



## STAFF REPORT

**To:** Members of the Planning Commission

**From:** Community Development Department

**Subject:** 215 Blackfield Drive: Periodic Review of a Conditional Use Permit to Operate a Synagogue and Appurtenant Day School; File # 10404; Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34

**Reviewed By:** \_\_\_\_\_

## BACKGROUND

On February 21, 2007, the Town Council approved on appeal a conditional use permit to remodel and expand the facilities and operations of the existing synagogue (Congregation Kol Shofar) and private day school uses on property located at 215 Blackfield Drive. The application approval process was highly charged, contentious, and eventually resulted in litigation. The applicant and Town prevailed in the litigation.

Fully aware of the extreme controversy and complexity of the permit approval, the Town Council imposed Condition No. 8 (A) of Resolution No. 15-2007, which reads as follows:

“The CUP shall be reviewed by the Planning Commission at a public hearing six (6) months after occupancy of the MPB [Multi-Purpose Building]. Additional reviews shall occur once every six (6) months for the next two and one-half (2 ½) years thereafter, and annually after the first three (3) years. The Planning Commission shall have the authority to modify the restrictions of this CUP. However, the Town Council intends that the effectiveness of the project design, mitigations, conditions, and restrictions of the use permit should be tested over a substantial period of time before the Planning Commission entertains any proposal to relax conditions or restrictions.”

The Building Official granted occupancy of the Multi-Purpose Building on August 29, 2010. The first scheduled review was held on March 23, 2011, the second review was held on January 25, 2012, the third review was held November 14, 2012, the fourth review was held May 8, 2013 and the fifth review was held November 13, 2013. On December 11, 2013 the Planning Commission adopted Resolution No. 2013-14 requiring annual reviews of the permit from that time on. Annual reviews were held on October 22, 2014 and November 11, 2015. This is the next annual review of the conditional use permit.

A brief synopsis of the evolution of the CKS approvals and the implementation of the current conditional use permit is as follows:

1984: The County of Marin approves a CUP for a synagogue and day school on the former Reedland Woods Middle School site; the property is annexed into the Town of Tiburon shortly thereafter.

1985: The Town Council approves a CUP for a synagogue and day school; few operational conditions of approval are applied, although the permit is made “subject to annual review” on an as-needed basis.

1997: Neighborhood complaints result in the CUP being reviewed for the first time. It is substantially revised (Resolution No. 97-1) to reflect changed conditions, both in terms of a greatly increased membership and more intensive activity at the synagogue, as well as the fact that a new residential development had been constructed adjacent to the site.

2001: The use permit is amended (Resolution No. 2001-07) in response to a change in day school tenancy to a high school. The high school remained only one year before moving out of the county.

2004: The use permit is revised (Resolution No. 2004-10) to require annual updating of the member database for carpooling, coordination of responses to neighbor issues or complaints that involve the day school, annual inspections of certain eucalyptus trees on the property and traffic controls for all major events and peak period usage.

2004-2007: Kol Shofar applies for a conditional use permit (File # 10404) to remodel and expand facilities on the site. The primary additions are a 8,300 square foot multi-purpose building and a 3,662 square foot classroom building.

2007: The Town Council adopts Resolution No. 15-2007 (**Exhibit 1**) approving the current conditional use permit. Most of the conditions of approval of this resolution pertain to the new facilities on the site or usage of the property once the new facilities have been constructed. Additional events are authorized beyond those historically conducted on the site.

2007: The Design Review Board approves a Site Plan and Architectural Review application for the multi-purpose building and classroom building.

2008: The Town Council adopts Resolution No. 12-2008 partially granting the appeal of the Tiburon Neighborhood Coalition of the Design Review Board’s approval of Site Plan and Architectural Review for the expansion project. The Council added several conditions of approval to those set forth by the Design Review Board.

2009: The Planning Commission approves an amendment to the use permit requested by Kol Shofar to reduce the maximum day school enrollment from 150 children to the pre-2007 level of 100 children.

2010: Construction is completed on the multi-purpose room addition and remodeling of the main building and annex building on the site. The classroom addition is not constructed as part of the first phase of the expansion, and remains unbuilt as of 2016.

2011: On March 23, 2011, the Planning Commission conducted its first review of the conditional use permit. Minutes of that discussion are attached as **Exhibit 2**.

2012: On January 25, 2012, the Planning Commission conducted its second review of the conditional use permit. Minutes of that discussion are attached as **Exhibit 3**. On November 14, 2012, the Planning Commission conducted its third review of the conditional use permit. Minutes of that discussion are attached as **Exhibit 4**.

