

# Town of Tiburon

## STAFF REPORT



AGENDA ITEM \_\_\_\_\_

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TO: **PLANNING COMMISSION**

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

SUBJECT: **FILE #10404: REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR A PROPOSED EXPANSION OF AN EXISTING RELIGIOUS FACILITY AND DAY SCHOOL (CONGREGATION KOL SHOFAR); 215 BLACKFIELD DRIVE; ASSESSOR'S PARCEL NO. 038-351-34**

MEETING DATE: **AUGUST 10, 2005** REVIEWED BY: SA

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### PROJECT DATA

Address:	215 Blackfield Drive
Assessor's Parcel Number:	38-351-34
File Number:	10404
Lot Size:	6.94 Acres
General Plan:	Medium Low Density Residential
Zoning:	RO-1 (Single-Family Residential – Open)
Current Use:	Religious Facility/Day School
Owners:	Congregation Kol Shofar
Applicant:	Scott Hochstrasser/IPA, Inc.
Date Complete:	August 27, 2004

### BACKGROUND

The applicant has submitted a conditional use permit application for the expansion of an existing religious facility and day school (Congregation Kol Shofar). The subject property is a 6.94 acre site located at 215 Blackfield Drive, and borders Blackfield Drive, Via Los Altos and Reedland Woods Way. The site is surrounded by single-family residential neighborhoods.

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 Town of Tiburon mailed a Notice of Preparation as required by CEQA, with a 45 day comment period scheduled to conclude on August 15, 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 project. The applicant will also have



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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 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. This meeting is tentatively scheduled for the August 24, 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 and building entitlements for the expansion of the Kol Shofar religious facility and day school. A conditional use permit (File #10404) is the first application proposed as part of this project.

The project site currently contains the Congregation Kol Shofar synagogue building (originally constructed as a public middle school building), other facilities used by the Congregation, and buildings and outdoor space leased to Ring Mountain Day School, a private, secular pre-school that operates on the site. Vegetation on the site consists primarily of a variety of trees (including Eucalyptus, Redwood, Acacia, Cypress, Monterey Pine and Coast Live Oak trees), weedy grasses and herbaceous plants, along with more manicured lawn and play areas nearer the buildings on the property. Two long (215 foot+) drainage easements exist along the northern and eastern property lines. A 20,000 square foot private open space easement is situated adjacent to other private open space in the Reedland Woods Way neighborhood. The site is situated on a hillside, but does not contain any unusual geologic or soil constraints.

The following improvements are proposed as part of this application:

- Construction of a 9,733 square foot multi-purpose room with a maximum seating capacity in the main room and lobby of 898 people.



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- Construction of four new classrooms on the northwest side of the building with 3,662 square feet of floor area.
- Construction of a new parking area connected to the existing lower parking lot on the site and other parking and circulation improvements, with 40 new on-site parking spaces.
- Landscaping changes to provide privacy and headlight protection for neighboring residents.
- Various interior remodeling changes that involve no exterior modifications to the existing building.

The application states that the proposed improvements are intended to meet the existing needs of the congregation, without leading to an expansion of their membership. In particular, the primary intent of the proposed multi-purpose room is to allow members to hold “life cycle events” (such as weddings, bar mitzvahs, etc.) on the premises instead of the current practice of holding such events at other locations. However, the project description states that the following new events would occur as a result of the proposed expansion:

- New congregational activities on Saturday and Sunday evenings, up to 40 times per year, with up to 300 people attending;
- Expanded congregational dinners on Friday evenings, 25 times per year, with up to 100 people attending;
- Expanded events on weekday evenings, 25 times per year, with up to 150 people attending; and
- Reducing the number of services on High Holidays from two services to one (eliminating the current split service in favor of one service).

The pre-school enrollment is proposed to gradually increase from the current level of 100 children to a total of 150 children. The proposed new classrooms are intended to either support this enrollment increase or be used to replace existing classrooms that would be displaced by remodeling in the main building.

