

RESOLUTION NO. 2006-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON ADOPTING
FINDINGS RELATING TO THE ADOPTION OF THE CONGREGATION KOL SHOFAR
CONDITIONAL USE PERMIT PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT
ASSESSOR PARCEL NUMBER 38-351-34

SECTION 1 – INTRODUCTION

WHEREAS, on _____, 2006 the Planning Commission of the Town of Tiburon adopted Resolution No. _____ certifying the Final Environmental Impact Report for the Congregation Kol Shofar Conditional Use Permit Project; and

WHEREAS, on December 8, 2004, the Planning Commission held a Scoping Session, and on August 10, 2005, the Planning Commission held a hearing on the Draft EIR, and on August 24, 2005, the Planning Commission held a hearing to recommend preparation of the Final EIR; and

WHEREAS, the Final EIR included responses to comments and edits to the Draft EIR; and

WHEREAS, after publication of the Final EIR, the applicant for the Congregation Kol Shofar Conditional Use Permit (“the project”) proposed further modifications to the project in an attempt to reduce all impacts of the project to a less-than-significant level; and

WHEREAS, the proposed modifications to the project include limitations on the number of new events and the number of attendees at those events, and improvements to the proposed circulation plan; and

WHEREAS, those proposed project modifications have been labeled as Alternative 7; and

WHEREAS, the EIR identified certain significant environmental impacts caused by the Congregation Kol Shofar Conditional Use Permit Project and recommends specific mitigation measures to reduce certain of these impacts to a less-than-significant level and the Planning Commission has certified the EIR as being adequate according to CEQA and has reviewed and considered the information in the EIR and the entire record; therefore, the Planning Commission makes specific findings, as follows, for each significant impact, pursuant to Public Resources Code section 21081, based not only on the EIR, but evidence in the entire record, including written and oral testimony to the Planning Commission.

SECTION 2 – LOCATION AND CUSTODIAN OF DOCUMENTS

The Recording of Proceeding (“Record”) upon which the Planning Commission bases these findings and its actions and determinations regarding the proposed project includes, but is not limited to:

- 1 The Final EIR which consists of the *Congregation Kol Shofar Conditional Use Permit Application Draft Environmental Impact Report* (June 2005) and the *Congregation Kol Shofar Conditional Use Permit Application Final Environmental Impact Report Response to Comments Document* (February 2006) plus the appendices and technical reports cited in and/or relied on in preparing the Final EIR.

- 2 All staff reports, Town files and records and other documents, prepared for and/or submitted to the Planning Commission and/or Town staff relating to the Final EIR, addendums, and/or the proposed project.

The location and custodian of the Record is the Town of Tiburon Community Development Director, 1505 Tiburon Boulevard, Tiburon, California, 94920.

SECTION 3 -- SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The FEIR indicates that certain significant environmental impacts will or may result from approval of the proposed project. Each of these significant impacts can be mitigated to a less-than-significant level either through incorporation of mitigation or adoption of an alternative. In response to those significant impacts so identified in the FEIR discussed in this Section 3, alterations have been required to the proposed project or mitigation has been incorporated into or imposed on the project which will avoid or substantially lessen each significant environmental impact identified in this section. The Planning Commission hereby finds that each and every mitigation measure identified in this section is feasible and has been imposed on or incorporated into the proposed project, and the Planning Commission further finds that the significant impacts described in this section have been reduced to a less-than-significant level by incorporation of these mitigation measures.

The Planning Commission further adopts the findings contained herein.

Hydrology, Drainage, and Water Quality

Impact 3.1-A Development of the project would create new impervious surfaces, increasing the rate and amount of stormwater runoff. This runoff could contribute to flooding in the vicinity of the project site. (DEIR, p. 49.)

Facts and Evidence

Construction of additional structures and parking facilities in the intermittent creek watershed will increase the quantity of stormwater runoff flowing into the existing storm drain facilities. Stormwater runoff from the project site flows into storm drains that connect with a 48-inch reinforced concrete pipe (RCP) under the project site. The 48-inch RCP connects an intermittent creek with the West Ditch on the south side of Via Los Altos. The proposed project will concentrate additional storm runoff directly into the 48-inch RCP, and thus the West Ditch, and may exacerbate flooding problems downstream. (DEIR, p. 46.)

Potential project impacts on peak flow rates and downstream flooding would be potentially significant, due to the uncertainty associated with the extent of inundation of downstream residential properties from any increase in the amount of stormwater runoff reaching the West Ditch. Referring to Table 3 above, the computed increases in post-project peak flow rates on the site relative to existing conditions for the 2-year, 25-year and 100-year design rainstorms ranged from 8.7 to 9.7 percent. The greatest increase was associated with the 25-year rainstorm. As listed in Table 3, the post-project peak flow for the 25-year rainstorm was calculated as 19.2 cubic feet per second. The post-project peak flow for the 100-year rainstorm was calculated as 25.0 cubic feet per second. (DEIR, p. 47.)

Discharge from the larger watershed, of which the project site is included, was also calculated using the Rational Method. The 25-year and 100-year watershed discharges for both the pre- and post-construction watershed conditions were calculated at 134 cubic feet per second and 185 cubic feet per second.

Therefore, while the computed peak flows for the smaller site watershed did indicate increases of 8-10 percent for the designated recurrence interval rainstorms, the same methodology failed to register a detectible increase for the larger West Drain Watershed. Since the Flood Insurance Rate Map (FIRM) map for the Town of Tiburon has designated a substantial part of the Pamela Court neighborhood as a Special Flood Hazard Area (SFHA), and the Tiburon General Plan 2020 has incorporated the provision that developments must maintain pre-project peak flow rates for their project areas, the project's impact on local peak flow rates would still be considered potentially significant. (DEIR, p. 47.)

The EIR hydrologist conducted an analysis of culvert and channel capacity downstream of the project site to Richardson Bay. The capacity of the 48-inch RCP under Reedland Woods Way and Via Los Altos was analyzed using Manning's equation for pipe flow. Assuming a conservative value, 1.5 percent, for the slope of the 48-inch RCP, the full flow rate of the pipe was calculated to be 192 cubic feet per second. The 100-year storm event on the portion of the watershed upstream of the pipe inlet would result in a calculated flow rate of just over 169 cubic feet per second, after development of the proposed project. The capacity of the pipe is sufficient to handle the minor increase of additional flow from the proposed project. (DEIR, p. 47.)

Based on averaged channel dimensions of the West Ditch between Via Los Altos and Cecilia Way measured in the field and a slope determined from a Marin County Flood Control and Water Conservation District point survey, along with the application of the Manning's equation for normal depth (i.e., a standard formula used for designing storm channels in the absence of backwater effects), a channel capacity of 720 cubic feet per second was computed. The 100-year storm event would result in a peak flow of 185 cubic feet per second at the outlet of the watershed. The computed capacity of the West Ditch was significantly higher than the computed 100-year peak discharge for the creek under post-project watershed conditions. (DEIR, p. 47.)

The unobstructed capacity of the 12-foot x 5-foot concrete box culvert under Cecilia Way was also assessed. The calculated capacity of the culvert for the free-flow condition was 1,285 cubic feet per second. The 100-year post-project peak discharge of the watershed above the culvert is less than 185 cubic feet per second discharge of the entire watershed. Under most conditions, the capacity of the culvert is sufficient to pass this flow. However, if woody debris were to be trapped at the culvert entrance, the culvert capacity could be reduced in proportion to the extent of the obstruction. This is likely the rationale used for oversizing the culvert to such an extent. (DEIR, p. 47.)

Tidal backwater influences can severely reduce the hydraulic capacity of the two 60-inch CMPs under Tiburon Boulevard. As stated previously, an extreme storm event during a high tide may result in flooding because the capacity of the two 60-inch culverts would be near zero. At full capacity the culverts can pass a flow of 190 cubic feet per second without headwater. This flow rate is greater than the 100-year flow rate of 185 cubic feet per second, however, if the tide is above the culvert outlet elevation the capacity of the two culverts is quickly reduced. The potential of a large storm event and a high tide occurring together demonstrates the need for the Pamela Court Pump Station to control flooding of the nearby residences. (DEIR, p. 48.)

The Pamela Court Pump Station consists of 3 pumps. Pump 1 is the lead, pump 2 is the lag, and pump 3 is for power outages and extreme flow conditions. The Marin County Flood Control and Water Conservation District believes that the need for pump 3 is highly improbable (Jack Curley, personal communication, 3/31/05). However, since the combined pumping station capacity is a small fraction of the West Ditch 100-year peak discharge, it is unlikely that the pump station could fully ameliorate flooding in the vicinity of Pamela Court during a coincident, spring high tide and 100-year flood event. Since a good portion of the Pamela Court neighborhood has been mapped as a SFHA by FEMA, any additional peak flow generated by

the project (i.e. even at the local watershed scale), would constitute a *potentially significant impact*. (DEIR, p. 48.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that impacts associated with on-site peak flow rates and attendant downstream flooding will be mitigated to a less-than-significant level by the imposition of Mitigation Measure 3.1-A.1. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measure 3.1-A.1 includes specific measures to maintain runoff from the site at pre-project levels. Therefore, the project would not increase peak runoff to the West Ditch. Implementation of this measure will reduce this impact to a less-than-significant level.

Mitigation Measure 3.1-A.1 provides: Meet the proposed Tiburon General Plan 2020 policy of maintaining the post-development 100-year peak flow at the pre-development level. This can be accomplished with above ground detention or by the construction of an underground stormwater detention vault. The current site plan proposes a small detention pond near the northeast corner of the site. Further analysis will be done at the design stage to size the detention pond to ensure that the pond attenuates peak flows to the appropriate level. The outlet pipe would be sized and positioned to accommodate stormwater storage at volumes appropriate to the attenuation of site peak flows to pre-project levels. It will also be necessary for a geotechnical engineer to assess any secondary impacts of the detention pond on slope stability. If the construction of a detention pond for full attenuation is infeasible from a geotechnical standpoint, attenuation could be achieved with a smaller pond and/or an underground vault. (DEIR, p. 48.)

If it is found that an underground vault is best suited for the proposed project the vault should be constructed of reinforced concrete or other highly durable material and be fitted with a pipe outlet connecting the vault to the site storm drain. The outlet pipe would be sized and positioned to accommodate stormwater storage at volumes appropriate to the attenuation of site peak flows to pre-project levels. (DEIR, p. 48.)

Implementation of the recommended mitigation measure would reduce the impact to a *less than significant* level by maintaining peak flow rates from the site at pre-development levels. (DEIR, p. 49.)

Impact 3.1-B Project development would result in the clearing of land for the proposed site improvements. During and after project construction exposed slopes will be at risk of eroding. (DEIR, p. 49.)

Facts and Evidence

Project development would result in a large portion of the site being cleared and graded for the proposed project. The multi-purpose building to be constructed on the south side of the main building extends over the steep slope to the south and will expose the top of the slope during project construction and after construction until vegetation becomes re-established. If construction occurs during the rainy season, exposed earth would be subject to erosion. This is a *potentially significant impact*. (DEIR, p. 49.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that impacts on erosion and downstream sedimentation will be mitigated to a less-than-significant level by the imposition of Mitigation Measure 3.1-B.1. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

The mitigation requires completion and implementation of an Erosion Control Plan. The mitigation measure identifies what elements are to be included in that plan. The plan will be monitored for effectiveness by the Town. Implementation of this measure will reduce this impact to a less-than-significant level.

Mitigation Measure 3.1-B.1 provides: The applicant shall submit a detailed Erosion Control Plan to the Town Engineer prior to issuance of a grading permit. The Erosion Control Plan shall include the following restrictions, guidelines, and measures: (1) grading and earthwork shall be prohibited during the wet season (typically October 15 through April 15) and such work shall be stopped before pending storm events; (2) erosion control/soil stabilization techniques such as straw or wood mulching, erosion control matting, and hydroseeding, shall be utilized, in accordance with the regulations outlined in the Association of Bay Area Governments “Erosion & Sediment Control Measures” manual; (3) silt fences shall be installed downslope of all graded slopes, in accordance with the installation guidelines presented in the San Francisco Bay Regional Water Quality Control Board’s “Erosion Control Field Handbook”; and (4) hay bales shall be installed in the flow path of graded areas receiving concentrated flows, as well as around storm drain inlets. These erosion control best management practices shall be monitored for effectiveness and shall be subject to inspection by the Town Engineer. After construction is completed, all drainage facilities shall be inspected for accumulated sediment, and these drainage structures shall be cleared of debris and sediment. Silt fences shall be left in place until the hydroseed has become established. (DEIR, p. 49.)

