

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of June 10, 2003

Present: Breen, Chignell, Kilkus, Kroot, Thornton

8:00 p.m.

- CALL TO ORDER.
- PLEDGE OF ALLEGIANCE
- ANNOUNCE ACTION TAKEN IN CLOSED SESSION, IF ANY.

Mayor Kilkus reported that no action was taken in closed session.

- OPEN TIME FOR PUBLIC EXPRESSION.

There were no public questions or comments.

- COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, QUESTIONS AND COMMENTS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Councilmember Breen asked staff to look into methods to promote bicycle safety to avoid injuries or fatalities.

Councilmember Breen reported that five regional community advisory committees would be established for making recommendations to the County's Transportation Plan, of which a fifteen-member task force will be representing the Ross Valley. Besides himself, there are two other persons from San Anselmo who have applied to serve on the committee, Laurie Lopin from Brookside School who is active in the Safe Routes to School Program and Wayne Cooper, a volunteer in the Police Department. Meetings will be scheduled between now and October and the Transportation Measure is expected to be on the ballot in 2004 or 2005.

Councilmember Chignell asked for confirmation that a discussion of a neighborhood pesticide notification ordinance is scheduled. Town Administrator Stutsman replied it is scheduled for the July 22nd agenda.

Councilmember Chignell requested that item #2 on the agenda be moved to the end of the meeting as he anticipates a lengthy discussion.

Councilmember Breen agreed but asked that item #3 be heard after item #2 as he expected the interested parties will arrive later in the evening due to the originally scheduled agenda.

Mayor Kilkus and the Councilmembers were in agreement and rearranged the agenda items in the following sequence: Item #1, #4, #5, #6, #2 and #3.

1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: May 27, 2003.
- (b) Approve request to hold the ninth Creekside Q in Creek Park on Tuesday, June 24, 2003, from 5:00 p.m. to 9:00 p.m.
- (c) Approve Resolution No. 3642 calling and giving notice of the November 4, 2003 election for two regular Town Council seats, Town Treasurer, and Town Clerk; requesting County of Marin to consolidate said election; requesting election services by the County clerk; and providing for candidate's statement of qualifications and filing fee.
- (d) Approve resolution calling and giving notice of the November 4, 2003 election submitting to the voters the question relating to the Town's award of a five-year franchise for refuse, recycling and green waste collection services; requesting County of Marin to consolidate said election; requesting election services by the county clerk; and authorizing the Town Clerk to carry out the necessary procedures.

Councilmember Chignell requested item 1(d) be removed as he is working on some

alternative language that he would like the Council and Public to consider at the next meeting. M/s, Chignell-Thornton, to approve Items 1(a) through (c), and to continue Item 1(d) on the next agenda. Ayes: All

2. INTRODUCTION AND FIRST READING OF ORDINANCE AMENDING TITLE 10 (ZONING ORDINANCE) OF THE SAN ANSELMO MUNICIPAL CODE REGARDING RESIDENTIAL SECOND UNITS.

Councilmember Kroot excused himself from this discussion as he may have a conflict of interest.

Planning Director Tom Bell reported that a survey had been mailed to the sixty-seven owners of rent-controlled second units. To date, twenty-nine responses have been received and of those, nine units are being rented and five are in compliance with the Town's fee schedule.

M/s, Breen-Thornton, to introduce and waive reading of the ordinance amending Title 10 of the San Anselmo Municipal Code and continue discussion to the June 24th meeting. Ayes: Breen, Kilkus, and Thornton. Noes: Chignell.

3. CONSIDER APPROVAL OF CONTINUATION OF HEALTH BENEFIT COVERAGE FOR THE FAMILY OF OFFICER DAN WIDGER WHILE ON MILITARY ASSIGNMENT.

Police Chief Maynard reported that Officer Widger is scheduled to be overseas for eight months to serve his country in the National Guard and requested continued PERS health coverage. The total cost of COBRA coverage for health benefits for dependents for the leave period is \$5,877 and the total savings in salary and benefits is \$63,000.

Louise Mathews, Foothill Road, requested an amendment to the Resolution as it is lacking specific stipulations required by the Military and Veterans Code 395.03. Chief Maynard responded that the Officer is not receiving pay and/or benefits in excess of those required by law or by the MOU, therefore it is not included in the Resolution.

M/s, Chignell-Kroot, to approve Resolution No. 3643 and continue health benefit coverage for the family of Office Widger while on military assignment. Ayes: All

4. APPROVE TRAFFIC CALMING GUIDEBOOK AS A RESOURCE TO BE UTILIZED BY THE TRAFFIC SAFETY COMMITTEE TO PROPERLY MANAGE THE FLOW OF TRAFFIC WHILE REDUCING NEGATIVE IMPACTS ON RESIDENTS, PEDESTRIANS, BICYCLISTS AND STUDENTS.

