

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of November 23, 2004**

Present: Cooper, Thornton, Kroot, Breen, Chignell  
Absent: None

8:00 p.m.

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

Mayor Chignell said there was no reportable action taken in closed session.

- REORGANIZATION OF TOWN COUNCIL: ELECT MAYOR AND VICE-MAYOR TO ONE –YEAR TERMS.

M/s, Thornton/Kroot to nominate Vice-Mayor Peter Breen to the position of Mayor for the year 2004/2005. Ayes: All.

M/s, Kroot/Cooper to nominate Councilmember Barbara Thornton to the position of Vice-Mayor for the year 2004/2005. Ayes: All.

The Councilmembers thanked and expressed their appreciation to former Mayor Chignell for his leadership over this past year as Mayor. Mayor Breen thanked Chignell and the other Councilmembers for their support and guidance and outlined the obstacles that lay ahead for this next year including Red Hill and specifically traffic issues in San Anselmo.

The Staff thanked former Mayor Chignell and Sophia Spencer, 18 Jordan Avenue, expressed her appreciation as well. There was a 10-minute break to celebrate the accomplishments of the former Mayor and congratulate the new Mayor.

- OPEN TIME FOR PUBLIC EXPRESSION.

Louise Matthews, Foothill Road, asked if the Staff and Police Department would monitor more closely the increased skateboard and bicyclist activity on the sidewalks.

Chignell said he would like the Council to take a look at the streets that still need to be serviced as part of the Measure G Funding. He said the funds from Measure G have been exhausted but there are monies earmarked for street improvements and another street funding that can be used to complete these projects. He also suggested the Mayor send formal communications to the MMWD Board of Directors regarding a discussion about a long-term solution to the water main breaks occurring too often.

Chignell asked the Mayor to send a letter to Steve Warner, Former Fire Chief, who was recently re-elected as the President of the Firefighters Local 1775, to congratulate him on his victory for another 4 year term. He reported that the Ross Valley Fire Board, which he and Kroot sit on, established a subcommittee to work with the Town of Ross to

incorporate their fire department with the Ross Fire Department. He also said that he and the Community Resources Director, Kay Coleman, recently met with a prospective donor that would like to make a significant contribution to assist the Town in beautifying the median strip at Bolinas and the Hub. He said a proposal would come forward in the near future.

Breen acknowledged the work that Chignell and Kroot are doing on the Ross Valley Fire Board, the work the Public Works Director Elias is doing on Butterfield that will help prevent some flooding this winter and also acknowledged that former Councilmember Kilkus was present in the audience.

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

No one spoke at this time.

1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: November 9, 2004.
- (b) Acknowledge and file warrant numbers 49908 and 49940-40156 issued during the month of October 2004 in the amount of \$1,160,235.50.
- (c) Approve Revenue and Expenditure Report for the period ending October 31, 2004.
- (d) Acknowledge and file report on impact of recently passed legislation, Proposition 1A.
- (e) Approve Recreation Revenue and Expenditure Report for the period ending October 31, 2004.
- (f) Approve contract with the City of San Rafael to provide collection of parking meter fines and parking meter maintenance.
- (g) Approve bicycle guide signs to be used in San Anselmo, with locations as approved by the Public Works Director.
- (h) Approve downtown event application for the 2<sup>nd</sup> Annual Run for Joe, on January 1, 2005 from 7 a.m. to 11 a.m., beginning on the Town Hall lawn, with no street closure requested.
- (i) Negative Declaration and Rezoning from Specific Planned Development (SPD) for an Automobile Detailing/Repair Operation to Specific Planned Development (SPD) for a Residential Development: 3 Single Family Dwellings, 4 "Workforce" Apartments (low to moderate income), 4 Townhouses and 1 Day Care Facility. Joseph Maguire, 1535 Sir Francis Drake Boulevard, APN 005-153-01.

**CONTINUED TO THE MEETING OF DECEMBER 14, 2004.**

Cooper requested item (f) be removed for discussion. Kroot requested items (d) and (f) be removed for discussion. Thornton requested items (c) and (e) be removed for discussion. Louise Matthews, Foothill Road, requested items (d) and (f) be removed for discussion.

M/s, Chignell/Thornton to approve all of the consent agenda except items (c), (d), (e) and (f). Ayes: All.

Thornton said under item (c) that she wanted to thank Finance Director, Janet Pendoley for her excellent reports and work done on the budget for 04-05. She also thanked Staff, the Council and the citizens for their help in keeping us on budget.

