



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission
September 23, 2009
Agenda Item:

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: Accept Public Comment on Draft Environmental Impact Report (DEIR) for the Proposed Alta Robles Residential Project located 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 Project (Precise Development Plan & Rezoning)
Address: Vicinity of 3825 Paradise Drive
Assessor's Parcel Nos.: 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
Flood Zone: X (outside 500-year flood zone)

BACKGROUND

The Town of Tiburon is processing applications for Precise Development Plan and Rezoning for a 14-unit residential project on 52 acres of land. The proposed project is located at 3825 Paradise Drive, and extends from Hacienda Drive on the south downward to Paradise Drive on the north. The proposed development, known as the Alta Robles Project, involves a proposal for the eventual subdivision of 52.2 acres of land, currently developed with one single-family dwelling, into 14 single-family residential lots. Approximately 20.95 acres (SODA) of the site are located within an unincorporated portion of Marin County, within the Town of Tiburon's Sphere of Influence, and approximately 31.26 acres (Rabin) of the site are located within the Town of Tiburon. The project would also entail eventual annexation of the SODA property into the Town. The Town determined that an Environmental Impact Report (EIR) must be prepared for this project, and retained Nichols Berman, an environmental consulting firm to prepare the EIR.

A draft environmental impact report (DEIR) has been prepared for this project by Nichols Berman, and is currently being circulated for public review and comment. The Town of Tiburon mailed a Notice of Preparation as required by CEQA, with a 45 day comment period scheduled to conclude on October 5, 2009, at noon. Written comments may also be submitted at the meeting. At the conclusion of the comment period, the consultants will respond to all oral comments made to the Planning Commission as well as written comments submitted during the comment period.

ANALYSIS

Purpose of the Planning Commission Hearing

The primary purpose of this meeting is to receive public testimony concerning the contents of the Draft Environmental Impact Report for the project. Speakers are encouraged to express their views on the adequacy of the DEIR. Comments should focus on:

- the sufficiency of the DEIR in discussing possible impacts on the environment,
- ways in which adverse impacts might be minimized, and
- feasible alternatives to the project that would reduce environmental impacts

Following the conclusion of the public testimony, Planning Commissioners may choose to provide oral comments on the DEIR or may submit written comments prior to the deadline.

A subsequent public meeting will be held, after the close of the comment period, at which the Environmental Coordinator will recommend to the Commission whether significant new information has been received during the comment period that would require revision and recirculation of the DEIR.

In addition, a hearing will be scheduled for consideration of project merits by the Planning Commission. This hearing would be held following the release of a Final EIR (FEIR), which will contain the responses to comments made on the DEIR.

Reference copies of the DEIR may be reviewed at the Planning Division at Town Hall, at the Belvedere-Tiburon Public Library during normal business hours or on-line at the Town's website.

Project Description

The subject property consists of two contiguous parcels: the 20.95 acre SODA property and the 31.26 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 18.29 acres. The applicants have currently submitted applications for Precise Development Plan; rezoning and annexation; 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.

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

Prezoning

The application proposes prezoning 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.

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.

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 voluntarily 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.

Summary of Key DEIR Findings

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. The Tiburon Ridge crosses the Rabin property, and two significant ridgelines extend down slope from the Tiburon Ridge onto both the Rabin and SODA properties.

The DEIR analyzes the proposed project for consistency with relevant public plans and policies, including the Town's General Plan, Zoning Ordinance, Design Guidelines and Bicycle and Pedestrian Master Plan, as well as with Marin County's Paradise Drive Visioning Plan and the Marin Local Agency Formation Commission's (LAFCO) Policy Guidelines. The DEIR concludes that the proposed project could result in houses that are larger than surrounding existing development and include roof overhangs, increased traffic, development that encroaches into setbacks from Significant Ridgelines, landslide repairs, large retaining walls, undergrounding of utilities and changes in views from public open space areas that are possibly inconsistent with adopted policies regarding projects being in "harmony" with surrounding uses. This is a project merits issue, not an environmental impact under CEQA, and will be evaluated at the hearings on the requested entitlements.