Police Chief Maynard, as requested by Council, itemized the three changes to the Traffic Calming Guidebook that was first presented at the previous meeting. These changes are as follows: removal of the option for installing speed bumps/humps, individual requests are permitted without polling the entire neighborhood, and that the Council have the opportunity to review the traffic calming proposals before implementation. Chief Maynard stated that these guidelines are meant to reduce liability exposure and to ensure the measures taken are in compliance with state and federal traffic laws. After discussion among the Council in their role of reviewing the Traffic Safety Committee's decisions, it was decided that the Council be kept informed via minutes or copies of letters on any changes. Requests for speed bumps/humps can still be requested but the Councilmembers want to review these.

M/s, Thornton-Kroot, to approve the amended Traffic Calming Guidebook with the amendments. Ayes: All

5. ENVIRONMENTAL REVIEW, ZONE CHANGE FROM R-1, R-3, AND & C-L TO PPD/SPD, USE PERMIT & DESIGN REVIEW FOR THIRTEEN RESIDENTIAL UNITS ON .874 ACRES, INCLUDING PROTECTIVE APPEAL FILED REGARDING THE DESIGN REVIEW AND USE PERMIT CONSIDERATIONS. APPLICANT: COBY FRIEDMAN, M.B. VENTURES, LLC; 790 SIR FRANCIS DRAKE BLVD, APN 006-091-02, 34, 35 & 62.

Mayor Kilkus stated the Council has reviewed the staff report, the Planning Commission minutes and accompanying reports and due to the complex nature of this project, he advised limiting the discussion to the geological and traffic elements this evening for a duration of approximately forty-five minutes. The other aspects of the project will be discussed at the June 24th meeting.

Planning Director Tom Bell stated because the negative declaration and zone change require Council approval, the use permit and design review are subordinate. Consequently, the Planning Commission's Resolution is a recommendation not a denial. The applicant has filed an appeal on the use permit and design review aspects for protective purposes. He clarified that this is a presentation hearing and not an appeal. The negative declaration must be acted on within 180 days of the completed application. In this case, it would be the second meeting in July. If the negative declaration is not approved, no other actions can be approved because everything else is subordinate to it.

Fred Divine, Architect, gave an overview of the project. There are nine residential units and four low-income units planned with a setback of eighty feet instead of forty feet from the hillside as originally planned. The soils work proposed was done professionally but there is a lot of emotion associated with the Red Hill slide. The catchment walls will be nailed into the hill and trap any possible falling debris. In addition, there is a retaining wall at the bottom, and all the soil will be recompacted. The traffic impact will be minimal as this is not a commercial project. There are plans to reconfigure the ingress and egress on Loma Robles to improve access and to reduce the slope. He recognizes more work needs to be done and is asking for more input from the Council.

Coby Friedman, applicant, introduced himself and said he hoped for a successful outcome with the Council's help in building housing units, including some low-income units.

Michael Watkins, 25-year Pine Street resident and engineer by profession, reviewed the geological and geotechnical reports and considers them outstanding. Jay Nelson did the peer review. He said that this project would stabilize the area and improve the site considerably. The conclusion of the traffic report is that the problem is not significant. He stated that this project would be a benefit to the community.

Geotechnical Discussion

Robert G. Wilson, Soils Engineer, stated the site was an old quarry with a steep face with a hummucky terrain below that has been creeping along making the topography uneven. The first recommendation will be to remove the soil from Sir Francis Drake up to the quarry face, put in subdrains and recompact it with engineered fill. This will increase the stability and form a buttress against the quarry face. To mitigate risks, there will be a retaining wall across the base of the slope with drilled peers to reduce any type of potential movements. Because of the steepness, a 12 – 15 foot catchment wall above will be secured with 50-60 foot nails. Mr. Wilson stated that all the concerns have been considered and he concluded that the site would be much safer. When Councilmember Breen asked about earthquakes, Mr. Wilson replied that these calculations have been included in the report.

John Walters, Santa Cruz Avenue, brought some photos of Red Hill from 1989, showing evidence of movement on various parts of the hill. He spoke of Salem Rice, who drew maps of the area and warned the Council and Planning Commission not to approve the development in 1967 because of the unstable pillow lava and basalt base. The housing was under construction but was destroyed due to a slide after a heavy rain. After the Loma Prieta earthquake, he observed a fault line at Red Hill base, about fifty feet long and two inches wide. He cautioned the Council to review the project carefully.

Jonathan Braun, Scenic Avenue, stated that there are strong arguments against high-density projects in this area. He told of his grandmother's residence on this property that was condemned after a slide undermined the foundation. There has been testimony given at the Planning Commission meetings of mudslides that had occurred in 1967. He stated his concern that the mitigation measures may not hold back the unstable soil above the catchment walls. He questioned the viability of removing nearly an acre of earth to a

thirty-foot depth in this area congested with traffic, businesses and homes.

