



# Town of Tiburon STAFF REPORT

AGENDA ITEM \_\_\_\_\_

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TO: **Parks, Open Space and Trails Commission**

FROM: **Nicholas Nguyen, Director of Public Works/ Town Engineer**  
**Scott Anderson, Director of Community Development**

SUBJECT: **Revised Draft Open Space Resource Management Plan: Review and Make Recommendation to the Town Council**

MEETING DATE: **October 19, 2010**

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## **BACKGROUND**

On September 21, 2010, Staff presented the draft Open Space Resource Management Plan (OSMP) and the Initial Study/Mitigated Negative Declaration environmental document to the POST Commission for public comment and Commission consideration and discussion.

Several speakers, all from the Marinero Owners Association or the Mount Tiburon Owners Association, addressed the Commission. The primary concerns expressed involved potential wildfire dangers from the Mt. Tiburon Subdivision Dedicated Open Space Area (Parcel #29) and the El Marinero Subdivision Dedicated Open Space Area (Parcel #30) located below the ridgeline homes in those developments. The residents believed that the draft report did not adequately address fire danger from understory shrubbery or from the sudden oak death syndrome (SODS), nor did it give the two open space areas high enough priorities for remedial action.

After considering public comment and discussion, the Commission directed staff to review the potential for increasing the priority of areas described in the draft report as having sudden oak death, as this may contribute to fire dangers, and to also consider whether ladder fuels (e.g. understory and brush) increase the fire dangers in subject areas. Staff was further directed to update the draft OSMP to reflect appropriate revisions. A continuance of the item so that staff and the consultant (LSA) could respond to the Commission's direction was approved, and a special meeting was scheduled for October 19, 2010.

Based on the public and Commission comments, LSA has worked closely with Town staff to revise the draft document in strategic places to address these concerns. The revisions are presented below.

## **ANALYSIS**

The primary purposes of the OSMP are that it provides an inventory and description of each open space area, identifies the management issues associated with each open space area, and makes prioritization suggestions for the most effective and efficient use of limited Town resources available for open space management.

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The key emphasis of this OSMP is management of vegetation. Managing non-native vegetation species, specifically, responds to three of the Town's primary open space management concerns:

- 1) Reduction of fire hazards and fuel loading
- 2) Control of invasive, non-native species
- 3) Protection of sensitive biological resources

With this overarching consideration, the following revisions to the prior draft Plan were made.

Revisions Made:

- 1. At the end of Section 1.3.3 on page 3, the following text was added:

Sudden oak death, caused by the pathogen *Phytophthora ramorum*, has affected some oak trees within and adjacent to a few of the Tiburon open space parcels. Fire danger may be higher in areas with a large number of dead trees and where a dense understory of shrubs (often called ladder fuels) occurs that can convey a ground fire into the branches of dead trees. Areas without a shrubby understory are not as great a concern. In any event, areas within 100 feet of homes consisting of dead trees and shrubby understory were not observed during the field survey for this management plan.

- 2. At the end of Section 3.9 on page 39, the following text was added:

The priority for a particular management activity may be altered for a particular open space preserve based on changing vegetation over time or based on the interest of nearby residents and their ability to acquire funding for a particular management activity. Nothing in the plan prevents residents from carrying out specific aspects of the plan on a separate priority, but coordination with the Town is necessary to prevent unforeseen impacts, such as to special-status species or sensitive communities, such as seasonal wetlands.

- 3. The tree maintenance element for the La Cresta Open Space Dedication (Open Space Parcel 2) was given a lower priority, from 7 to 9, since there are no homes within 100 feet of the woodland, nor any dead trees observed within 100 feet of homes.
- 4. A maintenance element to remove stands of French broom within or beside under-story within 100 feet of homes was added to the Reed Park Town-owned Open Space Area (Parcel 33) and assigned a priority 1.

Within the limits of the Town's scope of work with LSA, we requested them to reconsider portions of Open Space Parcels 29 and 30 nearest homes. After reconsideration, the priorities were not revised because LSA's original field survey did not reveal dense understory or sudden oak death. They had also looked at aerial photography and did not see evidence of sudden oak death within 100 feet of homes.

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Staff acknowledges that these two homeowner associations have invested substantial resources of their own in addressing fire hazards in their immediate area, and realizes that these two parcels present relatively unique situations on the Peninsula. Staff also acknowledges that the recent survey by LSA does not entirely rule out the possibility that there may be substantial understory growth and/or sudden oak death present on Parcels 29 and 30 within 100 feet of homes. Therefore, staff recommends an independent dialogue with the residents of these adjacent areas to discuss possible action items to address their concerns, outside of the priority system set forth in the OSMP. These would be along the lines of a more extensive survey of understory shrubbery and SODS in areas on Parcels 29 and 30 within 100 feet of homes

Town staff has previously engaged in cooperative activities with these homeowner associations (see Exhibit 1) and has taken action to remove fuel load materials from Town-owned areas adjacent to the public streets.

