

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

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TO: **PLANNING COMMISSION**

FROM: **DANIEL M. WATROUS, PLANNING MANAGER/ENVIRONMENTAL COORDINATOR**

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 (CONTINUED FROM MAY 11, 2005)**

MEETING DATE: **JUNE 8, 2005** REVIEWED BY: SA

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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 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.

A draft environmental impact report (DEIR) has been prepared for this project by the firm of Leonard Charles and Associates, and has been circulated for public review and comment. The comment period concluded on May 23, 2005.

Public comments on the DEIR were received at a public hearing held at the May 11, 2005 Planning Commission meeting. After receiving testimony, the public hearing was closed, and this item was continued to the June 8, 2005 Commission meeting.

ANALYSIS

Purpose of the Planning Commission Hearing

The primary purpose of this public meeting is for the Planning Commission to hear and consider the recommendation of the Environmental Coordinator as to whether "significant new information" that would require recirculation of the DEIR has been received during the public comment period. If not, then the Planning Commission shall direct the EIR consultant to prepare responses to comments and complete the Final EIR. Any comments should address the issue of whether the DEIR has been prepared in conformance with CEQA and adequately addresses environmental impacts.

After the release of a Final EIR (FEIR), a hearing or hearings will be scheduled for consideration of project merits by the Planning Commission. Reference copies of the DEIR may still be



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reviewed at the Town Planning Division or at the Belvedere-Tiburon Public Library during business hours.

Public Comments

Public comments that have been received in writing and at the May 11th meeting centered around the following issues:

- Aesthetic impacts that could be improved by reduced project density
- Adequacy of visual analysis, including possible inaccuracies in photo simulations and need for showing site improvements in simulations
- Adequacy of geotechnical analysis regarding location of bedrock, grading estimates and slope information
- Adequacy of provided open space and pedestrian connection to open space
- Economic feasibility of reduced density project alternatives
- Need for traffic improvements recommended as mitigation measures
- Potential impacts arising from grading, including possibility of airborne asbestos and efficacy of extensive winterization
- Drainage impacts on nearby year-round creek
- Need for archeological analysis
- Need for noise studies from homes on Owlswood Lane

Summary of Key DEIR Findings

The key DEIR findings were summarized in the previous Staff report for this project. As previously noted, 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.

Comment letters received as of the date of this report

Since the May 11 meeting, two additional comment letters regarding the DEIR have been received from nearby property owners, along with one letter from the State Department of Transportation, one letter from the Marin Municipal Water District, and one from the attorney for



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the applicant. One additional letter was received from an adjacent property owner after the close of the comment period. Copies of these letters are attached as Exhibits 1-6.

Action Items for this Hearing

At this hearing, the Commission will need to determine whether or not significant new information has been received during the public comment period that would require recirculation of the DEIR. As the public comment period has closed, new comments by the Planning Commission about the DEIR should be limited to significant new information about potential project environmental impacts. As the public hearing has been closed as well, public comment at this meeting should also be limited. The Planning Commission should then either:

1. Determine that no significant new information that would require recirculation of the DEIR has been received during the public comment period, and direct the consultant to prepare the Final EIR and respond to comments; or
2. Find that significant new information that would require recirculation of the DEIR has been received during the public comment period, and continue the matter pending preparation of analysis of this new information by the consultant and recirculation of the modified DEIR.

RECOMMENDATION

Staff has reviewed the letters and comments received during the public comment period and has determined that although responses are required to address the issues raised in these comments, no significant new information has been submitted about the potential environmental impacts of the project. As a result, the DEIR does not require recirculation, and Staff recommends that the consultant be directed to prepare the Final EIR and respond to comments.

EXHIBITS

1. Letter from Betsy Little, dated May 17, 2005
2. Letter from Roy Little, dated May 17, 2005
3. Letter from State Department of Transportation, dated May 18, 2005
4. Letter from Marin Municipal Water District, dated May 20, 2005
5. Letter from Neil Sorensen, dated May 20, 2005
6. Letter from Toby and Sharon Power, dated May 24, 2005