Susan Blair, Bella Vista, said that the twelve to fifteen foot walls would not be visually pleasing. She stated that Sir Francis Drake is a very crowded and busy corridor and any small disruption would create a bottleneck for the neighborhood. She stated her concern of the instability of the area.

Patrick Haven, Luna Lane, said this proposed development is located between his 1879 house and his office at 800 Sir Francis Drake and he is extremely concerned about the vibration and noise of the excavation that would affect both his living and working conditions. He considered the building site to be unstable and he can still see water seeping from the ground.

Gail Permar, Madrone Avenue, noticed the story poles are moving and wondered if a study has been performed of the soils.

Cherilyn Gilboy, Luna Lane, noted some inaccuracies have been stated and felt the geologic information has been largely ignored. The ground is saturated with water and this is visible on the surface. She considered the project to be too dense for the area and the construction of it too disruptive.

Traffic Impact Discussion

Jonathan Braun, Scenic Avenue, stated that currently there are 34,000 trips per day on Sir Francis Drake Blvd., 20,000 trips Westbound. The egress from the site is at a sharp right angle to the thoroughfare with very poor sight lines. He added that circulation is a major problem as anyone leaving this site must turn right and drive through and around congested areas that include the Walgreen's Store, the Red Hill School site, the Red Hill Shopping Center parking lot. An alternative is to try to merge into the second lane and make a left turn and drive through the Bella Vista neighborhood to be able to go east. Two traffic fatalities have occurred within the past year, emphasizing the hazards in this area. The Hub intersection has been given the lowest rating of "F". Mr. Braun stressed that the cumulative effects and arguments presented have to be considered.

Patrick Haven, Luna Lane, said that to be able to make the sharp right turn from Loma Robles onto Sir Francis Drake, his truck must cross over two lanes. From looking at the modifications on the plans, the angle will even be sharper. He suggested installing a traffic signal at this dangerous location.

Gail Permar, Madrone Avenue, suggested the installation of a pedestrian overpass at Madrone over Sir Francis Drake Blvd.

Mayor Kilkus asked the Public Works Director, Rabi Elias, offer his expertise. Mr. Elias reported that soils tests and peer review have been accomplished. The water drainage can be collected and directed to a collection system. The work will be extensive but problems can be overcome at the site. Mr. Elias cannot guarantee the surrounding areas will be secure should there be a catastrophic event but the engineered site will be made more secure than it currently is. He agreed that the construction impact will be significant but there are ways to accomplish this. He stated that 150 trips a day from this property is insignificant and should not impact the surrounding neighborhood greatly.

Councilmember Kroot asked whether the work on the site might weaken the neighboring areas. Mr. Elias stated that the impact would be less if the work were done in summer. Robert Wilson, Soils Engineer, said the mitigation measures on the property will protect the site itself, but should a slide occur on either side, they can't be held responsible. He added that seismic studies and calculations were done based on worst case scenarios. The earth materials are of the Franciscan formation, which is dense and can absorb waves.

Mayor Kilkus asked about the \$2 million liability insurance. Public Works Director Elias replied that this is an indemnity agreement and \$2 million seemed an adequate amount cover against loss but can be adjusted.

Neil Sorensen, applicant's attorney, for the record wanted to clarify what occurred to the house that was destroyed in the late 60's. He obtained the property file from the

Assessor's and it showed the property owner asked for a devaluation because the damage was caused not by a slide but by an excavation of another property owner on the lower slope.

Fred Divine, project architect, summarized all the measures taken to ensure stability at the site. He said redwood trees will be planted to screen the cabling and the present vegetation of acacia and scotch broom will be removed. Regarding the traffic impact, Mr. Divine said there are only seven morning trips associated with the project and five outbound and eight inbound trips in the evening.

Mike Watkins, Pine Street, stated the site is currently hazardous and the project mitigates that hazard in exchange for the development and that the findings of the traffic report were insignificant.

Sophia Spencer, Jordan Avenue, recalled that many assurances were given before the slide destroyed the housing units in 1967. She liked looking at the natural hillside as opposed to housing. She asked what is the cost of affordable housing. The traffic flow is bad and this project will make it worse. She pleaded the Council not accept this project.

Gail Permar, Madrone Avenue, asked in what capacity Mike Watkins was present. Mayor Kilkus responded that Mr. Watkins is a consultant for the developer. She said a licensed engineer should be reviewing the calculations and Mr. Watkins is not one. She objected to the removal of the acacias and would prefer to see landscaping in order to soften the buildings.

