



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
May 13, 2009
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 Belvedere-Tiburon Public Library Expansion Project, 1501 and 1505 Tiburon Boulevard; File #s GPA 2008-02, MCA 2008-14, 30804 and 40801; Assessor Parcel Numbers 058-171-62, 75, 92, 93, and 94

PROJECT DATA

Project Name: Belvedere-Tiburon Public Library Expansion Project
Address: Vicinity of 1501 and 1505 Tiburon Boulevard
Assessor's Parcel Number: 058-171-92, 93, 94 and portions of 058-171-62 and 75
File Number: GPA 2008-01, MCA 2008-14, 30804 and 40801
Project Area: Approximately 2.4 acres
General Plan: P/QP (Public/Quasi-Public); OS (Open Space) and NC (Neighborhood Commercial)
Zoning: P/QP (Public/Quasi-Public); OS (Open Space) and NC (Neighborhood Commercial)
Current Use: Public Library, Tiburon Town Hall, Public Park, and Open Space
Owners/Applicants: Town of Tiburon/Belvedere-Tiburon Library Agency
State Clearinghouse Number: 2009052003

ROLE OF THE SCOPING SESSION

The Town of Tiburon is processing applications for general plan amendment, rezoning, master plan amendment and precise plan amendment for an approximately 18,000 square foot addition to the Belvedere-Tiburon Public Library. 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 has selected and is under contract with the independent professional consulting firm of Christopher A. Joseph & Associates to prepare the EIR. Representatives from this firm will be at the scoping session.

The scoping session is the first of several public meetings to be held regarding this project. 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 environmental issues or project alternatives or mitigation measures that should be addressed in the EIR. Comments regarding the merits of the project should be reserved for public hearings held after release of the Final EIR.

LIBRARY EXPANSION PROJECT DESCRIPTION

Please refer to attached **Exhibit 1** for a detailed project description and graphics.

ENVIRONMENTAL ANALYSIS

A Notice of Preparation (NOP) stating that an EIR would be prepared for this project was distributed on April 30, 2009. Extensive mailing of a public notice announcing the scoping meeting occurred on the same date. The NOP comment period ends on June 1, 2009.

The EIR will provide a thorough analysis of the existing site conditions. Potentially significant impacts will be described and analyzed in the EIR. 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, air quality, biology, hydrology, land use and planning, noise, transportation and traffic, 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 18,000 square feet of additions to the existing Belvedere-Tiburon Library building. Visual and aesthetic impacts of the project will be evaluated and photo-simulations (before and after) prepared from three (3) different vantage points.
- Air Quality: Potential impacts on air quality will be addressed, including a discussion of Bay Area Air Quality Management District policies and thresholds, as well as greenhouse gas emission analysis.

- Biological: The project is proposed in very close proximity to Railroad Marsh, a fresh-water wetland area that may provide habitat for special status species of flora and fauna. Potential impacts on the biological resources on and near the project area will be identified and mitigations identified.
- Hydrology: The project will be analyzed for assessment of potential impacts to storm water runoff, flood issues, and water quality. The site is located within a special flood hazard zone identified by the Federal Emergency Management Agency (FEMA), and storm water runoff has the potential to enter Railroad Marsh unless properly designed.
- Land use and planning: The subject property is surrounded by a mixture of residential, commercial, and various public uses, including Zelinsky Park, Town Hall, and Railroad Marsh. The project includes general plan amendments, rezonings, and amendments to the Point Tiburon Master Plan and Point Tiburon Precise Plan. Potential impacts from these changes will be analyzed in the EIR.
- Noise: Operational and construction impacts associated with the project will be analyzed, both on surrounding properties and on existing library patrons during portions of construction when the library would remain open.
- Transportation and Traffic: The EIR will address potential impacts of the project on nearby intersections, will address parking adequacy, on-site and adjacent circulation, the change in vehicular access to the Library and Town Hall from Tiburon Boulevard to Mar West Street, various cumulative development scenarios involving other approved projects, and cumulative build-out of the Tiburon peninsula. Bicycle and pedestrian impacts will also be analyzed.
- Cumulative Impacts: Several other 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, including a version of the library expansion project

approved in 2004. These alternatives will focus on avoiding or substantially lessening any significant effects of the project identified during the EIR analysis, while meeting most of the Project Objectives. Other project alternatives to be described in the EIR may be suggested at the scoping session. The applicant's Project Objectives are located near the end of the project description found in Exhibit 1.

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, impact analysis, alternatives, and mitigation measures to be addressed in the EIR.

