for special consideration from the Town Council if they wanted to alter trees to restore or improve views.

Commissioner McMullen expressed concern for the Commemorative Tree Program. He foresees the Town being inundated with requests for private parties to plant trees all over Tiburon's open space. Furthermore, he is concerned with private parties being responsible for the ongoing maintenance of the tree.

Commissioner Canter disagreed with McMullen, stating that each applicant would go through a selection process, at which time a proper site would be selected for the tree. Canter feels that there are enough safeguards in place that the program will not get out-of-hand. McMullen suggested that certain areas be set aside specifically for the program.

Director Echols suggested that trees sponsored by the Commemorative Tree Program be planted in areas where there is an identified need for a tree, such as places where trees that have been knocked

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down by storms, or in other non-controversial locations where the tree would be beneficial to the Town. Echols assured the POSC that an abundance of trees will not be planted in open space. Echols further commented that in the past year and a half there have not been any participants in the program and he does not foresee the Town being inundated with people wishing to participate in the near future.

Commissioner Zender suggested that the program be considered a memorial fund, in which the Town handles the logistics of planting the tree while the donor receives recognition for their contribution. Echols agreed with Zender's idea, adding that when the Town suffers a tree loss, such as a diseased or damaged tree that needs replacing, the Town can draw from the fund and give the donor credit for their contribution. Fraser commented that a memorial fund would allow the Town and Public Works Department to determine the most appropriate location for the tree. McMullen suggested that a list of possible locations and species of trees be provided to the donor.

In a response to a question by McMullen, Echols stated that the administrative costs will not be included in the "associated cost" for planting the tree. Echols informed Chair Lindqvist that Public Works will notify the Commission when funds are to be used to plant trees.

Chair Lindqvist referenced the November 2002 draft of the Town of Tiburon Commemorative Tree Planting Program, commenting on paragraph 3. Echols clarified that what is meant by this paragraph is that there should be a nearby source of water, e.g. a hose bib, which will allow convenient watering of the tree. Echols further commented that sentence 1, paragraph 3 "...to find a location agreeable to you..." should be changed to "to find a location agreeable to all parties".

Echols assured the POSC that their comments will be forwarded to Scott Anderson and Joan Palmero, Staff liaison to the Heritage and Arts Commission, suggesting that they consider revisiting the Program and possibly tighten up the criteria. He suspects that Scott will bring the revised plan to the Town Council either the second or third week of January.

C. Appointment of a POSC member to the serve on the BPAC multi-use path subcommittee

Vice Chair Fraser gave a brief background on BPAC, stating that they are currently working on making changes to the pathways from Highway 101 South. Additionally, they are addressing concerns regarding the multi-use path, particularly how it relates to cyclists. Currently, BPAC is considering labeling of the path, beginning at the Cove Shopping Center. The subcommittee has been formed to address bicycle and pedestrian safety issues related to the multi-use path and are requesting that someone, other than Fraser who currently serves on BPAC, serve on the subcommittee.

McMullen volunteered to serve on the committee. Fraser will inform Tyler Philips that McMullen has been appointed as the POSC member to serve on the subcommittee.

McMullen asked Fraser how frequently the subcommittee will meet. Fraser informed him that

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BPAC meets every month but he is not sure how often the subcommittee will meet.

M/S Lindqvist-Fraser (4-0) to appoint Michael McMullen to serve on the BPAC multi-use path subcommittee.

VI. CORRESPONDENCE

There was none.

VII. ADJOURNMENT

The meeting was adjourned at 8:30 P.M.

HELEN LINDQVIST, CHAIR
Parks & Open Space Commission

ATTEST:

PAT ECHOLS, SECRETARY