



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
August 8, 2007
Agenda Item: **1**

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: Scoping Session for an Environmental Impact Report (EIR) to be Prepared for the Proposed Alta Robles Residential Project in the Vicinity of 3825 Paradise Drive; File # 30701; Assessor Parcel Numbers 039-021-13 and 039-301-01

PROJECT DATA

Project Name: Alta Robles
Address: Vicinity of 3825 Paradise Drive
Assessor's Parcel Number: 039-021-13 and 039-301-01
File Number: 30701
Lot Size: Approximately 52 acres
General Plan: PD-R-a (Rabin) and PD-R-i (SODA); (Planned Development-Residential; maximum density 0.4 du/ac)
Zoning: Rabin--RPD (Residential Planned Development); SODA----No Tiburon zoning, located outside Tiburon corporate limits
Current Use: Rabin----Single Family Residential; SODA----Undeveloped
Owners/Applicants: Irving and Varda Rabin
SCH#: 2007072104

ROLE OF THE SCOPING SESSION

The Town of Tiburon is processing applications for annexation, rezoning and Precise Development Plan for a 14-unit residential project on 52 acres of land. The Town has determined that an Environmental Impact Report (EIR) must be prepared for this project, and the scoping session is a required element of the EIR process.

The California Environmental Quality Act (CEQA) and the Town of Tiburon Environmental Review Guidelines describe the procedures for the preparation of an EIR. To insure that the EIR addresses all pertinent environmental issues related to the project, CEQA provides for a "scoping session" to be held at the beginning of the process. The scoping session helps to identify the reasonable range of actions, project alternatives, mitigation measures, and potentially significant effects to be analyzed in depth by the EIR. In the Town of Tiburon, the scoping session is set at a public meeting of the Planning Commission to solicit input from the public, interested agencies and organizations, and the Planning Commission regarding the issues to be addressed in the EIR.

In order to be included within the scope of the EIR, CEQA requires that substantial evidence be presented which supports a fair argument that potentially significant impact would be caused by the project. Speculation about potential impacts which is founded upon hearsay, conjecture and/or other unsubstantiated evidence cannot be used to require study of additional areas by the EIR.

The Town is in the process of selecting an independent professional consulting firm to prepare the EIR under contract to the Town. Once the scoping session is completed, work will proceed on the EIR. It is anticipated that the Town-selected consultant will be present at the scoping meeting.

The scoping session is the first of several public meetings to be held regarding this application. Once the Draft EIR (DEIR) has been prepared and the 45-day public comment period begins, the Town will hold a public meeting to accept comments on the DEIR. Following closure of the 45-day comment period, a public meeting will be held at which the Planning Commission will consider whether revision and recirculation of the DEIR is required. Following release of the Final EIR/Response to Comments document, additional hearings will be held on the project merits. Therefore, comments at the scoping session should be limited to issues or alternatives that should be addressed in the EIR. Comments regarding the merits of the project itself should be reserved for public hearings held after release of the Final EIR.

ALTA ROBLES PROJECT DESCRIPTION

The subject property consists of two contiguous parcels: the 20.95 acre SODA property and the 31.25 acre Rabin property. The SODA property is located in an unincorporated portion of Marin County within the Town of Tiburon's Sphere of Influence, and is currently undeveloped. The Rabin property is currently developed with one single-family residence and several ancillary structures and is located within the Town of Tiburon, with a street address of 3825 Paradise Drive. The proposed project involves the eventual subdivision of the 52 acres into 14 single family parcels (one existing residence to remain and 13 new residences to be constructed) and three open space parcels totaling 18.3 acres. The applicants have currently submitted applications for Annexation, Rezoning, and Precise Development Plan; the EIR will be prepared for these applications and all trailing permits (subdivision, design review, etc.), barring substantial changes to the project subsequent to any Precise Development Plan application approval.