EXHIBITS

1. Project Description (narrative, graphics, and project objectives)

Prepared by: Scott Anderson, Director of Community Development

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TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
May 13, 2009
Agenda Item: **2**

STAFF REPORT

To: Members of the Planning Commission
From: Community Development Department
Subject: 145 Rock Hill Road; File #10811; Amendment to a Conditional Use Permit to Expand the Maximum Enrollment and Operating Hours at a Nursery School; Community Congregational Church, Owner; Hawthorne Nursery School, Applicant; Assessor's Parcel No. 039-111-21
Reviewed By: _____

PROJECT DATA

Address: 145 Rock Hill Road
Assessor Parcel Number: 039-111-21
File Number: 10811
Lot Size: 4.87 acres
General Plan: M (Medium Density Residential)
Zoning: RO-2) (Single-Family Residential - Open)
Current Use: Religious Facility/Nursery School
Owner: Community Congregational Church
Applicant: Hawthorne Nursery School

SUMMARY

Community Congregational Church currently occupies the property located at 145 Rock Hill Drive. A tenant nursery school (Hawthorne Nursery School, applicant) currently operates a pre-school serving 38 children on this property, operating from 9:00 a.m. to 12:30 p.m. on Mondays, Wednesdays and Fridays and from 9:00 to 3:00 p.m. on Tuesdays and Thursdays. The conditional use permit for the pre-school, dating from 1968, authorizes a maximum of twenty (20) children. The application for that use permit describes the hours for the pre-school as 9:00 a.m. to 12:00 noon, Monday through Friday. The applicant wishes to amend the existing conditional use permit for the nursery school to reflect the current and longstanding enrollment and operating hours of the school. The nursery school does not propose any expansion of its existing operations at this time.

BACKGROUND/PERMIT HISTORY

The County of Marin approved a conditional use permit (File #16104) in 1961 for the establishment of a church, Sunday school and related facilities on the site. Community Congregational Church (CCC) has operated at the site ever since.

In 1968, CCC requested a conditional use permit (File #16801) to operate a nursery school on the premises. On March 18, 1968, the Tiburon Board of Adjustment and Review adopted Resolution No. 15 (Exhibit 3) approving this use permit. A condition of approval of the permit limited the total number of children for the nursery school to a maximum of 20 children. The hours of operation were included in the permit application but were not specified in the resolution.

Hawthorne Nursery School currently operates a nursery school on the site. For the last 25 years, the school has had an enrollment of approximately 38 children. Until recently, the Town and the operators of the school were unaware that the enrollment of the school was larger than allowed under the use permit. The school has now submitted an application to amend the use permit to reflect its long-standing enrollment and operating hours.

ANALYSIS

Parking and Traffic

The church has a 34-space parking lot connected by a single driveway to the cul-de-sac at the end of Rock Hill Road. The nursery school regularly informs parents about procedures for driving, parking and picking up and dropping off children at the school (Exhibit 4). Parents are told to only utilize the church parking lot and not park in the adjacent cul-de-sac.

The school's parking and pick-up/drop-off activities do not appear to cause any substantial traffic safety problems. The Town has received a complaint from a neighboring resident about drivers occasionally parking in the cul-de-sac instead of the parking lot, although these cars did not block the street or interfere with the flow of traffic. The Town also addressed complaints of speeding along Rock Hill Road by the installing a new stop sign and other speed-reducing measures along the street.

The nursery school enrollment has remained steady over the past 25 years. As a result, the requested amendment would not generate any increase in traffic beyond the existing conditions on the site and would not result in any change in the level of service at street intersections in Tiburon.

General Plan/Zoning Ordinance Consistency

Nursery schools and daycare centers are uses that are typically found in residential neighborhoods. Section 16-4.4.2 of the Zoning Ordinance (Conditional Use Permits - Purposes) states that one purpose for the review of a conditional use permit application is to "determine whether the Town is adequately served by similar uses presently existing or recently approved by the Town." During the recent review of an application to expand the Little School daycare center on Shepherd Way, the Planning Commission noted an increasing need for daycare centers and nursery schools in the community. In Tiburon, the Belvedere-Tiburon Child Care Center has recently reopened, but the Little School ultimately withdrew its application to expand its daycare

center. As previously noted, the applicant is requesting that its conditional use permit be amended to reflect the current enrollment of the school and does not propose any expansion of its existing operations at this time.

Church-Related Issues

The Town has received periodic complaints over the years regarding other events and activities on the CCC site. Most of these complaints have centered on parking and noise impacts from events that exceed the capacity of the church parking lot and/or occur during evening hours. The Town has met with church representatives over the years to attempt to address these issues.

