



TOWN OF TIBURON
Tiburon Town Hall
1505 Tiburon Boulevard
Tiburon, CA 94920

Action Minutes - Regular Meeting
Tiburon Planning Commission
July 14, 2010 – 7:30 PM

ACTION MINUTES TIBURON PLANNING COMMISSION

CALL TO ORDER AND ROLL CALL – *At 7:35 PM*

Present: Chairman Kunzweiler, Commissioner Corcoran, Commissioner Doyle,
Commissioner Tollini
Absent: Vice-Chair Frymier

ELECTION OF OFFICERS *Continued to August 11, 2010*

ORAL COMMUNICATIONS *There Were None*

Persons wishing to address the Planning Commission on any subject not on the agenda may do so under this portion of the agenda. Please note that the Planning Commission is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Planning Commission agenda. Please limit your comments to no more than three (3) minutes. Testimony regarding matters not on the agenda will not be considered part of the administrative record.

COMMISSION AND STAFF BRIEFING

Commission and Committee Reports
Director's Report

PUBLIC HEARING

1. 1501 and 1505 TIBURON BOULEVARD: ACCEPT PUBLIC COMMENT ON DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE PROPOSED 18,000 SQ. FT. BELVEDERE-TIBURON LIBRARY EXPANSION PROJECT; File #s GPA 2008-02, MCA 2008-14, 40801, and 30804; Belvedere-Tiburon Library Agency and Town of Tiburon, Owners; Belvedere-Tiburon Library Agency, Applicant; Assessor Parcel Numbers 058-171-92, 93, 94, and a portion of 058-171-62 [SA] *Public Comment Accepted*

MINUTES

2. PLANNING COMMISSION MINUTES – Regular Meeting of June 23, 2010 *Approved as Submitted 4-0*

ADJOURNMENT *At 8:25 PM*

PLANNING COMMISSION
APPROVED MINUTES NO. 1000
July 14, 2010
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California

CALL TO ORDER AND ROLL CALL:

Chair Kunzweiler called the meeting to order at 7:30 p.m.

Present: Chair Kunzweiler, Commissioners Corcoran, Doyle, and Tollini

Absent: Vice-Chair Frymier

Staff Present: Director of Community Development Anderson and Minutes Clerk Levison

ORAL COMMUNICATIONS: None

COMMISSION AND STAFF BRIEFING: None

PUBLIC HEARING

- 1. ACCEPT PUBLIC COMMENT ON DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE PROPOSED BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT LOCATED AT 1501 AND 1505 TIBURON BOULEVARD; File #s GPA 2008-02, MCA 2008-14, 40801 and 30804; Assessor Parcel Numbers 058-171-92, 93, 94 and a portion of 058-171-62**

Director of Community Development Anderson presented the staff report, stating that the Town is processing land development applications for an approximately 18,000 square foot, two-story addition to the Belvedere-Tiburon Public Library building and related improvements involving both the adjacent Town Hall site and Zelinsky Park. The Town determined that an Environmental Impact Report (EIR) was required for the project and retained the firm of Christopher A. Joseph and Associates, as an independent and objective third party, to prepare the EIR.

Mr. Anderson stated the purpose of tonight's hearing is for the Planning Commission to receive public testimony on the contents of the DEIR and not on the merits of the project itself. This hearing is also not informational in nature, other than that provided by the staff report. The DEIR was released on June 10, 2010 and is currently being circulated for the required 45-day review and comment period ending July 26, 2010. A copy of the DEIR is available on CD or via the Town's website. Members of the public are also encouraged to contact staff with any questions, or to submit them as part of their oral or written comments.

Following tonight's meeting the Commission will hold a subsequent hearing to determine whether it is appropriate to direct the consultant to proceed with the response to comments and prepare the Final EIR, before holding any hearings on the actual merits of the project.

Mr. Anderson discussed the focus of typical comments, which include: 1) whether the project description is complete and accurate; 2) whether discussion of environmental factors is accurate and complete; 3) whether any impacts were overlooked or inadequately addressed; 4) whether

additional feasible mitigation measures could be included; 5) whether feasible alternatives that could reduce environmental impacts could be analyzed; 6) correction of any factual errors.

Mr. Anderson provided a brief description of the project, stating that the proposed project would expand the existing library with the construction of a two-story addition between the existing Town Hall and Library facilities. The project would result in elimination of all current on-site parking and would replace it with a new, fifty-two (52) space parking area situated behind the Library and its addition in a portion of Zelinsky Park.

Mr. Anderson reviewed the key findings of the DEIR, noting that it focuses on significant environmental impacts and some topical areas were determined early on to not be impacted significantly. The EIR identified the following five significant and unavoidable impacts that could not be mitigated to less than significant levels: 1) the project would conflict with an applicable Bay Area Air Quality Management District plan; 2) construction noise resulting from the project would temporarily increase ambient noise levels in the site vicinity; 3) construction activities would temporarily result in ground-borne vibration, primarily affecting Library and Town Hall users; 4) the project would substantially obstruct views of the Tiburon Ridge from Tiburon Boulevard; and 5) the project would result in inadequate parking capacity.

