



**TOWN OF TIBURON
PLANNING COMMISSION**
Tiburon Lodge
1651 Tiburon Boulevard
Tiburon, CA 94920
Regular Meeting
Action and Approved Minutes
May 10, 2006 – 7:30 PM

ACTION MINUTES

CALL TO ORDER AND ROLL CALL 7:40

Chairman Kunzweiler, Vice Chairman Fraser, Commissioner Aguirre, Commissioner Collins, Commissioner O'Donnell **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. 4144 PARADISE DRIVE: REQUEST TO MODIFY PREVIOUSLY APPROVED PLANS TO CONSTRUCT A FIXED PIER AND FLOATING DOCK; CONDITIONAL USE PERMIT #10602; Peter Paul, Owner; Noble Consultants, Applicant; Assessor's Parcel Nos. 038-171-75 and 76 **Approved 5-0**

UNFINISHED BUSINESS

2. 215 BLACKFIELD DRIVE: REVIEW OF FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND CONSIDERATION OF CONDITIONAL USE PERMIT PROJECT MERITS 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 **Continued to May 31, 2006 5-0**

MINUTES

3. Planning Commission Minutes - Special Meeting of April 24, 2006 No Action Taken
4. Planning Commission Minutes – Regular Meeting of April 26, 2006 No Action Taken

ADJOURNMENT **11:45 PM**

**MINUTES NO. 935
PLANNING COMMISSION
May 10, 2006
Regular Meeting
Main Sail Ballroom, the Lodge at Tiburon
1651 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL

Present: Chair Kunzweiler, Commissioner Aguirre, Commissioner Collins, Commissioner Fraser and Commissioner O'Donnell
Absent: None
Staff Present: Community Development Director Anderson, Planning Manager Watrous, Planning Consultant Newman, and Meeting Recorder Williams

ORAL COMMUNICATIONS

COMMISSION AND STAFF BRIEFING

Staff Updates:

Community Development Director Anderson noted that the May 24 meeting would be cancelled and that the next Planning Commission meeting is scheduled for June 14, 2006 with the possibility of a special meeting on May 31, 2006.

COMMISSION INFORMATION ITEMS

There were none.

PUBLIC HEARING

1. **4144 PARADISE DRIVE: REQUEST TO MODIFY PREVIOUSLY APPROVED PLANS TO CONSTRUCT A FIXED PIER AND FLOATING DOCK; CONDITIONAL USE PERMIT #10602; Peter Paul, Owner; Noble Consultants, Applicant; Assessor's Parcel Nos. 038-171-75 and 76**

Planning Manager Watrous noted that the current plans were a modification of the plans previously approved on May 16, 2006 that incorrectly showed the pier and dock location outside the Tiburon town limits. The plans have been modified to place the pier and dock within Tiburon. Planning Manager Watrous also noted that the design of the dock has not changed and that there have been no

complaints from neighbors. Planning Manager Watrous finally recommended that the Planning Commission take testimony on the item.

Scott Noble, applicant noted that the plans were modified to place the dock within Tiburon Town limits and asked if anyone had questions.

M/S Commissioner Collins/Commissioner Aguirre (5-5-0)

UNFINISHED BUSINESS

2. 215 BLACKFIELD DRIVE: REVIEW OF FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND CONSIDERATION OF CONDITIONAL USE PERMIT PROJECT MERITS 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) (Continued from April 24, 2006)

Chair Kunzweiler noted that due to the number of speakers and time limitations only twelve names would randomly be picked by the officer on duty to address the Planning Commission.