Kroot said under item (d) asked Finance Director, Janet Pendoley, for some clarification on Proposition 1A. Finance Director Pendoley said that Proposition 1A protects the Town from the State shifting revenue away from the Town and toward the State. The State will also now be required to pay back the Motor Vehicle Loans within 3 years.

Breen said there would be a Spring Workshop on this.

Louise Matthews, Foothill Road, said she agreed with Mayor Breen to have a Spring Series to discuss the budget and Proposition 1A. She suggested the Town continue with the reimbursement procedures for mandate reimbursements from the State even if the State currently is not reimbursing – it is hoped that they will resume at some point.

Thornton said under item (e) to acknowledge the work that Recreation Director Little and the Recreation Department has done in increasing revenue and keeping their expenditures down.

Cooper said under item (f) said he didn't see anything in the Contract that stated there would be spare mechanisms available to be swapped out when a unit goes down. Police Chief, Charles Maynard, said 10 additional meter heads were purchased and are in storage and would be used to replace malfunctioning units. Cooper also said the meters have already generated a revenue of \$1,000 per day so far. Chief Maynard said that as people realize they have to put some coins in the meters the citations will go down, however, we have had greater than 70% occupancy in our parking lots which is more than the estimated usage. Kroot said he has been voting consistently against the meters because he feels they are inappropriate for the community but respects the decision that the rest of the Councilmembers have made.

Louise Matthews, Foothill Road, thought that the possibility of a malfunctioning meter being down for up to a week before the meter head would be replaced might impact the expected revenue. Chief Maynard said the prices quoted in the contract are the maximum expectation for meter collection but time will tell the outcome and this is too new to know yet. Finance Director Pendoley said net income from the meters this year was projected to be \$40,000.

M/s, Kroot/Chignell to approve items (c), (d) and (e). Ayes: All.

M/s, Thornton/Cooper to approve item (f). Mayor Breen asked for a roll call vote. Ayes: Cooper, Thornton, Chignell, Breen. Noes: Kroot. Motion passed.

2. APPOINT MEMBER TO THE OPEN SPACE COMMISSION (ONE SEAT).

M/s, Chignell/Kroot to reappoint incumbent, Daniel Krebs, to the Open Space Commission. Ayes: All.

3. APPROVE REQUEST OF THE FRIENDS OF THE CORTE MADERA CREEK WATERSHED TO FILE FOR A GRANT FROM THE NATIONAL FISH AND WILDLIFE FUND, TO REPLACE THE EXISTING FISH LADDER AND RELATED WORK TO PROVIDE SALMON PASSAGE.

Public Works Director, Rabi Elias, presented the staff report. He introduced Sandy Guldman with the Friends of Corte Madera Creek. Ms. Guldman said they are seeking Council's permission to conduct assessments of barriers that are under the jurisdiction of the Town, to seek funding through grants and to replace the barrier at the Saunders Bridge crossing that is a major impediment to the migration of the Steelehead. She said they would need some of Public Works Director Elias' time for approval and comments on the engineering drawings for that work.

Public Works Director Elias said that the ladder has to be changed because it doesn't meet present regulations. He also said we have to be the lead agency because we have jurisdiction.

Bob Snyder, Plumas Avenue, said he felt it is a valuable resource for the Town and should be improved. The students from Drake High School have been working on a natural sediment trap in the stream and if the ladder is improved the stream is much more inhabitable now for the fish.

M/s, Chignell/Kroot to approve the request of the Friends of the Corte Madera Creek Watershed to file for a grant from the National Fish and Wildlife Fund, replace the existing fish ladder and related work to provide salmon passage. Ayes: All.

4. APPROVE PROPOSED FEE INCREASE FOR THE HUB SIGN, HANGING BANNERS OVER SIR FRANCIS DRAKE BLVD., AND FOR RENTING PICNIC AREAS AT MEMORIAL PARK, ROBSON PARK, AND CREEK PARK.

Recreation Director, Ron Little, presented the staff report. He recommended Council approve the miscellaneous fees, banner fees, and the signs at hub fees. He said the banner fees have not been increased in over 8 years and the hub signs have not been raised since August of 2000.

Louise Matthews, Foothill Road, asked that the Recreation Department to look at whether or not reservations are feasible and suggested there be a free weekend in which people can utilize Town parks without having to pay for them.

M/s, Thornton/Cooper to approve proposed fee increase for the Hub sign, hanging banners over Sir Francis Drake Boulevard and for renting picnic areas at Memorial Park, Robson Park and Creek Park. Ayes: All.