The recommended mitigation measure would ensure proper site drainage and delivery to storm drains. Erosion would be controlled. The mitigations would reduce the water quality impact to a less than significant level. (DEIR, p. 49.)

Impact 3.1-C Project development would result in the construction of 0.84 acres of additional impervious surfaces. Stormwater runoff from the upper parking lot and classroom building will concentrate runoff into grass swales that may erode. (DEIR, p 50.)

Facts and Evidence

The construction of two swales is proposed. The first swale is in the center of the upper parking lot. The second swale is along the east side of the upper parking lot. If not properly constructed, the swales could erode and/or become unstable. This is a ***potentially significant impact***. These swales, if properly vegetated, would also capture pollutants and benefit water quality. (DEIR, p. 50.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that impacts on drainageways will be mitigated to a less-than-significant level by the imposition of Mitigation Measures

3.1-C.1 and 3.1-C.2. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measures 3.1-C.1 and 3.1-C.2 require determination of the final runoff to each swale and construction of cross-swale sills/weirs, vegetation, rock, and energy dissipaters that would reduce velocities and erosion potential. Implementation of Mitigation Measures 3.1-C.1 and 3.1-C.2 will ensure that impacts on drainageways will be mitigated to a less-than-significant level.

Mitigation Measure 3.1-C.1 provides: Complete an analysis on the quantity of stormwater to be conveyed in each swale. Computations should be completed using the Rational Method. Complete an analysis to ensure that the erosive potential of storm flow does not compromise the stability of the swales. If it is found that either grass swale has the potential of becoming unstable, then geotechnical fabrics (e.g. geoweb) can be incorporated into the bed of the swale to reduce the erosion potential, or mitigation measure 2 shall be implemented. (DEIR, p. 50.)

Mitigation Measure 3.1-C.1 provides: Construct notched cross-swale sills/weirs with outlet energy dissipaters to reduce overall flow velocities and erosion potential. (DEIR, p. 50.)

Implementation of the recommended mitigation measures would ensure proper site drainage and stormwater delivery to storm drains. Erosion would be controlled. The mitigations would also reduce the water quality impact to a ***less than significant*** level. (DEIR, p. 50.)

Impact 3.1-D Cumulative development could contribute to flooding in the vicinity of the project site. (DEIR, p. 51.)

Facts and Evidence

There are two areas within or partially within the West Ditch Watershed that are included in the Tiburon General Plan 2020 to be developed. One single family home is included in the Plan in the upper reaches of the watershed. The second area has been slated for 10 units of high-density housing on the border of the lower watershed adjacent to Tiburon Boulevard. Cumulative effects from development of these future projects may increase downstream flooding along the West Ditch. This is a ***potentially significant cumulative impact***.

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that the cumulative flooding impacts will be mitigated to a less-than-significant level by the imposition of Mitigation Measure 3.1-A.1. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

The same mitigation measure required for Impact 3.1-A is required for this impact. (DEIR, p. 51.)

As described under Impact 3.1-A, the project will be required to provide retention of peak flows on site so there will not be any increase in peak flows leaving the site. As such, the project would not contribute to

any cumulative impact. The impact would be *less than significant* given the mitigation previously required. (DEIR, p. 51.)

Traffic and Circulation

Impact 3.3-A The project will add traffic to study area intersections.

Facts and Evidence

The Draft EIR stated that:

The project will add traffic to the signalized Tiburon Boulevard/Blackfield Drive intersection and the unsignalized Via Los Altos/Blackfield Drive and Reedland Woods Way/Blackfield Drive intersections. The traffic analysis concludes that the Tiburon Boulevard/Blackfield Drive intersection would continue to operate at an acceptable LOS C both under the near-term and year 2025 buildout conditions. The two unsignalized intersections adjacent to the site would operate at LOS A in the near-term and in year 2025. The only potentially significant impact associated with study intersections is that the 325-foot long Tiburon Boulevard/Blackfield Drive intersection eastbound left turn lane would not have adequate queuing space to accommodate projected vehicle queues. Project-generated traffic on a peak Saturday evening would result in inadequate left-turn lane capacity. An additional 150 feet of lane capacity (i.e., the space needed for an additional 6 vehicles) would be needed to handle existing traffic plus peak project-generated traffic. This is a potentially significant project impact.

The Draft EIR preparer proposed the following mitigation:

To address the project impact the following measure is required:

1. Pending Caltrans approval, the project shall fund lengthening the eastbound left turn lane at the Tiburon Boulevard/Blackfield Drive intersection by adding at least 150 feet of storage to the lane.

To address the project's increment of the cumulative impact, the following measure is required:

2. Pending Caltrans approval and determination of need, the project, in combination with other approved development, shall fund lengthening the eastbound left turn lane at the Tiburon Boulevard/Blackfield Drive intersection by adding at least an additional 150 feet of storage to the lane (this assumes that the initial 150 feet has been added per Mitigation Measure 1 above). The project applicant would be responsible for 75 feet of this 150-foot extension.
3. If lengthening the lane is not acceptable to Caltrans, then the proposed events for Saturday evening will be eliminated from the project, and the Sunday evening events shall be reduced to allow 50% less attendees.

The Final EIR added an additional option for mitigating this impact:

4. If Caltrans determines that adjusting the signal length and/or phasing would not adversely affect the level of service at intersections on Tiburon Boulevard and approves adjusting the signal timing, then the signal cycle at the intersection will be changed to allow sufficient time for left turns to clear the intersection on weekends between at least 6:30 and 7:30 p.m. In this case, lane lengthening would not be required.

Robert L. Harrison Transportation Planning and Project Management (Harrison) prepared the initial trip generation analysis upon which the EIR's analysis is based. Relying on this trip generation information

prepared by Harrison, Crane Transportation Group determined that the Saturday event traffic could cause the queue length at the intersection to be exceeded.

Since publication of the Final EIR, Harrison prepared further analysis of the intersection, which demonstrates that project traffic will not cause the intersection queue length to be exceeded. (March 17, 2006 Memorandum from Robert L. Harrison to Scott Hochstrasser.) The difference in results is due to the fact that the Crane Transportation Group modeling did not account for the existing signal timing at the intersection.

As explained by Harrison:

The analysis conducted in the project traffic study was intended to determine the impact of project generated traffic on the Level of Service (LOS) of several intersections. LOS is the standard most commonly used by local jurisdictions, including the Town of Tiburon, to determine project impacts. It is relatively easy to understand and can be calculated using readily available technical data.

The project traffic study used available data such as traffic counts, intersection geometric design and signalization conditions to estimate the impact of the project on the intersection of Tiburon Boulevard with Blackfield Drive. The signal timing plan used in the project traffic study was based on field observations of the typical operation of the intersection. The green time assigned to each traffic movement was representative of the normal signal operations. However, because the traffic signal at this intersection is traffic actuated, the actual timing of each phase of the signal varies in every signal cycle. The HCS2000 software used in the project traffic study assumes a pretimed signal that does not vary in response to traffic flow. In other words, when the traffic from the project is added to existing traffic volumes, the software assumes the signal timing as used for the existing condition.

The signal timing plan used in the project traffic study was adequate to provide an accurate estimate of the project's impact on intersection LOS but was not intended to provide engineering data sufficient to redesign the intersection.

When the proper signal timing and software is used for the modeling, Harrison reports the following results:

INTERSECTION OF TIBURON BOULEVARD AT BLACKFIELD DRIVE

Saturday Evening Conditions

| <u>Scenario</u> | <u>LOS¹</u> | <u>95th Percentile Q²</u> | <u>LOS¹</u> | <u>95th Percentile Q²</u> |
|----------------------|------------------------|--------------------------------------|------------------------|--------------------------------------|
| Existing | C | 12 Vehicles | C | 10 Vehicles |
| Existing + Project | C | 18 Vehicles | C | 13 Vehicles |
| Cumulative | C | 17 Vehicles | C | 12 Vehicles |
| Cumulative + Project | C | 25 Vehicles | C | 15 Vehicles |

Notes: 1 – LOS = Level of Service.

2 – Number of vehicles in the 95th percentile queue in the eastbound left turn lane.

Source: Robert L. Harrison Transportation Planning

The Harrison report explains that:

The actual length of the eastbound left turn lane was measured in the field. The storage portion of the lane is striped to a length of 329 feet. In addition to the storage area, there is an area of bay taper and deceleration lane that is 182 feet in length. The bay taper is about 120 feet in length leaving a deceleration lane of about 62 feet.

Assuming a standard 25 feet per vehicle, the storage capacity of the striped portion of the eastbound left turn lane is 13 vehicles. Using the signal optimization procedures of the TRAFFIX software, existing traffic volumes result in a 95th percentile queue of 10 vehicles. The traffic that would be added by a 300 person Saturday evening at the project results in a 95th percentile queue of 13 vehicles. There is no need to increase the length of the eastbound left turn lane to serve a 300 person Saturday evening event at the project.

The cumulative analysis for the project assumed the full build out of the Tiburon Peninsula or a condition at least 20 years in the future. As shown in the above table, the Tiburon Peninsula build out traffic volumes would result in a Saturday evening eastbound left turn lane 95th percentile queue of 12 vehicles. If the trips generated by a 300 person Saturday evening event at the project were added to this 20 year plus projection, the left turn lane 95th percentile queue is project to reach 15 vehicles.

The existing intersection design would provide adequate pavement to serve even a 15 vehicle queue. By using 46 feet of the available 62 feet of deceleration lane, plus the full 329-foot existing length of the storage lane, all 15 vehicles could be stored in this lane completely separate from the through traffic lanes.

In addition, the applicant has voluntarily agreed to reduce the number of Saturday events to just 12 events per year and to limit the attendance at those events (Alternative 7). The Harrison analysis discussed above was based on an event of 300 people. As noted above, the applicant will now limit attendance to a maximum of 250 people, and this number of guests will only be allowed 4 times per year.

The EIR traffic engineer (the Crane Transportation Group) reviewed this analysis.

To summarize the findings of this review:

- Both software programs are used by the traffic engineering profession. Assessing the intersection's operations using the different software programs provides divergent results. One software program is not preferred over the other. The Town used the TRAFFIX software for predicting future conditions when preparing its new General Plan. The TRAFFIX software does not require as detailed input as the HCS software, and, is, thus, easier to use.
- Using the HCS software, there would be inadequate queuing capacity in the left-turn lane during weekend p.m. hours of peak project trip generation both for the "existing plus project" condition and the "cumulative base case plus project" condition.
- Using the TRAFFIX software, there would be adequate queuing capacity for the "existing plus project" condition. For the "cumulative base case plus project" condition, there would be inadequate capacity (by two vehicle lengths) if the overall level of service at the intersection is to be maintained at LOS C.

- The applicant's traffic engineer has stated that the additional two vehicle capacity that would be needed under the cumulative condition with the level of service remaining at LOS C is met by the "bay taper" (i.e., an unstriped area that allows drivers to decelerate and enter the striped left-turn lane). However, the EIR traffic engineers reply that Caltrans typically does not allow this unstriped bay taper to be counted as part of the queuing capacity for left-turn lanes.
- The EIR traffic engineers conclude that the applicant will need to provide all these data to Caltrans. Caltrans will need to determine which software program queuing and level of service results they wish to utilize. Caltrans would then determine the feasibility and need for left-turn lane lengthening and/or changing signal phasing and when such changes would be required.

Based on the Caltrans review (which would occur at the final design phase of the project), the impact might be less than significant with no mitigation required or potentially significant with lane lengthening and/or changing the signal phase required to reduce the impact to a less than significant level. Caltrans might find that the TRAFFIX software conclusions are acceptable and determine that, at most, lane lengthening would only be needed for the cumulative condition. In that case, the applicant would be responsible for a fair share of that future lane lengthening.

Providing this data to Caltrans to allow them to make the final decision on needed improvements to the State highway is the same conclusion and recommendation reached in the discussion of this left-turn lane in the Final EIR (see Master Response 6F on pages 28-30 of the Final EIR). Implementation of any improvements required by Caltrans would be the responsibility of Caltrans and the applicant.

Based on the analysis above, and with the implementation of Mitigation Measures 3.3-A.1-4, the project will result in a less than significant impact at the Tiburon Boulevard/Blackfield Drive, Via Los Altos/Blackfield Drive, and Reedland Woods Way/Blackfield Drive intersections.

