

APPENDIX A:
LEIGH CREEKSIDE PARK MASTER
PLAN



J. Rollan
CITY CLERK 8-28-00
DATE

City of Lafayette Staff Report

For: Lafayette City Council
By: The Parks, Trails and Recreation Commission and
Jennifer Russell, Parks & Recreation Director
Date Written: August 16, 2000
Meeting Date: August 28, 2000
Subject: LEIGH CREEKSIDE PARK MASTER PLAN

Introduction

With the purchase of Leigh Creekside Park, the City has preserved an exquisite piece of property as a public park. The property has the creek and the regional trail situated next to it. Located near the middle of the property is a centennial oak and, together with several more trees, the park will provide a resting place for the many families and trail users who are likely to visit. The park also gives those who live in this crowded neighborhood an open area to enjoy a family picnic, observe the wildlife and flowing creek or play a game of catch.

The Parks & Recreation Department and the Parks, Trails & Recreation Commission are pleased to present the Leigh Creekside Park Master Plan as prepared by Paul Niemuth and Associates.

Background

On November 24, 1998, the City Council approved the City Manager's request to initiate a public process for determining whether to acquire the property at the corner of Moraga Blvd. and Fourth Street for a neighborhood park.

The Parks, Trails & Recreation Commission was asked to spearhead an effort to solicit neighborhood support, both conceptual and financial.

On December 9, 1998, the Parks, Trails & Recreation Commission held a public meeting attended by about 40 people who voiced strong support for a city neighborhood park at this location. A neighbor submitted a petition with 105 signatures supporting the purchase of the property. The Parks, Trails & Recreation Commission voted unanimously to recommend the purchase of the property for use as a city neighborhood park.

On December 14, 1998, after hearing public testimony and discussing the issue, the City Council decided to purchase the property subject to obtaining funding from volunteer and grant sources. A purchase option was approved to allow one year to raise the necessary money. The Council also directed the Planning Commission to determine conformance with the General Plan. On December 30, 1998 the Planning Commission determined that acquisition of the land for park purposes was consistent with the goals and policies of the General Plan.

On August 9, 1999 the City Council passed resolution No. 56-99 approving an application for State Grant Funds in the amount of \$375,000 for the purchase of Leigh Creekside Park. On July 19, 1999 the City was notified that the Legislature and Governor approved the grant.

From December 1998 through September 1999, the neighbors worked diligently to solicit donations and were able to raise a total of \$33,224. These funds, together with the State funds, provided enough money to purchase the property.

The City took title of the property on October 21, 1999. The name Leigh Creekside Park was adopted to recognize the Leigh Family who owned the property and whose estate worked willingly with the City to conclude the transaction. The park was dedicated on October 23, 1999.

The Parks & Recreation Department hired Paul Niemuth & Associates to work with the neighbors and the Commission to create a Master Plan.

On site public meetings were held on November 7, 1999 and March 18, 2000 to share design concepts and obtain input and feedback from the general public, particularly the neighbors. Notes from these two meetings are attached. The majority of people wanted the park to substantially retain its natural appearance with informal paths and native plants.

The Park Improvement Advisory Group (P.I.A.G.) met on February 24, 2000 to review a preliminary Master Plan. P.I.A.G. members included representatives from the Design Review Commission, the Parks, Trails and Recreation Commission, Public Works, City Engineering and the Planning Department. P.I.A.G. comments have been incorporated into the plan and notes from the meeting are attached.

The Design Review Commission reviewed the Master Plan at its August 8, 2000 meeting and approved the design elements of the plan.

Two arborists were brought in to evaluate the large oak tree. The tree is currently in good condition, although the original grade around the tree has been raised by imported soil to the site. This will be corrected as the Master Plan is implemented.

An onsite meeting was held with Rick Buys of the Contra Costa Risk Management Insurance Authority to discuss the City's liability risk. Mr. Buys said that as long as the City does not build a pathway down to the creek, the natural setting gives the City some immunity. He recommended the creekside fence slats be close enough to slow down a toddler. He said that signs should include the word "hazard" i.e. "Hazardous Natural Creek Conditions, No Access Allowed". The recommended Master Plan includes both of these measures, thus reducing the liability risk to a very low level.

Master Plan

The attached Master Plan for Leigh Creekside Park reflects public input, meets the community needs and provides a safe and enjoyable environment for the citizens of Lafayette. In addition, conditions will be restored to maximize the survival of the grand oak which is the centerpiece.