### **Summary of Key DEIR Findings**

#### **Hydrology and Water Quality**

The creation of new impermeable surfaces on the site could increase water runoff from the site, which could result in inadequate capacity where the downstream drainage system enters the bay. The DEIR recommends construction of on-site retention facilities as mitigation measures that would reduce this impact to less than significant levels. The DEIR also recommends measures to reduce potential erosion impacts to a less than significant level.



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### **Biology**

There are no known special status plant species or rare, threatened or endangered animal species on the site. Project construction would require cutting down 11 trees, only one of which is a native tree, while 103 new trees would be planted. This replanting would adequately compensate for the trees that would be cut, and the impact would be less than significant.

### **Traffic and Circulation**

Traffic generated by the project would impact the intersection of Tiburon Boulevard and Blackfield Drive, which would have inadequate capacity in the eastbound left-turn lane on Tiburon Boulevard to accommodate the projected traffic increase. The DEIR recommends that the applicant pay for the extension of this left-turn lane to mitigate this impact. Project-related traffic would not cause any other intersections to operate at unacceptable levels of service, nor create traffic safety hazards at any nearby intersections.

The existing driveway that provides access from Via Los Altos to the west part of the site (the Ring Mountain Day School) has inadequate sight lines and width. The DEIR recommends widening the driveway and providing adequate sight lines, or, if adequate sight lines cannot be provided, closing this driveway.

The site would not contain sufficient parking space to allow on-site parking for all people attending proposed services and functions, and the DEIR recommends measures to reduce this parking impact to a less than significant level. However, the DEIR still expects that people will continue to park on local streets where convenient, causing vehicles to turn around in private driveways or on these streets, which would pose a safety hazard for people living on these streets. The DEIR concludes that this would be a significant and unavoidable impact of the project.

Congregation members and visitors parking on the streets during large events would reduce the number of on-street parking spaces available to local residents and their guests; the DEIR concludes that although this would be a nuisance to local residents, this would not be a significant environmental impact. Similarly, parking for High Holy Day services would cause local congestion and would be a nuisance to local residents, but the DEIR concludes that this would not be a significant environmental impact as it would only occur for a portion of three days each calendar year.

All traffic impacts can be reduced to less than significant levels with the exception of safety impacts caused by people attending services or events turning around in residential neighborhoods.

### **Noise**

Average noise levels created by new uses would be acceptable under the Town's Noise and Land Use Compatibility Guidelines. However, noise caused by people using the new parking lot, particularly during nighttime events, would be out of character with the adjacent residential neighborhood. While noise created by other components of the project would be less than



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significant or could be reduced to less than significant levels with the imposition of mitigation measures recommended by the DEIR, the DEIR concludes that noise generated by nighttime use of the existing and proposed parking lots would result in a significant and unavoidable impact on 17 homes on Reedland Woods Way, Vista Tiburon Drive, Blackfield Drive and Corte San Fernando.

### **Aesthetics**

The proposed new buildings and other planned improvements would not degrade any scenic vistas, substantially alter views from the few public vantage points from which the property is visible, nor block views of scenic resources from surrounding residences. Although project improvements would change existing views from a number of nearby and more distant homes, the DEIR recommends mitigation measures to reduce these visual effects to a less than significant level. The DEIR also recommends mitigation measures to reduce headlight intrusion and general lighting impacts to a less than significant level.

While all visual effects can be reduced to a less than significant level, the project would change daytime and nighttime views, particularly for homes within the immediate area surrounding the site. Though not deemed to be significant, the DEIR notes that the visual changes caused by the new improvements associated with the project may be inconsistent with Tiburon General Plan policies regarding maintaining the “harmony” of residential neighborhoods. This is a project merits issue, not an environmental impact under CEQA.

### **Fire Protection and Emergency Medical Services**

The Southern Marin Fire Protection District can adequately provide fire and emergency medical response, as long as the final design of the project complies with District requirements and the applicant contributes its fair share of the cost of purchasing a new ladder truck that is needed to adequately serve cumulative development in the area. Compliance with these requirements would reduce fire and emergency medical services impacts to a less than significant level.