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that the project and cumulative-plus project impacts on the left turn lane queuing capacity will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.3-A.1 through 3.3-A.4 and Alternative 7. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measures 3.3-A.1 and 3.3-A.2 will require that the applicant pay for lengthening the left turn lane to provide for the project's increased trip generation using this lane. Mitigation Measure 3.3-A.4 states that Caltrans may determine to alter the signal cycle or phasing at this intersection, in which case the lane lengthening may not be needed or it may not need to be lengthened the amount described. Mitigation Measure 3.3-A.3 states that proposed events will be limited in size if the lengthening and/or signal adjustment is not permitted by Caltrans.

Mitigation Measure 3.3-A.1 provides: Pending Caltrans approval, the project shall fund lengthening the eastbound left turn lane at the Tiburon Boulevard/Blackfield Drive intersection by adding at least 150 feet of storage to the lane.

Mitigation Measure 3.3-A.2 provides: Pending Caltrans approval and determination of need, the project, in combination with other approved development, shall fund lengthening the eastbound left turn lane

at the Tiburon Boulevard/Blackfield Drive intersection by adding at least an additional 150 feet of storage to the lane (this assumes that the initial 150 feet has been added per Mitigation Measure 1 above). The project applicant would be responsible for 75 feet of this 150-foot extension.

Mitigation Measure 3.3-A.3 provides: If lengthening the lane is not acceptable to Caltrans, then the proposed events for Saturday evening will be eliminated from the project, and the Sunday evening events shall be reduced to allow 50% less attendees.

Mitigation Measure 3.3-A.4 provides: If Caltrans determines that adjusting the signal length and/or phasing would not adversely affect the level of service at intersections on Tiburon Boulevard and approves adjusting the signal timing, then the signal cycle at the intersection will be changed to allow sufficient time for left turns to clear the intersection on weekends between at least 6:30 and 7:30 p.m. In this case, lane lengthening would not be required.

Implementation of these mitigation measures and Alternative 7 will result in the lane meeting Caltrans' criteria for adequate queuing capacity and reduce this impact to a less-than-significant level.

Impact 3.3-B The project will add traffic to the inadequate driveway serving the pre-school facility and southwest end of the site. (DEIR, p. 64.)

Facts and Evidence

The existing safety concerns of inadequate sight lines for drivers turning left out of the pre-school driveway and usage of a driveway of inadequate width would be exacerbated by the addition of 50 more students (a 50 percent increase in vehicles using this driveway). It is possible that the students would not be a part of the existing pre-school, but, instead, could be Kol Shofar students; however, as a worst case, it is assumed that these students would access the site by this driveway. There would also be increased use of this driveway from people attending proposed services and events on the site. Increased use of this driveway is a ***potentially significant safety impact.*** (DEIR, p. 63.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that impacts on the driveway will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.3-B.1 through 3.3-B.4. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measures 3.3-B.1 through 3.3-B.4 will require that the driveway be used only by staff and employees, that vegetation be cleared uphill of the driveway, and that warning signs be posted at the driveway. The mitigations also require development of an additional seven parking spaces to compensate for those lost due to the restrictions on use of this upper parking lot. Implementation of these measures will provide safe internal circulation and will reduce this impact to a less-than-significant level.

Mitigation Measure 3.3-B.1 provides: The applicant shall cut roadside vegetation on the project site west of the driveway or provide an engineering/survey analysis of what the sight lines would be if the vegetation were removed.

Mitigation Measure 3.3-B.2 provides: If sight lines are inadequate, parking shall not be allowed at this lot. If this driveway and parking lot are not available for parking, then all other mitigation measures in this Traffic Section regarding parking and use restrictions must be adjusted to reflect the loss of these 13 parking spaces.

Mitigation Measure 3.3-B.3 provides: Widen the driveway to at least 20 feet.

Mitigation Measure 3.3-B.4 provides: The applicant shall develop 7 additional public parking spaces.

Widening the driveway to the pre-school by at least 4 feet at its intersection with Via Los Altos and by at least 2 feet internal to the site would require additional grading, possibly including cutting into the uphill bank. This could result in unstable slopes unless properly designed and constructed. However, the EIR already requires all grading to be done per the recommendations of the geotechnical consultant, and this should mitigate any possible unstable slope effects. The removal of vegetation uphill of the driveway to improve sight lines would not be a significant vegetation effect since most of the plants are non-native broom. Removing this vegetation might allow additional views down onto the new project buildings for people traveling downhill on Via Los Altos, but this additional view would not be considered a significant effect. The secondary effects would be considered less than significant given mitigations already included in the EIR. (DEIR, p. 64.)

If Mitigation Measure 3.3-B.1 shows sight lines are adequate, then Mitigation Measure 3.3-B.2 is not required. Mitigation Measure 3.3-B.3 addresses the inadequate width impact. The mitigations would reduce the safety impacts at this intersection to a *less than significant* level. (DEIR, p. 64.)

Impact 3.3-C 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.

Facts and Evidence

Although the Draft EIR concluded that the project would have adequate parking, it stated that “[i]ncreased numbers of turnarounds in driveways or in front of homes and increased frequency of event-related turnarounds on these residential streets is considered by the EIR traffic engineer to be a potentially significant safety concern.” (DEIR, p. 67.)

The Draft EIR proposed the following mitigation:

To ensure that people attending project events can park on site:

1. Do not allow more than 275 people on the site for any function or combination of functions.

OR,

2. Require valet parking for all times when there would be more than 275 people on the site up to a maximum of 360 people (this maximum assumes a 30 percent on-site parking efficiency gain due to valet parking, while maintaining room on-site for emergency vehicle access.) Events of more than 360 people would require shuttle service to and from Town-approved remote lots. To avoid secondary impacts at remote lots, a Town-approved parking plan would be required in advance of over 360-person events. Note: The Harrison study’s assumed 80-percent parking efficiency gain due to on-site valet parking for High Holy Days is doubtful, and raises concerns

for adequate emergency vehicle access (i.e., maintaining clear drive-through access on-site for fire and ambulance access). Therefore, the Town should also require a demonstration of the valet parking plan.

To reduce the impact of people parking on the street turning around in residential neighborhoods Mitigation Measure 1 or 2 above would be required, plus the Town could consider the following measures:

3. The curb on both sides of the roadway fronting Via Los Altos and Reedland Woods Way could be painted to red to prohibit parking.
4. The Town could implement a parking permit program that allowed residents 24-hour parking but limited others to one hour.

The Draft EIR preparer stated that Mitigation Measures 3 and 4 were likely not feasible, and that even if implementation of Mitigation Measures 1 and 2, people would continue to park on Via Los Altos and/or Reedland Woods Way. The EIR traffic engineers therefore considered this impact significant and unavoidable.

In response to comments, the Final EIR proposed to replace Mitigation Measure 4 with the following:

4. Require people attending new proposed events on weekend afternoons/evenings and Monday through Thursday “special events” to produce a receipt that they have parked on the site or in an approved off-site parking lot. Kol Shofar will staff the parking lot to give people the parking receipt and staff the door to ensure that attendees have a receipt. The Town will monitor the program. Kol Shofar will place \$1,000 (or whatever amount deemed appropriate by the Planning Commission) on account to be drawn upon by the Town for use in random (unannounced) monitoring of these events. If no violations are detected during monitoring in the first year, only one monitoring per year will be required in subsequent years. If one violation occurs in any year, monitoring will be conducted 5 or 6 times per year the following year. If there are no violations during that year, then monitoring can return to a once a year schedule. If two violations occur during the first year or years when multiple monitoring is done, Kol Shofar will be required to conduct patrolling and placing signs warning people not to park on the street during new proposed events. If two or more violations occur after the year when two violations were identified, then the Town can revised the Conditional Use Permit to allow fewer events and/or attendees at those events or require additional measures aimed at reducing on-street parking during the target events.

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that due to changes in the proposed project the traffic safety impact will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.3-C.1, 3.3-C-3, and Alternative 7. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

The applicant has proposed two modifications to the project which will mitigate this potentially significant impact along with the mitigation proposed below. First, as discussed above, the applicant has proposed to substantially reduce the number of events and the maximum number of attendees at those events. Limiting additional events to a maximum of 250 people ensures there will be adequate parking on-site. To reduce the potential that despite adequate on-site parking people would still turn around in the street, the applicant

has proposed a revised circulation and parking plan. According to this plan, the Reedland Woods Way driveway would be an exit only, and all guests would enter the site from Via Los Altos. In addition, signs would be posted at the intersection of Reedland Woods Way and along Via Los Altos, directing visitors to follow this circulation plan.

The Planning Commission has reviewed the various options and believes the applicant's proposal (Alternative 7) along with the mitigation required below is feasible and the most effective means for mitigating this impact.

Accordingly, implementation of Alternative 7 along with Mitigation Measures 3.3-C.1 and 3.3-C.3 will reduce the potential impact of midstreet turnarounds to a less-than-significant level. Furthermore, these proposals will be more effective than those previously proposed in the Draft and Final EIR.

Mitigation Measure 3.3-C.1 provides: Do not allow more than 275 people on the site for any function or combination of functions.

Mitigation Measure 3.3-C.3 provides: At a minimum, the following traffic control measures shall be taken for all new and existing events, or combination of events, with 250 or more participants:

- 1) "Resident Traffic Only" or similar courtesy sign placed on Reedland Woods Way near the Blackfield Drive intersection and on Via Los Altos immediately east of (upslope from) the main Kol Shofar parking lot entrance.
- 2) "No parking" signs placed on the east side of Reedland Woods Way north of fire hydrant zone near the driveway entrance to 20 Reedland Woods Way up to the property line between 20 and 30 Reedland Woods Way.

Impact 3.3-F The project will add traffic to the driveways to the Lower Lot, thereby causing potential safety impacts at those driveways and within the parking lot. (DEIR, p. 69.)

Facts and Evidence

The Draft EIR provided that:

People will access the Lower Lot via a one-way inbound driveway from Via Los Altos and/or a two-way (in and out) driveway from Reedland Woods Way. Both of these driveways currently exist, but the Reedland Woods Way driveway is currently only for outbound vehicles. This driveway would be reconstructed to eliminate the steep grade as it approaches Reedland Woods Way as well as to accommodate inbound and outbound traffic. The existing emergency vehicle gated driveway on Reedland Woods Way would be eliminated. Access to the new "Upper Lot" parking area and new drop-off area would be provided by a new driveway extending west from the northern end of the main parking lot (see Figure 4). (DEIR, p. 70.)

The Lower Lot layout and driveways could cause turning movement conflicts near the driveway to Reedland Woods Way. This is because of the proximity of the driveway to the new upper lot and to the parking aisles in the lower lot and the Reedland Woods Way driveway. This is a ***potentially significant*** internal circulation safety concern. (DEIR, p. 70.)

Since circulation of the Final EIR, the applicant has proposed a revised circulation and parking plan. According to this plan, the Reedland Woods Way driveway would be an exit only, and all guests would enter the site from Via Los Altos. In addition, signs would be posted at the intersection of Reedland Woods

Way and internally within the parking lot, directing visitors to follow this circulation plan. (Alternative 7 Analysis, p. 7.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that due to changes in the proposed project the circulation safety impact will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.3-F.1 and 3.3-F.2. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measure 3.3-F.1 requires installation of stop signs at critical intersections on the site, and Mitigation Measure 3.3-F.2 requires installation of a "no exit" sign at the parking lot driveway intersection with Via Los Altos. These mitigations will allow for safe circulation on the site. Implementation of these measures will mitigate this impact to a less-than-significant level.

Mitigation Measure 3.3-F.1 provides: Provide stop signs at the south end of the new driveway to the new Upper Lot and a stop sign on the parking aisle approach in the Lower Lot driveway just before it reaches the Reedland Woods Way driveway.

Mitigation Measure 3.3-F.2 provides: Provide an internal "no exit" sign at the Via Los Altos ingress driveway.

Noise

Impact 3.4-B The project would increase noise levels in the area surrounding the project site.

Facts and Evidence

The project will generate periodic substantial noise events. This new noise will not result in excessive average noise levels in the area. However, the noise from children playing on the new playground and use of the new turnaround and parking lot (especially during nighttime events) can be expected to adversely affect residents of 5-8 homes on Reedland Woods Way, one or more homes on Vista Tiburon Drive, and up to 11 residences on Blackfield Drive and Corte San Fernando. The Reedland Woods Way residences fronting the site would be most affected by the project as they would experience both increased noise from the new playground and from the new parking lot. Residents of homes on Blackfield Drive, and Corte San Fernando would also hear sounds from the main parking lot and this would be a significant effect. (DEIR, p. 88.)

