

RECORDING REQUESTED
RETURN TO:
PLANNING DIVISION
TIBURON TOWN HALL
1505 TIBURON BOULEVARD
TIBURON, CA 94920

RESOLUTION NO. 2006-__

A RESOLUTION OF THE PLANNING COMMISSION
OF THE TOWN OF TIBURON APPROVING A
CONDITIONAL USE PERMIT FOR THE KOL SHOFAR SYNAGOGUE AT
215 BLACKFIELD DRIVE (AP 38-351-34) FILE #10404

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. In 1985, the Town of Tiburon approved a conditional use permit authorizing synagogue and day school uses on property located at 215 Blackfield Drive. The use permit conditions were subsequently amended by adoption of Planning Commission Resolution Nos. 97-17, 2001-07, and 2004-10.

- B. On April 21, 2004, the Town of Tiburon received a Land Development Application (File #10404) (the "Application") from Congregation Kol Shofar ("Kol Shofar") with regard to its property at 215 Blackfield Drive (the "Property"). The Application seeks a conditional use permit ("CUP") for remodeling of existing structures and construction of new facilities on the Property, specifically: a single-story, 9,733 square foot multi-purpose addition to the existing circular building; four new single-story classrooms and a service room totaling 3,662 square feet; remodeling of the existing building; a new parking lot for 40 spaces; and related lighting and landscaping improvements. In addition, the Application seeks an increase in the maximum enrollment of the day school from 100 to 150 children, as well as allow new special and congregational event evening programs.

The Application consists of the following:

- 1. Conditional Use Permit and Environmental Review Submission, dated April, 19, 2004, containing:
 - a. Geotechnical Report prepared by Herzog Engineers, dated February, 2004
 - b. Traffic and Parking Study prepared by Robert Harrison Traffic Engineers, dated April, 2004

- c. Environmental Noise Study prepared by Charles M. Salter Associates, Inc., dated April, 2004
 - d. Lighting Study and Recommendations prepared by Architectural Lighting Design, dated April, 2004
 - e. Congregation Kol Shofar Use Summary, dated March, 2004
 - f. Visual Impact Study prepared by Herman and Coliver Architecture, dated April, 2004
2. Project Plans (14 sheets) prepared by Herman and Coliver Architecture, received April 21, 2004, including revised Sheet A1.1 dated 11/4/2005
 3. Revised project description prepared by IPA, Inc., dated July 14, 2004
 4. Addenda to Traffic and Parking Study prepared by Robert Harrison Traffic Engineers, dated June 21, 2004 and August 18, 2004
 5. Addenda to Environmental Noise Study prepared by Charles M. Salter Associates, Inc., dated June 30, 2004 and August 18, 2004
 6. Modified Use-Impact Analysis prepared by IPA, Inc., dated April 11, 2006
 7. FEIR: Alternative 7 Analysis prepared by Leonard Charles Associates, dated April 18, 2006.

The official record for this project is hereby incorporated and made part of this resolution. The record includes the Staff Reports, minutes, application materials, the Draft EIR, Final EIR, the Mitigation Monitoring Program, and all comments and materials received at the public hearing.

- C. On April 24, 2006, the Planning Commission held a duly noticed public hearing on the Application, at which it considered the Final EIR and heard and considered testimony and correspondence from interested persons.
- D. The Planning Commission finds that based upon evidence in the record, the proposed project as analyzed in the EIR would result in a potentially significant adverse nighttime noise impact on several neighboring residences due to the proposed number and lateness of nighttime events. The Planning Commission finds that limitations on the frequency and hours of newly proposed activities, consistent with FEIR Alternative 7: Reduced Events, would reduce this impact to a less than significant level while still achieving the applicant's objectives, and shall be incorporated into the project as a condition of approval of the CUP. The applicant has put forward Alternative 7 as a revised project.
- E. The Planning Commission also finds, based upon evidence in the record that all potentially significant adverse impacts have been mitigated to less than

significant levels through modifications to the project as set forth in this resolution and in the mitigation monitoring program.

- F. The Planning Commission also finds, based upon the application materials and analysis provided in the Final EIR and April 24, 2006 Staff Report, that the project, as conditioned, is consistent with the Tiburon General Plan and is in compliance with the Tiburon Zoning Ordinance and other applicable regulations.
- G. The Planning Commission also finds that the improvements proposed by this Application would be properly related to the development of the neighborhood as a whole and reasonably compatible with the types of uses normally permitted in the surrounding area, once the mitigation measures and conditions of approval are imposed to address potential hydrology, biology, air quality, noise, parking and circulation, light and glare, and aesthetic impacts on neighboring homes. The Planning Commission finds that the project conforms to the items set forth in Sections 16-4.4.2 and 16-4.4.3 of the Tiburon Municipal Code.
- H. The Planning Commission further finds that the imposition of new conditions of approval and consolidation of previous conditions of approval placed on prior permits into a new CUP is appropriate and reasonable at this time to ensure that the synagogue and day school uses remain in substantial compliance with the spirit and intent of the original 1985 conditional use permit, as subsequently amended in 1997, 2001 and 2004.

