

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

.....

TO: **PLANNING COMMISSION**

FROM: **DANIEL M. WATROUS, PLANNING MANAGER**

SUBJECT: **FILE #30302: REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR A PROPOSED FIVE LOT RESIDENTIAL DEVELOPMENT (LING PRECISE DEVELOPMENT PLAN); STONY HILL ROAD; JOE LING, ET AL, OWNERS; ASSESSOR'S PARCEL NO. 55-261-10**

MEETING DATE: **MAY 11, 2005** REVIEWED BY: SA

.....

PROJECT DATA

Address:	Stony Hill Road
Assessor's Parcel Number:	55-261-10
File Number:	30302
Lot Size:	5.6 Acres
General Plan:	Medium Low Density Residential
Zoning:	RPD
Current Use:	Vacant/Undeveloped
Owners:	Joe Ling, et al
Applicant:	William Verelley
Date Complete:	February 20, 2004

BACKGROUND

An application has been filed by Joe Ling, et al, for a Precise Development Plan for development of a 5.6 acre parcel into five (5) single-family residential lots. The project is located toward the northern end of the Tiburon Peninsula. The property is located at the end of Stony Hill Road to the southeast of Gilmartin Drive, above Tiburon Boulevard and Mantegani Way, and would be served by an extension of Stony Hill Road within an existing right-of-way connecting to Gilmartin Drive.

A draft environmental impact report (DEIR) has been prepared for this project by the firm of Leonard Charles and Associates, and is currently being circulated for public review and comment. The comment period is currently scheduled to conclude on May 23, 2005, at 5:00 p.m. Written comments may also be submitted at the hearing. At the conclusion of the comment period, the consultants will respond to all oral comments made to the Planning Commission as well as written comments submitted during the comment period.



Town of Tiburon

STAFF REPORT

ANALYSIS

Purpose of the Planning Commission Hearing

The primary purpose of this public hearing is to receive public testimony concerning the contents of the Draft Environmental Impact Report for the project. The applicant will also have an opportunity to address the Planning Commission at this hearing concerning issues related to the DEIR. Speakers are encouraged to express their views on the adequacy of the DEIR. Comments should focus on:

- the sufficiency of the DEIR in discussing possible impacts on the environment,
- ways in which adverse impacts might be minimized, and
- alternatives to the project.

Following the conclusion of the public testimony, the Planning Commission should provide comments on the DEIR.

A subsequent public hearing will be held to address the issue of whether the DEIR has been prepared in conformance with CEQA and adequately addresses environmental impacts. This hearing will be held following closure of the public review and comment period, and is tentatively scheduled for the June 8, 2005 Planning Commission meeting.

In addition, a hearing or hearings will be scheduled for consideration of project merits by the Planning Commission. This hearing will be held following the release of a Final EIR (FEIR) which will contain the responses to comments on the DEIR.

Reference copies of the DEIR may be reviewed at the Planning Division at Town Hall or at the Belvedere-Tiburon Public Library during normal business hours.

Project Description

The proposed project involves the securing of all zoning, annexation, building, and subdivision entitlements for the subdivision of a currently undeveloped 5.6 acre site into five single-family residential lots, and the construction of homes and ancillary residential improvements thereon. A precise development plan (the Ling Precise Development Plan, File #30302) is the first application proposed as part of this project.

The precise development plan would provide for the development of a single-family dwelling on each of the five separate lots on the site. Lot 1 would have an area of 2.10 acres; Lot 2 would have an area of 0.90 acres; Lot 3 would have an area of 0.67 acres; Lot 4 would have an area of 0.58 acres; and Lot 5 would have an area of 1.22 acres.

The site consists of an irregularly-shaped parcel located at the end of Stony Hill Road to the southeast of Gilmartin Drive, above Tiburon Boulevard and Mantegani Way. The proposed project would be served by an extension of Stony Hill Road within an existing 50 foot wide right-of-way connecting to Gilmartin Drive. The access road would terminate at a new cul-de-sac.



Town of Tiburon

STAFF REPORT

The applicant intends to offer the roadway extension for dedication to the Town for public street purposes. Individual driveways would connect each of the five proposed homes to the roadway extension. The roadway extension would also provide access via an existing driveway easement to a newly constructed off-site home at 15 Mantegani Way. This driveway extension is required as part of a 1998 legal settlement between the Town and the owner of 15 Mantegani Way.

The topography of the existing undeveloped property is characterized by a Town-designated ridgeline on the northerly end of the site near the current end of Stony Hill Road, with the remainder of the site sloping down generally from northeast to southwest. Slopes on the site range from near level to over 40%.