**FUTURE STEPS**

Following review and comment by the Parks, Open Space & Trails Commission, the Draft OSMP will be forwarded to the Town Council for review and possible adoption.

**STAFF RECOMMENDATION**

Staff recommends that the Commission:

1. Accept the staff report.
2. Hear and consider any public testimony.
3. Make any desired changes to the OSMP.
4. Recommend to the Town Council adoption of the Mitigated Negative Declaration and the OSMP

**EXHIBITS**

1. Prior correspondence between the Town and homeowners regarding fire hazards.

*S:\Planning\POST\Staff Reports\2010\Oct19 special\Open Space Management Plan staff report.doc*

**Scott Anderson**

**From:** Peggy Curran  
**Sent:** Thursday, October 25, 2007 3:45 PM  
**To:** 'Lynn Fox'  
**Cc:** anderson-gram@comcast.net; Alan Lefkof; Laurie&Libby Weisheit; Brian Lantier; Irene & Warren Russell; Barbara Wilson; Bill Coomber  
**Subject:** RE: follow up of our meeting on Fire Prevention/Sugarloaf Drive



Fire Marshal Letter re Sugarloaf Drive



Sugar Loaf Drive Area (2).pdf ...

Hello, Lynn:

Since we met two weeks ago to talk about fire danger in your neighborhood, particularly as it relates to the town-owned open space adjacent to your and your neighbor's properties, we have been looking into the matter. We have looked at the land, reviewed its maps (one is attached) and, most importantly, discussed the matter with the Tiburon Fire Protection District. We also made a site visit with Fire Marshal Ron Barney.

The open space owned by the town sits below the properties in question along Sugarloaf Drive and Place Moulin. It commences some 150 feet downslope from the streets, the first 150 feet being privately owned by the homeowners along those stretches. There are two places where this is not the case and the town-owned land comes right up to the street. A map depicting this is attached. The private lots are outlined in red. The town's open space is bordered on the north by the yellow line, which demarcates the town border; everything north of the yellow line is in the unincorporated county and is privately owned.

We turned to the Tiburon Fire Protection District to assist us in understanding the fire risk and what might be appropriate and responsible actions in this circumstance. I want to point out that the Fire District is not part of town government. It is a completely separate public entity dedicated to the prevention and suppression of fire.

According to Fire Marshal Ron Barney, the useful, indeed key, area to be cleared to reduce fire danger is the 100 feet below the subject residences, all of which in this situation is private property. This 100 foot clearance creates the critical "defensible space" that firefighters use to keep danger at bay when dealing with land downslope of a structure. I say 'downslope' because fewer feet are necessary to create defensible next to or upslope of a structure.

The Fire Marshal also said that there are "minimal gains at best" to be had through thinning the vegetation on the town open space sitting below the 100' defensible space area and that serious slope stability problems could result. This is due to the steepness of the topography. Even substantial clearing of trees and brush would still leave in place a ladder of vegetation for fire to climb the slope. In other words, apart from the physical difficulty of even accessing such steep terrain, there is no clearing that would meaningfully retard the spread of fire short of elimination of most of the vegetation, which in turn would create slope instability.

Regarding slope instability, Fire Marshal Barney stressed to me that this is a very serious issue. He recounted a 1982 incident in which a slope stability problem in this very area resulted in a slide and caused the death of a resident down on Paradise Drive.

So, what this means is that we all have our work cut out for us. Following the Fire District's guidelines, homeowners should totally clear trees or brush immediately adjacent to their structures and substantially thin vegetation for 100' downslope of their structures. The town's part is to substantially thin vegetation (again, in the manner directed by the Fire District) on its property where it abuts the street.

I hope that everyone reading this and Fire Marshal Barney's attached letter takes some solace in understanding his point that the fire danger on our peninsula is not the same as

southern California or even Oakland; there is benefit to being surrounded by water in terms of the temperature and moisture content of winds here and our climate is more temperate. And real, meaningful, defensible space can be created even if we cannot reduce the potential for fire lower down the slope short of draconian clearings of questionable utility and with resultant slope instability. There is fire danger, but there are useful and viable steps that can be taken to reduce it.

The Fire District is willing to come out and work with any interested homeowner to provide site-specific advice. We will be talking to them about our piece of this, and I urge you and the other homeowners to continue to do the same.

Thank you for your involvement and concern for your neighborhood. I am happy to discuss this with you further at your convenience.

Best wishes  
Peggy Curran

Margaret A. (Peggy) Curran  
Town Manager  
Town of Tiburon  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
(415) 435-7383

pcurran@ci.tiburon.ca.us  
www.ci.tiburon.ca.us

-----Original Message-----

From: Lynn Fox [mailto:lynn@sfsu.edu]  
Sent: Tuesday, October 23, 2007 8:59 AM  
To: Peggy Curran  
Cc: anderson-gram@comcast.net; Lynn Fox; Alan Lefkof; Laurie&Libby Weisheit; Brian Lantier; Irene & Warren Russell; Barbara Wilson; Bill Coomber  
Subject: follow up of our meeting on Fire Prevention/Sugarloaf Drive

Dear Peggy,

I appreciate the time you spent with me on October 9, 2007 to discuss the problems of the area below Sugarloaf Drive and how we might prevent a fire by cleaning up the area as recommended by the Tiburon Fire Dept. and the brochure distributed at our MOA meeting by Jessica. At the time, we (Scott, Nicholas, you and me) discussed the prevention issues and I provided you with a detailed letter explaining our past and current efforts to do fire prevention in our MOA. When I left, I felt our efforts were appreciated, but did not feel that there were any specific things that would be done by the Town on Tiburon to deal with this serious potential problem.