Section 2. Prior Resolutions Superseded.

This Resolution supersedes Planning Commission Resolutions No. 97-17, 2001-07, and 2004-10, which upon vesting of the uses authorized by this CUP shall become null and void.

Section 3. Conditions of Approval.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Conditional Use Permit application (File #10404), to expand the facilities for the existing synagogue and private day school use at 215 Blackfield Drive, subject to the following conditions and modifications:

1. The approved new multipurpose room, classrooms, remodeled facilities and related parking and landscaping improvements shall be built consistent with the project plans referenced above, on file (File #10404) with the Tiburon Community Development Department.
2. The approved uses and activities of the synagogue and day school are set forth in Table 1 attached hereto as **Exhibit A**, and made a part of this resolution.

3. All requirements of the Mitigation Monitoring and Reporting Program (MMRP), attached hereto as **Exhibit B** and made a part of this resolution, shall be implemented. Modifications to the FEIR MMRP are the following:
 - a. Mitigation Measure 3.3-C.1 is adopted and Measure 3.3-C.2 is deleted;
 - b. Mitigation 3.3-C.3 is replaced with an equivalent mitigation measure to require “resident only parking signs”, and “no parking” signs in appropriate locations, as identified in Condition #4, below.
 - c. Mitigation Measure 3.5-D.6 is modified to state that lights will be turned off at 10:00 p.m. every night, except for the twelve annual Saturday nights when identified special events are planned and lights will be turned off at 11:30 p.m.; and
 - d. Mitigation Measure 3.9-A.2 is modified to state that Kol Shofar is responsible for traffic control and not the Police Department and pertains to events with over 400 people, consistent with pre-existing CUP requirements.

4. The following mitigation measures are incorporated as ongoing conditions of approval:
 - a. 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. (Equivalent mitigation for Mitigation 3.3-C.3).

 - b. The lower parking lot design shall be revised to optimize circulation and to increase parking to the greatest extent practicable. A minimum of 7 new spaces shall be provided however the intent of this condition shall be to provide substantially more than 7 new parking spaces. The revised parking lot layout shall be submitted for Town approval as part of the design review application. (Equivalent mitigation for Mitigation Measure 3.3-C.3)

 - c. Doors and windows of the multi-purpose room shall 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 3.4-B.1)

- d. No outdoor amplification will be allowed except for the annual Sunday School closing ceremony. (Mitigation 3.4-B.5)
 - e. The Congregation Kol Shofar facilities shall not be rented out to other public or private parties, except for the classroom facilities that are rented to the entity operating a school on the site, and shall be used solely by Congregation Kol Shofar for the purposes identified in Table 1 (Exhibit A). Outdoor use of the courtyard during events, other than the High Holy Days services, shall be limited to people stepping out for air and casual conversation. No food or drinks shall be served in the courtyard, and no organized activities will be held in the courtyard. (Mitigation 3.4-B.6)
 - f. Parking lot lighting shall be on timers to turn off no later than 10:00 P.M. each day. The duration of the lighting may be extended via manual override device when occasions demand, but shall in no event be kept on beyond 11:00 P.M. on any occasion, except for twelve Saturday evening events, Rosh Hashanah, Yom Kippur, Selichot, Shavuot, and the second night of Passover, at which times the parking lot lighting may remain on until no later than fifteen minutes after the last vehicle has exited the parking lots (Equivalent mitigation for Mitigation 3.5-D.6).
5. All newly proposed Congregation Kol Shofar functions as identified in Table 1 (consistent with FEIR Alternative 7: Reduced Events) shall conform to the following limitations:
- A. All functions shall end by 9:00 p.m. except for the existing Friday night service that shall end by 10:00 pm and new Saturday night events which shall end by 11:00 p.m.
 - B. All "new" events identified in Table 1 shall be limited so that the maximum number of people allowed on the site shall not exceed 250 in any instance. (Alternative 7: Reduced Events)
6. The day school shall be limited to a maximum student enrollment of 150 children. Day school hours of operation are 7:00 a.m. to 6:00 p.m., Monday through Friday.
7. On High Holy Days, Kol Shofar may provide a unified service subject to the parking control and traffic management provisions provided in these conditions. The impacts of the unified service shall be evaluated at the periodic CUP reviews. The five (5) services associated with the High Holy Days (Rosh Hashanah and Yom Kippur) comprise the busiest time of the year at Congregation Kol Shofar. The following traffic control measures are to be taken for all five (5) services associated with the High Holy Days, except as noted:

- a. Carpool/shuttle/parking information & map distributed to members at least 21 days in advance of High Holy Days.
 - b. Courtesy mailer to Reedland Woods Way and other Vista Tiburon Subdivision addresses at least 10 days in advance of the annual High Holy Days services.
 - c. “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 Kol Shofar main parking lot entrance.
 - d. “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.
 - e. A remote parking lot shuttle program shall be in place and implemented for the High Holy Days observances. Kol Shofar shall develop a shuttle program for review and approval by the Director of Community Development within 90 days of this approval. Any modifications to the shuttle program shall be included in the periodic CUP reviews. Shuttle service shall be used during the first day of Rosh Hashanah. Shuttle runs shall begin at least 30 minutes prior to the start of services and end no earlier than one hour after the end of services.
 - f. Trained and knowledgeable traffic control person stationed at Blackfield Drive intersection with Karen Way to keep traffic flowing on Blackfield Drive when the services let out. Duration of approximately 30 minutes or until volumes subside. Not required for the second day of Rosh Hashanah.
 - g. Trained and knowledgeable traffic control person stationed at Blackfield Drive intersection with Reedland Woods Way to monitor/meter traffic flowing out of the parking lot onto Reedland Woods Way when services let out. Duration of approximately 30 minutes or until volumes subside. Not required for the second day of Rosh Hashanah.
 - h. Kol Shofar shall inform the Tiburon Police Department about any anticipated events where there will be heavy use of access roads to the site. This means when more than 400 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, Kol Shofar shall be solely responsible for providing it in a manner satisfactory to the Tiburon Police Department.
8. Kol Shofar shall conduct an educational program for its members concerning traffic control and parking. The program will include written materials sent

annually to each membership unit, and a summary of each component provided to the Town as part of the annual CUP review, consisting of the following:

- a. A notice requiring that parking should be in the synagogue's on-site parking lots or on off-site parking lots approved as part of the shuttle program set forth above.
 - b. Diagrams showing parking locations and circulation patterns, including entrances to and exits from parking lots.
 - c. A notice informing members of safety measures to be observed regarding neighborhood traffic and pedestrians. Of primary importance is to inform congregants that cars should avoid turning around in residential driveways to minimize traffic safety impacts.
 - d. A statement encouraging courteous conduct toward neighbors in all matters relating to the use of the site.
 - e. A current database of its members to facilitate and encourage car-pooling. The carpool database shall be updated annually and confirmation of the update submitted with the annual review. The information from this database shall be used to provide information to members about potential car-pool partners, and will be targeted to members for whom carpooling may be a viable means of reaching the synagogue.
9. Improved directional/informational signage relating to the revised parking and site circulation on the property shall be installed. With the building permit application, Kol Shofar shall submit for review and approval by the Director of Community Development and Town Engineer such a signage plan. The approved signage plan shall be installed prior to issuance of an occupancy permit for the multi-purpose room.
10. Exterior amplified sound is approved for the annual Sunday School closing ceremony only, at which time speakers shall be faced toward the facility and away from surrounding residential uses. For any other event at which exterior amplified sound is proposed, Kol Shofar must secure a Special Event Permit from the Town. No loud bells or buzzers associated with any use on the site shall be allowed. Any system employed to alert students as to class times should not be clearly audible beyond the property boundary.
11. Kol Shofar will advise and educate its tenant (the day school) concerning provisions of this CUP, with special emphasis on minimizing traffic, noise, lighting; providing courtesy to neighbors, and other issues addressed in these use permit conditions of approval. Kol Shofar shall coordinate closely with the tenant day school regarding securing all required Town permits prior to making

physical improvements at the site, and shall coordinate timely responses to neighbor issues or complaints that involve the day school.

12. Kol Shofar shall designate a responsible and accessible person in a position of authority to act as the official contact person for surrounding neighborhoods, and to respond to communications, complaints, or perceived problems. The Town shall be notified of the name and phone number for this contact person, whose name and phone number shall be made available to the public on request and clearly listed in the quarterly calendar.
13. Eucalyptus trees located on the Kol Shofar property in the immediate vicinity of the rear playground area below 32 Via Los Altos shall be inspected annually by a tree expert, who shall file a report as to the tree health and safety. Said report shall be submitted to the Town along with the request for annual review of the conditional use permit.
14. Any significant expansion or intensification of the uses or operations allowed herein, as determined by the Director of Community Development, shall require an amendment to this CUP.
15. This conditional use permit shall be initially reviewed by the Planning Commission within one year of final building inspection/occupancy of the multi-purpose room addition. The reviewing body and frequency of subsequent reviews shall be determined by the Planning Commission following the initial review, with the provision that at a minimum, an annual review by the Director of Community Development will be required. Review of the permit shall be to ensure, among other things, compliance with conditions of approval and continued compatibility of the uses with the surrounding residential development, including but not limited to traffic safety, parking, and traffic congestion issues.
16. Kol Shofar shall be responsible for submitting, at least 45 days prior to the annual review date, a detailed narrative report of the current use and operation of the synagogue and day school, consistent with the format of Table 1, and supporting documentation to demonstrate compliance with conditions of approval of this permit. The Director of Community Development shall review the annual report for completeness and may request clarification or additional documentation as necessary. Kol Shofar shall be responsible for all Town processing costs associated with the review and shall deposit in advance sufficient funds to recover Town costs of review.
17. The Town of Tiburon reserves the right to amend or revoke this CUP for cause, in accordance with regulations of the Town.

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