Annexation

The 20.95 acre SODA property is currently outside the Town's corporate limits, but within Tiburon's Sphere of Influence. The applicants are requesting that this parcel be annexed to the Town for development pursuant to the Town's adopted policies. The Marin Local Agency Formation Commission (LAFCO) would be the decision-making body for the annexation application; however, the Town's EIR must address any environmental impacts associated with the annexation request. The SODA property is adjacent to parcels within the Town's corporate limits.

Rezoning

The application proposes rezoning the SODA property to RPD (Residential Planned Development) consistent with the Tiburon General Plan designation and consistent with the

Town's zoning on the adjacent Rabin property. The RPD zoning (Section 16-2.7 of the Tiburon Municipal Code) proposed for the SODA property is "intended to protect and preserve open space land as a limited and valuable resource without depriving owners of a reasonable use of their property for residential purposes." The proposed single family residential use is a Permitted Use (Section 16-2.7.1 of the Tiburon Municipal Code). Maximum density for the land shall be established by a Precise Development Plan approval pursuant to Section 16-4.8 of the Tiburon Municipal Code.

Precise Development Plan

The Precise Development Plan seeks approval for 14 residential lots, comprised of:

- 1 Lot for an existing single family home; and
- 13 Lots for thirteen new single family homes
- 3 Lots (A, B, & C) are voluntarily offered for dedication as Open Space
- Building envelopes, height limits, floor area maximums, and other zoning parameters would be established
- Design guidelines would be adopted

Subdivision

Although an application for subdivision has not been submitted at this time, the eventual subdivision configuration would result in 17 subdivision lots, as shown on the Precise Development Plan Maps. These are:

- 14 Single-family lots;
- 3 open space lots (A, B, & C)

Preservation of Scenic and Natural Resources

Extensive land area is proposed as permanent private open space by offer of open space easement or other restriction.

- Private Common Open Space areas (Lots A, B, & C), are voluntary offered for permanent open space and resource conservation. These Lots constitute 18.29 acres or 35.03% of the total land area. A public trail easement is proposed across a portion of Lot B.
- Private Open Space, lands proposed in individual private lot ownerships on the 13 proposed new lots, is voluntarily offered for permanent protection through scenic and resource conservation easements. These areas include 8.58 acres or 16.43% of the total land area.
- Private Space, comprising land surrounding the existing residence at 3825 Paradise Drive (Lot 1), is proposed to be maintained for private resource conservation, open space, and private recreational use. This area includes 10.48 acres or 20.08% of the total land area. A public trail easement is proposed across a portion of the Private Space that would connect to the Tiburon Ridge Trail.

The project site plan submitted by the applicant is attached as **Exhibit 1** and the project narrative submitted by the applicant is attached as **Exhibit 2**. For the benefit of Commissioners, the

complete set of project drawings is attached as **Exhibit 3**. Copies of all application materials, including technical studies, are available for public review at the Tiburon Planning Division and the Belvedere-Tiburon Public Library.

ENVIRONMENTAL ANALYSIS

The scale and environmental complexity of the Alta Robles project is such that Town Staff made the decision to proceed immediately to preparation of a full (as opposed to a “focused”) EIR that will be required to address all topical areas of impact required by the California Environmental Quality Act (CEQA). A Notice of Preparation (NOP) (**Exhibit 4**) stating that an EIR would be prepared for this project was distributed on July 19, 2007. Extensive mailing of a public notice (**Exhibit 5**) announcing the scoping meeting occurred on July 18, 2007. The NOP comment period ends on August 23, 2007.

The applicant has prepared a series of studies that analyze the existing environmental conditions of the property, estimate some of the impacts of the proposed project, and propose mitigation measures to address these potential impacts. These studies include analysis of the geology, biology (including trees), hydrology and wetlands of the site and the proposed project. Copies of these studies are available for review at the Tiburon Planning Division and at the Belvedere-Tiburon Public Library.

