

# Town of Tiburon STAFF REPORT



AGENDA ITEM \_\_\_\_\_

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TO: **PLANNING COMMISSION**

FROM: **LISA NEWMAN, PLANNING CONSULTANT**

SUBJECT: **FILE #10404: REVIEW OF FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND CONDITIONAL USE PERMIT FOR A PROPOSED EXPANSION OF AN EXISTING RELIGIOUS FACILITY AND DAY SCHOOL (CONGREGATION KOL SHOFAR); 215 BLACKFIELD DRIVE; ASSESSOR'S PARCEL NO. 038-351-34**

MEETING DATE: **May 10, 2006** REVIEWED BY: SA

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## **BACKGROUND**

The Planning Commission opened the public hearing on the Kol Shofar Expansion project Final EIR and Conditional Use Permit application at its April 24, 2006 meeting. After extensive public testimony, the Commission continued the public hearing to allow limited additional testimony on the topic of the FEIR Alternative 7: Reduced Events at the May 10, 2006 hearing. The Commission recognized that the public had not had much time to consider this new applicant-sponsored alternative prior to the April 24 hearing and should therefore be provided some limited opportunity to comment on it at the next meeting.

The Planning Commission requested that Kol Shofar provide a detailed list of events that would be accommodated in the proposed Multi-purpose room. The applicant has submitted a response to this request that is attached as **Exhibit 1**. Staff has provided some further analysis of proposed uses in this Staff Report.

## **ANALYSIS**

### **Conditional Use Permit**

At the April 24 Planning Commission hearing and in subsequent letters, a question has been raised about clarifying: 1) the difference between existing and proposed "activities" and "events" for Kol Shofar; and 2) how will the new Multi-purpose room be used. These questions are discussed below.

#### **Proposed and Existing "Activities" and "Events"**

With regard to the meaning of proposed and existing "activities" vs. "events", Staff's interpretation has been that the terms define "activities" as ongoing programs (e.g., weekly meetings and services) vs. "events" as intermittent or special occasions (e.g., life-cycle events such as bar mitzvahs and weddings). The DEIR Table 1 identifies all existing and proposed "activities" and "events" at Kol Shofar with the proposed times, days, location and maximum attendees. The FEIR Alternative 7 Analysis adapts Table 1 to identify the existing and *reduced* number and time of proposed "activities" and "events". Thus, DEIR Table 1 reflects Kol Shofar's



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original proposal (the “project”) and the FEIR Alternative 7 Table 1 represents a revised proposal by Kol Shofar intended to reduce impacts.

The draft CUP Resolution (Exhibit 6 in the April 24, 2006 Staff Report) incorporates the Alternative 7 Table 1 as the baseline for the new Use Permit. This baseline establishes the maximum numbers of attendees, days and times of “activities” and “events” for both existing and new proposed events. Based on this Table, the only “activities” and “events” during the week that exceed 250 people (and therefore would require compliance with special parking conditions of approval in the Draft CUP Resolution) are the following *existing* ones:

- Saturday morning services from 9:15 AM -1:30 PM when up to 400 people may attend;
- Sunday morning Religious School from 8:30 AM to 12:30 PM when up to 400 people may attend; and
- High Holy Days when from 400-1500 people may attend 5 different services.

In order to mitigate traffic and noise impacts identified in the EIR, consistent with Alternative 7, Condition #5 of the draft CUP limits the total number of attendees for any new events so that no more than 250 people may attend, and limits the times for new weekend night events to 9:00 PM for new Sunday events and 11:00 PM for new Saturday night events. When larger, existing events occur, Conditions #4a and #7 require specific traffic control measures be utilized

Smaller, existing and newly proposed weeknight gatherings are also identified in Table 1. New nighttime activities/events are proposed for Mondays when an adult education class for 30 adults would be held from 7:00 PM to 9:00 PM on 25-30 weeks per year, similar to existing classes scheduled on Wednesday nights. In addition, existing Friday night Congregational Dinners for 100 people from 5:00 pm to 9:00 PM on 25 Fridays per year would be expanded under the project to allow 5 additional dinners per year.

To aid in the comparison of proposed new events under the originally proposed project and FEIR Alternative 7, Leonard Charles has prepared a new version of the DEIR Table 1 that incorporates the Alternative 7 reduced events in underlined red text. This table shows Saturday and Sunday events and is provided as **Exhibit 2**. In addition, Exhibit 2 includes a table comparing the annual average trips associated with the originally proposed project, DEIR Alternative 5, and FEIR Alternative 7.

### Use of the Multi-purpose Room

As noted in the previous Staff Report, the proposed 9,733-square foot Multi-purpose Room is a large space that, according to the application, is intended for lifecycle celebrations and to accommodate the entire congregation during High Holy Days services. Although the space is sized to hold very large gatherings, the staff recommendation to limit the maximum number of attendees at all newly proposed events to 250 means that the facility would be “fully” utilized only on the High Holy Days, three days per year when the proposed combined services would allow up to 1,500 people in attendance. The next largest gatherings, after the High Holy Days, are the existing services on weekend mornings that are currently attended by up to 400 people.

As shown in FEIR Alternative 7 Table 1, the Multi-purpose Room would be used for a number of smaller existing and proposed events each week, even though the room would not be fully



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utilized. The list of activities/events proposed for the Multi-purpose Room, as shown in Table 1, is the following:

- Friday evening existing congregational dinners (50-100 people);
- Saturday morning existing service (50-400 people);
- Saturday evening – up to 12 new activities/events (150-250 people);
- Sunday morning existing religious school (400 people); and
- Sunday evening – up to 15 new activities/events (100-250 people).

As stated in the previous Staff Report, staff has not made a recommendation about the appropriateness of the proposed Multi-purpose Room size but has focused instead on use restrictions such as the number of attendees at new events and the frequency and duration of such events, which are linked to providing adequate parking onsite and minimizing noise impacts upon adjacent neighbors. If the Planning Commission concludes that the sheer size of the Multi-purpose Room is not in character or harmony with surrounding development, or is otherwise inappropriate for the residential setting, it can choose to reduce the size on those policy grounds. The EIR also listed goals and policies that would need to be reviewed for project consistency by the Planning Commission. Specific general plan goals, policies, and zoning ordinance provisions, which the Commission should consider in its review and deliberations, are contained in **Exhibit 3**.

### **Public Comments**

Materials received at the April 24, 2006 meeting are attached as **Exhibit 4**. Correspondence received subsequent to that date is attached as **Exhibit 5**. Late mail received after completion of the staff report is attached separately.

### **Conclusion**

As stated by Staff at the April 24, 2006 meeting, the draft CUP resolution is offered as a starting point for Commission deliberations.

### **Possible Action Items**

Following the closure of the public hearing, the Commission will need to consider whether it is prepared to take action or to provide direction to Staff. It is possible that the Commission may only be in a position, following closure of the public hearing, to commence its deliberations and make enough progress to provide staff with specific direction for returning with revised Resolutions for consideration at a future meeting. The amount of time needed to complete and return with such revisions would depend on the extent of changes required.

The three actions necessary to approve a project are: 1) to certify the FEIR (Exhibit 4 in the 4/24/06 Staff Report), 2) Adopt a CEQA Findings Resolution (Exhibit 5 in the 4/24/06 Staff Report), and 3) Adopt a CUP resolution with conditions and with a finalized MMRP (Exhibit 6 in the 4/24/06 Staff Report). Staff strongly recommends that if the Commission, after closing the



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public hearing, decides to make a conditional approval, that it perform all three actions at the same hearing and not at separate hearings.

### EXHIBITS

1. Kol Shofar List of Events Planned for Multi-Purpose Room
2. Comparison Table, FEIR Alternative 7, Table 1, prepared by Leonard Charles Associates
3. List of general plan goals and policies and zoning ordinance provisions
4. Materials received at April 24, 2006 meeting
  - a. Paper copy of PowerPoint presentation by Scott Hochstrasser
  - b. Letter from Brad Tardy dated April 24, 2006
  - c. Letter from Hebrew Union College dated April 15, 2006
  - d. Letter and petitions submitted by Jerry Thayer
  - e. Photos distributed by John Nygren of street parking
  - f. Size comparison and photos of tent structures from Tim Metz
  - g. Earthquake Hazard materials submitted by Julie Jacobs
5. Correspondence received subsequent to April 24, 2006 meeting
  - a. Mr. And Mrs. Fred Conte, April 26, 2006
  - b. Barbara Waxman, April 26, 2006
  - c. John and Karen Nygren, April 28, 2006
  - d. Reverend Carl Saysette, April 30, 2006
  - e. Intersection LOS table prepared by Crane Transportation Group
  - f. Tim Metz, May 1, 2006
  - g. Lerman Law Partners, April 28, 2006
  - h. Martin Fleisher, April 28, 2006
  - i. John Leszczynski, received May 3, 2006
  - j. Timothy Metz & Jennifer Jorgensen, May 4, 2006
  - k. Edward Baker, May 4, 2006
  - l. Peter Stock, May 4, 2006
  - m. Christy Seidel, May 4, 2006

Late Mail received after staff report completion is attached separately

### PREVIOUSLY DISTRIBUTED

Draft and Final EIR Volumes  
April 24, 2006 Staff Report and Attachments  
Draft Resolutions (FEIR Certification; CEQA Findings; CUP Approval)  
Project Drawings