Lisa Newman touched on two key aspects covered in the Staff Report; Alternative 7 and the Multi-purpose Room. Ms. Newman reported that the draft Conditional Use Permit incorporates the Alternative 7 version of Table 1 which identifies both new and proposed events as the baseline for the new Use permit. Ms. Newman noted that the baseline establishes the maximum numbers of attendees, days and times of “activities” and “events” during the week. Ms. Newman also noted that in order to mitigate traffic and noise impacts identified in the EIR, Condition #5 of the draft CUP limits the total numbers of attendees for any new events to 250 people, and limits the times for new weekend night events to 9:00PM for new Sunday events and 11:00PM for new Saturday night events. When larger, existing events occur, Conditions #4a and #7 in the draft CUP require specific traffic control measures be utilized. Ms. Newman also noted that the proposed 9,733 square foot Multi-purpose Room is a large space that is intended for lifecycle celebrations and to accommodate the entire congregation during High Holy Days services. Although the space is sized to hold very large gatherings, the staff recommendation to limit the maximum number of attendees at all newly proposed events to 250 means that the facility would be “fully” utilized only on the High Holy Days, three days per year when the proposed combined services would allow up to 1,500 people in attendance at a combined service or 750 people per split service. Ms. Newman also noted that the next largest gatherings, after the High Holy Days, are the existing services on weekend mornings that are currently attended by up to 400 people. Ms. Newman further noted that according to the FEIR Alternative 7 Table 1, the Multi-purpose Room would be used for a number of smaller existing and proposed events each week, even though the room would not be fully utilized. Ms. Newman noted that the list of activities/events proposed for the Multi-purpose room as shown in Table 1 of Alternative 7 overlap. Ms. Newman noted that staff has not made a recommendation about the appropriateness of the proposed size of the Multi-purpose Room, but has focused on use restrictions such as setting caps on the number of attendees and the frequency and duration of such events, which are linked to providing adequate parking onsite and minimizing noise impacts on adjacent neighbors. Ms. Newman finally noted that if the Planning Commission concludes that the sheer size of the Multi-purpose Room is not in character or harmony with surrounding development, or is otherwise inappropriate for the residential setting, it could choose to reduce the size on General Plan and Zoning policy grounds.

Commissioner Collins asked about two letters received on May 8 from the Tiburon Neighborhood Coalition's traffic engineer and sound consultant that disagree with the traffic and sound conclusions based upon Alternative 7 and whether the Coalition's consultants' conclusions had changed the Town's EIR consultant's conclusions as to the impact of the traffic and noise found in the FEIR. Leonard Charles responded that the conclusions of the FEIR analyses for traffic and noise had not changed.

Ron Brown, immediate past President of Congregation Kol Shofar, spoke about traffic measures that were put into place last Saturday during an event that had 700 attendees and triggered CUP traffic control conditions. Mr. Brown noted that shuttle service was provided, letters were sent to neighbors informing them of events, and parking was provided at Tiburon Baptist Church. Mr. Brown presented photographs showing no parking on residential streets.

Tiffany Wright, attorney for Kol Shofar, explained that the Conditional Use Permit being considered was for a Multi-purpose Room, four additional classrooms, and twenty-two additional parking spaces. Ms. Wright also noted that the current Conditional Use Permit has no limits on events. She also noted that the only difference between Alternative 7 and the proposed project is that Alternative 7 will have the same impacts to a lesser degree; therefore any suggestion that more review is necessary really misses the mark as far as CEQA is concerned. Ms. Wright finally noted that Kol Shofar requests the Commission to reconsider mitigation measures regarding the Tiburon Drive and Blackfield Drive intersection as it pertains to occasional back ups due to the project and that the applicant add seven additional parking spaces. Ms. Wright noted that limiting new events to 250 people provides adequate parking.

Steven Volker, attorney for the Tiburon Neighborhood Coalition, spoke of the very substantial negative aesthetic impact of the seven hundred guest event and submitted photographs of the tent that was the size of the proposed building. Mr. Volker noted that the proposed building is very substantial and also submitted photographs taken at 10:53 AM on Vio Los Altos of cars making unsafe turnarounds on adjacent streets which would be a significant safety hazard at night. Mr. Volker also noted that there seems to have been fundamental gaps in analysis of this project and urged the Planning Commission to take a close look at the process. Mr. Volker also noted that one key point missing in the EIR analysis was the availability of alternate sites outside the town of Tiburon. Mr. Volker asked the Commission to ask Kol Shofar to examine off site options. Mr. Volker expressed there was a gap in the analysis with regard to establishing the maximum permitted usage of the existing facility, maximum additional usage that might take place in the existing facility, the EIR's failure to project reasonable growth in the congregation size and facility usage in the future, failure of traffic analysis that was presented with Alternative 7 to speak in certain terms about mitigations and the informality of some of the mitigations, the sharp criticism from a noise expert with 20 years of experience who stated that the Town's use of the LDN metric was inappropriate in this case.

The public comment period was opened.