5. RED HILL COMMUNITY PARK:

- a) Approve resolution adopting changes to the layout and use of the proposed park, including a new project description, extension of the plan submission date, extension of the agency approval date and permission for extended dog use; direct staff to bring back a revised Lease Agreement for Council approval.
- b) Consider feasibility of lights at the Red Hill Park field. (Oral Report)

Recreation Director, Ron Little, said a subcommittee was formed to do some research regarding dog park development and a change in design plan and changes in uses have occurred. Some of the changes include the baseball field overlapping the soccer field, the soccer field was enlarged and two tennis courts were reduced to one tennis court. This resolution was approved by the Parks and Recreation Committee and the Ross Valley School District.

Chignell asked if the previous traffic study would need to be amended. Recreation Director Little said it would and would come forward to the JPA and be part of the submission to the Planning Commission. Chignell asked if the project will enhance recreation facilities and if there are any other dog use areas available in San Anselmo. Recreation Director Little said currently there are no regulation size soccer fields or full size baseball diamonds in San Anselmo and this would take care of those needs and there are areas for dog use in San Anselmo, but nothing that is dedicated to dogs.

Michael Henry, 510 Sequoia Drive, said there is a brand new soccer field at Drake High School that is regulation size. It is a football field but is striped for soccer.

Ellen Prodomou, El Cerrito Avenue, said that soccer season and football season were at the same time and it was not feasible to play both sports on one field.

April Orcutt, 510 Sequoia Drive, asked if this really serves the needs of the greatest number of people in San Anselmo.

Recreation Director, Little said earlier this year a needs assessment was done and it was determined that the Red Hill Park project satisfied two of the goals identified; a soccer field and more park space for the community.

Ingrid Robinson, 550 Sequoia Drive, said she just found out about this last week and felt it would adversely affect her property value. She was also concerned about the noise, traffic and possibility of an increase in accidents.

Ellen Prodomou, El Cerrito Avenue, said there have been open meetings for over two years now on this topic.

Michael Cameron, said the geographical circumstances create noise to the level where it sounds as though a conversation happening at Marcucci's Bar is taking place in your living room. This would affect property values and would have to be disclosed upon sell. He asked the Council not to vote on this issue tonight.

Breen asked what the impact would be if the vote was put off in terms of legal constraints. Recreation Director Little said according to the current agreement with the

landlords the final plan is due the end of December. It could slow down some grant writing or fund raising activity.

Barbara Melton, 540 Sequoia, said the people on Sequoia were not notified about this. She would rather see the money spent on keeping the library open.

Elaine Snider, said even though she was on the task force that helped develop this plan, she felt that traffic has not been adequately addressed and asked the Council to postpone their vote.

David Hamilton, 415 Sequoia Drive, said people were frustrated with traffic and showed the Council a photograph taken at the Hub at 4:30 p.m.

Steve Murch, 9 Golf Lane, said he was not aware of this plan and felt it was being pushed through the back door. He wanted to know what environmental impacts it would have, if it had gone through planning and said he felt ill informed and would like time to research the details.

John Waynewright, said there is a lack of field space in the Ross Valley area and most kids and adults have to play in other communities. This would allow families to walk or ride their bikes to a local facility.

Barbara Melton, told everyone to go to [www.shatteredpeace.com](http://www.shatteredpeace.com) to see what a sports field can do.

Richard Lucas, Sequoia Drive, asked the Council to come up and experience the amphitheatre sound that carries through the neighborhood. It's not a normal topography as you can hear a car door shut at the Red Hill parking lot and it sounds as if it is in your ear. The hill creates a bowl effect and echo. He said the people that live there can't leave, it's where they live. They would not be able to escape the increased noise. Real Estate agents he has spoken with have said it would decrease his property value.

Ken Conroy, 1022 Santa Margarita Drive, said the community needs a place to play sports. He said he sympathized with the neighbors on Sequoia but they received a flyer full of misstatements. This project still has to go to the Planning Commission and felt that delaying it is only to allow its current use as a dog park instead of addressing entire community needs.

Gina Feiner, 40 Ledger Road, suggested that the neighbors on Sequoia bought their homes knowing there was a school in the area that already generated noise. The park rules can be established as to uses and times of use but she didn't want to see it delayed any longer.

Heather Mitchell, 225 First Street, said she was the one that distributed the flyer to the Sequoia neighbors and didn't feel that anything in it was erroneous. She said she wants a traffic report, a noise study and an environmental impact study conducted.

