

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

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TO: **PLANNING COMMISSION**

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

SUBJECT: **FILE #30302: FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) 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**

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

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PROJECT DATA

Address:	End of Stony Hill Road
Assessor's Parcel Number:	55-261-10
File Number:	30302
Lot Size:	5.6 Acres
General Plan:	Planned Development Residential (up to 1.0 d.u./acre)
Zoning:	RPD (Residential Planned Development)
Current Use:	Vacant/Undeveloped
Owners:	Joe Ling, et al
Applicant:	William Verelley
Date Complete:	February 20, 2004

BACKGROUND

An application has been filed by Joe Ling, et al, for a precise development plan (the Ling Precise Development Plan, File #30302) 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.

An Environmental Impact Report has been prepared for this project. The Draft EIR has been circulated, and comments on the DEIR were received at the May 11, 2005 Planning Commission meeting. On June 8, 2005, the Planning Commission accepted the DEIR as being prepared in conformance with CEQA and the Town's local CEQA Guidelines, and directed the consultant to prepare the Final EIR and respond to comments.

The FEIR has been prepared, and has previously been distributed to the Planning Commission. The FEIR 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 EIR: that the proposed residences would adversely affect views from public and private vantage points.



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In addition, the EIR identifies the potential for significant environmental impacts in the following categories that can be eliminated or reduced to a less-than-significant level through mitigation measures:

- Geology and Soils
- Hydrology and Water Quality
- Biology
- Traffic and Circulation
- Noise
- Aesthetics
- Public Services
- Land Use
- Air Quality

The potential impacts for several of these categories were discussed in the Staff report presented to the Planning Commission for the May 11, 2005 meeting (Exhibit 4). The EIR recommends mitigation measures for all other potential environmental impacts that would reduce these impacts to a less than significant level.

PURPOSE OF THIS MEETING

The Town of Tiburon Environmental Review Guidelines, revised November 6, 2002, require the Planning Commission, acting as an advisory body to the Town Council, to consider the Final Environmental Impact Report in making its recommendation on the project to the Town Council. The purpose of this meeting is to:

1. Accept final public comment on the FEIR, and
2. Consider the recommendation of the Environmental Coordinator that:
 - A. A recommendation be made to the Town Council that the FEIR be certified as having been prepared in compliance with the requirements of the California Environmental Quality Act (CEQA); and
 - B. That this document reflects the independent judgment and analysis of the Town.

This decision is necessary prior to consideration of the merits of the project.

The FEIR, which is composed of the Draft EIR and the Response to Comments document, discloses the environmental consequences of approving and implementing the five-lot residential development proposed by the applicant. The FEIR also identifies mitigation measures and alternatives to the project that would substantially lessen the environmental effects of the project. When compared to the DEIR, the FEIR does not reveal any new significant impacts, any substantial increase in severity of impacts, or other information that



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might warrant recirculation of the DEIR. Based on these determinations, the Planning Commission should recommend that the Town Council certify the FEIR.

Certification of the FEIR does not approve the project proposed by the applicant or any alternative discussed in the FEIR. Once the FEIR has been certified, public hearings will be held to discuss the merits of the application prior to a decision on the Ling Precise Development Plan itself.

DEADLINE FOR CERTIFICATION OF FEIR

As you may recall, during the review of the EIR for the Tiburon Glen Precise Development Plan, the Marin County Superior Court imposed a deadline for certification of the FEIR for that project. Although no such deadline has yet been established for certification of the Ling project FEIR, the length of time that has elapsed since this application was deemed to be complete should impart a similar sense of urgency for a decision on certification of this FEIR as well. Once the Planning Commission has made its recommendation regarding the FEIR, a hearing will be scheduled before the Town Council to consider certification of this document.

FUTURE ACTIONS REQUIRED

After the Town Council certifies the FEIR, the Planning Commission will hold public hearings to consider the merits of the Ling Precise Development Plan application. The Commission will make a recommendation to the Town Council regarding the merits of the project.

If the Precise Development Plan is approved by the Town Council, subsequent Town permits would include a Tentative Subdivision Map, Parcel map, Subdivision Improvement Drawings, and Site Plan and Architectural Review and Building Permits for individual lots.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution recommending to the Town Council that the Final Environmental Impact Report prepared for the Ling Precise Development Plan be certified.

EXHIBITS

1. Draft Resolution
2. DEIR and FEIR (previously distributed)
3. Planning Commission Staff report dated May 26, 2004
4. Planning Commission Staff report dated May 11, 2005
5. Planning Commission Staff report dated June 8, 2005
6. Minutes of the May 26, 2004 Planning Commission meeting
7. Minutes of the May 11, 2005 Planning Commission meeting
8. Minutes of the June 8, 2005 Planning Commission meeting