Margaret Kirby, lives directly across from Kol Shofar, stated that she has been impacted most by parking and noise and feels that the parking issue needs to be resolved in a permanent way; signs are nice but will push the problem down the street. More parking is needed onsite. Ms. Kirby also expressed that during the 700 guest event she could hear specific voices in her backyard, people

were walking the streets, and at night events people would be walking through the neighborhood making noise.

Satoshi Tanaka, lives near corner of Blackfield Drive and Karen Way, expressed that a lot was done to mitigate parking but there was no parking near his house for guests on Saturday due to the 700 guest event at Kol Shofar. Peak noise is his main concern as well as traffic safety at Karen/Blackfield Drive intersection where people are not observing stop signs. He is not comfortable with the increase in traffic.

John Nygren expressed concern about monitoring and enforcement of the CUP. He finds Alternative 7 confusing. If you are only looking at new events, how do you monitor the existing ones? His big concern is creeping growth year-by-year. Events lasting until 11:00 p.m. on Saturday nights are later than other facilities in Town and should be limited to 9:00 p.m.

Michael Rubenstein, member of Kol Shofar and resident of Tiburon for 28 years, stated that experts agree Alternative 7 mitigates impacts and gave examples of parking exemptions that San Francisco offers on weekends to support its citizen's religious life.

Betsy Rosenberg expressed that she has an environmental radio show and is also a member of the Kol Shofar building committee expressed that the proposed facility will have limited environmental impact.

Joel Rich, Kent Woodlands, member of Kol Shofar for 14 years noted that comments made by the opposition are not accurate, as there are no homes near Tiburon Baptist Church, the funeral of the husband of the former mayor was occurring at the same time as the 700 guest event which added to the parking demand. Mr. Rich also noted that synagogue has had no congregational growth in the last seven or eight years. Mr. Rich reminded the Commission that Bar Mitzvahs are for 13 year olds and not adult parties. Finally, Mr. Rich noted that the proposed building will be noise-secure and that during evening and later events the windows will be closed as those events are held in the winter. .

Enid Rubin, lives two blocks from Kol Shofar and a member of Kol Shofar, noted that there is not unanimous opposition to the temple in the neighborhood. Ms. Rubin noted that she lives above Bel Air School, which has just expanded and there were no community hearings or opportunity to give input. Finally, Ms. Rubin noted that Bel Aire School has loud speakers that produce noise outside of the building and that there is lots of traffic and night time events at Bel Aire School and no one complains about it.

Virginia Brunini, lives between Bel Aire School and Kol Shofar, noted that she doesn't object to Kol Shofar, it's the size of the expansion and number of cars proposed, not the purpose of the expansion that is her concern. Ms. Bernini stated that she is also the past President of the Neighborhood Homeowners Association. She noted that project would overwhelm Bel Aire and asked the Commission to entertain a project that will contain the parking within the project or provide shuttle to available parking.

Larry Duke, former Planning Commissioner, former Town Council member and former mayor, submitted written comments and made points that in 1984 when he was Mayor he clearly told Kol Shofar that the site was not appropriate for expansion. Mr. Duke also noted that the Town worked

hard with Kol Shofar fifteen years ago and that neighbors were promised that they would be protected from any expansion.

Lee Kranefuss, lives immediately next to Kol Shofar, stated that his family bought the home due to the walking distance of Kol Shofar but left Kol Shofar because of the friction in the neighborhood. Mr. Kranefuss noted that chanting and singing is a positive addition to the neighborhood, but the traffic and sounds of traffic are significant issues. He stated that the discipline shown in parking for last weekend's event is rare. Mr. Kranefuss noted that he has offered to work with Kol Shofar on those issues. Finally, Mr. Kranefuss questioned Alternative 7's effectiveness and encouraged the Commission to think of the area as a residential neighborhood.

Samantha Winter, lives across the street from Kol Shofar, stated that she is concerned about the size of the Multi-purpose Room, suggested High Holy Days remain split or held at an alternate location. Ms. Winter also suggested remodeling the existing square footage and said that the tent was an eyesore. Ms. Winter also feels like parking is an issue as there are Kol Shofar members who park in front of her house. Ms. Winter also stated that there is already a preschool with 100 children rented by Ring Mountain and suggested that Ring Mountain find a new facility. Finally, Ms. Winter noted that events after 9:00 PM are way too late in a residential area.