### **Water**

The Marin Municipal Water District (MMWD) can supply water to the project. Construction in compliance with fire flow requirements and purchase of necessary water entitlements from MMWD would reduce all water-related impacts to a less than significant level.

### **Wastewater**

The Richardson Bay Sanitary District and Sewerage Agency of Southern Marin (SASM) have ample collection, treatment and disposal capacity to serve the project. Compliance with all standard District and Agency construction requirements would reduce all wastewater impacts to a less than significant level.



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### **Police Services**

The Tiburon Police Department has indicated that the additional complaints and calls for assistance that can be expected to be generated by the increased number of large events associated with the project will not significantly affect its ability to adequately serve the project area and Tiburon in general. The DEIR concludes that the project would have a less than significant effect on police services.

### **Other Resources**

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 DEIR recommends standard mitigation measures to protect and treat cultural resources if any are uncovered during project construction. Construction of the project in compliance with recommendations contained in the geotechnical report would reduce geologic and soil impacts to a less than significant level.

### **Land Use**

The project is the expansion of an institutional use located within a single-family residential neighborhood. The DEIR concludes that the new sources of noise, additional traffic, demand for street parking and changes in views associated with the proposed project are possibly inconsistent with Tiburon policies regarding projects being in “harmony” with surrounding uses. This is a project merits issue, not an environmental impact under CEQA.

### **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 expansion of the existing facilities
- Remodeling only
- Remodeling plus the new classrooms
- Remodeling plus the new multi-purpose room
- Use restrictions

The first three alternatives would eliminate the significant and unavoidable noise and traffic impacts, but would meet few, if any, of the project objectives. The fourth alternative would lessen the potential noise and traffic impacts but would not reduce these impacts to less than significant levels.

The fifth (restricted use) alternative would place caps on the use of the facility, including a 9:00 p.m. time limit on most functions and services; limiting functions past 5:00 p.m. on Saturdays and Sundays to every other weekend; limiting the number of people allowed on site for functions to a maximum of 275; and continuing to conduct the High Holy Day services as divided services. The DEIR concludes that that this option would reduce the potential noise impacts to



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a less than significant level, but the traffic safety impact would remain significant and unavoidable.

### Significant Unavoidable Impacts

The DEIR identifies two significant unavoidable ("SU") impacts 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 project would increase noise levels in the area surrounding the project site; and that the project will create a demand for more parking spaces than can be met by on-site parking lots, which will result in drivers who park on local streets making unsafe turnarounds in residential neighborhoods.

### Comment letters received as of the date of this report

As of the date of this report (August 4, 2005), 71 comment letters regarding the DEIR have been received. Copies of these letters are attached as Exhibits 2-72.

### Future Action Required

The Commission will need to schedule a public meeting, after the close of the comment period on August 15, 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 August 24, 2005 is recommended for this purpose.

### **RECOMMENDATION**

1. At the conclusion of the Staff report, the Planning 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. Scheduled the follow-up meeting for August 24, 2005.

### **EXHIBITS**

1. Draft Environmental Impact Report (previously distributed to the Planning Commission)
2. Letter from Rufus Thayer, dated July 14, 2005
3. Letter from Amanda Reynolds, dated July 18, 2005
4. Letter from Joanne Stokes, dated July 19, 2005
5. Letter from Ona Rotenberg, dated July 20, 2005
6. Letter from Samantha and James Winter, dated July 21, 2005
7. Letter from Susan and Michael Dab, dated July 21, 2005
8. Letter from Wendy Shearn, dated July 21, 2005
9. Letter from Ida Gelbart, dated July 21, 2005
10. Letter from Eric Schmier, dated July 22, 2005