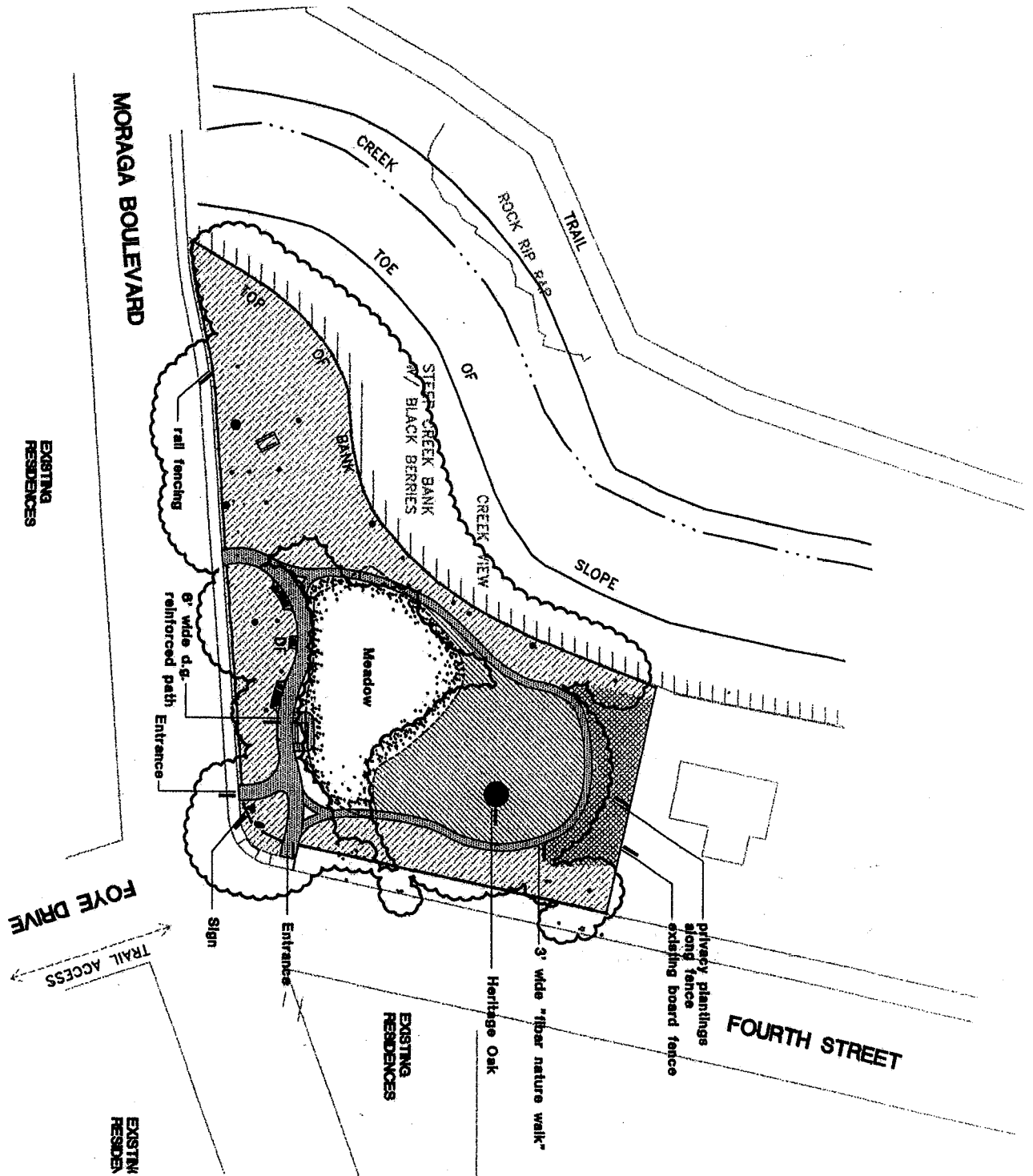
The Planning Department has informed us that publicly owned parks are permitted within an R-6 zoning district and therefore a Land Use Permit is not required. The project is categorically exempt from the CEQA per section 15304.

Recommendation

APPROVE THE LEIGH CREEKSIDE PARK MASTER PLAN AS PRESENTED BY PAUL NIEMUTH AND ASSOCIATES.