As noted above, the church operates under a conditional use permit approved by the County of Marin in 1961 and the nursery school is regulated by a separate use permit. Issues related to church events and activities that are not directly related to the nursery school cannot be addressed as part of the subject request to amend the nursery school conditional use permit.

ENVIRONMENTAL REVIEW

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. The CEQA Guidelines state that in reviewing an application to legalize an existing use (such as the applicant's current enrollment levels) the Town shall use the existing activity as the baseline for measuring any potential environmental impacts. As noted above, the nursery school enrollment has remained steady over the past 25 years and the nursery school does not propose any expansion of its existing operations at this time. As a result, the requested amendment would not generate any increase in traffic beyond the existing conditions on the site and would not result in any change in the level of service at street intersections in Tiburon.

PUBLIC COMMENT

As of the date of this report, no comment letters have been received regarding the proposal.

CONCLUSION

The Hawthorne Nursery School has operated at this location under the same operating hours and with an enrollment of approximately 38 children for over 25 years. During that time, the Town has received few complaints about their operation in the midst of a single-family residential neighborhood. The requested use permit amendment would not expand the longstanding operations of the nursery school nor change the relationship of this community-oriented use to the surrounding neighborhood. Staff believes that the requested modification is minor in nature and is in keeping with the spirit and intent of the previously approved conditional use permit for the nursery school at this location. Any issues that residents in the vicinity have with other events and activities on this site are not germane to the discussion of the subject application.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this item and hear and consider all testimony, and
2. Adopt the draft resolution (**Exhibit 1**) approving the amendment to the conditional use permit to reflect the current nursery school enrollment.

EXHIBITS

1. Draft resolution
2. Application and supplemental materials
3. Board of Adjustment Resolution No. 15
4. Hawthorne Nursery School Drive-up Procedures

Prepared By: Daniel M. Watrous, Planning Manager

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TOWN OF TIBURON
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Planning Commission Meeting
May 13, 2009
Agenda Item: 3

STAFF REPORT

To: Members of the Planning Commission
From: Director of Community Development
Subject: Review of Capital Improvement Plan Budget for Consistency with the Tiburon General Plan

BACKGROUND

This item is the Planning Commission's annual review of the Town's proposed Capital Improvement Program (CIP) budget for fiscal year 2009-2010 for consistency with the Tiburon General Plan. The CIP is not part of the Town's "operating budget", which focuses on provision of day-to-day services, but is devoted to generally large-item capital purchases (such as heavy equipment) and infrastructure improvements (such as street resurfacing and drain pipe replacement). The draft CIP is prepared by the Director of Public Works in consultation with the Town Manager and other Department Heads. The Town Council Finance Sub-Committee also reviews the draft CIP prior to its being sent to the full Town Council as part of the larger budget adoption process.

ANALYSIS

The draft CIP (**Exhibit 1**) is organized into three separate categories: 1) Street Resurfacing & Improvement (\$2.45 million); 2) Drainage Improvement Projects (\$215,000); and 3) Community & Miscellaneous Projects & Equipment (\$8.2 million). The Commission should note that the total estimated cost of the Community & Miscellaneous CIP budget category (\$8.2 million) is artificially inflated by the Del Mar Utility Undergrounding Project costs of \$7.2 million, which are fully funded by an owner benefit-assessment district and are not paid from general Town funds. The adjusted expenditures for this category would be about \$1 million.

Proposed street and drainage projects are the usual mix of maintenance, repairs, replacement, elimination of "failed" streets (nearly complete), and miscellaneous traffic safety improvements.

However, there are several interesting "community projects" in this year's Community & Miscellaneous category, including: 1) Improvement of the dirt parking area on the south side of Tiburon Boulevard near its intersection with Lyford Drive; 2) Corporation Yard re-design work; 3) Paths, Lanes & Steps and Safe Routes to School improvements (state and federally-funded); 4) Open Space Management Plan preparation and physical open space maintenance; and 5) preparation of a Recreation Master Plan. Staff can provide additional descriptions of these projects at the meeting, if desired by the Commission.

Staff has reviewed the draft CIP and concludes that its components are consistent with the goals and policies of the Tiburon General Plan. Specific General Plan policies and programs reviewed include:

Policy C-15 regarding upgrading of the Tiburon Boulevard/Lyford Drive parking area

Program OSC-g calling for preparation of an Open Space Management Plan

Program PR-a calling for preparation of a Recreation Master Plan

RECOMMENDATION

Staff recommends that the Planning Commission review the draft CIP budget and find it consistent with the General Plan.

EXHIBIT

1. CIP section from Draft FY 2009-20010 budget

Prepared by: Scott Anderson, Director of Community Development

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