Gil Iwanaga, Sequoia Drive, asked if the school has exclusive rights during school hours

and why was artificial turf selected? Breen said the school owns the property, but does not have exclusive rights, but can take the site back with a year's notification. He said the artificial turf was selected because it is highly durable and was determined safe for chemically sensitive children. Breen also stated that specifics such as use after dark, lights and amplified sounds rules have not been determined yet.

Walter Kopp said a lot of time and effort in improving this site for the community has been done by various coalitions and finally they were on the same page. It shouldn't be this difficult to build a park and he said he didn't consider noise from children playing a noise he doesn't want to hear.

Rick Holderness, 5 Alto Avenue, said he is aware of the field shortage but felt the neighborhood should have been notified. He said he is in favor of improving the area if it does not generate revenue. Breen said the Town cannot realize revenue from it. The park would have to be self-supporting.

Eric Holmburg, resident in neighborhood, said he recently relocated to the area because it was quiet and away from freeway noise. He is in support of kids having a place to play but concerned about the possibility of increased noise.

George Gazzoli, San Francisco Boulevard said the website [www.redhillpark.com](http://www.redhillpark.com) can give the public more information. It is school property and should be used for the children in the community.

Cooper said he has been following the project for a long time and an approval tonight only means it moves forward to the planning stages to see if it will be approved as a project and funding would still need to be achieved. This project has been very visible for a long time with articles written in the newspapers, being discussed at JPA meetings and planning meetings. Those that are now aware of it for the first time would still be able to make their points through the rest of the forthcoming process.

Chignell said he agreed with Cooper stating that this project has received tremendous publicity, but how it will look in the end has not been decided yet. The community has said they want it there and hundreds of people are working on this project. He also said that the Sequoia neighbors do need to be heard and would have that opportunity through the process. He said he would support this.

Thornton said she would like to add that the project has had a lot of input from the community but it is still in the creative stage. She would support working with the residents on Sequoia and coming to acceptable use rules and has confidence things will work out in the end. This is just a proposal in concept and time frames at this point.

Kroot said this has been studied for years - it is unfortunate that the Sequoia neighbors didn't hear about it sooner but believed a compromise could be determined. Use rules and lights and such are still to be determined. He said there is very little recreation space for children and that's what this school property is meant for.

Breen said this is to benefit the whole of the community, nobody is hiding the ball and

this will continue to be a full public process. He said his hope is that the issues facing the neighbors on Sequoia can be brought forward and rules and compromises can be determined before it is final.

M/s, Chignell/Thornton to approve Resolution 3713 adopting changes to the layout and use of the proposed park, including a new project description, extension of the plan submission date, extension of the agency approval date and permission for extended dog use; direct staff to bring back a revised Lease Agreement for Council approval. Ayes: All.

Breen said the Council would consider item 5b, feasibility of lights at the Red Hill Park field, at a future meeting.

6. DEVELOPMENT PROJECT AT 790-800 SIR FRANCIS DRAKE BLVD., AND 2, 4, 6 AND 8 LOMA ROBLES:

- a) Reconsideration and review of August 24, 2004 Town Council grant of appeal of Planning Commission approval of environmental review, design review, lot merger, and lot line adjustment to develop a 9,500 square foot commercial building and exterior renovation of an existing building located at 790-800 Sir Francis Drake Boulevard, APN Nos. 006-061-06, 006-091-34, and 006-091-35, which are in the C-L zoning district. Applicants: Fredric C. Divine Associates Architects for G. Koblick and 790 Sir Francis Drake LLC Coby Friedman. Appellant: Jonathan Braun, Post Office Box 627, San Anselmo, California 94979.
- b) Planning Commission recommendation of approval of: environmental review, rezoning from R-1, R-3 and C-L to PPD/SPD, use permit and design review to consider 4 residential dwelling units on .58+ acres at 2, 4, 6 and 8 Loma Robles, APN Nos. 006-091-02, 006-091-34, 006-091-62. Applicant: Fredric C. Divine Associates Architects for Loma Robles LLC Coby Friedman.

Senior Planner, Lisa Wight, said this is before the Council to reconsider and review the grant of the appeal from last August. New items are letters received from some neighbors about the project and a packet that the Public Works Director put together that talks about soils, traffic and construction management, as well as, some submittals from the Architect and a Traffic Engineer. There was also a detailed history, in chronological order, of this project.

Fred Divine, Architect for the Applicant, said he brought an expert for soils and traffic to answer any questions the Council has and has also developed a Construction Management Plan.