Vegetation on the site consists primarily of French broom, with small areas of non-native grassland. Oak trees are located in small areas of the upper and lower sections of the site. A proposed 20 foot wide public access easement would provide pedestrian access from the cul-de-sac on the proposed Stony Hill Road extension to the public open space adjacent to the southeast boundary of the property. Approximately 48% of the site is proposed as open space (either private common open space or dedicated private open space) with no structural improvements.

Much of the site is underlain by landslides that would be stabilized as part of this project. Approximately 50,000 cubic yards of material would be excavated and replaced as part of the landslide repair. The remainder of the grading proposed for the project would require 1,813 cubic yards of cutting and 1,656 cubic yards of filling, a net differential of 157 cubic yards.

The Ling Precise Development Plan is the primary entitlement for this project under CEQA and all other permits will be trailing permits as defined by CEQA. The Precise Development Plan would establish the following building envelopes and other planning limitations for the future lots:

- Lot 1 would be situated in the northernmost portion of the site, accessed by the first driveway on the left side of the proposed roadway extension, with a 23,787 square foot primary building envelope.
- Lot 2 would be situated immediately to the southwest of Lot 1, at the left side of the proposed roadway cul-de-sac, and would have a 23,021 square foot primary building envelope.
- Lot 3 would be situated to the southeast of Lot 2, at the right side of the proposed roadway cul-de-sac, with a 14,503 square foot primary building envelope.
- Lot 4 would be situated immediately to the northwest of Lot 3, with a 14,737 square foot primary building envelope.
- Lot 5 would be situated immediately to the northwest of Lot 4, accessed by the first driveway on the right side of the proposed roadway extension, with a 9,455 square foot primary building envelope.



Town of Tiburon

STAFF REPORT

Each of the five proposed lots would have a smaller secondary building envelope beyond the primary building envelope, with private open space areas beyond. Each lot is proposed to be developed with a single-family residence 4,200 to 5,000 square feet in size. An open space and pedestrian easement would connect the end of the proposed roadway cul-de-sac to adjacent Town-owned open space to the east.

Summary of Key DEIR Findings

Geology

The geotechnical reports prepared for this application indicated the presence of two large landslide deposits on the site. These landslides would be repaired by excavating soil in the landslide areas down to bedrock, then benching the bedrock and keying into the bedrock to stabilize the area. The DEIR has determined that the landslides can be repaired consistent with the Town's landslide repair policy. Grading for the landslide repairs would take 5-8 months and cause a number of potentially significant secondary project impacts.

Alternative landslide repair techniques were investigated in an attempt to reduce both the extent and duration of grading activity. Both the project geotechnical engineer and the Town's consulting geotechnical engineer found that these alternative landslide repair measures would be feasible, but were less desirable as a long-term solution to the landslide concerns on the property. Further, the DEIR concludes that this alternative would not substantially reduce the secondary noise and dust impacts associated with the necessary landslide repairs for the site.

The DEIR concludes that repairing the landslides so they no longer pose a hazard to the area would be a beneficial impact of the project. Mitigation measures are identified that would reduce project geologic impacts to a less than significant level.

Hydrology

The creation of new impermeable surfaces on the site could increase water runoff from the site, and site grading and landslide repair could cause erosion that would adversely affect downstream water quality. The DEIR recommends mitigation measures that would reduce these impacts to less than significant levels.

Biology

No special status species of plants or animals, and no wetlands or sensitive natural communities have been found on the project site. A few oak trees on the site could provide habitat for nesting birds. The DEIR recommends mitigation measures that would preserve the oak trees and ensure that any nesting birds would not be adversely affected by the project.



Town of Tiburon

STAFF REPORT

Traffic and Circulation

The traffic study prepared for this project estimates that a total of 50 trips per day would be generated by the proposed project. This projected increase in traffic would have a significant cumulative impact on the nearby Tiburon Boulevard/Gilmartin Drive intersection. The DEIR recommends adding a right turn lane on Gilmartin Drive or a merge/acceleration lane on Tiburon Boulevard to mitigate this impact.

The DEIR also concludes that there is inadequate sight line distance at the intersection of Gilmartin Drive and Stony Hill Road. The DEIR recommends the installation of a stop sign on the southbound portion of Gilmartin Drive, along with warning signs on that street. The imposition of these and other DEIR-recommended mitigation measures would reduce all traffic-related impacts to less than significant levels.

Noise and Dust

Landslide repair, site grading and installation of project infrastructure would generate noise and dust at nearby residences for a 5-8 month period. The DEIR recommends mitigation measures that would reduce construction-related noise and dust impacts to less than significant levels. Nevertheless, noise and dust impacts during site preparation and grading would be obtrusive and annoying to surrounding residents.

