



**TOWN OF TIBURON  
PLANNING COMMISSION  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
Action and Approved Minutes  
Regular Meeting  
August 10, 2005 – 7:30 PM**

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## **ACTION MINUTES**

### **CALL TO ORDER AND ROLL CALL 7:30 PM**

Chairman Kunzweiler, Vice Chairman Fraser, Commissioner Aguirre, Commissioner Collins,  
Commissioner Snow **All Commissioners Present**

### **ORAL COMMUNICATIONS**

Persons wishing to address the Planning Commission on any subject not on the agenda may do so under this portion of the agenda. Please note that the Planning Commission is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Planning Commission agenda. Please limit your comments to no more than three (3) minutes. **There Were None**

### **COMMISSION AND STAFF BRIEFING**

Staff Update  
Commission Information Items

### **PUBLIC HEARING**

1. 215 BLACKFIELD DRIVE, FILE #10404; ACCEPT PUBLIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT, (DEIR) FOR A PROPOSED EXPANSION OF AN EXISTING RELIGIOUS FACILITY AND DAY SCHOOL (CONGREGATION KOL SHOFAR); Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34 **Public Comments Taken; Scheduled Meeting on 8/24/05 to Consider Preparations of Final EIR and Response to Comments 4-0**

### **MINUTES**

2. Planning Commission Minutes - Regular Meeting of July 27, 2005  
**Continued to 8/24/05**

**ADJOURNMENT 10:05 PM**

**APPROVED MINUTES NO. 920**

**PLANNING COMMISSION  
August 10, 2005  
Regular Meeting  
Town Council Chambers  
1505 Tiburon Boulevard, Tiburon, California**

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**CALL TO ORDER AND ROLL CALL**

Present: Chair Kunzweiler, Commissioners Aguirre, Collins, Fraser and Snow

Absent: None

Staff Present: Planning Manager Watrous, Environmental Consultant Charles and Meeting Recorder Flanagan

**ORAL COMMUNICATIONS**

There were none.

**COMMISSION AND STAFF BRIEFING**

Staff Updates:

There were none.

Commission Information Items:

There were none.

**PUBLIC HEARING**

- 1. 215 BLACKFIELD DRIVE, FILE #10414; ACCEPT PUBLIC COMMENTS ON THE DRAFT EIR (DEIR) FOR A PROPOSE EXPANSION OF AN EXISTING RELIGIOUS FACILITY AND DAY SCHOOL (CONGREGATION KOL SHOFAR); Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34**

Commissioner Snow recused himself from this item.

Planning Manager Watrous presented the Staff report and explained the role of this meeting in the overall review of the Environmental Impact Report and the conditional use permit for this project.

Chair Kunzweiler added that the purpose of this hearing is to receive comments on the Draft EIR.

The public comment period was opened.

Scott Hochstrasser, applicant's representative, stated that the EIR does a terrific job of sorting out the facts of potential environmental impacts, and he said that the document contains no surprises. He described efforts by Kol Shofar to thoroughly prepare the application and to meet with

neighborhood groups to hear the concerns of surrounding neighbors. He stated that the DEIR fails to properly identify the existing baseline level of use on the site and to show the differences between the existing use and the proposed project. He said that the project would not exceed the Town's thresholds for traffic, parking and noise. Regarding the impact of additional traffic at the intersection of Blackfield Drive and Tiburon Boulevard, he felt that the analysis in the DEIR did not properly discuss the amount of traffic, and he said that the mitigation required to improve this intersection was unwarranted. He stated that the Tiburon General Plan does not contain any policies related to vehicles turning around in streets, yet the DEIR states that this would be a significant and unavoidable impact of the project; he felt that this was an opinion of the EIR consultant because there is no threshold established for this impact. He said that the existing use permit for Kol Shofar includes restrictions on-street and onsite parking and that it is in the purview of the Planning Commission to deal with this issue. He felt that the Planning Commission should decide on this issue during its review of the merits of the project. He disagreed with the conclusions of the DEIR regarding noise impacts just because noise would be heard at neighbors' homes, as he felt that the data did not support this conclusion. He stated that any project alternatives described by the DEIR must be achievable and meet the basic needs of the project. He said that the restricted use alternative is one that is already addressed under the conditional use permit, which sets limits on the use. He said that further CEQA analysis was not necessary because the DEIR fully discloses any potential project impacts. He stated that questions of consistency with General Plan policies are best left to the Planning Commission. He said that the Final EIR would likely show less than significant impacts after future meetings and discussions with neighbors on these issues. He recommended moving forward with the preparation of the Final EIR, and noted that unless there is substantial new evidence, there is no need to recirculate the DEIR.