Attachments:

- Leigh Creekside Park Master Plan
- Legal Description
- Notes from public meetings at park site
- Comments from P.I.A.G. meeting
- Arborist's report



LEGEND

- ⊕ TRASH
- ☒ DRINKING FOUNTAIN
- ☐ PICNIC TABLE
- BENCH

— RAIL FENCING @ CREEK
w/ 2x4 WIRE FABRIC
STANDARD RAIL FENCING
AT BACK OF WALK

○ EXISTING TREES

PLANTING LEGEND

- ▨ PRIVACY/ SCREEN PLANTING
4-6' HIGH
- ▨ NON-IRRIGATED
HYDROSEED MIX
- ▨ IRRIGATED MEADOW
- ▨ NATIVE DROUGHT TOLERANT
PLANTINGS w/ MANUAL
IRRIGATION

Paul Nior
LANDSCAPE ARCHITECT
REGISTERED PROFESSIONAL
LANDSCAPE ARCHITECT
STATE OF CALIFORNIA
NO. 10000

0 5
METERS

DRAWN BY:
CHECKED BY:
DATE:
SCALE:
SHEET NO. 1
FILE NAME:

LEIGH OR
LAFAYETT

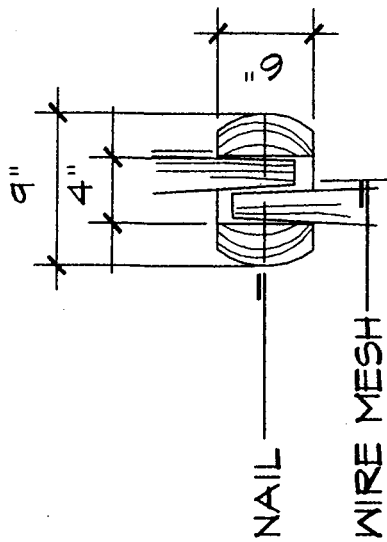


NOTE: ALL LUMBER TO BE DOUG. FIR
PRESSURE TREATED. ALL SIZING TO
BE APPROXIMATE.

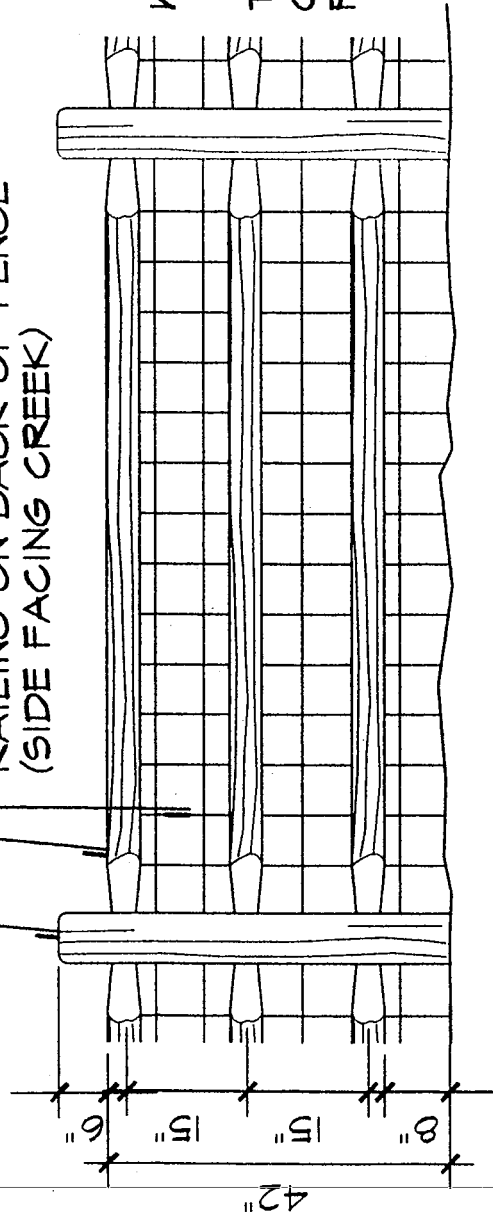
6"x9" APPROX. POST

2"x4" APPROX. SPLIT RAIL
TAPERED AT ENDS & SLOTTED IN POST

WIRE MESH STAPLED @ 2'-0"
RAILING ON BACK OF FENCE
(SIDE FACING CREEK)

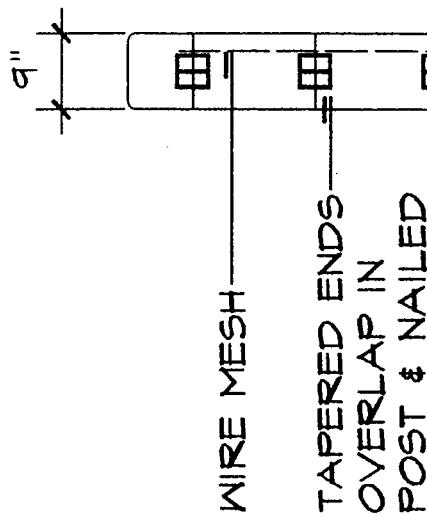


PLAN OF POST



POSTS & RAILS TO BE PREFAB.

FRONT ELEVATION



SECTION

3" GRAVEL BASE

2 1/4" DIA

SPLIT RAIL FENCE @ CREEK

NTS

EXHIBIT "A"

LEGAL DESCRIPTION

All that certain real property situated in the City of Lafayette, County of Contra Costa, State of California, described as follows:

Lots 9A and 10 to 13 of Block 8 as said lots and block are delineated and so designated on that certain Map entitled, "Map No. 1, Lafayette Homesites by the R.N. Burgess Company, a portion of the Rancho Laguna de los Palos Colorados, Contra Costa County California", filed in the office of the County Recorder of Contra Costa County, California, on the 5th/6th days of October, 1914, Map Book 12, Page 226.

Commonly known as: 959 - 4th Street
Assessors Parcel Nos.: 233-051-36
233-051-37
233-051-38
233-051-39
233-051-40

**Lafayette Parks & Recreation Commission
Minutes of the November 7, 1999 Special Meeting
Leigh Creekside Park Master Plan**

CALL TO ORDER

Chair Small called the meeting to order at 2:00 PM.

ROLL CALL

Present: Commissioners: Small, Sticha, Deal, Keegan-Twombly and Singer
Lafayette City Manager Steven Falk and
Lafayette Parks & Recreation Director Jennifer Russell
Landscape Architect Paul Niemuth
Neighbors: Jil Plummer, Evan Kieser, Janet & Mario Vicencio, Dick Jensen,
Jennifer Nadeau, Anina Hutchison and Tom and Diane Elliott

LEIGH CREEKSIDE PARK MASTER PLAN

Chair Small welcomed everyone and introduced the commissioners, Steve Falk and Paul Niemuth. She explained that we are beginning the Master Plan process which will establish the features of the park.

Paul Niemuth showed the group a plot plan with the existing trees, roads and creek. The plot plan also showed a potential pathway configuration that circled the park and had three separate entrances: one on Moraga Blvd. and two on 4th Street. Paul described the different materials that can be used for the paths, i.e. granite, dirt, asphalt. Several neighbors said they wanted a rural, natural setting.

ACCESS

The Vicencios expressed concern over the entrance that was nearest their home. Due to an existing problem of people partying at the end of the street, they believed an entrance near their home might encourage further problems. Jennifer Nadeau agreed and did not like the idea of a perimeter pathway. Shirley Siegel supported the use of walkways because they directed people to areas instead of allowing people to wander all over the park. Another neighbor supported a single entrance/exit so the park wasn't used as a short cut. The neighbors preferred the corner entrance at Moraga Rd. and 4th street. No one supported parking within the park. There was consensus that parking should be on Moraga Blvd. and that parking should be discouraged on 4th street. Jennifer Nadeau pointed out that casual carpooling is occurring on Moraga Blvd. and that a stop sign at Moraga Blvd. and 4th street is probably warranted.

USES

A neighbor asked if there were any conditions imposed by the previous owner. City Manager Falk said there were none other than naming the park after the Leigh's. There was consensus that dogs should be allowed but with safeguards such as signs that say "Dogs must remain on leash" and doggie pots, like at the Reservoir, be provided. Commissioner Twombly asked about picnic tables. The neighbors liked the idea of a couple of picnic tables but they were concerned about garbage and yellow jackets. There was overall consensus that trash receptacles

(CONTINUED ON NEXT PAGE)

are necessary but should look as natural as possible. City Manager Falk was concerned about trash pick-up which yielded the suggestion not to locate receptacles too close to the street to prevent overuse. There was resounding agreement that there should be no barbecues and no porta-potties. Evan Kieser shared his vision which included 2 picnic tables, one by the creek and one near the center of the park, a bench under the large oak and one overlooking the creek and paths leading to the tables and benches. Commissioner Singer asked if anyone was interested in play equipment, i.e. swings. One neighbor said he thought it was more important to provide natural areas for kids because there are several parks/schools with play equipment but few natural settings nearby. Other neighbors agreed. There was consensus that a split rail fence was preferred. Paul Niemuth asked about the character of the meadow. Parks & Recreation Director Russell was concerned over the maintenance required by turf - mowing, watering, fertilizing, aerating and didn't think it went with the natural setting. It was mentioned that there is a healthy population of raccoons and deer that could cause damage to turf. There was consensus about a more natural style of meadow. One neighbor suggested native grass and wildflowers. Jennifer Nadeau mentioned that local nursery schools and Las Trampas Center would frequently use the park. There was more discussion about the pathways. The Parks & Recreation Director preferred a wood chip path because it matched the existing ground cover and was easier to maintain than decomposed granite. She also believed it was best to start with minimal benches and picnic tables and see where pathways naturally develop. The group discussed access to the creek. There was consensus that, for safety reasons, access should be discouraged but that any fencing should accommodate the wildlife and meander naturally, not in a straight line. No one seemed to want a deck structure built onto the creek bank as a creek overlook.

SIGNING

It was agreed that the best sign location was between the two cork oaks at the corner of 4th and Moraga Blvd. The City Manager thought the sign should include a brass plaque describing who the Leighs were so that future generations would understand why the park was named after them. Everyone liked the markers that identified the many tree species. There was discussion re: making permanent markers.

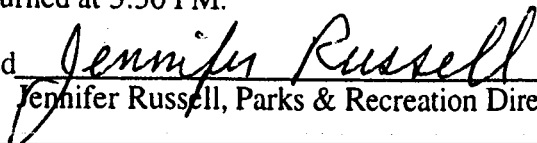
PLANTING

There was consensus that more trees, preferably natives, be planted and that the Vicencios be consulted about any trees that might be planted near their property because they did not want their view or sunlight obstructed.

Paul Niemuth will consider all of these comments and suggestions when he creates the Master Plan. Neighbors, as well as the general public, will be notified of future meetings.

The meeting was adjourned at 3:30 PM.

Respectfully Submitted


Jennifer Russell, Parks & Recreation Director

Notes from the February 24, 2000 PIAG Meeting

ATTENDANCE:

Present:

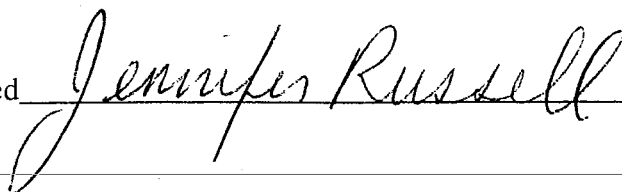
Ron Lefler, Public Works
Tom Lee, Design Review Commission
Jennifer Russell, Parks & Recreation
Kathy Small, Parks & Rec. Commission
Carol Singer, Parks Subcommittee
Paul Niemuth, Landscape Architect

Absent:

Jeanne Ateljevich, Landscape Architect
Mike Moran, City Engineering Dept.
Betsy Van Popering, Planning Dept.

- ❖ After reviewing the preliminary Master Plan that was presented by Paul Niemuth and Associates, the following action items were created.
- ❖ Paul Niemuth will contact Jeanne Ateljevich to discuss meadow planting and irrigation, protection of the oaks and overall site planting.
- ❖ The size of the "Leigh Creekside Park" sign shall be reduced. Jennifer Russell suggested that Paul Niemuth look at the Lamorinda Petanque sign as an example of a smaller, attractive, wooden sign.
- ❖ Paul Niemuth will recommend path materials that are accessible to wheelchairs and people with mobility challenges.
- ❖ Paul Niemuth will talk to Mike Moran regarding the need for a crosswalk, curb cuts in the existing sidewalk and overall accessibility issues. Paying for the costs of any street/sidewalk improvements will need to be worked out.
- ❖ Jennifer Russell will contact an arborist and schedule a time for an analysis of the large oak's health.
- ❖ Paul Niemuth will provide cost options for different types of fencing material.
- ❖ Kathy Small and Jennifer Russell will follow up with EBMUD regarding a donation of a water meter.
- ❖ The group agreed that there should be a public meeting at the park prior to presenting the Master Plan to the ~~Planning Commission~~ City Council.

Respectfully Submitted



Lafayette Parks & Recreation Department
Notes from the March 18, 2000 Public Meeting for the
Leigh Creekside Park Master Plan

Present: Council Member Erling Horn
Parks & Recreation Commission Chair Kathy Small and
Commissioners Kristopher Rasmussen, Carol Singer, Geoff Bellenger
and Fran Sticha
Lafayette Parks & Recreation Director Jennifer Russell
Landscape Architect Paul Niemuth
25 Neighbors (List on file at the Parks & Recreation Office)

LEIGH CREEKSIDE PARK MASTER PLAN

Parks & Recreation Director Russell welcomed everyone and invited them to ask questions and make recommendations concerning the first draft of the Master Plan. She introduced landscape architect Paul Niemuth.

Mr. Niemuth went over the features that had been recommended by the neighbors at the first, on-site meeting on November 7, 1999. These included:

- ❖ Retaining natural look
- ❖ Informal pathways using soft materials
- ❖ No walkways next to 4th street.
- ❖ A drinking fountain
- ❖ Trash receptacles
- ❖ No more than two picnic tables
- ❖ A natural looking meadow
- ❖ A small identification sign
- ❖ A privacy plant screen of low growing shrubs to act as a buffer for the nearest neighbor
- ❖ Doggie Pots (places to get and dispose of plastic bags)

Mr. Niemuth displayed a drawing and explained how the above features were incorporated. A neighbor said he had met an arborist who was looking at the large oak. The Parks & Recreation Director reported that the arborist had been hired by the City to review the health of the large oak. She further said the arborist's preliminary findings indicated that the property had been graded and a lot of dirt put on top of the root crown causing root rot. The arborist recommended getting a second opinion which has already been scheduled for next week.

Commissioner Bellenger asked if removal of the large oak would change the current plan. Hearing no definitive answer, the Parks & Recreation Director asked the neighbors if they would like another oak planted in its place. There was a general consensus to do this. There was another suggestion to plant two oak trees in its place.

A neighbor asked about the fencing. Mr. Niemuth showed a sketch of the proposed fencing and explained that the wooden fencing along the creek would also have wire as an added safety feature. The neighbors voiced approval. Other neighbors asked about signing. Parks & Recreation Director Russell said that signs

would be installed showing the rules, i.e. Open dawn to dusk, Dogs must be on a leash at all times, etc. She further explained that specific rules and policies would be set by the Parks & Recreation Commission and be based upon neighborhood comments. Neighbors were encouraged to write their suggestions and send them to the Parks & Recreation office.

A suggestion was made to study creek bank stability. The former property owner had installed structures to slow down erosion. Mr. Niemuth said that engineers have advised him that it can be better to repair a problem when it occurs rather than guess what the creek might do. He said that any future creek study would need to involve the City Engineer.

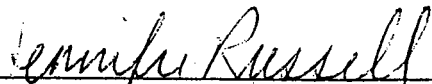
A suggestion was made to put the EBRPD trail on the park property and build a bridge across the creek thereby removing the trail from the road. Commission Chair Small said she had talked to EBRPD about development of the park and they had expressed no interest in doing this. She also said the cost of the bridge was prohibitive and not in the scope of the project. Other neighbors expressed strong opposition to this idea.

Commissioner Bellenger asked the neighbors what they thought about the current traffic situation and if a stop sign or additional crosswalks were warranted. A majority of the neighbors did not want a stop sign and believed the current crosswalks were adequate.

The neighbors applauded the design and believed it was a fair representation of their interests.

The meeting completed at 10:50 A.M.

Respectfully Submitted



Jennifer Russell, Parks & Recreation Director

→ P.S. TREE UPDATE: The large oak tree *will not* need to be removed. The rot that was found was superficial and the rest of the root system appears to be sound. Whew, what a relief!

Lafayette Parks, Trails & Recreation Commission
Minutes from Saturday, March 31, 2001
Leigh Creekside Park Study Session

Meeting on site at Leigh Creekside Park.

Present:

City Council Members Carol Federighi and Erling Horn

Parks, Trails & Recreation Commission Members: Kathy Small, Fran Sticha, Geoffrey Bellenger, Carol Singer and Kevin Twombly

Creeks Committee Members: Bill Robbins, Leonard Ratto, Carl Piercy and Jeff Gilman,

Friends of Lafayette Creeks Member William Hansen

City Staff Members Jennifer Russell and Fred Toth

Residents: Norma Ratto, Jennifer Nadeau, Alice McDevitt, Joan Allen J. Long and Mr. Jensen

Planning Commission Member: Jeanne Ateljevich

PTR Commission Chair Twombly called the meeting to order at 1:00pm. He explained that the purpose of the meeting was to discuss the appropriateness of allowing people access to the creek bank for educational and restoration purposes. Creeks Committee Member Carl Piercy said there is grant money through the Urban Streams Restoration Program and the Creeks Committee has submitted an application for educating children (primarily highschool students) about riparian systems and habitat. He said the Creeks Commission wanted to discuss creek bank restoration and erosion control at Leigh Creekside Park. Planning Commissioner Jeanne Ateljevich asked Mr. Piercy what the Committee's definition of "restoration" was. He said it was restoring the creek bank to its natural condition. Joyce Long, who lives close to the park, expressed concern about the effect plant removal and creek bed clean-up would have on the stream flow. She mentioned that changing the speed or direction of the water can cause erosion problems up or down stream. Another neighbor asked if the Department of Fish and Game will be consulted. Mr. Piercy said it would. Another neighbor asked if students would be allowed to go up and down the creek bank or restricted to a specific area. Mr. Piercy said they would be restricted to a small area to take water samples. Commissioner Sticha said that Leigh Creekside Park may or may not be the best public access location and that the purpose of this meeting was to encourage an open dialogue with city groups and park neighbors. Chair Twombly said we were a long way from making a specific recommendation to the City Council regarding using Leigh Creekside Park as a "riparian classroom". Those who were present

walked down the creek bank to look at specific sites. One was underneath the Moraga Blvd. overpass. Mr. Jensen, who lives close to the park, thought that allowing public access to the creek at this location was a bad idea because it would introduce more kids to a sensitive area where there is already a problem of teens using the area for illegal purposes. Planning Commissioner Ateljevich pointed out that most of the plants on the creekbank were non natives and that replacing them would need to be done very carefully so as not to strip the bank of the vegetation that's holding the dirt in place.

Chair Twombly thanked people for coming and said the Commission would be discussing this matter at a future meeting.

The Commission adjourned to its next regular meeting on April 11, 2001 at the Lafayette Community Center, 500 Saint Mary's Road, Lafayette, CA.

Respectfully submitted by Jennifer Russell, Parks & Recreation Director



March 28, 2000

City of Lafayette-Community Center
5000 St., Marys Road
Lafayette, CA 94549

Attn: Jennifer

Re: Large Valley Oak at the new park at 4th & Moraga Blvd.

Dear Jennifer:

On Monday, March 20th, Michael Baeksky who is a consulting arborist and myself inspected the root crown of the large Valley Oak. Because I found some fungal decay on my first inspection, I felt it was necessary to excavate the root crown deeper and do a more thorough inspection of this area with Mr. Baeksky.


Fortunately, we found that this decay was nearly all superficial and that there were only a couple of pockets of slightly deeper decay. It is our opinion based on what we were able to observe that the root system of the tree is relatively sound and healthy. No inspection of the canopy was done.

I have re-placed the excavated soil to a lower level which will be healthier for the tree. When landscaping for the park is done a trough should be dug from base of the tree to the creek or to the street to allow this lower area to drain.

As you know, no human activities should be encouraged under the tree's canopy and this area kept as natural as possible.

This inspection was done from ground level and hidden defects in the trees structure may exist that are not visible and thus not noted in this letter.

Respectfully submitted,


Lew Edwards
Certified Arborist #WC-3528

**C. Jennifer Russell, Parks and Recreation Director
Leigh Creekside Master Plan**

Jennifer Russell, Parks and Recreation Director, stated that it was her pleasure to present the Leigh Creekside Master Plan. She indicated that she has been very happy with the whole project. The neighbors have been behind it and very positive about it. She stated that Paul Niemuth is here and would give the Council an overview of the features.

Paul Niemuth, Landscape Architect, stated that this has been a positive experience for him as well. He noted that all the neighbors came out and supported what they were doing. He indicated that the basic concept for this park is to preserve the heritage oak tree. They did not want to do anything that had any sort of negative impact on that oak tree, and the park lends itself to preserving it. He stated that the residents were concerned about privacy. He indicated that they will have plantings that will provide privacy but not block views. They didn't want to provide access or encourage parking along 4th Street, which would further impact the already narrow streets. Therefore, they do not have walkways down that street. There is an existing walkway along Moraga Boulevard, which they are keeping. He noted that there are two entrances into the park. There is a handicapped walkway through the park and wheelchair-accessible benches and picnic table along that path. They have a nature walk in back of the oak tree so that an experimental garden can be put there as a place to educate kids about the types of plantings that could be around them in this area. He indicated that another benefit is having the creek and trail adjacent to that. He noted that there is a small sign at the entry. He advised that there will be two different types of fencing; one is a security fence along the top and bank of the creek, and the other is a rail at the back.

Mayor Strauss opened the public hearing.

Speakers:

CARL PIERCY, 923 Carol Lane. Mr. Piercy indicated that he is speaking as Chair of the Creeks Committee. He stated that he reviewed the plan but did not have an opportunity to attend any of the meetings. He indicated that since a creek goes by this parcel, his Committee has some interest in it. He was very glad to hear Mr. Niemuth talk about education of children. He advised that he has on their docket for next year, a plan for partnering with the Lafayette Art & Science Foundation to have a curricula which includes the Kids and Creeks aspect. He also has on the docket, plans to approach them with the idea of a demonstration planting along that bank. Mr. Piercy pointed out on the drawing that he does not have a problem with the fence that the neighborhood wants, to keep toddlers from falling off the bank. However, the Kids and Creeks program and every program he has heard of says that when you're teaching kids about creeks, you want to get the kids down in the creeks. He indicated that the policy of the City of Lafayette is they do not want kids down in the creeks, because there is going to be some liability in that. He commented that he has to laugh when the Council is discussing a skateboard park and putting money into that, but they can't let kids in the creek. Mr. Piercy believes that they need a little more realistic view of the potential liabilities in

such things. He is suggesting that there be a gate in the security fence so that organized groups can get down to the creek.

Mayor Strauss questioned if there is access from the other side. Mr. Piercy stated that there is access, but you have to go down underneath the bridge. He indicated that there is a natural trail that kids have made that comes up from the creek bed approximately 50 feet from the south edge of the property. He suggested that a gate be provided at that location with a public works lock on it so that groups and maintenance people could get down to that bank. He noted that he saw a drawing and specifications for the fence, and it is 42 inches high. He pointed out that if you have 42-inch rail and are sitting in a chair, you are looking right at the rail. He suggested dropping it down to 3 feet.

Vice-Mayor Samson asked why they would need a gate if they had a 3-foot fence. Mr. Piercy stated that the idea is to get the fence down low enough so it doesn't obstruct the view.

Mayor Strauss suggested hearing from Mr. Niemuth as to whether Mr. Piercy's suggestion is problematic. Mr. Niemuth stated that there is no problem with having a gate. It doesn't allow access but doesn't necessarily encourage access. He indicated that one of the City's concerns is unsupervised access and the lawsuits that could then happen. He stated that the height of the fence is really related to code and suggested discussing that with the risk management person. He noted that typically in public areas a 42-inch high railing is required, and that is why that fence is 42 inches high.

City Manager Falk indicated that in the scoping session he went to it was suggested there may be a bench somewhere along the top of the bank looking down into the creek. He asked if that dropped off of the plan. Mr. Niemuth replied that it did not necessarily drop off. He stated that it is going to take some exact placement and there was a lot of discussion about it. He indicated that a lot of these things need to be fine-tuned.

Councilmember Tatzin asked Mr. Niemuth if they developed a cost estimate. Mr. Niemuth stated that they looked at a budget for the fencing, and the number was around \$15,000. They had \$30,000 for a water meter, but he gathers they now can get that for no money. Ms. Russell clarified that they can get the water meter for a lot less money. Mr. Niemuth is not sure of what the actual number is. He believes it is around \$50,000. Ms. Russell indicated that there is approximately \$70,000 in the budget for this year. Mr. Niemuth noted that there are a few drainage things and a minor amount of irrigation. He believes they can conceivably come under that budget, depending on what is added during the design process.

Ms. Russell pointed out that the staff report was very clear on the fact that if you create pathways, that is where the liability starts. She noted that the skatepark is different, because people are doing those activities at their own risk. She believes the City needs to be careful about creating paths down to the creek.

Councilmember Horn believes it is reasonable to include a gate. There is no point in having a piece of City property that is not accessible by anyone with a fence. He feels there is a clear educational benefit to this for the community, and that is one of the reasons the park is there. He thinks they should have a gate there. He supports putting the fence at 36 inches, as long as risk management approves it.

It was M/S/C (Tatzin/Federighi) to approve the Leigh Creekside Master Plan as presented by Paul Niemuth with the amendments of including a gate to facilitate access for City staff and the reduction of the fence height to 36 inches, if Risk Management determines those amendments to be acceptable. Staff was directed to meet with Risk Management to determine if they view the addition of the gate and the reduction of the fence height as problematic. Vote: 5-0.



NOTICE OF EXEMPTION

FILED
JUL 18 2000
S.L. WEIR, COUNTY CLERK
CONTRA COSTA COUNTY
BY Silva DEPUTY

TO: County Clerk
County of Contra Costa
Martinez, CA 94553

FROM: City of Lafayette
Planning Services Division
P.O. Box 1968
Lafayette, CA 94549

Project Title: Leigh Creekside Park

Project Location: Corner of 4th Street and Moraga Blvd. Lafayette

Project Location : _____ Project Location: _____

Description of Nature, Purpose, and Beneficiaries of Project

Create a municipal park for Lafayette citizens.

Name of Public Agency Approving Project City of Lafayette

Name of Person or Agency Carrying Out Project Jennifer Russell, Parks & Rec. Director

Exempt Status: (Check One)

- Ministerial (Sec. 15073)
- Declared Emergency (Sec. 15071 (a))
- Emergency Project (Sec. 15071 (b) and (c))
- X Categorical Exemption. State type and section number.

Minor alterations to land, Guidelines Section 15304.

Reasons why project is exempt:

No buildings proposed. No grading. Essentially only landscaping and benches.

Contact Person	Area Code	Telephone	Extension
Jennifer Russell	925	284-2232	

If filed by Applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? YES NO

Date Received for Filing _____

Jennifer Russell
Signature
Parks and Recreation Director
Title