Brian Crawford, Oakland Avenue, considers this roadway section on Sir Francis Drake to be the worst in Marin. He disputes the figure of seven trips when there are thirteen houses. He noted there will be a tremendous amount of truckloads of earth that will be excavated.

M/s, Kroot-Chignell, to continue discussion of this project at the next Council meeting on June 24th. Ayes: All

6. DISCUSSION REGARDING: PROPOSED AGREEMENT FOR THE IMPROVEMENT AND LEASE OF RED HILL FIELD, BETWEEN THE ROSS VALLEY SCHOOL DISTRICT AND THE TAMALPAIS UNION HIGH SCHOOL DISTRICT/TOWN OF SAN ANSELMO; POSSIBLE FUNDING FROM THE TOWN; AND PROJECT'S LONG-TERM FISCAL IMPACT.

Town Administrator Stutsman reported that the Town has been working with Ross Valley and Tamalpais High School Districts to jointly develop the field at the Red Hill School. A draft design has been prepared and volunteers are ready to fundraise. The first step is a use agreement between the three agencies; Ross Valley School District to lease the field to the Town and Tamalpais High School District. The facility would include tennis courts, a soccer field, a dog park, restrooms, walking path and an additional parking lot. The second step is funding commitments from the Tam District. The Town Staff is recommending a commitment for \$150,000, derived from the Park Bond Funds, which would leave \$225,000 for other needs. The third step is a JPA agreement between the Tam District and the Town covering the times of use and a fee schedule and maintenance. The facility would be treated as a Town park for liability purposes. The final step is determining ongoing funding for maintenance. This item is for discussion only pending the outcome of the Districts' meetings.

Jonathan Braun, Scenic Avenue, said there are other equally meritorious uses for the park bond funds. Before committing to this project, he suggested a democratic process to look at the potential uses to find a fair and equitable way to distribute the money. The Open Space Committee feels very strongly regarding the bond's wording on preservation of habitat and the purchase of open space, such as Bald Hill. Mr. Braun pointed out there should be a traffic study done because of the planned intensified use at the Red Hill School and the ingress and egress at Shopping Center, apartments and gas station.

Walter Kopp, Fern Lane, stated he was excited to be working with the citizens group, a broad coalition of persons interested in the many aspects of the Red Hill Field. He said

the Town has an abundance of open space but is lacking in sufficient park space, which adds value to the community. He asked the Council recognize the momentum and encouraged them to move this forward.

Heather Mitchell, First Street, San Rafael stated the School Bond funds are not for building a new field but just for renovation purposes. There should be public discussion on how these funds should be spent since there is a shortage in the Town's budget. Mayor Kilkus said the \$150,000 is not General Fund money but Park Bond funds.

Sophia Spencer, Jordan Avenue, has mixed emotions but feels the time is right as many groups are coming together to give money to this project. She has observed many more young families whose children will benefit from outdoor activities that will be offered, including older people. She stressed that this may be the only opportunity and hoped the Council will approve this.

Dollie Frauens, Oak Avenue, said that the field has been left dormant and only the two tennis courts are in use. The proposed uses are for all ages. She said a lot of money will be raised from private donations and thinks this will be a good plan and should receive the Council's support.

Jamie Broadway, Rich Street, Greenbrae, is representing the dog owners and approves of the proposed facility, however, she would like the dogs be given as much room as possible.

Councilmember Breen stated this process has been over seven years in the making. The forces are coming together during a time of financial difficulties. The Ross Valley School District are currently reviewing the "Terms of Use". There will have to be a traffic study done. Having a new field will free up Memorial Park.

Sharon Burns, Recreation Supervisor, has worked for the Recreation Department for over 14 years and stated that the Town's parks are very overused and people are enthusiastic about the possibility of having a new field.

Councilmember Chignell applauded the work that has been done and supports this collaborative project but is skeptical of getting contributions from the Tam District. A traffic study will be necessary as this is a volatile area. When an agreement has been reached between the parties then the Marin Community Foundation will be approached.

Councilmember Kroot would like to have an estimate of the total cost and wondered what would happen after the 20-year lease was up. He agrees there is a huge need for park facilities.

Councilmember Thornton stated she supports moving forward and having new park facilities, although she also supports purchasing open space. However, she added, this is an important opportunity with existing land and having partners whom will work together toward the same goals. She agreed that fees should be charged that would help with the field maintenance.

Councilmember Breen said that at this time all the political boards will have to commit money to this endeavor. The Marin Community Foundation will become the recipient of the collected money and the intermediary. The estimates could be from \$1.4 to \$2.4M after the studies are made. He stated a lot of foresight has gone into this and he appreciates the advice and guidance given by the Council and public.

7. ADJOURN.

The meeting was adjourned at 10:40 pm.

Respectfully submitted,
Rose Wager, Senior Administrative Services Assistant