The Draft EIR reported that:

The noise from all various noise sources associated with the project would be within Town standards (60 dBA L_{dn}) if perceptible at all. Regarding large, night time events, the Draft EIR stated that night time events would result "in an increase in the day-night average noise levels of about 1 dBA L_{dn} at nearby residences (increasing average noise levels to 52 to 53 dBA L_{dn}). (DEIR, p. 87.) Although these noise levels, if perceptible at all, are within the Town standards, the Draft EIR preparer concluded that "based on the EIR preparers' experience, it is projected that this noise could be perceived as out of context with the character of the existing nighttime noise

environment, and would likely disturb some nearby residences (primarily the residents of 20, 30, 35, 45, 65 and 80 Reedland Woods Way and possibly 10 Vista Tiburon Drive).”

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that noise impacts due to future use of the new buildings will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.4-B.1 through 3.4-B.5 and by Alternative 7. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

In response to comments, further noise studies were conducted and reported in the Final EIR. Although noise measurements were only taken on the project site (not at the surrounding residences), these studies further confirmed that noise generated by the project would be within Town standards. (Final EIR, p. 43.) The Final EIR preparer concluded that noise impacts from the project would be significant and unavoidable.

In response, Charles M. Salter Associates, Inc. submitted an analysis of the Final EIR’s conclusions (Salter Report). The Salter Report explains that the Town typically uses an annualized L_{dn} as the ruling metric to gauge overall changes in the noise environment. This is the standard the Town has applied to similar projects within the Town such as the Tiburon Peninsula Club and the Belvedere Tennis Club. The Salter Report also explains that applying this standard and assuming 75 events a year, the increase in the annualized L_{dn} would be less than one decibel, which would be a less- than-significant impact.

In response, the EIR noise consultant (Illingworth & Rodkin) reviewed Alternative 7 to determine whether the reduction in events, hours, and attendees would be sufficient to reduce the noise impact to a less than significant level.

Illingworth & Rodkin responded to the Salter Report comment that the Town of Tiburon has used an annualized L_{dn} (24-hour average) noise metric on previous projects. The L_{dn} metric does not capture the relatively short-term noise impacts described in the EIR. While these short-term noise impacts generated by people coming from and leaving nighttime events may not endure long enough or be loud enough to cause significant changes in an average day-night noise metric, this does not mean they are not a substantial impact to people living in the area. The CEQA Guidelines state that a noise impact may be considered significant when there is a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. As described in the EIR, the project would cause noise levels periodically (i.e., when people were coming to and leaving the site during new nighttime events) by 6-10 decibels (dBA). This periodic noise increase would be substantial given the quiet residential neighborhood, the large number of events originally proposed by the applicant, and the time of night when the events would end. The impact was considered significant.

Reducing the number of nighttime events was assessed as a project alternative. See the discussion above regarding Alternative 7 where the EIR acoustic consultants conclude that these reductions in events and other reductions would reduce the noise impact to a less than significant level. The EIR noise consultants concluded that the 11:00 PM ending time for these 12 events would still achieve a less than significant impact given the other reductions encompassed in Alternative 7.

As discussed above, the project applicant proposes to substantially reduce the number of weekend events analyzed in the EIR (Alternative 7). With this reduction, any night time disturbance to the neighbors of the

project will be relatively rare. Given the infrequency of events, and also considering the project will be within Town standards for noise, this impact will be less than significant under Alternative 7.

Therefore, the Final EIR should be modified as follows. With the mitigation required in the Draft EIR (Mitigation Measures 3.4-B.1-5), Impact 3.4-B is considered to be less than significant.

Implementation of the following mitigation measures will mitigate this impact to a less-than significant level:

Mitigation Measure 3.4-B.1 provides: Doors and windows of the multi-purpose room should remain in the closed position during large or amplified indoor events (such as life-cycle events) except for the three High Holy Day services (when they can be left open only during the services).

Mitigation Measure 3.4-B.2 provides: Sound rated doors with a minimum of STC 35 should be used along exterior walls of the multi-purpose room to reduce noise impacts on nearby residents during indoor amplified events.

Mitigation Measure 3.4-B.3 provides: Indoor noise build-up in the multi-purpose room should be reduced through the treatment of room surfaces with acoustically absorptive materials. A qualified acoustical specialist should review the final design, prior to construction.

Mitigation Measure 3.4-B.4 provides: A mechanical ventilation system, suitable to the Town of Tiburon building official, must be provided in the multi-purpose room to allow occupants the option of maintaining windows and doors closed.

Mitigation Measure 3.4-B.5 provides: No outdoor amplification will be allowed except for the current allowance for the annual Sunday school closing ceremony. (DEIR, p. 88.)

Implementation of these measures would reduce Impact 3.4-B to a less than significant level.

Impact 3.4-C Construction of project improvements would generate construction noise over a period exceeding one year. (DEIR, p. 92.)

Facts and Evidence

The significance of construction noise impacts is a function of the type and duration of construction activities occurring at the project site. The duration of project construction is unknown at this time. Project construction activities would include clearing and constructing buildings, driveways, parking facilities, and landscaping.

The highest noise levels would be generated during the grading and site preparation phase with lower noise levels occurring during building construction. Table 11 in the DEIR (p. 90) describes the amount of noise that typical pieces of construction equipment produce at a distance of 50 feet from the piece of equipment. Table 12 in the DEIR (p. 91) describes average equivalent noise levels near construction sites.

Large pieces of earthmoving equipment such as graders, scrapers, and bulldozers generate maximum noise levels of 80 to 85 dBA at a distance of 50 feet. Maximum hourly average construction generated noise levels of about 81 dBA to 88 dBA measured at a distance of 50 feet from the site could intermittently occur during busy construction periods. These noise levels typically drop off at a rate of about 6 dBA per doubling of distance between the noise source and receptor.

Noise exposure at residences would depend on both distance and shielding from terrain and/or structures. Due to the topography of the area, hilltop residences would be exposed to unshielded noise levels. The nearest noise sensitive receptors are located 300 or more feet from proposed building envelopes and 60 feet from the proposed parking lot. Hourly average noise levels would be approximately 80 to 85 dBA at receptors located 60 feet from busy construction activity and approximately 65 to 72 dBA at receptors located 300 feet from busy construction activity. Noise levels would be lower in areas further from construction or shielded by intervening structures or terrain. Construction noise levels would be substantially above the ambient at receptors in the vicinity of the project site, especially during the construction of the new parking lot.

Given the potential for increases in noise at adjacent residential land uses as a result of project construction, the construction project would cause a ***potentially significant noise impact***. The allowable construction hours set forth in Chapter 13-6 of the Town Municipal Code substantially reduce the potential disturbance resulting from construction activities. As stated in the purpose of the ordinance, the limitation on hours is intended to balance the need to construct with the right to quiet. Additional controls are recommended for this project to reduce the effects of construction noise at adjacent residential land uses

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that construction period noise impacts due will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.4-C.1 through 3.4-C.5. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

These mitigation measures will reduce construction noise impacts to a less-than-significant level by implementing the measures set forth in the Town of Tiburon's Noise Ordinance. In addition construction equipment mufflers and maintenance and idling prohibitions will be required. A Noise Disturbance Coordinator will be responsible for responding and addressing construction noise complaints. Implementation of these measures will reduce this impact to a less-than-significant level.

Mitigation Measure 3.4-C.1 provides: Allowable construction hours shall be regulated by Chapter 13-6 of the Town Municipal Code. There shall be no construction truck traffic on Sundays or holidays. The allowable hours of construction shall be conspicuously posted on a sign at the project entrance.

Mitigation Measure 3.4-C.2 provides: Properly muffle all internal combustion engine driven construction equipment (i.e., equipped with stock manufacturers' supplied mufflers or equivalent).

Mitigation Measure 3.4-C.3 provides: Prohibit unnecessary idling of internal combustion engines.

Mitigation Measure 3.4-C.4 provides: Select "quiet" construction equipment (i.e., equipment that is designed to operate more quietly than typical pieces of the same equipment), particularly air-compressors, standby engines, etc. whenever possible.

Mitigation Measure 3.4-C.5 provides: Designate a "noise disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler, loud contractor radio, etc.) and institute reasonable measures warranted to correct the problem.

Conspicuously post the telephone number and name of the disturbance coordinator at the construction site.

The implementation of these controls would reduce the effects of construction noise upon existing residences in the area. Consistency with the Town's Municipal Code plus the additional mitigations recommended above would reduce construction noise impacts to a *less than significant* level. (DEIR, p. 92.)

Visual and Aesthetic Quality

Impact 3.5-A Proposed building additions, parking areas, and driveway would change views from public vantage points. (DEIR, p. 102.)

Facts and Evidence

Proposed improvements will be visible only from short sections of the three adjacent streets and a distant street to the east. The multi-purpose room will be visible from short sections of Blackfield Drive, Reedland Woods Way, Upper Cecilia Way, and Via Los Altos. The new classrooms and parking lot would be visible from a short section of Reedland Woods Way. The new driveway would be visible from short sections of Blackfield Drive and Reedland Woods Way. From these vantage points, the proposed new buildings and circulation improvements will not affect a scenic vista nor substantially change existing public views. The following provides a more detailed discussion of the changes to public views. (DEIR, p. 100.)

From Blackfield Drive

As shown on View 1 in the Draft EIR, starting at Karen Way, a small section of the roof of the multi-purpose room would be visible. However, this change does not affect a scenic vista nor significantly degrade the visual character of this view. Further north, project improvements would not be visible again until one approaches the Reedland Woods Way intersection. Traveling north, one would look to the left (northwest) and see the new driveway. (DEIR, p. 100.)

As shown on View 3 in the Draft EIR, traveling west (downhill) on Blackfield Drive from the point where the site is first visible, one would see the top of the multi-purpose room. One would also see part of the new driveway from this location. The changes in view will not be substantially noticeable, particularly given that the new buildings will not be painted white as shown in the simulations. (DEIR, p. 100.)

From Reedland Woods Way

Starting at Blackfield Drive, one will see the new driveway traveling up the hill to the turnaround. Further north, one will be able to see a part of the new classrooms for about 30 feet. As one passes the existing cypress grove, one would see the new parking lot and any cars parked there, at least until such time as proposed landscaping is sufficiently mature to screen the lot and parked cars. The driveway will be landscaped along its eastern side, so that once this landscaping is mature, views of the driveway would be buffered or screened. However, the proposed landscaping trees at this location are western redbud. This is a deciduous tree which means there would be little screening during the winter months. The new views of the driveway and the new parking lot would be potentially significant. Heading south, one may have a view of the multi-purpose room roof, though the new roof is not any higher than the existing main building roof and may not be visible behind the existing roof. (DEIR, p. 101.)

From Via Los Altos

It will be possible to see the roof of the multi-purpose room as one passes the driveway to the lower lot and the driveway to the upper lot. The views of the building walls would be screened, so only the clerestory-windowed roof would be visible. This would be a minor change in views from this road. Most drivers would not even see the building as their view would be focused straight-ahead along the road. (DEIR, p. 101.)

From Upper Cecilia Way

The new multi-purpose roof and upper walls will be visible from the north end of this street. The existing building is barely discernible in the distant landscape. Assuming the new multi-purpose room is painted an earth-tone color (as proposed), it would not substantially alter the view from this vantage point. (DEIR, p. 101.)

From Ring Mountain Open Space Preserve

From many vantage points on the Ring Mountain Trail, one will be able to see the roof and some of the clerestory windows of the new multi-purpose room to the south of the existing building. The new turnaround, parking lot area, and any cars parked in it would be visible. The new classrooms and the driveway may be visible from a few locations. Views of the site are from 0.25 mile to nearly 1.0 mile distant from the trail. In addition to the distance, views of much of the site are screened or buffered by the tall trees on the site, especially the eucalyptus grove at the north end. While the new buildings will be visible, they would be inconspicuous additions to a landscape dominated by views of large homes at upper elevations and established neighborhoods at lower elevations. So long as the buildings and roofs are an earth-tone color, they will not significantly change these distant views. What will be a more obvious change is the new turnaround and parking area and cars parked there. These areas are more open (i.e., less buffered by large trees) and will be visible from a number of vantage points. However, the area that would be developed is not large and landscaping is planned along its north and east sides. This is a potentially significant impact. (DEIR, p. 101.)

