

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

.....

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 (CONTINUED FROM AUGUST 10, 2005)**

MEETING DATE: **AUGUST 24, 2005** REVIEWED BY: SA

.....

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 has been circulated for public review and comment. The comment period concluded on August 15, 2005.

Public comments on the DEIR were received at a public hearing held at the August 10, 2005 Planning Commission meeting. After receiving testimony, the public hearing was closed, and this item was continued to the August 24, 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 project merits by the Planning Commission. Reference copies of the DEIR may still be reviewed at the Town Planning Division or at the Belvedere-Tiburon Public Library during business hours.



Town of Tiburon

STAFF REPORT

Public Comments

Public comments that have been received in writing and at the August 10th meeting centered around the following issues:

- Locations of potential traffic safety impacts, including safety of a portion of the curve on Blackfield Drive, queuing of traffic on Reedland Woods Way and at Cove Shopping Center, and the need for left turn lane improvements at the Tiburon Boulevard/Blackfield Drive intersection
- Adequacy of parking provided and potential impacts on surrounding neighborhood
- Adequacy of noise analysis, including baseline noise measurements, need for actual noise readings during nighttime events, and acoustical effects of the surrounding topography
- Need for information on growth patterns of Congregation Kol Shofar, and the potential effects of future growth on the activity levels of the congregation
- Need for a lighting plan and a headlight intrusion study
- Need for a grading and drainage plan
- Need for a better biological analysis
- Potential inconsistency with policies of the Tiburon General Plan calling for projects to be in harmony with surrounding residential neighborhoods

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 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

Since the August 10 meeting, nine additional comment letters regarding the DEIR have been received from nearby property owners, along with one letter from the State Department of Transportation, and one from the attorney for the applicant. Two additional letters were received from neighboring property owners after the close of the comment period, along with one letter from an attorney representing a group of neighbors. One letter was also received



Town of Tiburon

STAFF REPORT

from Planning Commissioner Collins, amplifying his specific concerns with the DEIR which he discussed at the last meeting. Copies of these letters are attached as Exhibits 1-14.

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, any testimony should be confined to whether revision and recirculation of the DEIR is required at this time pursuant to CEQA. 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 response to comments and 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 a revised DEIR.

In accordance with the Town of Tiburon Environmental Review Guidelines, any decision by the Planning Commission regarding recirculation of the DEIR is appealable to the Town Council within five (5) days of the decision. Said appeal shall be heard at the next feasible Town Council meeting, notwithstanding any adopted Town policies or regulations concerning appeals to the contrary.

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 comments and new information will be added to the EIR in the response to comments, the Environmental Coordinator has concluded that none of the thresholds requiring recirculation have been reached at this point in time. As described by CEQA, these thresholds are:

1. *A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.* Although the public comments provided additional information about potential environmental impacts identified by the DEIR, the public comments received did not identify any *new* significant environmental impacts that would result from the project or proposed mitigation measures.
2. *A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to level of insignificance.* No new information was submitted in the public comment period that clearly indicated that the severity of the environmental impacts of the project would be substantially greater than those identified in the DEIR. Preparation of additional information in the response to comments could result in identification



Town of Tiburon

STAFF REPORT

of a substantial increase in the severity of an environmental impact of the project; if so, recirculation would be required at that time.

3. *A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.* Several additional project alternatives were identified during the public comment period. The possibility of substantially reducing the size of the proposed multi-purpose room would not be considerably different in effect than reducing the intensity of the proposed uses by restricting the uses on the site, which has already been identified as a project alternative. Furthermore, any alternative analyzing a reduction of size of the multi-purpose room would fall within the range of alternatives previously discussed in the DEIR. The proposed alternative to provide all necessary parking on-site has not yet been shown to be a feasible project alternative.
4. *The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.* The DEIR has been prepared in accordance with fundamentally sound planning and environmental review procedures, as set forth in the CEQA statutes and guidelines.

As a result, the DEIR does not require recirculation at this time, and Staff recommends that the consultant be directed to prepare the response to comments and the Final EIR. It is possible that during, or at the completion of, the response to comments process, one or more of the thresholds requiring recirculation may be reached. If so, the applicant will be notified immediately of the determination that recirculation is required. This determination would be appealable to the Town Council.

EXHIBITS

1. Letter from Dennis and Sara Sakai, dated August 10, 2005
2. Letter from Christianna Seidel, dated August 10, 2005
3. Letter from California Department of Transportation, dated August 12, 2005
4. Letter from Samantha Winter, dated August 12, 2005
5. Letters from Logan Boles, dated August 12, 2005
6. Letter from William Stewart, dated August 14, 2005
7. Letter from Christopher Harney, dated August 14, 2005
8. Letter from David and Joyce Holden, dated August 14, 2005
9. Letter from Bruce Cohn, dated August 14, 2005
10. Letter from Planning Commissioner Richard Collins, dated August 15, 2005
11. Letter from Tiffany Wright, dated August 15, 2005
12. Letter from Janet Cohn, dated August 15, 2005
13. Letter from Christianna Seidel, dated August 12, 2005
14. Letter from John and Karen Nygren, dated August 17, 2005
15. Letter from Roger Beers, dated August 17, 2005