Diane Zack, president of Congregation Kol Shofar, gave a brief description of the congregation and its activities and the need for the proposed improvements. She said that no further environmental study was necessary, but she asked that the conclusions of the DEIR be modified. She said that there have been misunderstandings about the project, which is intended to allow Kol Shofar to continue its current uses. She said that Congregation Kol Shofar has been a good neighbor and has complied with the conditions of its conditional use permit. She acknowledged that concerns in the neighborhood about late night activities, which would comprise a small percentage of the overall activities of the congregation. She stated that the maximum capacities of the facilities, as stated in the DEIR, do not reflect the normal activities on the site. She said that members will continue to meet with neighbors to resolve any issues.

Rabbi Levi Darby, senior rabbi at Congregation Kol Shofar, stated that the DEIR adequately states the facts of the proposed project. He stated that it is Congregation Kol Shofar's greatest desire and religious need to hold morning High Holy Days services in the morning. He said that the multipurpose room would provide seating for their community for morning services in the morning and in the evening for evening services. He said that he has spoken with neighbors about their fear of the project, and some of them say they will be inconvenienced, which he said would, in part, be true, although the extent of inconvenience is yet to be determined. He believes that continued dialogue with the neighbors regarding the project will be able to reduce any substantial inconvenience and make the neighbors comfortable.

Roger Beers, attorney representing the Tiburon Neighborhood Coalition, stated the neighbors do not want to stand in the way of the services or dynamic growth of Kol Shofar, but feel that this proposal would create unacceptable impacts to the surrounding neighborhood. He said the recirculation of the DEIR may be necessary to remedy deficiencies in the analyses. He stated that the DEIR does not

address the impacts of increased membership and usage beyond the current levels. He said that Congregation Kol Shofar's membership has tripled during the last 20 years, and that new facilities would likely attract additional members. He stated that the DEIR should not be allowed to dismiss that information by calling it speculative, and should base its analysis of potential impacts on the capacities of the proposed facilities. He said that one of the applicant's project objectives is for the project to anticipate growth. He stated that CEQA does not allow an agency to put on blinders about future impacts, and that the traffic, noise and parking impacts generated by the new facilities would further increase in the future. He said that the full spectrum of impacts of the project must be considered. He said that the neighbors are concerned about late night activities and that the traffic impacts are not adequately analyzed in the DEIR. He said that certain specific locations of potential traffic impacts were not analyzed. He recommended that the TIRE index method be used to analyze impacts on intersections. He felt that parking deficiencies on site would be significant impacts because they do not comply with Town code. He said that the DEIR should include an alternative calling for all parking to be accommodated on-site. He was concerned that a baseline of noise was not established, and said that ambient noise increases in specific areas must be considered.

Ida Gelbart, Congregation Kol Shofar member, stated that Congregation Kol Shofar is her extended family. She said that the spiritual setting around Kol Shofar surpasses its environmental setting. She spoke about Kol Shofar's the need to upgrade its facilities, taking into consideration its friends and neighbors.

David Holden, president of Tiburon Hills Homeowners Association, stated that traffic issues were inadequately addressed in the DEIR. He said that the proposed improvements to the left-hand turn lane from Tiburon Boulevard to Blackfield Drive need to be reviewed by Caltrans. He said that the DEIR describes Blackfield Drive as a dead end, but the street connects with Via Capistrano and serves upper Reed Ranch Road homes. He said that the rise in the street in front of Kol Shofar is more significant than described in the DEIR. He said that there are currently problems with cars coming down the street exceeding the speed limit and limited sightlines. He was concerned that queues of vehicles from the parking lot will cause queues to form on Reedland Woods Way. He said that there are traffic safety problems due to a negatively banked corner on Blackfield Drive that are not addressed in the DEIR. He said that traffic queues would also be formed for people trying to leave the Cove shopping center. He said that it is critical that emergency vehicles are able to get in and out of the area, particularly when events occur at Congregation Kol Shofar. He said that the fire district has not discussed this project with Kol Shofar or its representatives.