2013: On May 8, 2013, the Planning Commission conducted its fourth review of the conditional use permit. Minutes of that discussion are attached as **Exhibit 5**. On November 13, 2013, the Planning Commission conducted its fifth review of the conditional use permit. Minutes of that discussion are attached as **Exhibit 6**. On December 11, 2013, the Planning Commission adopted Resolution No. 2013-14 amending the review schedule for the conditional use permit to require annual reviews of the permit.

2014: On April 17, 2014, Kol Shofar submitted a conditional use permit application (File #11401) requesting to amend certain requirements of the existing use permit relating to member sponsored events, courtyard use, parking limitations and management, lighting and the Neighborhood Advisory Committee. Staff reviewed the application and the Town's environmental consultant prepared a draft Initial Study for the CEQA review for this request. Staff met with Kol Shofar representatives in February, 2015 to discuss the preliminary findings of the Initial Study. Kol Shofar requested additional time to consider their response to the draft Initial Study and has not since responded to the Town regarding this application, which is currently on hold. On October 22, 2014 the Planning Commission conducted its sixth review of the conditional use permit. Minutes of that discussion are attached as **Exhibit 7**.

2015: On November 11, 2015, the Planning Commission conducted its seventh review of the conditional use permit. Minutes of that discussion are attached as **Exhibit 8**.

## **REVIEW OF APPLICABLE USE PERMIT CONDITIONS**

Below is a listing of the conditions of approval from the applicable resolutions, and a brief staff discussion of compliance based upon unannounced monitoring reports, neighbor communications, the Kol Shofar's CUP review notes received September 23, 2016 (**Exhibit 9**), and from meetings and site visits conducted by staff. The requested modifications to the conditional use permit are not considered in this review, as no action has yet been taken regarding this application.

1. Physical Plant Improvements. The approved physical improvements for Congregation Kol Shofar (CKS) are depicted on the Proposed Site Plan Diagram (Sheet A1.1) dated 4/16/2004 prepared by Herman & Coliver and as further detailed on Sheets, A0.1-0.3, A1.2, A2.0, A3.0, A3.1, L1.0, L1.0, C2.0, and C3.0 (all dated 4/16/2004); and Sheets A1.3 and A-3.2 (revised 11/04/05), as modified herein and summarized below:
  - A. Construction of a new one-story, 3,662 square foot, 20-foot high classroom building consisting of four (4) classrooms and a service building.

*Discussion: The classroom building was not built and the zoning approvals (conditional use permit and Site Plan and Architectural Review) for this building have expired.*

- B. Construction of a new one-story, approximately 8,300 square foot, 23-foot high Multi-Purpose Building (MPB), which represents a 15% reduction from that shown on the referenced drawing. The MPB shall be pulled back from the hill-slope to a distance at least five (5) feet from the top of slope and appropriately landscaped. The multi-purpose room portion of the MPB shall not exceed 4,500 square feet of net usable area. In addition to the approximately 8,300 square feet of MBP, an attached facility is approved that shall consist of a fully enclosed eight hundred (800) square foot one-story loading/unloading area for catering, clean-up and related purposes at the western edge of the MPB, as shown on Exhibit A, attached hereto and incorporated herein.

*Discussion: The multi-purpose building was constructed in compliance with these requirements. The approved multi-purpose building contains 8,420 square feet of space, including approximately 4,100 square feet of net usable area. The building is set back 5 feet from the top of the slope at the closest point, with a series of shrubs and Coast Live Oak trees planted on the slope below. An 815 square foot enclosed loading area is attached to the building. The maximum height of the addition is 23 feet.*

- C. Interior remodeling of the existing main building and annex building on the site.

*Discussion: The interior of the existing main building and the annex building on the site were remodeled as part of the construction project.*

- D. CKS shall modify the primary parking lot layout to optimize circulation and provide a minimum of one hundred fifty-six (156) total on-site parking spaces, including handicapped spaces. The primary parking lot shall be designed as “enter only” from Via Los Altos and “exit only” onto Reedland Woods Way. The exit from the primary parking lot onto Reedland Woods Way shall be as narrow as practicable to the satisfaction of the Town Engineer. No parking structure is approved herein. Improvements to the existing service parking lot (accessed from the upper driveway on Via Los Altos) shall provide staff parking, handicapped parking and service access. This lot shall not be available to the public as a parking area, except for those needing handicapped parking (see also Mitigation Measure 3.3-B.1).