Susan Goldwasser, member of Kol Shofar, has three children lives in the neighborhood and feels Alternative 7 represents an unnecessary expansion. Ms. Goldwasser noted that events can be held offsite or a portable tent could be set up. Ms. Goldwasser also noted that parties are not religious events and can happen at alternative locations. She stated that the neighborhood has been accommodating and doesn't need new traffic and noise impacts. Finally Ms. Goldwasser noted that eighty percent of Kol Shofar congregants live outside of Tiburon.

The public hearing was closed at 9:00 pm.

Commissioner Collins noted that existing facility has 10,000 feet of mechanical rooms, and questioned if 10,000 feet was necessary to house the mechanical equipment. Mr. Brown noted that 6,000 feet of space is in the attic above the ceiling and is only accessible by crawling.

Commissioner Collins also asked about Samantha Winter's comment regarding the new preschool and Mr. Brown noted that the addition was in the original application and the additional fifty students would be a Kol Shofar sponsored school in collaboration with Ring Mountain who has the expertise to run the preschool.

Commissioner O'Donnell asked about amplified music that might result from evening activities and Mr. Brown noted that they have been assured by architects that it is possible to keep noise inside the building.

Commissioner O'Donnell asked if Kol Shofar has made the best effort to optimize parking onsite and Mr. Brown noted that they are willing to do more to help mitigate parking problems. Diane Zack noted that other measures that can be undertaken to improve the shuttle service and educating the congregation.

Commissioner O'Donnell asked if Kol Shofar was on its best behavior at the Saturday 700 guest event, or if the effort was in good faith and Mr. Brown noted that the large event was the first time the traffic mitigation had been put into effect.

Commissioner O'Donnell asked about goals and true plans for Kol Shofar growth five and ten years down the road to which Mr. Brown replied the presented plans were not building for growth.

Diane Zack noted that there is no five year plan and that the congregation is not planning for growth.

Commissioner O'Donnell asked if the Conditional Use Permit being requested tonight will be satisfactory in five years or will Kol Shofar come back and ask for an amendment, to which Ms. Zack answered yes and that there is the possibility that the Conditional Use Permit will evolve due to needs of neighborhood.

Commissioner Fraser asked if High Holy Days have ever been held at other locations and Mr. Brown noted no as Kol Shofar is unable to find a location in Marin. Mr. Brown noted that the only available place is the Veterans Auditorium which is used by R. Shalom. He also noted that Kol Shofar has looked very carefully at other alternatives.

Commissioner Fraser asked about the original Conditional Use Permit mentioned by former Mayor Duke and Mr. Brown replied that there are no restrictions in the original Conditional Use Permit and that available documentation does not mention any restrictions mentioned by Mr. Duke.

Commissioner Aguirre asked about the impact of traffic with the addition of a new preschool and fifty new children, requested capacity of the Multi purpose room being that there is no option to open up the room to one large space and for clarification about events being held only seven months of the year.

Rabbi Derby explained the Jewish Law regarding the Sabbath. In response to Commissioner Aguirre's inquiry as to why Kol Shofar hasn't found ways to hold events according to Jewish Law prior, Rabbi Derby noted that for the last twelve to fourteen years a task force has been assigned to locate space to no avail.

Chair Kunzweiler asked from CEQA standpoint what other alternatives were considered and Tiffany Wright responded the availability of offsite alternatives was researched. Mr. Brown also noted that a three year period was spent looking at alternatives.

Chair Kunzweiler asked about proposed site and size of the multi-purpose room and lobby and Mr. Brown noted that the assembly space is 4500 square feet due to the High Holiday and sit down dinner events and that the large lobby is a gathering point and will be the lobby for the sanctuary as well.

Rabbi Derby noted that the driving need is to be able to seat 750 people theater style and that the room enables the space to be divided into three parts.

Chair Kunzweiler asked about the four additional classrooms which is a net increase of about 3600 square feet and Ms. Zack noted that the four classrooms will replace four to be eliminated in the remodel that are currently under a balcony and have no windows or natural light.

Chair Kunzweiler asked about plans for the annex building and Mr. Brown noted that the existing building used as teen lounge, Ring Mountain, and a store room, and will continue to be used for the same things.

Chair Kunzweiler asked about the construction plan for the project and where services will be held during construction of the synagogue and Ms. Zack noted that sites have been identified for rental during construction.

Chair Kunzweiler asked the size of tent erected last week, to which Ms. Zack noted 50' x 130'.

Commissioner Fraser asked if a facility could be built with some degree of flexibility within the existing 43,000 square footage. Diane Zack replied no.

Bob Herman, architect, noted that even if reconfigured into the existing shell, the number of people and parking issues would be the same.

Chair Kunzweiler asked Tiffany Wright if she agreed that Table 1 is complete and Ms. Wright replied that Table 1 is the best representation. Chair Kunzweiler noted that the Table needs to be correct.

Gary Ragghianti, attorney noted that Table 1 is a comprehensive list of what is being proposed and that he does not believe that what the congregation chooses to do in the practice of its religion is the subject of the Conditional Use Permit. Chair Kunzweiler replied that Table 1 appeared to be a mix of both religious and non-religious uses.

Commissioner Collins asked Rabbi Derby about finding a place in Marin County that would accommodate the needs of Kol Shofar and replied that they have looked but would prefer to pray in their own synagogue.

Commissioner O'Donnell asked Mr. Volker about the six different neighborhood organizations he represents and that comprise the Coalition and Mr. Volker responded that the coalition is a group of thirty neighbors and that under the First Amendment membership lists can't be questioned.

Commissioner O'Donnell asked Mr. Volker who is paying his bill and Mr. Volker noted that the Tiburon Neighborhood Coalition is paying his bill.

Tim Metz noted that all neighbors in the Coalition have sent in letters of opposition.

Kurt Kaull noted that the Coalition is comprised of a group of interested citizens pulling together.

Commissioner O'Donnell asked who created the website and Edward Baker noted that he created the website.

Commissioner O'Donnell asked Mr. Baker if he put the American Flag on the website and Mr. Baker responded he did.

Commissioner O'Donnell asked if he put references about not being able to hear the birds, children not being able to sell lemonade and the quote that also mentions that "Town of Tiburon realtors have said that property values may go down" and Mr. Baker responded yes.

David Holden noted that the group came together after the project was delivered to the Town, decided to form a group, picked a name, opened bank account and that is how group was developed. Mr. Holden noted that the group is comprised of thirty homeowners and collected 175 signatures on the petition submitted on April 24, 2006.

Commissioner O'Donnell asked Mr. Volker about the acceptability of a tent. Mr. Volker noted that photographs were taken of the tent to show a dramatic impact and to strongly encourage the Town to consider the alternative of the tent as there wouldn't be large events every day of the year.

Commissioner O'Donnell asked if Mr. Carmen the sound engineer visited the affected homes in preparing his analysis and Mr. Volker noted that it is the Town's function to perform the analysis of the affected homes; Mr. Carmen prepared a peer review of this analysis.

Mr. Holden noted that both the Draft and Final EIR used peer review, as well as Kol Shofar.

Leonard Charles noted that EIR noise measurements were done on the site.

Commissioner Fraser noted that local residents welcome the synagogue; welcome the environment created and asked the Coalition for their ideal recommendation.

Brad Tardy, architect responded that project doesn't make sense and noted that he could design a facility that could meet their needs within the existing footprint.

Kurt Kaull noted project has whittled down over time, but expressed concern about the hours of usage and the multi-purpose room.

Mr. Volker stated that the utmost concern of the Coalition is that the Town stopped short of examining locations beyond it's boundaries for alternate sites. Mr. Volker also noted that if there are better locations in other communities that will not create such intense conflict they should be examined. Mr. Volker finally noted that it is essential to look at all alternative locations and suggested the possibility of splitting the annual events into two or three different venues.

Chair Kunzweiler asked about the noise analysis methodology.

Lee Kranefuss responded that there have been a number of studies, by different consultants regarding the range of impact and the weighting of noise. Mr. Kranefuss explained about ambient nighttime noise levels and noted that in regards to the weighing of noise the problem would only become worse.

Commissioner O'Donnell asked the Coalition if they were willing to grant allowances for parking, noise and traffic on High Holy Days and the response was yes.

Commissioner Aguirre asked Mr. Charles to comment on the noise measurement, Ldn. Mr. Charles responded that the Ldn is the standard way noise is measured in Tiburon and found that noise increases in the parking lot would be insignificant.