Transportation

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 under permits issued by the County of Marin. 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 when authorized by public agencies. The current driveway intersection with Paradise Drive that provides access to the existing home

would be gate-controlled and would provide an exit for exclusive use by the existing home on the property.

As discussed in Section 5.1 Transportation, the DEIR concludes that the proposed project would not result in a significant increase in peak hour traffic volumes at the signalized Trestle Glen Boulevard / Tiburon Boulevard intersection or at the un-signalized Paradise Drive / Trestle Glen Boulevard and Paradise Drive / Project Entrance Road intersections. Project site residents would contribute slightly to the number of bicyclists using Paradise Drive. The project would also add motor vehicle traffic to Paradise Drive. This additional increment of motor vehicle and bicycle traffic would exacerbate already constrained conditions along Paradise Drive. Mitigation measures are proposed to improve conditions adjacent to the property frontage along Paradise Drive.

Air Quality

As discussed in Section 5.2 Air Quality, construction activities could expose neighbors to unhealthy levels of particulate matter and possibly toxic air contaminants. Grading of the project site may disturb soils containing serpentine, possibly releasing asbestos fibers into the air. With conformance to Bay Area Air Quality Management District (BAAQMD) regulations and mitigation measures included in the DEIR, these impacts would be reduced to a less-than-significant level.

Noise

As discussed in Section 5.3 Noise, construction activities at the project site would temporarily increase ambient noise levels in the site vicinity. Measures are proposed to mitigate construction noise, but even with implementation of mitigation measures, this would be a significant unavoidable impact.

Hydrology and Water Quality

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 was evaluated in the DEIR for downstream impacts between the subject property and San Francisco Bay.

As discussed in Section 5.4 Hydrology and Water Quality, the proposed project includes storm water detention. Each residential lot would be provided with a cistern that would store storm water runoff generated by the construction of impervious surfaces. The proposed cisterns would possess sufficient capacities to mitigate post-development peak flow rates to pre-development levels for the 100-year rainstorm. Surface water quality, including the shoreline water along Paradise Cove could be adversely affected by project-related run-off pollutants. Project impacts would be mitigated through development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) together with other required mitigation measures.

Biological Resources

The subject property is covered with a variety of native and ornamental vegetation, mostly consisting of grasslands, scrub brush and oak woodlands.

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.

A total of 261 trees are proposed to be removed to accommodate the proposed project. The proposed project would result in loss of important native habitat and sensitive natural community types as well as impacts to jurisdictional waters. Mitigation measures are included in the DEIR which will protect adversely affected biological impacts and reduce them to a level that is less-than-significant.

Geology and Soils

The site is underlain by highly variable Franciscan Assemblage bedrock typical of much of the Tiburon Peninsula. A geotechnical study of the project site mapped 10 active, 3 dormant and 5 potential landslide areas on the property. Four methods of landslide stabilization are proposed: use of compacted fill buttresses, subsurface drainage, retaining structures and debris fences. As discussed in Section 5.6 Geology and Soils, strong seismic ground shaking is expected to occur at the project site some time during the design life of the proposed development that would expose people and structures to adverse seismic effects, including the risk of loss, injury or death. If not properly repaired or eliminated, consistent with the Town's Landslide Mitigation Policy, the on-site landslides could reactivate and threaten new development, adjacent properties and Paradise Drive. Mitigation measures are proposed to reduce the identified geology and soils impacts to a less-than-significant level.

Public Services and Utilities

The DEIR evaluates the project's potential impact on fire protection and emergency services, police services, water supply, wastewater management, public schools and solid waste. In general, the DEIR concludes that adequate public services are available for the proposed project. Development on the project site may expose houses and structures to wildland fire risks. The DEIR includes mitigation measures that incorporate Fire Safe Marin guidelines and Tiburon Fire Protection District requirements, thereby reducing potential impacts to a less-than-significant level.

Visual Quality

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.