While all topical areas of potential impact must be addressed in the EIR, Town Staff anticipates that the most in-depth analysis in the EIR will be related to aesthetics, biology, geology and soils, hydrology, land use and planning, traffic and circulation, and cumulative impacts. The following summarizes these and other potential issues that will be reviewed by the EIR for this project:

- Aesthetics: The project would involve the construction of 13 additional homes and accessory residential improvements on a 52 acre site currently developed with only one single-family dwelling. Some of these residences and improvements would be visible from homes along Acacia Drive and portions of Paradise Drive, from Town-owned open space along the Middle Ridge portion of the Tiburon Ridge, and from other locations as well. Any impacts related to the introduction of grading, tree removal, construction of residences, roadways and other improvements on the property would be evaluated.
- Biological: The subject property is covered with a variety of native and ornamental vegetation, mostly consisting of grasslands, scrub brush and oak woodlands. A tree survey documented 766 trees on the site and recommended removal of 166 of these trees.

Surveys of plant species on the site revealed the presence of Marin western flax (*Hesperolinon congestum*), a federally- and state-listed plant species; North Coast semaphore grass (*Pleuropogon hooverianus*), a state-listed species; and Tiburon Buckwheat (*Eriogonum luteolum caninum*) and Carlotta Hall’s lace fern (*Aspidotis carlotta-halliae*), two special status plant species. Two potentially sensitive vegetation communities, serpentine bunchgrass grassland and freshwater marsh or seep (sedge meadow), were also found on the site. Biological surveys of the site found no listed animal species. However, the property is within the study

area for the California red-legged frog, a federally- and state-listed species. The surveys also found a moderate potential for Cooper's hawk, Tiburon micro-blind harvestman spider, long-eared owl and white tailed kite on the site.

Any impacts from the removal of trees on the site and the planting of new trees and formal landscaping shall be evaluated, as well as potential impacts on any rare, endangered or special status specie of plant or animal.

- Geology and soils: The site is underlain by highly variable Franciscan Assemblage bedrock typical of much of the Tiburon Peninsula. A geotechnical study found 10 active, 3 dormant and 5 potential landslide areas on the property, and made preliminary recommendations regarding mitigation measures and possible repairs to these landslides. All landslide areas and any impacts from the grading proposed by the project will be evaluated, and mitigations identified consistent with the Town's Landslide Mitigation Policy.
- Hydrology: The property slopes down from the Tiburon Ridge to Paradise Drive. Fifteen drainage areas have been identified on the site, most draining down to Paradise Drive and then under it via nine existing culverts. Seven of the fifteen drainage areas would experience increased runoff due to the project, but all would be able to handle 25- and 100-year storm events after drainage improvements (including a large storage cistern) have been constructed as part of the project. All drainage from the site caused by the increase in impervious surfaces shall be evaluated for downstream impacts between the subject property and San Francisco Bay.
- Land use and planning: The subject property is surrounded on three sides by other residential neighborhoods along Acacia, Hacienda and Paradise Drives. Town-owned open space along the Middle Ridge borders the site to the southeast. Any potential land use conflicts on the surrounding residential neighborhoods and open space arising from the change in development of the site from one home to 13 residences will be evaluated. The Tiburon Ridge crosses the Rabin property, and two significant ridgelines extend downslope from the Tiburon Ridge onto both the Rabin and SODA properties. The EIR will evaluate project impacts on these ridgelines.
- Traffic and circulation: Access to the site will be provided by a new roadway leading upslope from Paradise Drive. This roadway would roughly follow the alignment of an existing fire road on the SODA property that was upgraded several years ago. The access road would then be extended laterally across the project site to serve proposed lots on the Rabin property as well. Secondary (i.e. emergency only) access to the project will be provided via a gated entrance located immediately south of 180 Hacienda Drive that would connect to an existing fire road located on public open space. No project-related traffic will be allowed to utilize this secondary access except in emergencies. The current driveway intersection with Paradise Drive that provides access to the existing home would be gate-controlled and would provide an exit for only the existing house on the site. The increased traffic associated with the development of 13 new single-

family residences, as well as circulation onto Paradise Drive and access to and through the site, will be evaluated.