The project would have *potentially significant impacts* to public views from Ring Mountain Open Space Preserve and Reedland Woods Way. (DEIR, p. 102.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that due to changes in the proposed project the visual impact will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.5-A.1 through 3.5-A.3. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measure 3.5-A.1 requires buildings and roofs to be constructed with earth-tone colors. Mitigation Measures 3.5-A.2 and 3.5-A.3 require installation of landscaping and maintenance of that landscaping around the new parking lot. These landscaping mitigations will screen the parking lot from sensitive off-site public vantage points. The mitigation measures will reduce the visual impact to a less-than-significant level.

Mitigation Measure 3.5-A.1 provides: Buildings and roofs will be earth-tone colors as approved by the Town.

Mitigation Measure 3.5-A.2 provides: The east side of the driveway, the area between the turnaround and the new parking lot, and the east and north sides of the new parking lot shall be landscaped with non-deciduous trees. The landscaping shall include trees and shrubs that are fast-growing and, preferably, drought-resistant. This landscaping shall be installed as part of the first phase of site development, if the project is not all constructed at the same time. The following lists species that could be used to provide hedge screening. They have been selected because they make good hedges and are fast-growing. The plants marked with an asterisk are also low water users:

- *Escallonia* spp.*
- *Garrya elliptica* (coast silktassel)*
- *Grevillea robusta* (silk oak)
- *Grewia occidentalis* (lavender starflower)
- *Ilex* spp. (holly)*
- *Melaleuca* spp.*
- *Nerium oleander* (oleander)*
- *Olmediella betschleraria* (Guatemalan holly)
- *Osmanthus fragrans* (sweet olive)*
- *Pittosporum* spp.*
- *Rhamnus alaternus* (buckthorn)*
- *Thevetia* spp.
- *Viburnum* spp.*

Landscaping shall be fertilized and irrigated per the protocol established in a written report by a landscape architect or arborist. The applicant shall be responsible for fertilizing, irrigating, and replacing dead trees until such time as the tree screen blocks views from neighboring residences on Reedland Woods Way.

Mitigation Measure 3.5-A.3 provides: Plant the entire west side of the new parking lot with trees or shrubs.

Planting fast-growing non-deciduous trees along the north and east sides of the driveway, turnaround, and parking lot would soon provide screening of these improvements from Reedland Woods Way. This landscaping would also provide fairly rapid buffering of these paved areas from the more distant, elevated vantage points on the Ring Mountain Open Space Preserve. The recommended landscaping plus recommended roof and building colors would reduce visual impacts to public vantage points to a *less than significant* level. (DEIR, p. 102.)

Impact 3.5-B Proposed building additions, parking areas, and driveway would change views from private vantage points. (DEIR, pp. 105-106.)

Facts and Evidence

From Blackfield Drive and Karen Way

Residents of 200, 210, and 220 Blackfield Drive (see View 2) and 251 and 254 Karen Way (see View 1) will see part of the multi-purpose room. These views are all from a lower elevation, so the new building will be part of the main building, but what is more visible is the residence at 32 Via Los Altos above the main building and the lower parking lot. The views are often buffered by intervening trees. The new building will not block any scenic vista or substantially degrade the existing views. Residents of two or three of these homes will also have a view of part of the new driveway. This view would replace a view of

two trees and a grassy hillside. While the change will be evident, it is relatively minor and would not be expected to significantly degrade existing views. (DEIR, p. 103.)

The residence at 230 Blackfield Drive would have a clear view of the new driveway, turnaround, and classroom wing (see View 4 in the Draft EIR which would likely be similar to the view from this home) Residents of 231 Blackfield Drive would also likely have views of the driveway and possibly part of the new classroom wing. While there would be a change in views, the buildings and other improvements would not block a scenic vista nor degrade scenic resources. (DEIR, p. 103.)

From Reedland Woods Way

From 35 Reedland Woods Way (RWW), one will see the new turnaround and parking lot, the top of the new multi-purpose room, and the new classroom wing. As one can see from Photo 7 in the Draft EIR, these additions will be quite evident from the upper windows of this home. A similar view is expected for the upper story of the adjacent 45 RWW residence. (DEIR, p. 103.)

From 20 and 30 RWW, one will see the new turnaround, parking lot, and the new classroom wing and possibly the top of the new multi-purpose room from the upper windows. As one can see from Photos 5 and 6 and View 4 in the Draft EIR, all but the new multi-purpose room will be quite visible from these two residences. (DEIR, p. 103.)

From the upper story of 65 RWW one will be able to see the new parking lot (more will be visible than shown in Photo 4 in the Draft EIR during the winter when the trees lose their leaves) and part of the classroom wing through the eucalyptus trees. Residents of 60 RWW will also have views of some of the new improvements. From upper story windows, it is likely one can also see the parking lot area. Residents of 80 RWW will also see part of the classroom wing through the eucalyptus trees. (DEIR, p. 103.)

The change in views for 20, 30, 35, 45, 65, and 80 RWW would be substantial though existing views would not typically be defined as scenic. (DEIR, p. 103.)

From Via Los Altos

View 5 in the Draft EIR shows that the residents of 32 Via Los Altos (VLA) will look down on the new multi-purpose room. They likely also will look directly down onto the new classroom wing. The residents of 31 VLA will also see the new multi-purpose room but probably not the new classroom wing. The residents of 38 VLA will have a filtered view of the new classroom wing, but the intervening eucalyptus trees substantively block that view. The multi-purpose room will be quite evident to the residents of 31 and 32 VLA. However, the building will not block a scenic vista. The existing view of the main building on the site would not be characterized as scenic. (DEIR, p. 104.)

Some residents of homes further uphill on VLA will also have distant views of parts of the multi-purpose room, and parking lot. These views are so distant that the impacts on these residents would be less than significant. (DEIR, p. 104.)

From Vista Tiburon Drive

As shown on Photo 10 in the Draft EIR, the classroom wing would be quite visible from 10 Vista Tiburon Drive (VTD). Though photos were not taken from other residences on this street, it is likely that residents of 30, 40, 45, 50, and 60 VTD will have partial views of the classroom wing, possibly the roof of the multi-purpose room, and (for the northernmost homes) the new parking lot. Many of these views will be blocked

or filtered by intervening eucalyptus trees. The new improvements would not block scenic vistas nor degrade scenic resources. (DEIR, p. 104.)

From Paseo Mirasol

No photos were taken from residences on this street. However, it is likely that some residences in this area will have views of the turnaround/drop off and new parking lot. Some may have partial views of the top of the multi-purpose room and possibly part of the classroom wing. These visual changes would be relatively minor given the distance from these residences and the trees on the site. None of these views of the project site would likely be characterized as scenic. (DEIR, p. 104.)

From Other Streets

- Residents of 80 and 90 Monterey Drive and 220 Rancho Drive will look down and see the roof of the new multi-purpose roof.
- The residents of 4, 6, and 10 Corte San Fernando will have partial, filtered views of parts of the multi-purpose room and possibly the driveway and turnaround.
- The multi-purpose room will be visible from numerous residences in the Upper Cecilia Way/Circle Road neighborhood. However, the building addition would be hard to even see from this distance. The view of the site area from these homes would continue to be dominated by site trees and the home at 32 Via Los Altos.
- The project would also be visible from more distant homes to the east. These visual changes would be relatively minor given the distance from these residences and the trees on the site.

None of these views of the project site from these vantage points would likely be characterized as scenic. The project would not block scenic vistas or degrade scenic resources for the residents of these homes.

Summary

The project will be most noticeable to residents of up to 8 residences on Reedland Woods Way, 3 residences on Via Los Altos, 2 on Monterey Drive, 7 residences on Vista Tiburon Drive, 5 residences on Blackfield Drive, 3 residences on Corte San Fernando, 2 residences on Karen Way, and possibly a few residences on Paseo Mirasol. However, in no case will project improvements block an existing scenic vista. As shown in the accompanying photographs and photomontages, the site is an institutional development set in eucalyptus trees surrounded by homes. While it does contain some open space qualities (i.e., it is not subdivided and developed with homes), it would not typically be considered to have high scenic value. From most vantage points, existing trees and buildings would screen or filter views of new project improvements. Residents that would be most affected are residents of 20, 30, 35, and 45 Reedland Woods Way, 10 Vista Tiburon Drive, and 31 and 32 Via Los Altos. The change in views to these residents is a **potentially significant impact**. (DEIR, p. 105.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that due to changes in the proposed project the visual impact will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.5-A.2 through 3.5-A.3 and Mitigation Measure 3.5-B.1. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Project improvements are required to undergo Site Plan and Architectural review. During this review, the Town's Design Review Board will assess the visual changes inventoried above and require changes to the design to minimize the visual changes to protect privacy and views of surrounding neighbors. (DEIR, p. 105.)

The project will be painted in earth tone colors that would reduce the visual effects. The project also contains landscaping to soften the appearances of buildings and screen parking. This includes a Meditation Garden at the north end of the classroom wing. (DEIR, p. 105.)

The additional landscaping recommended for Impact 3.5-A (e.g., 3.5-A.2 and 3.5-A.3) is also required for this impact. In addition, the following is recommended:

Mitigation Measure 3.5-B.1 provides: The landscaping plan will be expanded to include planting fast-growing shrubs or trees that will block views of the new driveway from the east and additional fast-growing trees on the slope below the south side of the multi-purpose room. Landscaping shall be required for the west side of the classroom wing.

The additional recommended landscaping should substantially reduce impacts to residents of Reedland Woods Way homes and the northernmost Blackfield Drive homes. It is not possible to screen buildings from homes above the site. However, the changes in views from these homes is considered to be ***less than significant*** given recommended mitigation measures, existing screening, and/or the existing quality of the view of the site. (DEIR, p. 105.)

Impact 3.5-C Headlights on vehicles using the new driveway and parking area could intrude on residences north of the site. (DEIR, p. 106.)

Facts and Evidence

The Draft EIR reported that:

Headlights on vehicles traveling west (uphill) on the new driveway, around the drop off/turnaround, and into the new upper parking area could intrude off the site and possibly shine into three residences on Reedland Woods Way and one residence on Paseo Mirasol. The applicant proposes to construct a series of three berms along the north side of the new parking area. These berms would be 1-2 feet higher than the adjacent parking area. These berms would be planted with 9 redbuds and 8 coast live oaks. In addition, to the north of these new planted berms is an existing landscaped berm immediately south of the wooden fence between the site and the residence at 35 Reedland Woods Way. (DEIR, p. 106.)

It is not expected that headlights would be visible at Reedland Woods Way residences for vehicles using the new driveway. The driveway is oriented southeast/northwest. So, headlights on vehicles traveling west (uphill) would be aimed towards the northwest corner of the project site and not towards residences on Reedland Woods Way. Headlights on vehicles traveling east (downhill) would be visible at 230 Blackfield Drive, though the angle of the headlights makes it unlikely that the headlights would directly intrude into windows of that home. Headlights on vehicles using the driveway would not intrude on residences on Via Los Altos as existing and proposed project buildings would screen views of vehicle headlights from Via Los Altos residences. Vehicles using the turnaround would have headlights pointed at 20 and possibly 30 and 35 Reedland Woods Way. (DEIR, p. 106.)

Headlights on vehicles using the new parking area could intrude into windows of homes at 20 and 30 Reedland Woods Way and one home to the east on Paseo Mirasol. It is likely that once proposed landscaping is mature, that the new landscaping plus the existing landscaping to the east of the parking area would screen all or some views of these headlights. The existing cypress grove between the eastern parking area and Reedland Woods Way would likely screen most headlights for cars at the eastern side of that lot. It is possible that these headlights might not intrude into all or any of the homes cited here. Elevation sections prepared by the applicant (see Figure 8) show that the residents of 20 and 35 Reedland Woods Way would not see headlights in the parking lot when planned landscaping is mature. However, these elevations do not show if the landscaping would block headlight intrusion from cars driving around the turnaround and in the upper part of the new parking lot. Absent a headlight intrusion study based on survey data (before and after landscaping matures), it will be assumed, as a worst case analysis, that headlights may intrude into some windows in as many as 3 residences on Reedland Woods Way and one residence on Blackfield Drive for a number of years until planned landscaping matures (and possibly even after landscaping matures). Headlight intrusion is a visual invasion of privacy and is considered a *potentially significant impact*. (DEIR, p. 106.)