Commissioner Aguirre asked about addressing the neighborhood concerns that building the facility and subjecting it to the certain requirements under the Conditional Use Permit will not be sufficient over time to guard against increased uses in that facility, to which Ms. Newman responded that the facilities haven't changed but the congregation has grown over time. She noted that the use permit has been examined periodically and the conditions of approval have evolved over time. Finally, Ms. Newman noted that Staff has tried to present something that could work and have reviewed the conditions that have been in place, augmented those and put together a comprehensive set of conditions that address the impacts, as well as building in a monitoring program. Ms. Newman finally noted that an annual review is required and provides the Town the opportunity to measure the success of conditions of approval.

Community Development Director Anderson noted that it has been the Town's experience that other project's proposed uses and buildings that were perceived to cause terrible impacts never materialized, but the monitoring and annual reviews are critical. Mr. Anderson also noted that it has been the Town's approach to deal with use intensity versus the size of building.

Commissioner Aguirre asked about enforcing the Conditional Use Permit and Mr. Anderson noted that a detailed monitoring program would require detailed information to be submitted.

Commissioner Aguirre asked if the Conditional Use Permit were to be approved and there are more events and traffic impacts are more significant than anticipated what is the help for neighbors and Mr. Anderson noted that the Conditional Use Permit could be reviewed and modified at any time.

Commissioner Aguirre asked for the threshold for calling for the review and Mr. Anderson noted that the Town typically doesn't have those types of situations.

Commissioner Collins stated that this project is about two homes – the religious home for Kol Shofar and the homes for those people who live in the neighborhood. He felt that the project is too ambitious for the neighborhood. He said that the project would be inconsistent with the zoning ordinance and the general plan and that he cannot make the findings needed to approve the project as submitted. Commissioner Collins noted that he has no difficulty with High Holy Days; however traffic safety, parking, nighttime events on Saturdays and Sundays and noise are the main impact problems and the proposed new activities are not in character with the neighborhood. He said that the problems with cars turning around in the street and backing out of private driveways and the stacking at the turn lane on Tiburon Boulevard are also important safety issues. He noted that the project would increase the size of the Kol Shofar buildings by 30%. Commissioner Collins noted that he would be able to support the remodeling aspects of the project, the new classrooms, and the modifications to the parking lot, but not the addition of the multi-purpose room.

Commissioner O'Donnell thanked all involved with the proposed project but noted that he disagreed with Commissioner Collins. Commissioner O'Donnell characterized the lengthening of the left turn lane at Tiburon Boulevard and Blackfield Drive as foolish when technology exists to accommodate the additional traffic with changes to the timing of the signals. He stated that the notion that all Kol Shofar members would arrive at events at the same time was ridiculous. Commissioner O'Donnell

noted that the building will be made noise secure and did not think that noise from people exiting or entering religious activities would be overly loud as people approach religious activities with respect. He noted that the application for a gym at St. Hilary raised concerns about noise, but now that facility is a great example of how a religious facility can fit in with the neighborhood. Commissioner O'Donnell noted that with the exception of High Holy Days all the cars would fit in the parking lot and there would only be a small overage on Saturday and Sunday services. He acknowledged that there might be a traffic mess on High Holy Days, but he said that even the neighbors recognize that that is an exception. Commissioner O'Donnell stated that neighborhoods must learn to accept that these events are part of the community. He stated that parking is always a problem in Bel Aire because people do not park in their garages. He stated that the project would not change that situation dramatically, and that the only times parking will be an issue there will be mitigation measures to deal with it. He felt that the revised circulation plan is a great improvement. He noted that the event on the previous weekend was a good example for the multi-purpose room, as he felt that the tent was not an eyesore at all. He supported the preschool expansion and felt that recirculation of the EIR was not necessary, as the Commission has enough information to make its decision. Commissioner O'Donnell also noted that requiring a recirculation of the EIR for the purpose of explaining additional alternatives was unfair when the applicant has a site that meets their needs. He stated that the use permit would allow for a small expansion of activities, but would contain them. Finally, Commissioner O'Donnell noted that he thinks religious institutions are as important as schools and downtown in maintaining a viable, active and successful community.