Aesthetics

The subject site is visible from a number of public vantage points to the south (including the Multi-Use Path), public open space to the north and a number of residences surrounding the site. Development of the site would change views of a secondary ridgeline and adjacent undeveloped land to views of five homes and associated improvements on this property. The DEIR concludes that the project would therefore have significant and unavoidable visual impacts on views from certain specified public and private vantage points, including the Multi-Use Path, adjacent public open space, and a number of homes on Mantegani Way, Owlswood Road, Owlswood Lane and Rolling Hills Road.

Construction-related views of the site during landslide repairs and grading would occur for only a limited period of time, and are not considered to be significant.

Public Services

Water supply, school capacity, police services and sanitary sewer capacities are adequate to serve the proposed project. As a result of increasing traffic along Tiburon Boulevard, the DEIR recommends that a pre-emptive traffic signal control device be installed on the signal at the intersection of Tiburon Boulevard and San Rafael Avenue to facilitate emergency response times for the Tiburon Fire Protection District.



Town of Tiburon

STAFF REPORT

Land Use

The DEIR concludes that the proposed project would be partly inconsistent with several Tiburon General Plan policies related to maintaining open space; avoiding geologic hazards; minimizing grading; avoiding slopes in excess of 40%; and avoiding visual and privacy impacts. The DEIR assessed the significance and integrity of the secondary ridgeline that crosses the site, and determined that although the ridge is a significant ridge that is part of prime open space, the development of the defined ridgeline would have less visual and other impacts than development of the central portion of the site, which is not within 100 feet of the ridgeline.

Air Quality/Other Factors

Fugitive dust from the construction of the proposed project could adversely affect the air quality of nearby homes, but can be mitigated to less than significant levels through the implementation of mitigation measures recommended by the DEIR. The potential for asbestos in the small area of serpentine rock on the site can also be adequately mitigated to protect human health from airborne asbestos contamination.

Project Alternatives

The DEIR identifies five feasible project alternatives to the proposed project and the proposed project with the recommended mitigation measures. These alternatives include the following levels of development of the property:

- No project – no development of the property
- Four residential lots
- Three residential lots
- Three residential lots, with a different lot layout
- Two residential lots
- Alternate site design for five residential lots proposed by the applicant

In general, the DEIR concludes that the fewer homes on the site, the less impact to visual resources and less impact from grading. However, none of the alternatives would reduce all potential impacts to less than significant levels.

Significant Unavoidable Impacts

The DEIR identifies one significant unavoidable ("SU") impact of the project which could not be eliminated or reduced to a less-than-significant level through mitigation measures identified in the DEIR: that the proposed residences would adversely affect views from public and private vantage points.



Town of Tiburon

STAFF REPORT

Comment letters received as of the date of this report

As of the date of this report (May 5, 2005), comment letters regarding the DEIR have been received from the Tiburon Fire Protection District and six nearby property owners. Copies of these letters are attached as Exhibits 3-9.

Future Action Items for this Hearing

The Commission will need to schedule a public hearing, after the close of the comment period on May 23, at which it will determine whether or not the DEIR has been prepared in conformance with CEQA. At that hearing, the Commission may either:

1. Accept the DEIR as being prepared in conformance with CEQA and the Town's local CEQA Guidelines, and direct the consultant to respond to comments and prepare the Final Environmental Impact Report; or
2. Find that the DEIR was not prepared in conformance with CEQA and continue the matter pending receipt of additional information necessary to achieve such conformance.

The regularly scheduled meeting of June 8 is recommended for this purpose.

RECOMMENDATION

1. At the conclusion of the Staff report, the Planning Commission should receive comments on the DEIR. Following the closure of the public hearing, Commissioners should provide their verbal comments on the DEIR.
2. The Commission should then continue this matter to the regular meeting scheduled for June 8, 2005, for a determination as to whether the DEIR was prepared in conformance with CEQA.

EXHIBITS

1. Project description and Open Space and Conservation Element assessment
2. Draft Environmental Impact Report (previously distributed to the Planning Commission)
3. Letter from the Tiburon Fire Protection District, dated April 26, 2005
4. Letter from Ann Marie Meagher, dated April 26, 2005
5. Letter from Lynn and Lari Odland, dated April 26, 2005
6. Letter from Diane Lovejoy, dated April 27, 2005
7. Letter from Earl Linman, dated April 29, 2005
8. Letter from Carol Kurland, dated April 29, 2005
9. Letter from Carolyn Cotter, dated May 4, 2005