Subsequently, several commenters requested that the EIR include a headlight intrusion study and assessment of a more complete lighting plan than was submitted for DEIR analysis. The applicant's architects prepared a headlight intrusion study, which was peer-reviewed by the Town Engineer. That study along with the revised lighting plan is attached after Master Response 8 (it also includes an analysis of the feasibility of an underground parking garage, an analysis of the feasibility of constructing a driveway from Blackfield Drive to the lower parking lot, and a feasibility analysis of changing the grade of the upper driveway on Via Los Altos). (FEIR, pp. 46-47.)

To summarize the headlight intrusion study, headlights from vehicles on the site would intrude into the second story of the home at 220 Blackfield Drive (at a distance of 120 feet) and the second story of 20 Reedland Woods Way (at a distance of 100 feet). Headlights from vehicles driving around the turnaround would not affect the ground floor of 35 Reedland Woods Way because an existing fence would shield the residence from direct headlight intrusion. The home at 220 Blackfield Drive would be affected by vehicles in the lower lot, but this is an existing condition. In addition, Mitigation Measure 10 for Impact 3.5-D requires planting landscaping between the parking lot and this residence to block headlight spill off the site. (FEIR, pp. 46-47.)

To mitigate for the impact to the residence at 20 Reedland Woods Way, the applicant will be required to construct a berm and/or fence between the parking lot and this residence so that there would be no headlight intrusion, as already required by Mitigation Measure 3.5-C.1 of the Draft EIR (DEIR, p. 107). (FEIR, pp. 46-47.)

The following describes the key site lighting elements included in the new lighting plan (see attached memo that follows the Master Responses in the Final EIR from the applicant's architect for more information):

- Low bollards, not pole-mounted fixtures, will provide proposed lighting at the new parking lot. The final lighting design details (to be assessed during the Site Plan and Architectural Review - SPAR) may result in minor modifications of the parking lot configuration to ensure effective use of the fixtures.

- Three floodlights mounted on 15-foot poles now light the existing lower parking lot. The applicant proposes the replacement of these existing fixtures with new higher efficiency shielded fixtures casting light only on-site, but they will re-use the existing poles.
- Highly visible white globes mounted on 8-foot poles now illuminate the existing site stairs connecting the lower parking lot to the synagogue. The new stairway will be lit by new shielded down lights mounted on 8-foot poles casting safe, even illumination onto the stairs without producing off-site glare.
- New low bollards will illuminate the proposed paths on the site, as indicated on the Lighting Plan.
- Existing building-mounted security/safety lighting will be replaced with shielded fixtures. New building-mounted security/safety lighting to be provided with shielded fixtures.

(FEIR, pp. 46-47.)

This revised plan is consistent with the recommendations in the DEIR (see DEIR, pp. 108-109). Implementation of the plan plus the mitigation measures recommended in the DEIR would be expected to reduce lighting impacts to a *less than significant level*. Final details of the plan will be approved by the Town during Site Plan and Architectural Review (SPAR).

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that due to changes in the proposed project the visual impact will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.5-C.1 and 3.5-C.2. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measure 3.5-C.1 requires construction of a berm and/or fence to block headlight intrusion of a home on Reedland Woods Way. Mitigation Measure 3.5-C.2 allows the Town to monitor the project after completion to ensure there is no additional headlight intrusion, and to require additional improvements to address that intrusion, if it occurs. The mitigation measures will reduce the visual impact to a less-than-significant level.

Mitigation Measure 3.5-C.1 provides: Prior to approval of the Site Design and Architectural Review, a headlight intrusion study shall be performed by a qualified engineer (as determined by the Town). If this study shows that headlights would intrude into any residences on Reedland Woods Way, 230 Blackfield Drive, or elsewhere, the engineer shall modify the site plan to eliminate that intrusion. Modifications may include: altering the position of the driveway, turnaround, and/or parking lot; constructing a berm(s); or constructing a solid wood fence.

Mitigation Measure 3.5-C.2 provides: The Town will have the right to monitor the project once the new circulation improvements are completed to confirm there is no headlight intrusion into residences. If such intrusion does occur, the Town will have the right to require remedial improvements to eliminate such intrusion.

The DEIR conclusions regarding aesthetic impacts are not changed by this additional information. The only change is to remove the need to conduct a future headlight intrusion study and to require the specific mitigations to ensure there is no intrusion. (FEIR, pp. 46-47.)

Compliance with these mitigation measures will ensure that there would be no headlight intrusion into surrounding residences. It appears that a 6-foot high fence either at the parking lot grade or possibly on a berm 1-3 feet higher than the parking lot grade would shield the homes at 20, 30, and 35 Reedland Woods Way and the home on Paseo Mirasol from headlight intrusion. If there is headlight intrusion into the home at 230 Blackfield Drive, this may require realignment of the driveway and its intersection with Reedland Woods Way. The impact would be reduced to a *less than significant* level with implementation of these mitigation measures. (DEIR, p. 107.)

Impact 3.5-D Project lighting would change nighttime views in the area. (DEIR, p. 109.)

Facts and Evidence

The following describes the lighting the applicant proposes to use for the project.

Lower Parking Lot

The applicant proposes to install new lower-wattage lights on the existing poles. These lights will have shields installed which will prevent light trespass and glare beyond the property line. The range of light levels will be 0.05 to 2.0 fc. A photocell timer will turn the lights on at sunset and off at 11:00 p.m. (DEIR, p. 107.)

Upper Parking Lot

The applicant proposes to light this lot with lights on 10-foot poles. All lights will be aimed away from Reedland Woods Way so there would be no light trespass or glare beyond the property line. The range of light levels would be 0.05 to 2.0 fc. A photocell timer will turn the lights on at sunset and off at 11:00 p.m. (DEIR, p. 107.)

Stairs and Paths

The applicant proposes to use low bollard lights. No lights would be visible beyond the property line. The range of light levels would be 0.1 to 3.0 fc. A photocell timer will turn the lights on at sunset and most bollards off at 11:00 p.m. A few bollards would be left on all night. (DEIR, p. 108.)

In addition to light impacts from these proposed fixed light sources, headlights on cars will result in increased lighting on the site. While direct headlight intrusion can be mitigated as described in Impact 3.5-C, these headlights will still be visible from upper windows of several homes on Reedland Woods Way (at least 20, 30, 35, 45, and 60 Reedland Woods Way), one or two homes on Paseo Mirasol, 230 Blackfield Drive, 4 Corte San Fernando, and likely from more distant homes at higher elevations. (DEIR, p. 108.)

The Draft EIR reported that the project application did not include a lighting plan showing the location of where these lights are proposed or whether other exterior lights in areas other than the two parking lots, the paths, and the stairs are proposed. (DEIR, p. 108.)

Much of the site (other than the eucalyptus grove) is already lit with lights. The area where the new driveway, turnaround, and parking lot is planned is the one area where there are not existing lights. Lights in this area could adversely affect nighttime views from homes on Reedland Woods Way and possibly

other locations. New lights on the new multi-purpose courtyard could be visible from off the site. Lights in the new multi-purpose room would illuminate the clerestory windows in the upper part of the building and could be visible off the site. The clerestory windows are north-facing and could be visible to some residents to the north. (DEIR, p. 108.)

The existing parking lot is lit; lights are turned off at 10:00 p.m. except on special occasions. Under the proposed project, lights could be on until 11:00 p.m. (though the project description does not specify it, it is expected that for Saturday events lasting until 11:30 p.m. that the lights would be left on until that time; in addition it is expected that since events end at 11:00 p.m. on Sundays and 11:30 p.m. on Saturdays that lights would be left on for at least an additional 15 minutes to allow guests to safely access and exit the parking lot). This will result in new lighting in the area during nighttime hours. Any lights that cause glare or light trespass off the site would be considered to have a *potentially significant impact*. (DEIR, p. 108.)

Several commenters requested that the EIR include a headlight intrusion study and assessment of a more complete lighting plan than was submitted for DEIR analysis. Accordingly, the applicant's architects prepared a headlight intrusion study, which was peer-reviewed by the Town Engineer. That study along with the revised lighting plan is attached after the Master Response 8 in the Final EIR. (FEIR, p. 46.)

This revised plan is consistent with the (1) recommendations in the Draft EIR (see pages 108 to 109) and (2) timing requirements established in the Conditions of Approval (Section 3.3.c). Implementation of the plan plus the mitigation measures recommended in the DEIR would be expected to reduce lighting impacts to a less than significant level. Final details of the plan will be approved by the Town during Site Plan and Architectural Review (SPAR). (FEIR, p. 47.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that due to changes in the proposed project the visual impact will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.5-D.1 through 3.5-D.11. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measures 3.5-D.1 through 3.5-D.11 require that lighting be installed and managed to eliminate light trespass or glare off the site and to turn lighting off when not needed for access and security purposes. The mitigation measures will reduce the visual impact to a less-than-significant level.

Mitigation Measure 3.5-D.1 provides: Lighting of all outdoor use areas and walkways shall use low-level walkway lights and bollards.

Mitigation Measure 3.5-D.2 provides: Floodlighting of walls and rooflines will be prohibited.

Mitigation Measure 3.5-D.3 provides: Building entries would be lighted with low-level fixtures using concealed lamps.

Mitigation Measure 3.5-D.4 provides: Security lighting of the new driveway, the turnaround, and the two upper parking areas will use low-level bollards with shielded lights unless this poses a safety hazard (as determined by the Police Department), in which case the area shall be lit using as few as possible shielded lights at 10 foot height with lights aimed away from Reedland Woods Way residences.

Mitigation Measure 3.5-D.5 provides: The large lower parking lot will be lit using shielded lights at 10 foot height with lights aimed away from Blackfield Drive.

Mitigation Measure 3.5-D.6 provides: All lights in parking lots, driveways, and the turnaround will be served by a timer that turns the lights off at 10:00 p.m., except for the twelve annual Saturday nights when identified special events are planned and lights will be turned off at 11:30 p.m. All other exterior lights in other locations shall also be served with a timer and turned off at 11:00 p.m. except those deemed necessary for safety and security by the Tiburon Police Department.

Mitigation Measure 3.5-D.7 provides: No direct lighting or glare will be allowed to be visible from off the property through the multi-purpose room windows.

Mitigation Measure 3.5-D.8 provides: Existing security lights on and around the main building shall be replaced with shielded lights.

Mitigation Measure 3.5-D.9 provides: Lighting (including existing lights) shall be designed to provide needed security and safety without escaping from the site. Lighting shall be reviewed by the Design Review Board. It is recommended that the Town retain the authority to review project lighting once it is installed and to be able to require replacement and/or additional light shielding to minimize light escape from the site.

Mitigation Measure 3.5-D.10 provides: The area immediately east of the cyclone fence at the existing parking lot shall be landscaped with fast-growing shrubs or trees that can quickly grow to sufficient height to block the views of cars and car headlights.

Mitigation Measure 3.5-D.11 provides: All the lighting mitigations listed above shall be installed as part of the first phase of project construction, if the project is not all built at the same time.

The recommended mitigation measures would reduce the lighting impacts. Implementation of these measures would ensure that there would be no direct light trespass or glare off the property. While certain areas of the site that are currently dark would now be illuminated for part of the night, this illumination would be contained and would not be expected to substantially affect views from surrounding residences. The replacement of existing lights with new lower, shielded lights would reduce the existing light impacts from Kol Shofar floodlights and globe lights. Requiring landscaping along the eastern edge of the existing parking lot would eliminate existing headlight intrusion and lighting impacts to the east of the site as well as generally mitigate visual impacts for homes on Blackfield Drive and Corte San Fernando. The elimination of these existing light sources is a beneficial impact of the project. The lighting mitigations recommended above would reduce the impact to a *less than significant* level. (DEIR, p. 109.)

Impact 3.5-E Mitigations recommended for Impact 3.5-D could adversely affect views in the area. (DEIR, p. 110.)

Facts and Evidence

Screening headlights could require the construction of a berm and/or solid wood fence along at least portions of the north and east sides of the new parking lot and possibly along the east side of the turnaround. If the berm was not landscaped, it would provide an unattractive view from Reedland Woods Way and some homes along that street. Similarly, a solid wood fence could result in unattractive views from these same vantage points if it was not aesthetically designed. These would be *potentially significant secondary impacts*. (DEIR, p. 110.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that due to changes in the proposed project the visual impact will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.5-E.1 and 3.5-E.2. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The secondary impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measures 3.5-E.1 and 3.5-E.2 require that the new berm be landscaped and the new fence be built to mimic an adjacent fence. The mitigation measures will reduce the secondary visual impact to a less-than-significant level.

Mitigation Measure 3.5-E.1 provides: Any berm will be landscaped concentrating on the use of native species. The landscaping will be approved by the Town during Site Plan and Architectural Review.

Mitigation Measure 3.5-E.2 provides: Any fences required for headlight screening will undergo Site Plan and Architectural Review. It is recommended that the fence(s) mimic the existing 6-foot solid wood fence separating the site from 35 Reedland Woods Way.

(DEIR, p. 110.)

By ensuring that berms are landscaped and fences designed to meet Town design requirements, the secondary impacts of constructing the recommended mitigation measures would be reduced to a ***less than significant*** level. (DEIR, p. 110.)

Fire Protection and Emergency Medical Services

Impact 3.6-A The project would generate increased calls for fire response and emergency medical aid.
(DEIR, p. 112.)

Facts and Evidence

The increased usage of the site would increase the calls for service for fires and medical emergencies. The project in and of itself would not require hiring additional staff or purchasing additional equipment. There is adequate fireflow to the site, though additional hydrants may be needed. Additional traffic on local streets would not significantly interfere with emergency response or evacuation in the area (Giordano, personal communication, 4/27/05). However, unless the project is designed to meet SMFPD access and other requirements, there could be a ***potentially significant impact***. (DEIR, p. 112.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that due to changes in the proposed project the fire response and emergency medical aid impact will be mitigated to a less-than-significant level by the imposition of Mitigation Measure 3.6-A.1. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measure 3.6-A.1 requires that the project be constructed to comply with the requirements set forth by the Southern Marin Fire Protection District. The mitigation measure will reduce the fire impact to a less-than-significant level.

Mitigation Measure 3.6-A.1 provides: Final design shall comply with all SMFPD requirements including requirements for construction materials, sprinklers, driveway design and layout, and hydrant placement, including:

- The existing Ring Mountain School driveway and proposed new driveway must be maintained open and free of parked cars at all times except in designated parking spaces, and any valet parking plan must reflect this. They will be red-striped. The fire district will review and approve the valet parking plan.
- Reedland Woods Way and Via Los Altos will be kept free of parked cars that could obstruct emergency vehicle access, per review by the Fire Protection District.
- For the Ring Mountain School driveway, red curbing should be maintained along this driveway, and the driveway turnaround shall comply with County standards.
- The existing fire hydrant near the Reedland Woods Way Main Lot driveway shall be moved approximately 20 feet north, nearer the edge of the new access driveway to the circular drop-off area, and a new hydrant will be constructed along the circular drop-off area.
- The drop-off area shall be posted “drop-off only - no parking” (except for shuttle vehicles that have a driver at the vehicle), and the driveway and turnaround shall have red curbs.”
- The Town shall consider requiring sky lights in the sanctuary to increase the ease of ventilating the building in the event of a fire.
- Maximum occupancy shall be posted for all buildings, and the Fire District shall be notified whenever attendance is anticipated to exceed the maximum occupancy.
- All gates shall have Knox Key Control to enable fire access.

The above-noted measure would reduce the impact to the SMFPD to a ***less than significant*** level. (DEIR, p. 112.)

Impact 3.6-C Project development, combined with development of other anticipated projects in Tiburon, could contribute to cumulative demands for fire protection services and emergency medical services. (DEIR, p. 113.)

Facts and Evidence

Additional development in the SMFPD service area would increase the demand for fire protection and emergency medical response. The SMFPD believes the cumulative impact would require purchase of a new ladder truck to adequately serve the project plus other new development in the area. Unless such a truck is purchased, there would be a ***potentially significant cumulative impact***. (DEIR, pp. 112-113.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that due to changes in the proposed project the cumulative impacts on fire protection services and emergency medical services will be mitigated to a less-than-significant level by the imposition of Mitigation Measure 3.6-C.1. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measure 3.6-C.1 requires that the project pay its fair share to a vehicle replacement fund for the Southern Marin County Fire Protection District. The mitigation measure will reduce the fire impact to a less-than-significant level.

Mitigation Measure 3.6-C.1 provides: The applicant shall pay a fair share contribution to a vehicle replacement fund.

Payment into the vehicle replacement fund would reduce the project's increment of the cumulative impact to a *less than significant* level. (DEIR, p. 113.)

Water

Impact 3.7-A The project would generate demand for water service. (DEIR, p. 115.)

Facts and Evidence

MMWD can supply water to the project assuming that the applicant extends water mains per all MMWD requirements (McGuire, personal communication, 4/07/04). No additional supplies or water storage would be required to serve the project. See the previous discussion under Impact 3.6-B regarding provision of adequate fireflow for the project.

The applicant currently is using more than its water entitlement. The site has an entitlement of 1.47 acre-feet of water per year, and last year used 2.59 acre-feet. The applicant will need to purchase the additional entitlement needed to serve proposed uses on the site (currently at a cost of \$26,900 per annual acre-foot required). The applicant will also need to provide a separate water meter for the new classroom building. If these MMWD requirements are not met, there would be a *potentially significant impact*. (DEIR, pp. 112-113.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that water service impacts will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.7-A.1 and 3.7-A.2. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measures 3.7-A.1 and 3.7-A.2 require that the project comply with all Marin Municipal Water District requirements for on-site facilities and to purchase the required water entitlement. These measures will reduce the impact to the water provider to a less-than-significant level.

Mitigation Measure 3.7-A.1 provides: The applicant shall comply with all MMWD requirements, including completion of a High Pressure Water Service Application; compliance with the District's Landscape requirements, payment of appropriate fees; and compliance with all District rules and regulations in force at the time service is requested.

Mitigation Measure 3.7-A.2 provides: The applicant shall request that MMWD calculate the water entitlement required to serve the project. The applicant shall purchase the additional entitlement.

Compliance with MMWD requirements will ensure that adequate water service can be provided for the project. The impact would be reduced to a less than significant level. (DEIR, p. 115.)

Wastewater Collection, Treatment, and Disposal

Impact 3.8-A The project would generate demand for wastewater collection, treatment, and disposal service. (DEIR, p. 117.)

Facts and Evidence

The Richardson Bay Sanitary District (RBSD) states that there is adequate capacity in trunk collection lines to serve the project. There is adequate treatment and disposal capacity. The only concerns that RBSD mentioned were that the project applicant would need to have the number of fixture units inside building additions review by RBSD. The applicant would be responsible for paying required fees for those fixture units. Secondly, RBSD would need to review the Utility Plan to determine the size needed for sewer laterals and to ensure they are constructed per all District requirements (Dittle, personal communication, 4/12/05). Unless these laterals are adequately sized and constructed, there would be a ***potentially significant impact*** on wastewater collection. (DEIR, pp. 114-115.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that wastewater impacts will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.8-A.1 and 3.8-A.2. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measures 3.8-A.1 and 3.8-A.2 require that the project comply with all Richardson Bay Sanitary District requirements for on-site facilities. These measures will reduce the impact to the wastewater provider to a less-than-significant level.

Mitigation Measure 3.8-A.1 provides: The collection system shall be designed and constructed per all requirements of the Richardson Bay Sanitary District. The applicant shall be responsible for all fees required by the appropriate district.

Mitigation Measure 3.8-A.2 provides: The building plans shall be reviewed by the Richardson Bay Sanitary District. The applicant shall be responsible for District-required fees for all new fixture units, as calculated by the District.

(DEIR, p. 117.)

The above-noted measures would ensure that the necessary wastewater collection service would be available. The impact would be reduced to a *less than significant* level. (DEIR, p. 117.)

Police Services

Impact 3.9-A *The project would generate calls for police response.* (DEIR, p. 119.)

Facts and Evidence

The Police Department believes, based on complaints received this year, that increased use of the site will generate additional requests for assistance. However, with a minimum staffing level of one sergeant and two officers per shift, the Department could adequately handle these increased calls, including the larger High Holy Day events (Hutton, Memo to Leonard Charles, 4/21/05). However, the Department recommends that the applicant consider reinstating the practice of hiring off-duty officers or a private security firm to assist them with security at large events to address security and liability concerns. Large events could have a *potentially significant impact*. (DEIR, p. 119.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that police response impacts will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.9-A.1 and 3.9-A.2. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measure 3.9-A.2 requires that the applicant notify the Police Department of events when more than 275 people are expected on the site so that the Police Department can determine whether traffic control is needed. These measures will reduce the impact to the Police Department to a less-than-significant level.

Mitigation Measure 3.9-A.2 provides: As required by the Conditional Use Permit, the applicant shall inform the Police Department about any anticipated events where there will be heavy use of access roads to the site. This means when more than 275 people are expected to be on the site at any one time. If the Police Department determines that traffic control is needed for the event, the Department shall provide it.

The 275-person limit is the number of people that can be handled by on-site parking.

Including this measure would reduce the impact to the Police Department to a less than significant level and could also assist in reducing potentially significant traffic, parking, and noise impacts. (DEIR, p. 119.)

Other Resources

Impact 3.10-A *Project construction will generate dust which may drift off the site and adversely affect the air quality in nearby residential neighborhoods.* (DEIR, p. 122.)

Facts and Evidence

Project construction will generate dust which may drift off the site and adversely affect the air quality in nearby residential neighborhoods. This would be a ***potentially significant air quality impact***. (DEIR, p. 121.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that construction period impacts due to dust will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.10-A.1 through 3.10-A.10. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

These mitigation measures will reduce dust emissions from grading and other construction activities to a less-than-significant level by implementing dust control measures. These dust control measures include preventing visible dust clouds from extending beyond construction sites, watering all active construction areas at least twice daily and more often during windy period and covering all hauling truck or maintaining two feet of freeboard. Implementation of the following mitigation measures will reduce this impact to a less-than-significant level.

Mitigation Measure 3.10-A.1 provides: Construction contracts shall specify dust mitigation requirements.

Mitigation Measure 3.10-A.2 provides: Contractors shall provide equipment and personnel for watering all exposed or disturbed soil surfaces on the project site at a frequency sufficient to avoid visible dust plumes. All dry active construction areas shall be watered at least twice daily.

Mitigation Measure 3.10-A.3 provides: Unpaved access roads, parking areas, and staging areas shall be paved, watered three times daily, or treated with (non-toxic) soil stabilizers.

Mitigation Measure 3.10-A.4 provides: All paved access roads, parking areas, and staging areas shall be swept daily (with water sweepers).

Mitigation Measure 3.10-A.5 provides: Streets shall be swept daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

Mitigation Measure 3.10-A.6 provides: Earth moving or other dust-producing activities shall be suspended during periods of high winds when dust control efforts are unable to prevent visible dust plumes which cannot be controlled by watering.

Mitigation Measure 3.10-A.7 provides: Stockpiles of debris, soil, sand, or other materials that can be blown by the wind shall be watered or covered.

Mitigation Measure 3.10-A.8 provides: The speed of all construction vehicles shall be limited to 15 miles per hour while on unpaved surfaces.

Mitigation Measure 3.10-A.9 provides: All materials transported by truck will be covered or wetted down as needed to suppress visible dust.

Mitigation Measure 3.10-A.10 provides: Disturbed areas will be revegetated or covered as soon as possible.

Implementation of the standard Bay Area Air Quality Management District dust control measures would reduce this impact to a *less than significant* level. (DEIR, p. 122.)

Impact 3.10-B *It is unlikely that there are any cultural resources on the site, however, it is always possible that unknown cultural resources could be uncovered during site grading and preparation.* (DEIR, p. 123.)

Facts and Evidence

The site has been previously disturbed, and it is unlikely that there are any cultural resources on the site. However, it is always possible that unknown cultural resources could be uncovered during site grading and preparation. If such resources were present, project grading and construction could damage or destroy these resources, and this would be a *potentially significant impact*. (DEIR, p. 122.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that potential impacts on subsurface cultural resources will be mitigated to a less-than-significant level by the imposition of Mitigation Measures 3.10-B.1 and 3.10-B.2. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measures 3.10-B.1 and 3.10-B.2 require that the applicant shall implement specific measures in the event that archaeological artifacts or cultural resources deposits are encountered during future grading, excavation, or other land alterations or in the event that human skeletal remains are discovered anywhere on the site. Implementation of these measures will reduce this impact to a less-than-significant level.

Mitigation Measure 3.10-B.1 provides: If cultural resources are discovered on the site during construction activities, all earthmoving activity in the area of impact shall be halted until the applicant retains the services of a qualified archaeological consultant who shall examine the findings, assess their significance, and develop proposals for any procedures deemed appropriate to further investigate and/or mitigate adverse impacts to those resources. The applicant shall abide by the recommended proposals.