The DEIR also identified conflicts with an applicable air quality management plan and impacts to scenic vistas as significant unavoidable cumulative impacts. Other impacts related to agricultural and forest resources, cultural resources, geology and soils, hazards and hazardous materials, mineral resources, population and housing, public services, recreation, and utilities, and service systems were determined to be less than significant.

Mr. Anderson stated CEQA guidelines require that an EIR identify and analyze a reasonable range of alternatives that accomplish most of the basic objectives of the project and reduce at least one significant impact. The DEIR examined three alternatives to the project as proposed: 1) No Project, 2) Alternative B, consisting of a Library addition to be constructed behind the existing library building, and 3) Alternative C, consisting of a one-story addition in the same location as the proposed two-story addition.

He noted that off-site alternatives were also considered and deemed to be infeasible. The DEIR concluded that the No Project alternative was the environmentally-superior alternative. However, CEQA requires that if the environmentally-superior alternative is the No Project alternative, the EIR must also identify an environmentally superior alternative from amongst the other studied development alternatives. Alternative C (Reduced Project) was identified as such.

Mr. Anderson reminded the Commission and public there would be plenty of opportunity to comment on the project itself later this year and recommended that the Commission receive any public comments on the DEIR at this time.

Chair Kunzweiler noted for the record that he is involved with the Library Foundation Council. He spoke with the Town Attorney to discuss the possibility of a conflict of interest and she prepared the following statement: "I have conferred with the Town Attorney and she believes I need not step down from this matter. I do not have any direct or indirect financial interest in the Library's expansion project. I am a member of the Library Foundation Council and spearheaded last year's effort to reconstitute the former Board and redraft the Bylaws. The Foundation Council does fundraising and is not involved in the Library's expansion project. Because I have not been involved in the project on the Library's behalf, I can participate in the Planning Commission's proceedings with an open and impartial mind."

Chair Kunzweiler said he has served on the Commission for six or seven years and the Library is one of the many Town assets he cares about. He reiterated the hearing process, stating that the

CEQA process is intended to support a fair, open, and exhaustive evaluation of the environmental impacts of a proposed project, as well as to provide context for the analysis of some general alternatives. He stressed that the alternatives are not exhaustive and are intended more to provide boundaries from within which the project will be considered. He said tonight's comments will be collected, factored into and responded to in the DEIR. The Commission will then hold another hearing to determine if any substantial new information or fundamental flaws have come to light that would require recirculation of the EIR. The Commission will then hold a hearing on the merits of the project as proposed and potentially those of various alternatives. He asked that the public limit tonight's comments to what is directly related to the DEIR document and he opened the public hearing.

Lois Epstein said she just completed a one-year term as the Chair of the Belvedere-Tiburon Library Agency. She said the agency has been considering this expansion for nearly ten years and is delighted to now have a DEIR prepared. She thanked everyone involved in the project, particularly Community Development Director Anderson and Library project manager Glenn Isaacson.

Susan Wolfe, Paradise Drive, asked that the Commission consider the proposed garden plaza and promenade between the Library addition and Zelinsky Park as a mitigating factor to the obstruction of the Tiburon Ridge view from Tiburon Boulevard. She said the attractive, new space situated on the site of the existing parking lot will create a new pedestrian access to the park from Tiburon Boulevard and will be a visual enhancement to the entire complex.

Joan Don, Belvedere, also spoke to the visual obstruction of Tiburon Ridge. She asked if the DEIR takes into account the project's LEED certification goals. As a result of reducing energy needs to comply with the program requirements, large windows would be installed on the north side of the building that would afford panoramic views of the park and marshlands. She noted that from inside the Library, which is open to the public, views would actually be enhanced.

Bonnie Spiesberger, Belvedere, said the DEIR gave some consideration to the change from the current parking layout but only touched briefly on the availability of additional street parking. She suggested the EIR should consider available off-site parking in the nearby area and acknowledged that while parking spaces in the Library/Town Hall lot may be limited in number, there are other parking opportunities in the vicinity. She noted that some libraries in other towns have much more limited parking than what is proposed here and she wondered if it is appropriate for the EIR to discuss comparative municipalities.

Nona Dennis, Marin Conservation League, said she has tracked the gradual reduction in size of the Railroad Marsh and has concerns over the relationship between the proposed parking area and the marsh. She said Railroad Marsh is the only safe, unlandscaped oasis surrounded by the landscaped environment of downtown Tiburon. While the DEIR does acknowledge this and goes to great lengths to protect it during the construction process, she said it ignores the long-term indirect impacts. She said that twenty-five feet is an inadequate buffer between the parking lot and the marsh and is inconsistent with the Town's General Plan policy that requires that a one hundred foot buffer be maintained. She said the DEIR proposes to amend this policy because of the overriding community significance, and it determines that removal of invasive weedy species and introduction of signage makes this a less than significant impact. She asked that the DEIR provide better long-term mitigation and that if the design is such that it can only allow a twenty-five foot buffer, it be justified through some means other than social importance. She also asked that the DEIR be more honest by acknowledging that it has used an overriding consideration in order to justify narrowing the buffer.

Steger Johnson, Belvedere, referred to page IV.B-10 of the DEIR, which references Figure IV.B-6 as an example of how the Library addition would substantially limit views of Tiburon Ridge

from Tiburon Boulevard. He stated the trees located directly in front of the Library already obscure most of Tiburon Ridge, and the extension of the Library roofline would only minimally increase the obstruction of that view corridor. He said that to call this a substantial impact on the view corridor would be incorrect. He also noted that the DEIR references competing General Plan policies, one that favors the protection of view corridors from major thoroughfares and the other that encourages placement of parking to the rear of buildings to allow for construction along the street itself. He said it is important to keep in mind that to extent this latter policy is encouraged, it will tend to result in view obstruction.

Martin Griffin, Belvedere, said he served as the third president of the Marin Audubon Society and has a long-standing acquaintance with the birds and habitat of Marin County. He said that as a sanctuary, as one of the few freshwater marshes in the county and as one of Tiburon's most beautiful features, Railroad Marsh deserves to be preserved. He discussed the history of the Marsh Restoration Plan and the resulting 2001 Railroad Marsh Management Plan. He said many invasive species are taking hold of the marsh perimeter and it is time for a ten-year reassessment of the entire marsh area, including the area controlled by the Tiburon Peninsula Club, and suggested that the Management Plan should be part of the EIR. He suggested the Library expansion could turn into a public education process and restoration of the marsh. He voiced concern that the DEIR identifies inadequate parking levels and does not directly address the impacts of the parking that is provided and the volume of vehicular activity at the site. He believes vehicle exhaust gases would drift directly into the pond and impact invertebrates, endangered species, and birds in a way that has not been discussed.

Maureen Meikle, Harbor Oak Drive, concurred with Dr. Griffin's comments. She disagreed that traffic-related aspects of the project would be less than significant, stating that coming down Mar West Street is already difficult because of the Tiburon Peninsula Club, and that exiting onto Tiburon Boulevard can be extremely problematic. She supports a Library expansion but believes the circulation of the proposed project presents a significant problem, and asked that it be readdressed.

There being no one else wishing to speak, Chair Kunzweiler closed the public hearing and brought the item back to the Commission for comment. He reminded the public that they have until July 26, 2010 to submit written comments on the DEIR.

Commissioner Corcoran said he found the DEIR very thorough and has little to add, although he appreciates the public comments and found them enlightening. He acknowledged this may bleed into a discussion on the merits of the project, but said he would like to see some reconfiguration of the parking area if at all possible. He also acknowledged this may have been considered already, but by bringing the addition further towards Town Hall, the multi-purpose room could be shifted forward to minimize its extension towards the marsh.

Commissioner Doyle said he found the comments great and loves to see this kind of small community's interest in things that would not necessarily seem that noticeable. He concurred with Commissioner Corcoran's comments pertaining to parking and said he has other questions and concerns he intends to address in writing later.

Commissioner Tollini noted there was discussion in the DEIR on the possibility of leasing parking from neighboring lots, but that it could not be included as a project alternative. She suggested that preliminary discussions with those property owners could be held up-front so that it can be considered during the merits phase of the project. She believed that impacts on Railroad Marsh were not adequately addressed and she would like to see more discussion on why the impacts to it are not considered significant. She also said she would like to see visual depictions of the identified alternatives, to better facilitate a comparison with the proposed project.

Chair Kunzweiler concurred with comments made relative to Railroad Marsh and said he has significant concerns over the post-construction mitigation plan. He also asked that the cumulative impacts to the marsh, which is bordered by the Tiburon Peninsula Club on the other side, be addressed and that the Railroad Marsh Management Plan be discussed in the DEIR. He would like to see alternatives that actually consider different footprints, including perhaps a parking structure, and better discussion of the area's parking inventory and what that means relative to actual use.

He echoed Commissioner Tollini's request for photo simulations of the alternatives and to keep those representations consistent in terms of surrounding trees. He would like the consultant to explain the logic behind the unavoidable impact on air quality. He said that a significant unavoidable impact is serious, and the logic that making improvements to a building will increase its use and, therefore, its pollution, seems circular and hollow. He said air quality issues can in fact be real, but he thought the rating of significant and unavoidable may be over-the-top in this case.

With respect to Ms. Meikle's comments regarding traffic impacts, he said there is a whole science around incremental traffic and the rating of intersections, and based on that, he believes the impacts to be properly analyzed. He said this was lost in the detail, and believes that a more crisp analysis of incremental traffic and what people might expect when travelling along Tiburon Boulevard will be helpful.

ELECTION OF OFFICERS

ACTION: It was M/S (Corcoran/Doyle) to continue the Election of Officers to August 11, 2010.
Motion carried: 4-0.

MINUTES:

2. PLANNING COMMISSION MINUTES – Regular Meeting of June 23, 2010

ACTION: It was M/S (Corcoran/Tollini) to approve the minutes of June 23, 2010, as drafted.
Motion carried: 4-0.

ADJOURNMENT:

The Planning Commission adjourned the meeting at 8:25 p.m.

CATHY FRYMIER, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY