

**Final EIR for the Congregation Kol Shofar Conditional Use Permit
Application: Alternative 7 Analysis**

April 18, 2006 Prepared for: **Town of Tiburon**
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The Town has prepared a Final EIR for the proposed Congregation Kol Shofar Conditional Use Permit application ("the project"). Subsequent to release of the Final EIR, but prior to any certification hearing, the applicant submitted a letter/report and two additional technical reports that requested that the EIR preparers revisit two impact analyses and consider a modification of Alternative 6 that was assessed in the Final EIR. In addition, the Town has requested a review of a mitigation change that Town staff has recommended. This Final EIR: Alternative 7 Analysis responds to those technical reports and Town-recommended changes.

1. Proposed Alternative 7

In commenting on the Draft EIR, the applicant suggested modifications of Alternative 5 (the Restricted Use Alternative in the Draft EIR). The Final EIR assessed these suggested changes as the new Alternative 6 in Master Response 1 (see pages 3 to 5 of the Final EIR). The original project proposal included a maximum of 40 Saturday evening events and 35 Sunday events. Alternative 6 addressed in the Final EIR reduced the proposed events to a maximum of 27 Saturday and 20 Sunday events. In all cases, a maximum of 275 people would be allowed to attend these events.

The applicant has now suggested additional changes to Alternative 6. The additional modifications, called Alternative 7, would include the following new weekend evening events:

Alternative 7 Proposed New Weekend Events

Saturday (until 11 p.m. plus cleanup)		Sunday (until 9 p.m. plus cleanup)	
No. of New Events	Maximum Allowed Attendance	No. of New Events	Maximum Allowed Attendance
4	250	3	250
4	200	5	200
4	150	4	150
		3	100
Total			
12	150-250	15	100-250

The principal objective of Alternative 7 is to reduce the level and amount of new nighttime noise caused by people arriving at and leaving the site to attend these new events. The Draft EIR determined that this new nighttime noise would be a significant and unavoidable impact on residents of up to 20 nearby residences.

The applicant's proposed Alternative 6, addressed in the Final EIR (see Master Response 1), would reduce this nighttime noise impact. However, the Final EIR concluded that the reduction in noise from that alternative was not sufficient to reduce the impact to a less than significant level.

The EIR noise consultant (Illingworth & Rodkin, Inc.) 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. The noise consultant's report is attached at the end of this report. The following summarizes the conclusions of that analysis.

The original Restricted Use Alternative (Alternative 5) analyzed in the Draft EIR included restricting new events to every other Saturday and Sunday evening and required events

to end by 9:00 p.m. (up to approximately 50 new events per year). The new Alternative 7 would allow up to 27 Saturday and Sunday event nights per year. The new proposed events schedule, with up to 27 additional event nights per year, would generate significantly less noise than Alternative 5. Accordingly, the applicant would hold an increased number of evening events, but fewer weekend events (12 Saturday events and 15 Sunday events) than contemplated in Alternative 5. The new nighttime noise would also be less than for Alternative 5 because the maximum number of attendees would be significantly reduced. Alternative 5 would have allowed up to 275 people for a maximum of 75 events. At a rate of an average of 2 people per vehicle, this would total about 10,300 vehicles, or 20,600 trips (a vehicle arriving then leaving the site). In comparison, the new modification would result in a total of 2,375 vehicles or 4,750 trips.

Alternative 5 restricted new Saturday and Sunday night events to every other weekend (i.e., every other weekend would have no Saturday or Sunday night events). The new modification would allow a maximum of 27 new events, which would be approximately one every other weekend (assuming that there were no weekends where there was both a Saturday and a Sunday night event; in that case, there would be additional weekends where there would be no new event). Alternative 7 achieves the goal of keeping one-half of the weekends event-free.

Alternative 5 required that all new weekend events end by 9:00 p.m., while Alternative 7 would allow the 12 new Saturday events to last until 11:00 p.m. The reductions in the number of events and the number of people coming to and going from these events would offset the fact that 12 events would last 2 hours longer than allowed in the original alternative.¹ This new modification would generate less new nighttime noise affecting nearby residents than Alternative 5. As such, Alternative 7 would also result in a less than significant noise impact.

Other Impacts

By reducing the number of events and the maximum number of people that would attend the new events, the alternative reduces parking and traffic impacts. The alternative also reduces the hours of lighting, thereby reducing lighting impacts.

Conclusion

Alternative 7 would include approximately the same or more restrictions as Alternative 5 analyzed in the Draft EIR. Alternative 7 would reduce the nighttime noise impact to a less than significant level, which is the same conclusion reached for Alternative 5 in the Draft EIR.

2. Traffic

The applicant's traffic engineer (Robert L. Harrison Transportation Planning and Project Management) has submitted a Memorandum titled *Requirement for the project to fund a 150-foot extension of the eastbound left turn lane at the intersection of Tiburon*

¹ The differences between the alternative assessed in the Draft EIR and this most recent modification are so small that it is difficult to conclude whether they are precisely equivalent. The EIR noise consultants have concluded that the reduction in the number of events, the hours on Sunday evening, and the number of attendees outweighs the fact that for 12 events, the hours would be 2 hours longer than assumed in the original alternative.

Boulevard with Blackfield Drive (dated March 17, 2006); this Memo is attached in the back of this report. The analysis used a different software program (i.e., TRAFFIX software) for assessing impacts than was used in the applicant's original traffic analysis (that used the Highway Capacity Software, or HCS). Based on the TRAFFIX software, the applicant's traffic engineer concludes that the eastbound left-turn lane on Tiburon Boulevard at the Blackfield Drive intersection has adequate queuing capacity to serve future conditions, including conditions with project-generated traffic added.

The EIR traffic engineer (the Crane Transportation Group) reviewed this analysis. Their review is also attached at the end of this report. 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 these 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.

Effects of Alternative 7

The Harrison report did not address queuing demand for the reduced number of events and attendees proposed by the applicant (i.e., Alternative 7). The Final EIR (page 29) found that reducing event size from the originally proposed maximum of 300 people to 275 people would reduce traffic volumes during events by 9%, which is less than one vehicle space. Reducing attendance to a maximum of 250 people would further reduce the need for lane lengthening. In addition, events of this size would only happen 7 times a year. There would be 9 events with a maximum of 200 people attending. Using the HCS software, this would require lengthening for approximately an additional 3-4 vehicles (calculated at roughly one car per 60 people). The events that would have a maximum of 150 people attending would require about half the lengthening identified for the original project, while the events with 100 people would require about one-third the lengthening. Thus, left-turn lengthening and/or changing the signal phasing would still be required for Alternative 7 using the HCS software.

For the 7 events attended by up to 250 people, lengthening would not be needed for the "existing plus project" condition using the TRAFFIX software, and would be borderline for the cumulative condition. For the events attended by 200 people or less, no additional lengthening would likely be required if the TRAFFIX software is used.

Monitoring

Recognizing that using different software provides different results with divergent mitigation needs, the Town may elect to monitor the intersection during these future weekend events to determine actual queuing in the left-turn lane. To determine the need for improvements given the "existing plus project" condition, the Town could monitor up to ten events over the first year of operation, monitoring events during different seasons. This assumes that Caltrans, after reviewing all the environmental data, approves monitoring rather than immediate lengthening of the lane or changing the signal phasing. A letter sent by Caltrans subsequent to circulation of the Final EIR states that lengthening the left-turn lane must be completed prior to use of the new multi-purpose room (this letter is attached to the back of this report), so Caltrans would need to approve this alternate mitigation of conducting monitoring (or it can accept the TRAFFIX software conclusions and not require lengthening or monitoring).

Monitoring results would be shared with Caltrans. Following a review of the monitoring results, the Town and Caltrans would determine the need for lane lengthening and/or changing the signal phasing. The applicant would be responsible for the costs of the monitoring. The applicant would post a bond or some other form of financial assurance acceptable to the Town and Caltrans to fund lane lengthening and/or changing the signal phasing.

If the first year monitoring showed that there was adequate queuing capacity in the left-turn lane, the Town would not require any immediate improvements. However, the Town would have to continue monitoring until such time as the Town determined that buildout of the planning area was essentially complete in order to determine whether lane lengthening would be needed as part of the cumulative impact condition. The Town should perform this long-term monitoring periodically on a schedule determined by the

Town staff (with Caltrans input), with the applicant funding the cost of the traffic monitoring (which is the cost of an observer watching the left turn lane during the peak hour before and after the monitored event, noting the times when there was inadequate capacity and how many vehicles were stacked outside the striped left-turn lane, and reporting the results to the Town). Again, the applicant would need to provide the appropriate financial assurance to the Town that improvements would be constructed when warranted, as determined by Caltrans.

3. Noise

The Final EIR concluded that proposed new weekend evening events would have significant and unavoidable noise impacts on residents of up to 20 residences located near the site. The applicant has submitted a letter from the applicant's noise consultants (Charles M. Salter Associates, Inc., dated April 6, 2006). The letter questions the methodology used to establish the significance of the noise impact. As discussed previously, the EIR noise consultants have concluded that the new proposed Alternative 7 would reduce the noise impact from new nighttime events to a less than significant level. The following responds to the specific issues raised in the Salter letter.

1. The comment states that the Town of Tiburon has used an annualized Ldn (24-hour average) noise metric on previous projects. The Ldn 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 to 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.
2. This comment accurately describes the EIR conclusions.
3. The comment states that the EIR does not specify the time that the noise increase occurs, and further states that the noise impact is not significant because the annualized Ldn would increase by less than 1 dBA. As stated in Response 1 above, the periodic noise increase is considered significant. The new proposed events would cause periodic noise impacts for approximately one hour up to 75 days a year, including 35 days where the noise would occur at 11:00 p.m. or later (due to clean-up) when the ambient noise environment in the residential neighborhood is very quiet. On these bases, the EIR preparers continue to conclude that the project would have a significant periodic noise impact on certain residents living near the site.
4. The comment is that the EIR does not consider a reduction in the number of nighttime events as adequate mitigation for the noise impact. As described on

page 45 of the Final EIR, the reduction in the number of events, the hours when such events could occur, and the people attending the events was considered a substantial change in the project. These changes were 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.

5. The comment states that requiring proposed new events to end by 9:00 p.m. is arbitrary. The EIR preparers selected the hour of 9:00 p.m. due to the quiet residential character of the area. The applicant has likewise proposed restricting events to this hour except for the 12 new Saturday night events. The applicant proposes to allow these events to occur until 11:00 p.m. The EIR noise consultants have 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.

4. On-site Circulation Change

The applicant has modified the on-site vehicle circulation to maintain existing conditions, which include parking lot ingress only from Via Los Altos and egress via Reedland Woods Way. This change would reduce traffic congestion on Reedland Woods Way and at the Reedland Woods Way/Blackfield Drive intersection. While this change is not needed to reduce any impact to a less than significant level, it would reduce the amount of activity and congestion on Reedland Woods Way. The additional traffic that would use Via Los Altos to access the parking lot driveway would not substantially affect the Via Los Altos/Blackfield Drive intersection. This intersection currently operates at Level of Service A, and would continue to operate at that level of service with the added traffic generated by new events. While reducing congestion on Reedland Woods Way, this change would not reduce the traffic safety impact resulting from turnarounds on residential streets to a less than significant level. In fact, because drivers will be unable to access the parking lot from Reedland Woods Way, drivers who are unfamiliar with the parking lot circulation pattern may turn onto Reedland Woods Way, discover they cannot enter the parking lot from this street, and then make a u-turn to return to Blackfield Drive. Other drivers whose intent was to drop someone off at the site may decide to turn onto Reedland Woods Way and drop their passengers off at the sidewalk rather than have to negotiate driving through the parking lot; these drivers would also make a u-turn on Reedland Woods Way. Other mitigations (see below) would be required to address the traffic safety impact of people turning around on residential streets.

5. Parking Receipt Mitigation Change

Town staff has recommended revision of Mitigation Measure 3.3-C.3 that was recommended in the Final EIR to reduce the traffic safety impact of people turning around on residential streets to a less than significant level. Upon further review, Town staff considers such a program unwieldy (i.e., difficult to manage and monitor). The site will contain sufficient on-site parking for proposed new events. As described previously in this report, under Alternative 7, new events will be limited to 250 people, and even this number will be allowed only 7 times a year. Town staff has recommended the following alternate mitigation:

1. For all 27 new Saturday and Sunday evening events, Kol Shofar shall place signs along its frontage on Via Los Altos, Blackfield Drive, and Reedland Woods Way stating that people attending events at Kol Shofar need to park on-site and not on residential streets.
2. Kol Shofar shall require that all invitations and notifications of these new weekend events include a note informing people they are to park on the site and not to park on residential streets.
3. The Town shall monitor, at the applicant's expense, up to 4 events the first year after project completion to determine whether people are parking on the street during these new events. If Town staff determines that people are continuing to park on the street during these events, then the parking receipt program described in the Final EIR will be required. If the Town determines that all or all but one or two cars are parking on-site, then monitoring will continue up to two events per year thereafter. If that subsequent monitoring indicates non-compliance, then the applicant will be so informed and additional monitoring (to a level the Town deems necessary) shall be conducted. If the Town determines there is noncompliance, then the parking receipt program or an equivalent program identified by the Town will be instituted. The applicant shall bear the costs of all monitoring.

This modified mitigation would be sufficient to reduce the traffic safety impact of people turning around in residential neighborhoods to a less than significant level. Alternative 7 further limits the number of people attending new events, thereby ensuring that there is adequate on-site parking. The signage and information programs should be sufficient to essentially eliminate on-street parking at new events. And, if it proves that these features are not adequate, then the originally recommended parking receipt program will be required.

6. Conclusions

- Alternative 7 would reduce the significant nighttime noise impact to a less than significant level. This alternative would be environmentally superior to the proposed project.
- Consistent with the recommendations of the EIR, Caltrans will be provided all data relative to the left-turn lane on Tiburon Boulevard at the Blackfield Drive intersection. Caltrans will determine whether improvements are needed at this intersection or whether monitoring of the intersection is warranted. The Town will need to ensure that the applicant is fiscally responsible for all monitoring and its fair share of intersection improvements.
- The proposed change to the on-site circulation system will not result in any new or more severe environmental impacts, and will reduce off-site impacts.
- The Town-requested change to the parking receipt mitigation measure (Measure 3.3-C.3) would provide equivalent mitigation to the original mitigation. Again, if it is shown that the modified mitigation does not work, then the originally recommended parking receipt program or an equivalent program will be required.

7. EIR Recirculation

The *CEQA Guidelines* require an EIR to be recirculated for additional public review and comment if any one of four conditions is met, as listed below:

1. When new information shows a new, substantial impact resulting either from the project or from a mitigation measure. The new information discussed in this analysis would not result in a new impact. Rather, the information indicates how impacts already described in the EIR could be further addressed and reduced.
2. When the new information shows a substantial increase in the severity of an environmental impact. The information contained in this analysis would not result in a substantial increase in severity of any environmental impact.
3. When the new information shows a feasible alternative or mitigation measure which is considerably different from those considered in the EIR and that the new alternative or mitigation would clearly reduce the environmental impacts of the project and that the project proponent declines to adopt it. This is not the case for the new information provided in this analysis. In fact, applicant has proposed the modification to Alternative 5, which would reduce noise and other impacts.
4. When the EIR is so fundamentally and basically inadequate and conclusory in nature that public comment on the EIR was essentially meaningless. The EIR preparers believe that the EIR provided a comprehensive accounting of potential impacts, mitigation measures, and project alternatives. The public was afforded ample opportunities to provide comment on the EIR.

The EIR preparers do not believe that the EIR needs to be recirculated given the new information contained in this analysis. However, the Town will make the final decision as to whether EIR recirculation is necessary.