Mitigation Measure 3.10-B.2 provides: In the event that human skeletal remains are discovered, work shall be discontinued in the area of the discovery and the County Coroner shall be contacted. If skeletal remains are found to be prehistoric Native American remains, the Coroner shall call the Native American Heritage Commission within 24 hours. The Commission will identify the person(s) it believes to be the "Most Likely Descendant" of the deceased Native American. The Most Likely Descendant would be responsible for recommending the disposition and treatment of the remains. The Most Likely Descendant may make recommendations to the landowner or the person responsible for the excavation/grading work for means of treating or disposing of the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

(DEIR, p. 122.)

These standard mitigation measures ensure that any cultural resources that may be found on the site will be treated in a fashion to avoid adverse effects to them. The measures would reduce the impact to a *less than significant* level. (DEIR, p. 122.)

Impact 3.10-C While the project site does not contain any unusual geologic or soil constraints, the geotechnical report describes several potential geological and soil impacts including: potential damage to buildings due to seismic activity; potential damage to improvements due to landsliding; and damage to improvements due to expansive soils. (DEIR, p. 123.)

Facts and Evidence

A geotechnical study of the site and project was prepared for the applicant. The Town considers the report to be professionally prepared and did not require a separate geotechnical analysis for the EIR. The report is presented in Appendix A of the EIR. While the project site does not contain any unusual geologic or soil constraints, the geotechnical report describes several potential geological and soil impacts including: potential damage to buildings due to seismic activity; potential damage to improvements due to landsliding; and damage to improvements due to expansive soils. The Initial Study concluded that all these *potentially significant geotechnical and soil impacts* could be addressed by the mitigation measure provided below. (DEIR, p. 123.)

Finding

Based upon the EIR and the entire record, the Planning Commission hereby finds that potential geological impacts will be mitigated to a less-than-significant level by the imposition of Mitigation Measure 3.10-C.1. Accordingly, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. The impact is mitigated to a less-than-significant level.

Rationale

Mitigation Measure 3.10-C. requires that all improvements be designed and constructed per the geotechnical report that has been prepared for the project. Implementation of this measure will reduce this impact to a less-than-significant level.

Mitigation Measure 3.10-C provides: All recommendations contained on pages 8 through 15 of the *Geotechnical Investigation for Congregation Kol Shofar* (Herzog Geotechnical Consulting Engineers, February 11, 2004; included in the appendix of the Initial Study (which is in Appendix A of the EIR) shall be implemented during site preparation and project construction. (DEIR, p. 123.)

These mitigation measures ensure that project improvements will be constructed to withstand predicted earthquakes. Potential landsliding will be avoided by stabilizing the portion of the one landslide that extends onto the site. Expansive soils and potential lateral spreading would be addressed to avoid failure of project improvements. The mitigation measure would reduce all geologic and soil impacts to a *less than significant* level. (DEIR, p. 123.)

SECTION 4 – IMPACTS FOUND NOT TO BE SIGNIFICANT

During the CEQA scoping process applied to the project, some environmental impacts were dismissed with a “Less-Than-Significant Impact” response on the Initial Study, on the ground that there was no fair

argument that such impacts would occur. The Planning Commission finds that there is no substantial evidence in the record that the decisions made in the Initial Study (included in the EIR appendix) to dismiss such theoretical impacts was erroneous, nor is there substantial evidence that any impact that might occur has not been adequately examined in the EIR.

Additionally, the Planning Commission finds, based on the EIR and the record that the following impacts identified in the EIR are less-than-significant and do not require mitigation.

Impact 3.2-A Tree Loss

Impact 3.3-D Traffic Impacts on the Reedland Woods Way/Blackfield Drive Intersection

Impact 3.3-E Traffic Impacts on the Karen Way/Blackfield Drive Intersection

Impact 3.3-G Traffic Impacts associated with High Holy Day Services

Impact 3.4-A Exposure of People on the Project Site to Excessive Noise

Impact 3.6-B Exposure to Wildfire

Impact 3.7-B Cumulative Water Demand

Impact 3.8-B Cumulative Wastewater Demand

Impact 3.9-B Cumulative Police Demand

SECTION 5 – ALTERNATIVES

Alternatives to the proposed project are discussed in the EIR at pages 143 to 159 of the Draft EIR and pages 3 to 6 of the Response to Comments Document. The following alternatives were examined:

- Alternative 1 - No Project – No Future Development
- Alternative 2 – Remodeling Only
- Alternative 3 – Remodeling and Classrooms Only
- Alternative 4 – Remodeling and Multi-Purpose Room Only
- Alternative 5 – Restricted Use
- Alternative 6 – Reduced Events
- Alternative 7 – Reduced Events

In reviewing the alternatives the following should be noted:

In response to comments on the June 2005 Draft EIR, the applicant proposed the sixth alternative (Reduced Events), and this alternative was assessed in the Final EIR.

The Planning Commission finds that the Final EIR describes a reasonable range of alternatives to the proposed project which could feasibly obtain the basic objectives of the project, and that the Council has evaluated the comparative merits of the alternatives and has selected Alternative 7 (Reduced Events) in favor of approval of the proposed project and the other alternatives.

Alternative 1 No Development Alternative

Facts

The No Development Alternative assumes the continuation of existing environmental conditions with no development at this time at any location on the site. This means that the Conditional Use Permit (CUP) would not be approved and implemented. It illustrates the effects of maintaining the *status quo* (should existing conditions continue).

Findings and Rationale

Potential environmental impacts of the No Development Alternative are discussed on pages 144 through 145 of the Draft EIR and in Table 13 of the Response to Comments Document. The Planning Commission finds that the No Development Alternative is less desirable than the proposed project and rejects this alternative for the reasons discussed below.

The No Development Alternative would avoid the environmental impacts associated with construction and operation of the proposed project. This alternative, however, would not foreclose development of the project site; as it would be available for development some time in the future. Furthermore, the No Development Alternative would not fulfill (but also would not foreclose) the applicant's objectives to develop the site for religious-related use, thus postponing realization of the applicant's objectives indefinitely.

Alternative 2 Remodeling Only

Facts

This alternative would allow all proposed remodeling of the existing facility but not construction of new buildings or circulation improvements. All proposed non-school functions would be included to the degree that the remodeled facility and available parking can handle the number of people who would attend. High Holy Day services would continue to be divided services. The proposed functions would be limited to those listed in Table 1 with the exception that no new event (other than the three High Holy Day services) can have more than 275 people present (including staff); if there is more than one event occurring on site at the same time, the total number of people allowed on the site would be limited to 275 people.

Findings and Rationale

Potential environmental impacts of the Remodeling Only Alternative are discussed on pages 146 through 147 of the Draft EIR and in Table 13 of the Response to Comments Document. The Planning Commission finds that the Remodeling Only Alternative is less desirable than the proposed project and rejects this alternative for the reasons discussed below.

Based on all environmental factors analyzed, the EIR concluded that the Remodeling Only was the environmentally superior alternative. This alternative will avoid or lessen each significant environmental impact identified in the EIR to a less-than-significant level. The Planning Commission finds that the Remodeling Only Alternative is less desirable than the proposed project and rejects this alternative for the reasons discussed below. This alternative is also not environmentally superior to the preferred Restricted Use Alternative.

The alternative only meets 2 of the 12 project objectives and thus is not consistent with *CEQA Guidelines* Section 15126.6(a) that states that an alternative should "...feasibly attain most of the basic objectives of the project..."

Alternative 3 – Remodeling and Classrooms Only

Facts

This alternative includes remodeling of the existing building and construction of the new classroom wing in the area where it is proposed. The play areas would either remain where they are or be relocated to the east of the classroom wing. Landscaping associated with the classroom wing would also be constructed. No new parking lot, driveway, or turnaround would be constructed. Uses of the main building would be restricted as described under Alternative 2.

Findings and Rationale

Potential environmental impacts of the Three Lot Alternative are discussed on pages 147 through 150 of the Draft EIR and in Table 13 of the Response to Comments Document. Based on all environmental factors analyzed, the EIR concluded that the Remodeling and Classrooms Only alternative was environmentally superior to the proposed project. This alternative will avoid or lessen each significant environmental impact identified in the EIR to a less-than-significant level. The Planning Commission finds that the Remodeling and Classrooms Only Alternative is less desirable than the proposed project and rejects this alternative for the reasons discussed below. This alternative is also not environmentally superior to the preferred Restricted Use Alternative.

The alternative only meets 3 of the 12 project objectives and thus is not consistent with *CEQA Guidelines* Section 15126.6(a) that states that an alternative should "...feasibly attain most of the basic objectives of the project..."

Alternative 4 – Remodeling and Multi-Purpose Room Only

Facts

The Remodeling and Multi-Purpose Room Only alternative assumes construction of all the proposed project elements except for the new classroom wing and expansion of the school population.

Findings and Rationale

Potential environmental impacts of the Remodeling and Multi-Purpose Room Only Alternative are discussed on pages 150 through 152 of the Draft EIR and in Table 13 of the Response to Comments Document. This alternative would meet 11 of the 12 basic objectives of the project. The Planning Commission finds that the Remodeling and Multi-Purpose Room Only Alternative is less desirable than the proposed project and rejects this alternative for the reasons discussed below.

The Remodeling and Multi-Purpose Room Only Alternative would not substantially lessen environmental effects of site development in comparison to the project. It would not reduce the significant and unavoidable noise impact to a less than significant level. The alternative would not significantly benefit the environment. This alternative is also not environmentally superior to Alternative 5: Restricted Use Alternative.

Alternative 5 Restricted Use

Facts

The Restricted Use Alternative assumes development of all proposed additions but would restrict the use of those facilities by requiring all events except existing Friday night events to end by 9:00 p.m.; allowing new Saturday and Sunday evening events only every other weekend; and requiring that no more than 275 people be on site for new events.

Findings and Rationale

Potential environmental impacts of the Restricted Use Alternative are discussed on pages 152 through 154 of the Draft EIR and in Table 13 of the Response to Comments Document. The Planning Commission finds that the Restricted Use Alternative is environmentally superior to the proposed project as it would reduce the significant and unavoidable noise impact to a less than significant level. It would also reduce traffic and lighting impacts.

Alternative 6 Reduced Events

Facts

The Reduced Events Alternative assumes development of all proposed additions but would restrict the use of those facilities by reducing the number of Saturday evening events to a maximum of 27 events and Sunday night events to a maximum of 20 events. It would restrict the number of people allowed at proposed events to a maximum of 275 people.

Findings and Rationale

Potential environmental impacts of the Reduced Events Alternative are discussed on pages 3 through 6 and in Table 13 of the Response to Comments Document. The Planning Commission finds that the Reduced Events is environmentally superior to the proposed project. However, this alternative would not reduce the significant and unavoidable noise impact to a less than significant level. This alternative is not environmentally superior to the preferred Reduced Events.

Alternative 7 Reduced Events

Facts

The Further Reduced Events Alternative assumes development of all proposed additions but would restrict the use of those facilities as follows:

- Saturday events would end at 11 p.m. and would be limited to 12 events per year. Of those twelve events, attendance would be limited as follows: 4 events with a maximum of 250 attendees, 4 events with a maximum of 200 attendees, and 4 events with a maximum of 150 attendees.
- Sunday events would be limited to 15 evenings per year, all ending by 9 p.m. Sunday events would have the following limitations on attendance: 3 events with a maximum of 250 attendees, 5 events with a maximum of 200 attendees, 4 events with a maximum of 150 attendees and 3 events with a maximum attendance of 100 attendees.

Additionally, under the Further Reduced Events Alternative, the applicant has proposed a revised circulation and parking plan. According to this plan, the Reedland Woods Way driveway would be an exit only, and all guests would enter the site from Via Los Altos. In addition, signs would be posted at the intersection of Reedland Woods Way and along Via Los Altos, directing visitors to follow this circulation plan.

Findings and Rationale

Because the alternative is environmentally superior to the proposed project and meets the basic project objectives, the Planning Commission elects to approve this project alternative rather than the project as proposed or any of the other alternatives.

SECTION 6 – ADOPTION OF FINDINGS

The Planning Commission hereby adopts the Findings of Fact and Rationales as set forth in Sections 1 through 6 of this Resolution.

PASSED AND ADOPTED at a _____ meeting of the Planning Commission of the Town of Tiburon on _____, 2006, by the following vote:

AYES:

NOES:

ABSENT:

JOHN KUNZWEILER, CHAIRMAN
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY