

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* (CONTINUED FROM JUNE 22, 2005)**

MEETING DATE: **JULY 13, 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 this project by the firm of Nichols - Berman, and has been circulated for public review and comment. The comment period concluded on July 5, 2005.

The Planning Commission held a public hearing to receive comments at the June 22, 2005 Planning Commission meeting. However, there were no comments offered at that hearing. The public hearing was closed, and this item was continued to the July 13, 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.

After the release of a Final EIR (FEIR), a hearing or hearings will be scheduled for consideration of the merits of the General Plan update by the Planning Commission.

Public Comments

Public comments that have been received in writing include the following:

- Request to clarify two of the transportation mitigation measures.



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- Suggestions for strengthening several of the biological resources and natural habitat preservation mitigation measures and policies.
- Suggestions for additional mitigations and policies to address air quality issues.

None of the written comments received suggested that the General Plan or DEIR is inadequate in addressing environmental impacts. The comments were requesting clarification or suggesting additional measures the Town may take to further protect the environment.

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 ten significant unavoidable ("SU") 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
- Wastewater treatment capacity along Paradise Drive
- Water supply
- Scenic vistas and scenic resources
- Significant ridgelines
- Visual character of the Town

As also noted in the previous Staff report, the DEIR alternatives analysis concludes that the project alternatives would not reduce the significant unavoidable impacts of the project and that neither of the two alternatives would include the updated goals, policies, and programs that would serve to avoid other impacts. The DEIR concluded that the project was the "environmentally superior alternative" pursuant to CEQA.

Comment letters received as of the date of this report

Three comment letters regarding the DEIR have been received from the State Department of Transportation, the Marin Audubon Society, and the Bay Area Air Quality Management District. Copies of these letters are attached as Exhibits 1-3.

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



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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 to significant new information that would relate to environmental impacts. 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; 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 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.

EXHIBITS

1. Letter from Department of Transportation, dated June 28, 2005
2. Letter from Marin Audubon Society, dated July 1, 2005
3. Letter from Bay Area Air Quality Management District, dated July 5, 2005