Julie Jacobs, neighbor and Congregation Kol Shofar member, stated that Kol Shofar wants to be a good neighbor and a blessing to the community. She said that the proposed large meeting space could serve the community. She said that Blockbuster Video and the expansion of Bel Aire School have added to the traffic in the neighborhood over the years. She stated that Kol Shofar wants the project to be the least intrusive and most considerate for the neighborhood.

Dennis Klein, Congregation Kol Shofar member, noted that many congregation members are present at the meeting. He said that Kol Shofar wants to be a good neighbor in a way that works for everyone.

Christianna Seidel, Tiburon Neighborhood Coalition, stated that there is significant disparity between the parking supplied by Kol Shofar and what is required by the Town for places of assembly. She said that the times when the parking would be exceeded would create conflicts with the health, safety and welfare of the surrounding neighborhood, which would not be in harmony with

the residential character of the area. She said that the DEIR needs to include viable alternatives such as downsizing the facility to the amount of provided parking. She said that the growth of the congregation should be addressed in the DEIR because it will have impacts over time. She stated that she spoke to the Southern Marin Fire District, which has submitted a memo that indicates there would be significant impacts on emergency services caused by the project.

Christopher John Harney gave a history of the development of the neighborhood, particularly Vista Tiburon. He said that Kol Shofar has outgrown its facility.

Edward Baker stated that the DEIR needs to include information on how the noise measurements were done. He said that the baseline noise measurement was 57 decibels, but was done on the day when garbage was being collected in the neighborhood. He felt that the DEIR was unclear on the noise levels for future events. He said that the DEIR does not state if the multi-purpose room would be acoustically sealed and whether windows would be openable. He said that the DEIR did not measure noise from cars starting their engines at night. He said that creeping degradation has occurred in the neighborhood, and he felt that the proposed expansion would continue that degradation.

Linda Hill stated that she has lived with noise from construction at Bel Aire School, but has accepted this because the school will be in a better state to educate children in the community. She said that houses of worship complete the picture of desirability in neighborhoods and improvements to such facilities are a good thing. She said that Kol Shofar has been a good neighbor for many years and is in need of improvement and expansion.

Jerry Behr, Congregation Kol Shofar member, described the mission of Congregation Kol Shofar stated. As a teacher at Kol Shofar, he said that the excessive heat and cold in classrooms, due to the building being old, make it difficult for learning. He said that Kol Shofar will act as a good neighbor.

Tim Metz stated that biological resources were overlooked in the DEIR. He stated that endangered species exist on Ring Mountain and that there could be migratory species living in the trees on the site that are proposed to be removed.

Robert Basra, Congregation Kol Shofar member, stated that holding only one service on High Holy Days would diminish the time in which impacts of cars in the neighborhood would be felt.

Kurt Kaull, Tiburon Neighborhood Coalition, stated there needs to be a grading plan along with a drainage plan. He said that there needs to be a better lighting plan so the neighbors can better understand lighting issues. He said that light intrusion study is an issue now and needs to be better addressed in the DEIR. He said that the neighbors are scared about the proposed activities on 35 to 40 weekends each year and what this level of activity will do to the neighborhood. He was concerned about unmitigatable impacts that would affect the quiet and peaceful neighborhood. He said that the neighbors do not want to impede Kol Shofar but are very concerned.

Michael Rubenstein, Congregation Kol Shofar member, stated that the facility is a pretty quiet place most of the time, with some activity on weekends, some evenings and with occasional events. He said that most of Kol Shofar's growth happened at one time when a new rabbi was hired, and could not be extrapolated into the future. He said that demographic trends indicate that the Jewish faith population and participation in the Jewish community are shrinking. He felt that something can be

worked out that will be reasonably acceptable to everyone, and if everyone walks away slightly unhappy, then a good solution will have been reached.