- Cumulative Impacts: Several other residential development projects on the Tiburon Peninsula are in various stages of construction or are under review and could be under construction within the foreseeable future. The cumulative impacts of the proposed project as well as any other approved or reasonably foreseeable projects in the area will be evaluated.
- Alternatives: The CEQA Guidelines, in section 15126.6, require that:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

The EIR will describe the mandatory “no project” alternative and address off-site locations as a potential project alternative. The EIR will also describe a range of development alternatives that will be formulated following completion of the draft topical analysis sections of the EIR such that these alternatives may focus on avoiding or substantially lessening any significant effects of the project identified during that analysis. Other project alternatives to be described in the EIR may be suggested at the scoping session. The applicant’s Project Objectives are set forth in attached **Exhibit 6**.

The EIR will also provide a thorough analysis of the existing site conditions. Potentially significant impacts will be described and analyzed in the EIR. Studies provided by the applicant will be peer reviewed by the EIR preparers. The EIR will also generate new studies and environmental documentation in those areas where peer review is inapplicable or insufficient, such as visual impact and traffic/circulation analysis.

RECOMMENDATION

Staff recommends that the Planning Commission conduct the scoping session and accept any comments on scoping issues. At the conclusion of the public comment, the Commissioners may wish to provide their own comments on the scope of issues and alternatives to be addressed in the Environmental Impact Report.

EXHIBITS

1. Proposed Site Plan
2. Project Narrative
3. Project Drawings (Commissioners only)
4. Notice of Preparation

5. Public Notice of Scoping Meeting
6. Applicant's Project Objectives

Prepared by: Daniel M. Watrous, Planning Manager
Diane Henderson, Contract Planner

Reviewed by: Scott Anderson, Director of Community Development

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TOWN OF TIBURON
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Planning Commission Meeting
August 8, 2007
Agenda Item: **2**

STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **File #30704; Request to Amend the Miraflores Precise Plan (PD #21) to Amend a Building Envelope; 9 Miraflores Lane; Seth and Meg Landefeld, Owners; Holscher Architects, Applicants; Assessor's Parcel No. 039-271-16**

PROJECT DATA

Address: 9 Miraflores Lane
Assessor's Parcel Number: 039-271-16
File Number: 30704
Lot Size: 13,725 square feet
Zoning: RPD (Residential Planned Development)
Precise Plan: Miraflores Precise Plan (PD #21)
General Plan: M (Medium Density Residential)
Current Use: Single-Family Residential
Owners: Seth and Meg Landefeld
Applicant: Holscher Architects

PROPOSAL

The project is the proposed amendment to a precise plan (the Miraflores Precise Plan) for property located at 9 Miraflores Lane. The applicant proposes to expand the envelope to conform to the location of the existing single-family residence on the site.

BACKGROUND

The Miraflores Precise Plan was approved by the Town Council in 1975, and established building envelopes for each of the lots in the subdivision. The resolution for Phase II of the Miraflores Precise Plan states that "the building envelopes and landscape envelopes depicted in the drawings constitute set-back and height restrictions on buildings and landscaping which will be included in the covenants, conditions and restrictions running with the land on the sale of the parcels."

In 1978, the developers of the Miraflores subdivision filed a request for a variance from the requirements of the Miraflores Precise Plan to shift the building envelope for the subject lot (Lot 24) to the east to "create more space between lots." Planning Division Staff prepared a report to

the Board of Adjustments and Review recommending denial of the request. Prior to the BAR meeting, the applicant withdrew the variance application.

Later in 1978 the developers were granted Design Review approval for construction of a new single-family dwelling, and a building permit was subsequently issued. The Plans for both the Design Review and building permit approvals showed the location of the house within the approved building envelope.

In November, 1980, an as-built landscape plan was submitted and approved by the Building Division shortly before a Certificate of Occupancy was issued for the house. This landscape plan clearly shows that the house was shifted to the east outside of the approved building envelope, in a position similar to that requested by the withdrawn variance request. The Town's files indicate no explanation for the discrepancy. Planning Staff only became aware of this situation when the current property owner requested information on constructing a new deck that would be to the east of the existing residence. A review of the history of the property to determine if the deck would comply with the approved building envelope for this lot revealed the discrepancy between the envelope and the as-built location of the residence.

In reviewing the property history with the current owners, Staff determined that the new deck could not be approved without first amending the building envelope, and also recommended that the envelope be amended to reflect the as-built location of the house on the site. The owners have therefore requested to move the eastern edge of the building envelope 22 feet, 11 inches, to within 9 feet, 7 inches of the eastern property line.

ANALYSIS

Project Design

The applicants have requested to expand the approved building envelope for this property in order to recognize the as-built location of the residence on this lot and to allow future development of a 52 square foot deck and exterior stairs on the eastern side of the house. The area proposed for the expanded building envelope is a relatively level portion to the side of the house. The expanded portion of the building envelope covers approximately 1,540 square feet.

The property to the east of the lot is Town-owned open space dedicated as part of the approval of the Miraflores subdivision. The amended building envelope would extend no closer to the side property line than the eastern edge of the house, which has been located in this position since 1980. The amended envelope would therefore not bring structures into closer proximity than what has been the case since 1980. Other homeowners in the vicinity would likely not be affected by improvements in the area of the amended envelope due to the distance from this area to adjacent residences.

Compliance with the Miraflores Precise Plan

The building envelopes established by the Miraflores Precise Plan were designed to allow adequate space for the development of each parcel, while providing a buffer between the envelopes and nearby private open space areas. The subject home was built beyond the eastern boundary of the approved building envelope for this property. However, the location of this

home does not appear to have resulted in any problems or concerns for the adjacent open space. The proposed amended building envelope therefore appears to be consistent with the intent of the Miraflores Precise Plan, and reflects an as-built condition that has existed for at least 27 years.

General Plan Consistency

The proposed project has been reviewed for consistency with the Tiburon General Plan and with the requirements of the Tiburon Zoning Ordinance regarding precise plan amendments. Land Use Element Policy LU-5 states that “new development shall be in harmony with adjacent neighborhoods and surrounding open space areas.” As noted previously, the proposed amended building envelope would not result in any impacts on nearby residential properties, and its location has provided an appropriate buffer between the residence and the adjacent open space area since 1980.

ENVIRONMENTAL REVIEW

Staff has preliminarily determined that the subject application is categorically exempt from the requirements of CEQA per Section 15301 of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this application; and
2. Consider the draft resolution recommending approval to the Town Council of the amendment to the Miraflores Precise Plan for the property at 9 Miraflores Lane.

EXHIBITS

1. Draft Resolution
2. Application form
3. Submitted plans

Prepared by: **Daniel M. Watrous, Planning Manager**

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TOWN OF TIBURON
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Tiburon, CA 94920

Planning Commission Meeting
August 8, 2007
Agenda Item: **3**

STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **NOTICE OF CONTINUANCE**
File #10704; Conditional Use Permit to Install a Temporary Office Trailer; 1501 Tiburon Boulevard; Belvedere-Tiburon Library, Owners/Applicants; Assessor's Parcel Nos. 058-171-93 & 94

Staff recommends that this item be continued for the following reason(s):

- No story poles have been erected/no certification received
- Requested information has not been received
- Item not properly advertised
- The applicant has requested a continuance to: **August 22, 2007**
- Other:

Prepared By: **Daniel M. Watrous, Planning Manager**