

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

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TO: **PLANNING COMMISSION**

FROM: **KEVIN BRYANT, ADVANCE PLANNER/ENVIRONMENTAL COORDINATOR**

SUBJECT: **REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE GENERAL PLAN UPDATE, *TIBURON 2020***

MEETING DATE: **JUNE 22, 2005** REVIEWED BY: SA

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BACKGROUND

The Town of Tiburon has completed a Public Review Draft of *Tiburon 2020*, a comprehensive update of the Town's 1989 General Plan.

A draft environmental impact report (DEIR) has been prepared for the updated General Plan by the firm of Nichols – Berman Environmental Planning, and is currently being circulated for public review and comment. The comment period will conclude on July 5, 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.

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 General Plan. 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 may choose to provide verbal comments on the DEIR, or may submit written comments prior to the close of the comment period.

A subsequent public meeting will be held, after the close of the comment period, at which the Environmental Coordinator will recommend to the Commission whether significant new information has been received during the comment period that would require revision and recirculation of the DEIR.

In addition, a hearing or hearings will be scheduled for consideration of the merits of the General Plan update project by the Planning Commission. This hearing will be held following



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the release of a Final EIR (FEIR) which will contain the responses to comments submitted 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 Summary

Most elements of the Town's current General Plan were adopted in 1989. In 2002, the Town determined that a comprehensive update of the *1989 General Plan* was needed to address changed conditions since adoption of the 1989 plan and to maintain a plan current in policy and program implementation.

The proposed project is a comprehensive update of the *1989 General Plan*. The following is a list of the topical elements that have been prepared or updated in *Tiburon 2020*:

- Land Use
- Open Space and Conservation
- Downtown
- Circulation
- Safety
- Noise
- Parks and Recreation
- Housing

Summary of Key DEIR Findings

Land Use

The DEIR concludes that development consistent with the General Plan would not conflict with other adopted plans. There is an inconsistency with a proposed priority use designation of BCDC's *San Francisco Bay Plan*, but it would only apply within the 100-foot shoreline band within BCDC jurisdiction, for which it is speculative to conclude that inconsistent development would be proposed. The DEIR also concludes that new design policies would ensure that development in Downtown would be compatible with existing development and that new development would not induce substantial growth or concentration of Tiburon's population.

Transportation and Circulation

The DEIR identifies three intersections along Tiburon Boulevard (Trestle Glen, Mar West, and Redwood Highway Frontage) for which new development would result in traffic that contributes to unacceptable levels of service. For each of these intersections, *Tiburon 2020* identifies an improvement that would improve the level of service to an acceptable level. The DEIR concludes that the improvements would be adequate mitigation measures.

The DEIR states that development consistent with *Tiburon 2020* would result in increased demand for bicycle and pedestrian facilities. As mitigation measures, the DEIR identifies updating and implementing the *Bicycle and Pedestrian Master Plan* and developing a bicycle parking ordinance. These measures would reduce the demand on these facilities to a less-than-significant level.



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The DEIR examined the increased demand for parking and transit services and concluded that *Tiburon 2020* policies would ensure that adequate parking is provided for new development and that existing transit providers have the capacity to absorb the additional demand.

Finally, the DEIR concludes that development consistent with the General Plan would result in traffic that would contribute to congestion on U.S. Highway 101. The DEIR identifies measures that could reduce vehicle trips, but because the highway is outside of the jurisdiction of the Town and the measures are not enforceable by the Town, the impact would remain significant and unavoidable.

Air Quality

The DEIR analysis concludes that *Tiburon 2020* is consistent with the Bay Area Air Quality Management District Thresholds of Significance; that General Plan policies would support regional transportation control measures that are identified in the Bay Area's Clean Air Plan; that existing and future land uses would not result in conflicts between sensitive land uses and odors and toxic air contaminants; and that carbon monoxide concentrations along roadways would be below ambient air quality standards.

The DEIR does recommend including a new policy in the Open Space & Conservation Element that would require implementation measures to reduce air pollution from construction activities.

Noise

The DEIR analysis found that new development would not introduce any sources of substantial ground borne vibration; that increases in traffic would not result in a noticeable noise increase; and that *Tiburon 2020* goals, policies, and programs are adequate to reduce impacts related to noise and sensitive land use conflict to a less-than-significant level.

The DEIR recommends incorporating a new policy into the Noise Element that would require standard quiet construction methods be used when construction takes place within 500 feet of sensitive land uses.

Hydrology

The DEIR recommends new policies and amendments to proposed *Tiburon 2020* policies to address impacts related to water quality, groundwater, on-site and downstream erosion and sedimentation, stormwater drainage systems, flooding, and tsunamis. In every case, the DEIR concludes that adoption of the new or changed policies would lower the impacts to a less-than-significant level.

Biological Resources

The DEIR recommends the adoption of new programs in the Open Space & Conservation Element to help protect special status species, sensitive natural communities, and wetlands.



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The DEIR also presumes that other local policies and ordinances would help protect sensitive resources.

According to the DEIR, development consistent with *Tiburon 2020* would result in a reduction of existing natural habitat, contribute to habitat fragmentation, and result in the obstruction of movement opportunities. The DEIR states that policies proposed in the General Plan and programs recommended as mitigation measures would serve to partially address these impacts, but they would remain significant, cumulative, and unavoidable impacts.

Geology, Soils, and Seismicity

The DEIR concludes that proposed *Tiburon 2020* policies and other Town policies and procedures would reduce impacts related to landsliding, soil erosion, and expansive soils to less-than significant levels.

New and amended policies and programs are recommended in the DEIR to address impacts related to seismic-related ground shaking, seismic-related ground failure, unstable ground, and the use of septic systems. The new and amended programs would reduce these impacts to a less-than-significant level.

Public Services, Recreation, and Utilities

For fire services, police services, the library, wastewater treatment on the Richardson Bay side of the Tiburon Ridge, landfill capacity, and gas and electricity service, the DEIR concludes there is adequate capacity to accommodate development anticipated under the General Plan.

For water, schools, recreation, and wastewater treatment along Paradise Drive, there may need to be an increase in service capacity to accommodate new development within the Tiburon Planning Area. Each of these services is provided by agencies which are independent of the Town of Tiburon. The Town cannot ensure that necessary improvements will be made, and consequently the DEIR finds that these impacts of development consistent with *Tiburon 2020* would be significant and unavoidable.

Cultural Resources

The DEIR recommends the adoption of a new implementing program in the Open Space & Conservation Element that would require the Town to either establish an inventory of sites which have known archaeological resources or the possibility of containing archaeological resources; or entering into an agreement with an outside agency which can provide similar services. The program would include requiring contractors to cease construction activities upon encountering architectural artifacts or human remains. This would lower potential impacts on archaeological resources from new development to a less-than-significant level.

The DEIR concludes that development consistent with the General Plan would not result in the disturbance of historic resources.



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Visual Quality

The DEIR concludes that it would be speculative to develop appropriate mitigation measures for project-specific impacts related to scenic vistas and scenic resources, significant ridgelines, and the visual character of the Town. The DEIR does identify the many policies and procedures the Town has in place to minimize potential impacts, but identifies these as significant and unavoidable absent specific development proposals.

To address impacts related to nighttime lighting and glare, the DEIR recommends that a new policy and program be adopted in the Land Use Element to limit excessive light spillover and glare.

Hazardous Materials

A number of policies and programs are recommended in the DEIR for inclusion in the Safety Element to address impacts related to the transport, storage, use, and disposal of hazardous materials; the accidental release of hazardous materials; the hazardous materials, substances, and waste near an existing school; and exposure at a hazardous materials site. Adoption of these policies and programs in *Tiburon 2020* would reduce impacts related to hazardous materials to a less-than-significant level.

Project Alternatives

The DEIR identifies two project alternatives to the proposed General Plan. These alternatives are:

- No project/no development – existing conditions with no further subdivision of land
- No project/no action/1989 General Plan – new development would be guided by the 1989 General Plan

The DEIR concludes that the adoption of *Tiburon 2020* with the incorporation of mitigation measures would be the environmentally superior alternative.

Significant Unavoidable Impacts

The DEIR identifies ten significant unavoidable impacts that would result from development consistent with the General Plan and could not be eliminated or reduced to a less-than-significant level through mitigation measures identified in the DEIR. The significant unavoidable impacts would be:

- Contribution to regional congestion on U.S. Highway 101
- Reduction of wildlife habitat and movement opportunities
- Peak water supply
- School capacity
- Parks and recreation programs and facilities



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- Wastewater treatment capacity along Paradise Drive
- Water supply
- Scenic vistas and scenic resources
- Significant ridgelines
- Visual character of the Town

It is important to note that of the ten significant unavoidable impacts identified in the DEIR, six are the responsibility of agencies that are independent of the Town of Tiburon, and three are dependent on the specific nature of individual development proposals for which the Town would do project-level environmental review.

Additionally, in the alternatives analysis the DEIR concludes that the project alternatives would not reduce the significant unavoidable impacts of the project and neither of the two alternatives would include the updated goals, policies, and programs that would serve to avoid other impacts. For example, both of the alternatives would result in an additional significant air quality-related impact as policies and programs that support the Clean Air Plan Transportation Control Measures would not be implemented.

Comment letters received as of the date of this report

As of the date of this report (June 14, 2005), no comment letters regarding the DEIR have been received.

Future Action Required

The Commission will need to schedule a public meeting, after the close of the comment period on July 5, at which it will determine whether significant new information has been received during the comment period that would require revisions and recirculation of the DEIR. The Environmental Coordinator will make a recommendation based upon a review of all the comments. The regularly scheduled meeting of July 13, 2005 is recommended for this purpose.

RECOMMENDATION

1. At the conclusion of the Staff report, the Commission should hold a public hearing and receive comments on the DEIR. Following the closure of the public hearing, Commissioners may provide verbal comments on the DEIR should they so choose.
2. Schedule the follow-up meeting for July 13, 2005.

EXHIBITS

1. Public Review Draft *Tiburon 2020*, February 2005 (previously distributed to the Planning Commission)
2. Draft Environmental Impact Report, May 2005 (previously distributed to the Planning Commission)