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11. Letter from Doris Symonds, dated July 24, 2005
12. Letter from Aviva Schiff Boedecker, dated July 25, 2005
13. Letter from Jeff Saperstein, dated July 25, 2005
14. Letter from Nathan Roth, dated July 25, 2005
15. Letter from Scott Landress, dated July 25, 2005
16. Letter from Anton Traub, dated July 25, 2005
17. Letter from Barbara and Jeff Farber, dated July 25, 2005
18. Letter from Ann and Randall Matthews, dated July 26, 2005
19. Letter from Timothy Metz and Jennifer Jorgensen, dated July 26, 2005
20. letter from Mary Ann Snyder, dated July 27, 2005
21. Letter from Karen Nygren, dated July 28, 2005
22. Letter from Richard Goldwasser, dated July 29, 2005
23. letter from Christianna Seidel and Peter Stock, dated July 31, 2005
24. Letter from Daniel and Sandy LaCoss, dated August 1, 2005
25. Letter from Roy and Esme Gordon, dated August 1, 2005
26. Letter from Roger Beers, dated August 1, 2005
27. Letter from Edward Baker, dated August 2, 2005
28. Letter from Wayne Gilbert, dated August 2, 2005
29. Letter from Sandra Kurland, dated August 2, 2005
30. Letter from Julia Gilden, dated August 2, 2005
31. Letter from Seth and Julie Jacobs, dated August 2, 2005
32. Letter from Anne Marie Klahr, dated August 2, 2005
33. Letter from Helen and Fred Schwartz, dated August 2, 2005
34. Letter from Charles and Alaina Yoakum, dated August 2, 2005
35. Letter from Ian Berman, dated August 2, 2005
36. Letter from Judith Goodman Johnson, dated August 2, 2005
37. Letter from Grant Morris and Judith Staples, dated August 2, 2005
38. Letter from Alan Lefkof and Ann Gordon, dated August 2, 2005
39. Letter from Shifra Raffel, dated August 2, 2005
40. Letter from Marilyn Sugarman, dated August 2, 2005
41. Letter from Carole and Bernard Fried, dated August 2, 2005
42. Letter from Robert Kligman, dated August 2, 2005
43. Letter from Natan and Sarah Fenner, dated August 2, 2005
44. Letter from David Snyder, dated August 3, 2005
45. Letter from Paul and Lauren Levitan, dated August 3, 2005
46. Letter from Arlene and Al Stark, dated August 3, 2005
47. Letter from Lori Feldman and Gary Caine, dated August 3, 2005
48. Letter from Wendy Homer, dated August 3, 2005
49. Letter from Charles and Lois Epstein, dated August 3, 2005
50. Letter from Alison Kreshin and Nathan Cohen, dated August 3, 2005
51. Letter from Cary and Manny Kopstein, dated August 3, 2005
52. Letter from Karen Hirsch, dated August 3, 2005
53. Letter from Samuel Noily, dated August 3, 2005
54. Letter from Cynthia Ulman, dated August 3, 2005
55. Letter from Scott Willens and Regina DeAngelis, dated August 3, 2005
56. Letter from Bonni Schiff, dated August 3, 2005
57. Letter from Steven Schiff, dated August 3, 2005



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58. Letter from Vivian Sherman, dated August 3, 2005
59. Letter from Bob Fetter, dated August 3, 2005
60. Letter from Brett Dick, dated August 3, 2005
61. Letter from Phyllis Cantor, dated August 2, 2005
62. Letter from Michelle Lerman, dated August 2, 2005
63. Letter from Robert Brownstein, dated August 2, 2005
64. Letter from Carolyn and Joe Preis, dated August 3, 2005
65. Letter from Gerald and Gale Weisman, dated August 3, 2005
66. Letter from Philip and Sara Schaefer, dated August 3, 2005
67. Letter from Don Abramson, dated August 3, 2005
68. Letter from Shirley Ehrlich, dated August 3, 2005
69. Letter from Peggy Chipkin, dated August 3, 2005
70. Letter from Tom and Karen Akin, dated August 4, 2005
71. Letter from Gail Dorph, dated August 4, 2005
72. Letter from Fred Rico Hurvich, dated August 4, 2005