As we watch the major loss of homes (1000) and landscape in Southern California, I think about how we are vulnerable to such a situation here in Tiburon. I again plead with you and your staff to come up with a real (written) PLAN OF ACTION to deal with the cleaning/removal of dead trees, scrubs and underbrush, clearing spaces between trees and the limbing of low tree branches on the 9.3 acres of property that the Town of Tiburon owns that borders our properties on Sugarloaf. My neighbors and MOA feel this needs to be done ASAP given the warm temperatures and high winds that we experience in Tiburon, especially on this hill. Let's get it done now, rather than lose the momentum that is underway to solve this problem. "Do not put on the back burner".

I know that Gregory Fishman owns the 50 acres below the Town's property.  
c/o Brancross US Holdings, Inc  
3500 Fulton Street  
San Francisco, Ca 94118  
(Scott Anderson sent me this information).

To begin the plan, would you and/or the Fire Department contact Gregory Fishman about working with the Town to do the necessary fire prevention that you are requesting of Tiburon Homeowners. I understand his property may not be under your direct supervision, but I am sure he would be concerned about his possible losses, as well as other human

lives and properties. He needs to be informed ASAP and given a chance to make some corrections. I would also like to get a phone number for him, as I will call him or his representative this week and request an appointment. So often we are so busy and focused on immediate concerns, that we forget or postpone or look forward and deal with prevention strategies. We are a reactive society, but this is not an excuse to not take action before something becomes a disaster.

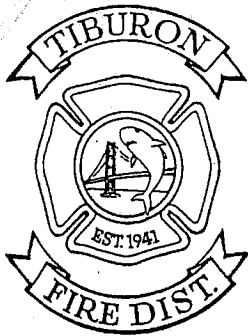
I personally know the area where the fires are located in San Diego, as well as some of the residents. Our terrain, hillsides and expansive unkept trees and brush as well as the high winds are not too different from our location and circumstances. Let's BE READY (Prevention), not just GET READY.

This property has been unkept for over 35 years. I think it is about time that the Town of Tiburon move forward with a plan of action. As we discussed in our meeting two weeks ago, the MOA and its residents are and will continue to do their part in this prevention effort. We are also willing to work with you on accomplishing our goal of safety for all Tiburon residents and their loved ones. It is not just a situation that affects us but as in San Diego could do damage to the entire peninsula of Tiburon.

Let's take ACTION NOW.

Respectfully Submitted,

Dr. Lynn Fox  
435-9248  
lynn@sfsu.edu



## TIBURON FIRE PROTECTION DISTRICT

1679 TIBURON BOULEVARD, TIBURON, CALIFORNIA 94920  
TELEPHONE: (415) 435-7200 FAX: (415) 435-7205

RICHARD PEARCE, FIRE CHIEF

24 October, 2007

Peggy Curran, Town Manager  
1505 Tiburon Blvd.  
Tiburon, CA 94920

Dear Peggy Curran:

Thank you for your interest and efforts in keeping our community fire safe. It was a pleasure to work with you and Nick while reviewing the Town's property below Sugarloaf Drive. As we discussed in the field, there are two areas of the open space parcel where I believe some vegetation management is in order. Those areas are the places where the open space abuts Sugarloaf Drive between 98 and 100 Sugarloaf and again between 140 Sugarloaf and 2 Place Moulin. In these two areas the effort and expense of the work would serve to reduce the fire hazard in a meaningful manner.

Attempting to clear those areas below the property lines of the homeowners along Sugarloaf would not, in my opinion, be a judicious use of public funds. Current best practices provide for clearances of 100 feet from structures. The parcels in question are 150 feet deep and the homes are all placed adjacent to the road providing the homeowners ample opportunity to provide for their individual fire safety.

The images of the disastrous fires in Southern California elevate everyone's level of distress. Thankfully the weather conditions that annually occur to drive those fires, 60 MPH sustained winds with 100 degree temperatures and single digit humidity levels over multiple successive days, do not occur here on the peninsula where we are surrounded on three sides by water. While I would never promote complacency, I do strongly believe that all of the agencies involved in providing for the public's safety must use their limited resources in the most cost effective manner. The enormous cost and effort to clear the open space parcel would provide minimal gains at best.

Thank you again for your concern and efforts. If I can be of any further assistance please do not hesitate to call me.

Yours in service,

Ron Barney, Fire Marshal

# Land Between Paradise Drive and Place Moulin / Mt. Tiburon