Jonathan Braun, Appellant, asked why this is being reconsidered.

Town Attorney, Hadden Roth, said there is a legal question as to whether or not there is a legal need for a Focused EIR. Due process means it is necessary to look at this again.

Rob Wilson, Soils Engineer on the project, said a full geological study was done and



there were 3 major issues that came out of it. One is the upper slope that has had some minor movement in the past, another is the stability of the slope and the chance of it sliding out from underneath and the last is the stability of the quarry waste that remains on the property. The way to address these issues is to put in sub drains to help drain water from the hillside, build a retaining wall to increase the stability of the bottom of the hill which will decrease the potential for a slide from underneath. If you don't do these improvements you still have the potential for the hill to move and nothing to help decrease the potential hazard if it does happen.

Kroot asked if there would be a hazard to the neighbors from debris falling off the face of the slope and what the details of the dirt being excavated are. Mr. Wilson said there can be fallout, as there is now, from the slope but the catchment wall will catch most of that and prevent possible major damage to the homes beneath it. He said approximately 20,000 yards of dirt will be removed, 16,000 of that will be compacted back in and only 4,600 yards will be removed off the site resulting in 460 truckloads.

Chignell asked if the no build zone is due to potential instability. Mr. Wilson said the no build zone is where the potential lies for falling debris. It was estimated at 60 feet to be adequate but we went 80 feet for extra precaution. Chignell asked Len Rifkind, Attorney for the Applicant, if the developer is prepared to indemnify the Town if this development causes a landslide that would name the Town at fault. Mr. Rifkind said yes, anything that occurs as a result of the property construction would be indemnified, you could make it a condition of approval.

Thornton asked if the compactment of the dirt would involved pounding machines? Mr. Wilson said no, they would use rollers to compact it.

Cooper asked if the process for the quarry wall on the property is going to create any transfer of stress to the adjoining properties. Mr. Wilson said no, it will have controlled drainage and will not decrease the stability next door.

Breen said the previous movement was due to cutting into the bottom of the hill, it didn't move on its own. He felt after all the stability work is done on the hill it would decrease the likelihood of land movement, not excluding natural causes such as an large earthquake.

Thornton asked if reinforcements are placed to prevent impact to either side of the property. Mr. Wilson said the plans call for reinforcement and shoring up in the areas affected.

Chignell left the meeting at this time, 11 p.m.

Town Attorney, Hadden Roth, suggested the Town give the land above to the project to take away possible litigation due to construction.

Louise Matthews, Foothill Road, suggested that the Town should take an affirmative approach to make sure they are not providing a detriment to the property owners.

George Nicholson, Traffic Engineer, did a second traffic study and reviewed the original report looking closely at the access points. He said traffic to the East was the main issue. All possible exits had problems and he felt the best way for traffic to exit east was to use Red Hill Center and turn at the traffic signal. This is no different than any other parcel on Sir Francis Drake Boulevard. He said he would not recommend a left turn out of the Walgreen's parking lot as the turn is skewed and unsafe.

Kroot asked if once the project is complete would a need for restricting the usage be necessary to avoid high traffic in that area. Mr. Divine said it is currently zoned for use as things such as a barbershop, anything other than what it is zoned for would have to come to the Town for a use permit.

Breen said that there are plans for additional housing, additional use due to possible new parks, where is the threshold that tells us we can't go any farther? Mr. Divine said traffic finds a way to flow, whether people adjust the time of day they travel or avoid rush hour.

Susan Blair, 27 Bella Vista, said all it takes is a water main break or construction congestion that closes a lane and now we have gridlock. She said she has to commute at certain times and changing the time of day is not an option for her.

Breen said wonder if another study by someone chosen by the Town would be possible. He said it seems that there are challenges to additional traffic impacts and would like to see what the cumulative impact on traffic would be.

Mr. Rifkind said at some point we have to move on. He felt it unfair to include other projects into the impact of this one. Cooper said he believed that the traffic information is adequate. He is more concerned about construction trips and congestion. Rifkind said we prepared a comprehensive Construction Management Plan, detailed and we will be able to present that to you at a later time.

A discussion ensued between Rifkind and Roth regarding the timing requirements of the lawsuit. Rifkind agreed that they would toll the time limits, within the constraints of the Superior Court.

The rest of this item will be heard at the December 14<sup>th</sup> Council Meeting.

7. ADJOURN.

Meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Denise A. Phillips  
Senior Police Administrative Assistant