The DEIR evaluated visual impacts from three viewpoints: looking north from Middle Ridge Open Space, looking west from Paradise Drive and looking east from Acacia Drive. As discussed in Section 5.8 Visual Quality, the Draft EIR concludes that from the Middle Ridge Open Space viewpoint, new houses would be seen on 12 of the 13 lots proposed for development. The close proximity to this viewpoint of the houses on Lots 3, 4, 5 and 6, plus the fact that much of their exterior surface would be exposed cause them to be most conspicuous features of the proposed project from this viewpoint. No building construction and/or yard improvements would occur within 150 horizontal feet from either side of the Tiburon Ridge. Development on Lots 4 and 5 is proposed within 50 vertical feet of the nearest peak elevation of the Tiburon Ridge. All of the proposed development on Lot 4 and the proposed detached garage on Lot 5 would occur within the 50 foot vertical setback of the Tiburon Ridge.

The DEIR includes mitigation measures to reduce the visual impacts of the proposed development. However, even with implementation of mitigation measures, the proposed project, when viewed from Middle Ridge open space, would result in a significant unavoidable visual quality impact.

Cultural Resources

As discussed in Section 5.9 Cultural Resources, the DEIR concludes that no known archaeological or historic sites exist on the project site. Although no discernible impacts to subsurface cultural resources including human remains are anticipated, the possibility cannot be precluded that prehistoric cultural deposits and features are present below the ground surface, and could be damaged during land alteration activities, and therefore standard mitigation measures related to cultural resources have been included in the DEIR.

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 were evaluated in the DEIR. Chapter 7 assesses the cumulative effects of implementing the proposed project as well as past, present and probable future projects, including those projects outside the control of the Town of Tiburon (such as those under County jurisdiction).

Implementation of the proposed project together with anticipated future projects would result in the following unavoidable cumulative impacts:

- The addition of vehicle trips to the signalized Tiburon Boulevard / Trestle Glen Boulevard intersection.
- The addition of vehicle trips to US Highway 101.
- Construction noise.
- Wildlife habitat and connectivity impacts.
- Visual impacts to scenic vistas and scenic resources plus the significant ridgelines.

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.”

As described in detail in Chapter 6, the DEIR examined several alternatives to the project as proposed. These alternatives include two on-site No Project alternatives, an on-site development alternative and potential off-site locations. The DEIR concludes, on the basis of the discussion of the proposed project and the on-site alternatives, that Alternative 1 (No Project / No Build) would be the environmentally superior alternative, as it would avoid the environmental impacts associated with construction and operation of the proposed project.

The CEQA Guidelines (Section 15126.6[e]) state that if the environmentally superior alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Of the remaining alternatives, Alternative 3 would be the environmentally superior alternative. Although the significant impacts associated with Alternative 3 would be similar to the proposed project, the inclusion of the proposed revisions would reduce the degree of certain impacts; however, such impacts would remain significant and in need of mitigation measures.

Significant Unavoidable Project Impacts

As identified in the specific topic area discussions above, the DEIR identifies two significant unavoidable ("SU") impacts of the project that could not be eliminated or reduced to a less-than-significant level through mitigation measures identified in the DEIR. These are 1) that project construction would temporarily increase ambient noise levels in the site vicinity; 2) that the project as proposed would cause a significant change in the visual quality of the site when viewed from Tiburon's Middle Ridge Open Space.

Comment letters received as of the date of this report

As of the date of this report, one comment letter regarding the DEIR has been received and is attached as **Exhibit 1**.

Future Action Required

The Commission will hold a public meeting, after the close of the comment period on October 5, 2009, at which it will determine whether significant new information has been received during the comment period that would require revisions and recirculation of the DEIR. At that meeting, the Environmental Coordinator will make a recommendation based upon a review of all the comments received during the comment period. A regularly-scheduled Planning Commission meeting date in October (either the 14th or 28th) is likely, depending on the volume and complexity of comments submitted.

RECOMMENDATION

Staff recommends that, at the conclusion of the staff report, the Planning Commission should receive any public comments on the DEIR.

EXHIBITS

1. Letter from Robert L. Lynch, District Manager, Sanitary District No. 5 of Marin County, dated August 28, 2009

PREVIOUSLY-DISTRIBUTED OR PUBLICLY AVAILABLE

Alta Robles Draft Environmental Impact Report, August 2009

Prepared by: Diane Henderson, Contract Planner

Reviewed by: Scott Anderson, Director of Community Development