Commissioner Fraser noted that he agrees with Commissioner Collins and that the proposal is an ambitious project. He stated that 43,000 square feet represents a substantial facility, and that looking at the buildings as a clean sheet of paper might allow Kol Shofar to come up with a better solution. Commissioner Fraser noted that he recognizes the needs of the synagogue and community, but that the overriding goal is to strike a proper balance between both. As presented, he felt that the project conflicts with the general plan policies. He felt that the issues are solvable, but need to be looked at differently. He found it telling that Kol Shofar could not find a facility in the entire county that can support their High Holy Days services; he felt that if there is no such facility now, then maybe such a facility should not be built at this location. Commissioner Fraser noted that he believes the EIR has sufficient information to be certified, but that he is not in favor of the traffic mitigation plan to put up signs that would push parking elsewhere. Commissioner Fraser also noted that he doesn't think detailed and complicated monitoring programs are a wise approach because impacts should be solved onsite. He encouraged Kol Shofar to go back to drawing board to come up with a plan that balances the needs of the synagogue and the community.

Commissioner Aguirre stated that he respects the needs of Kol Shofar and tries to put himself in the shoes of the neighbors and their need to preserve the character of the neighborhood. He stated that not much from the St. Hillary project is relevant to the Kol Shofar proposal, as the nature of a gym and its impacts on the neighbors is not comparable. He agreed that there is no need to recirculate the EIR, stating that it is absurd to think that providing an alternative that mitigates impacts requires additional review. Commissioner Aguirre also noted that the two main goals of the project were to host large evening celebrations and have space for High Holy Days. He said that the initial request for 30 to 40 additional events clearly indicates that these events are part of the purpose for the expansion. Commissioner Aguirre stated that these events are fundamentally incompatible with the character of the neighborhood and contrary to the general plan policy calling for harmony with the neighborhood. Commissioner Aguirre stated that he cannot support the project.

Chair Kunzweiler noted that he went back to the 1984 resolution for Kol Shofar. He added that things change over time, and although he had no question about the sincerity of Kol Shofar to live up to their conditions of approval, he was concerned that a large facility is requested that will morph into something else over time. He was concerned with a creep of increased usage, noting that use permits often change for very good reasons. Chair Kunzweiler noted that there has never been a question that Kol Shofar does not belong, but he felt that the project as proposed is out of character with the neighborhood. He said that noise outside of buildings on weekend nights is an issue. He said that if parking spreads into the surrounding neighborhood it will be a problem. Chair Kunzweiler also noted that he supports the school expansion, and felt that the EIR did not need to be recirculated. He felt nervous about projects with long lists of mitigation measures. Chair Kunzweiler noted that the size of the multi-purpose room is the issue, and that he would like to see the size adjusted, within reason.

Chair Kunzweiler proposed scheduling a May 31 or June 14 meeting to discuss the findings of an ad hoc subcommittee of the Planning Commission who will come up with a plan that the Commission as a whole could support. Chair Kunzweiler suggested that the ad hoc subcommittee be comprised of himself and Commissioner Collins.

Commissioner Aguirre stated that a plan that might be acceptable to the Planning Commission might not be acceptable to Kol Shofar.

Commissioner Collins asked whether Kol Shofar preferred a continuance or a yes or no vote on Alternative 7.

Gary Ragghianti stated that Kol Shofar is interested in returning on May 31, and asked that the resolutions be prepared for that date and that there be no more public hearing or debate. Mr. Ragghianti also asked that Commissioner O'Donnell be part of the ad hoc subcommittee.

Mr. Volker noted that it is contrary to the law to prevent the public from commenting and that it is appropriate that Chair Kunzweiler proceed with the ad hoc subcommittee that has been appointed.

Chair Kunzweiler agreed that Commissioner O'Donnell would serve on the ad hoc subcommittee in place of Commissioner Collins.

M/S, Commissioner Collins/Commissioner Fraser (passed 5-0) to continue the hearing to a special meeting on May 31, 2006.

MINUTES

3. Special Meeting of April 24, 2006
4. Regular meeting of April 26, 2006

Due to the lateness of the hour, the Commission carried these items over to its next meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:45 p.m.

Action and Approved Minutes – Planning Commission
Regular Meeting
May 10, 2006

JOHN KUNZWEILER, CHAIRMAN

ATTEST:

SCOTT ANDERSON, SECRETARY