Larry Stadler, Congregation Kol Shofar member, stated that the DEIR lists potential methods of mitigation any impacts of the project. He recommended that the DEIR be certified.

Jeff Saperstein, Congregation Kol Shofar member, stated that when Kol Shofar first purchased this property, most of the surrounding homes did not exist. He said that there is a need for balance between private property rights and civic organizations. He said that homeowners knew the synagogue was there when they bought their homes. He stated that not all Kol Shofar activities occur onsite, and he presumed that this will continue when the proposed project is built. He said that if there is a problem with parking, there should be mitigation.

Len Rifkind stated that he supports the project and certification of the DEIR. He said that the DEIR discloses what the Planning Commission needs to know about impacts on environment and provides mitigations for the impacts. He said that there is no information that there will be a massive increase in the membership if the facility is brought up to current standards.

Mindy Cantor stated that she is concerned about the construction of a facility that could hold up to 1,000 people. She said that during gatherings at Kol Shofar, she hears music in her living room. She said that the potential for very large events in a very quiet neighborhood concerns her. She said that she was glad that weddings and bar mitzvahs are currently held elsewhere. She suggested that perhaps a smaller facility would meet the needs of Kol Shofar and maintain the quality of life in the neighborhood. She was concerned there will be very active use of the property, as opposed to the currently, mostly passive, use.

Logan Boles stated that the neighborhood has lived with a school that was closed, and then became a temple, resulting in more traffic, parking problems and noise to the neighborhood. He said that Kol Shofar has not always been a good neighbor. He asked that the Planning Commission alleviate noise, traffic and parking problems that have been brought to the neighborhood. He said that these activities bring disruption in their lives on weekends and nights.

Roy Gordon, Congregation Kol Shofar member, asked if there is more data that has been gathered to help resolve the questions. He said that the issues will not be resolved by more data, but instead that the Town just needs to move on with a solution. He felt that this was a social issue, and not one solved by science.

Samantha Winter asked that better photosimulations be provided that illustrate what the project will look like from the neighborhood's streets.

Jared Polsky, Congregation Kol Shofar member, stated that collecting more data is not the point. He said that Kol Shofar's building committee has been in discussion with the neighbors, and that this is an ongoing process to find common ground.

Andrea Leisy, attorney representing Congregation Kol Shofar, stated that a recent review of the use permit by the Planning Commission found Kol Shofar to be consistent with the surrounding neighborhood. She said that substantial evidence in the traffic analysis supports the conclusions in the DEIR. She said that the Planning Commission has the authority to decide upon the levels of parking required. She noted that Kol Shofar's existing traffic and parking management plan, which

includes a shuttle plan and carpooling, would continue to be implemented. She stated that onsite parking is adequate most of the time. She stated that CEQA requires a substantial increase over today's noise levels to be considered a significant impact, and that situation will not happen. She said that the recirculation of the DEIR is only required when substantial new information has been presented, and that is not the case in this instance. She said that Kol Shofar will continue to work with its neighbors to alleviate their concerns.

There being no further comments, the public comment period was closed.

Commissioner Collins stated that he was struck by the civility of the attendees of this meeting, and felt that everyone appears to want to be a good neighbor. He said that the Planning Commission needs to have enough information to make an informed decision. He said that he wanted to see additional information in the report, including a lighting plan; a headlight intrusion plan; a valet parking plan; and an offsite parking plan. He said that more data was needed on the growth of the congregation, and that there should be a better way to extrapolate growth. He said that the noise study does not deal with noise made at night. He said analysis should be done on the parking impacts of Kol Shofar's activities on weekends when neighbors entertain. He said that there are no counts of how many people turn or back up on the streets. He said that an alternative should address the possibility of moving the driveway location from Reedland Woods Way to Blackfield Drive. He said that he would submit additional written comments.

Commissioner Fraser stated that he did not have enough information on the three key issues of traffic, parking and noise. He extrapolated numbers of car trips on an annual basis and said that the numbers felt significant. He said that he needed help understanding how this would not impact the neighborhood. He said that at its last conditional use permit review Kol Shofar said that they were going to work harder to resolve parking issues. He said that the changes that would occur with the proposed project would make the situation worse. He stated that the noise consultant should dig deeper and better analyze noise problems. He was unsure whether he had enough information to move forward with the preparation of the Final EIR at this time.

Commissioner Aguirre stated he has not read or heard of any new information that would require recirculation of the DEIR. He said that he was comfortable with the information presented. He felt that the way lighting was addressed in the EIR was adequate. He said that more information was needed on the issue of growth. He said that Kol Shofar can currently host many of the proposed uses, but logic would dictate that the kind of facility proposed would lead to some increase in events and activities. He wanted to better understand the connection between current and future uses. He stated that the alternative section was not adequate, and that other alternatives, such as a driveway off Blackfield Drive or a smaller multi-purpose room, should be considered. He said that he needed to know how the baseline of the noise study was established, as this affects the conclusions of the DEIR.

Environmental Consultant Charles stated that if the noise measured was higher than normal, an already noisy environment would not seem to be increased that much by a new project. On the other hand, if the baseline measurement was to lower, a project would appear to have a greater increase over the ambient noise levels.

Chair Kunzweiler emphasized that the nature of the CEQA process is not an infinite collection of data, but more data is needed to find a good, workable alternative that will create the best possible solution. He said that everyone agrees that Kol Shofar and the neighbors need to come out of this

with a win-win situation. He said that Kol Shofar's position is that they trying to continue their use with a better facility. He acknowledged that their facilities need to be upgraded, but said that the size of the multipurpose room is the lightning rod for the project. He stated that the projected uses of the multi-purpose room would result in more traffic, noise and parking. He believed that there are more than two significant unavoidable impacts for the project, as many as eight. He said that mitigations based on studies to be made in the future may not be appropriate for dealing with hydrology and the intersection of Tiburon Boulevard and Blackfield Drive. He said that the line of sight on the driveway leading from Ring Mountain Day School needed to be evaluated. He said that the duration of construction was unclear, and whether it would be built in one phase or over many years must be discussed in terms of construction noise. He said that a headlight study and alternatives to lights shining into bedrooms must be discussed, and a lighting plan should deal with potential light pollution. Regarding noise, he said that it is the spikes, not the averages, that create annoyances, and that the Commission needs a reasonable idea of what is going to happen with the project.

Planning Manager Watrous noted that at the follow-up meeting on August 24, the intent is not to reopen the hearing but for the Planning Commission to determine if it is appropriate to proceed forward with responses to comments and a Final EIR or if there is substantial, significant new information that requires recirculation of the DEIR. He said that additional information requested by the Commission can include additional alternatives to be prepared as part of the Final EIR. He said that unless there is substantial new information that has not been considered by the DEIR, the recommendation would be to prepare the Final EIR and response to comments.

Chair Kunzweiler asked how Staff will learn of any changes arising from discussions between the neighborhood and Kol Shofar. Planning Manager Watrous responded that the DEIR attempts to paint a worst case scenario; if compromises are made, they will likely lessen impacts. He noted that public comments will be received between now and August 15, 2005.

Commissioner Collins noted that it did not appear that the Commission was asking that the DIER be recirculated; rather, gaps must be filled in.

Commissioner Fraser asked if the comment period could be extended to accommodate the obviously high level of interest in this project. Planning Manager Watrous stated that the comment period could be extended by one week. He noted that many detailed comments have already been received, which leads him to not expect additional comments from the major parties involved with this project. He stated that Staff would be uncomfortable modifying the CEQA-mandated review period.

**M/S, Collins/Fraser (passed 5-0) to schedule a follow-up meeting for this item for August 24, 2005.**

## **MINUTES**

### I. Planning Commission Minutes – Regular Meeting of July 27, 2005:

This item was continued to the next meeting.

## **ADJOURNMENT**

The meeting was adjourned at 10:05 p.m.

**Action and Approved Minutes – Planning Commission Meeting**  
August 10, 2005

JOHN KUNZWEILER, CHAIRMAN

ATTEST:

DANIEL WATROUS, SECRETARY