*Discussion: A total of 156 parking spaces have been provided on the site. The primary parking lot was redesigned as “enter-only” from Via Los Altos and “exit only” onto Reedland Woods Way. The exit from the primary parking lot onto Reedland Woods Way was narrowed to a width of 20 feet. The upper parking lot provides staff parking, handicapped parking and service access and is not available to the public as a parking area, except for those needing handicapped parking.*

- E. Landscape improvements as shown on Sheets A1.1 and L1.0 are subject to further refinement at the Design Review application phase to implement mitigation measures and conditions of approval herein. Approved landscaping shall be professionally-maintained at all times in a healthy, weed-free and litter-free

condition. Dead or dying plants shall be promptly replaced. A landscape maintenance bond for a term of three years beyond occupancy of the MPB shall be required prior to occupancy of the MPB. The landscape plan shall call for the removal of invasive plant species such as French broom and pampas grass from the site.

*Discussion: The landscape plans were reviewed and approved by the Design Review Board. Kol Shofar has submitted the required landscape maintenance bond. Prior to the CUP review in 2011, the Town received complaints from neighboring property owners about the maintenance of landscaping on the site, including concerns about dead or dying plants and stumps on the property. At the March 23, 2011 meeting, Kol Shofar representatives indicated that they had contracted with a landscape and maintenance contractor for the purpose of removing and replanting dead and failing plants, and had also requested a proposal for cleanup of fallen debris and weed management along Via Los Altos. The Planning Commission encouraged Kol Shofar to move ahead with the required landscaping management as soon as reasonably possible.*

*Prior to the January 25, 2012 meeting, Staff visually inspected the site and found that although most of the landscaping had been kept in good condition, there were portions of the site where the vegetation was dead, in poor condition or sparse. At that meeting, the Commission determined that the efforts to maintain the landscaping on the site had improved and gave no direction regarding any necessary landscaping or maintenance improvements.*

*A letter was received prior to the May 8, 2013 CUP review from neighboring residents) raising concerns about the maintenance of landscaping along Reedland Woods Way, including photos of overgrown vegetation, but the Commission made no comments regarding the landscaping at that review. A letter was also received prior to the November 13, 2013 CUP review regarding similar landscape maintenance issues, but the Commission found the ongoing landscape maintenance to be acceptable. No complaints have been received regarding landscaping since that time and the Commission raised no concerns regarding landscape maintenance at the 2014 or 2015 permit reviews. The Planning Commission is encouraged to visit the Kol Shofar site and evaluate whether additional efforts need to be made to improve landscaping maintenance on the site.*

- F. The reconstruction and expansion plans approved as part of the Conditional Use Permit provide a framework, in terms of the site plan “footprint” and established maximum development intensity, which will be subject to further refinement during the Design Review Permit process. Plans submitted for Design Review shall provide detailed design information, particularly for the facilities that are identified for further study and modification, as noted above, such as the MPB, parking lot design, and landscape plans. The Design Review Board shall not have the authority to unilaterally further reduce the square footage of the MPB or classroom additions.

*Discussion: The plans approved by the Design Review Board were consistent with the requirements of the conditional use permit.*

2. Uses Regulated.

- A. The project will accommodate greater intensity of use than the site would support at present and accordingly could cause increased impacts to the neighborhood. In

imposing the conditions herein, the Town intends to ameliorate the potential for such increased impacts. The Town does not intend that this use permit impose new attendance restrictions on the existing events and activities that have been conducted at CKS since the inception of its operation in 1984. The Town has not previously limited attendance at these events and activities. The types and times of these events and activities and the number typically attending these events and activities, based on information provided by the applicant, are set forth in Table A, attached hereto as Exhibit C. This list is not exhaustive, but establishes a general baseline for this permit. Any substantial increase in use from that already established that creates identifiable adverse neighborhood impacts shall require an amendment to the CUP, as determined by the Planning Commission.

*Discussion: Staff's general observations indicate that the synagogue appears to be operating at a somewhat reduced level of activity from that which existed prior to the remodel. The day school is operating at an enrollment of only 72 students. At the 2014 use permit review Kol Shofar reported 500 membership units, a substantial decrease from 598 membership units in 2004.*

- B. CKS has applied for an increase in the number of Friday evening congregational dinners from twenty-five (25) annually to thirty (30) annually. According to CKS, such dinners are held until 9:00 pm and have a maximum attendance of approximately one hundred (100) persons. CKS has also applied for added adult education classes for approximately twenty (20) to thirty (30) persons on Monday evenings from 7:00 pm to 9:00 pm approximately twenty-five (25) to thirty (30) weeks per year. The requested increase in the number of Friday evening congregational dinners and added Monday evening adult education classes are hereby approved. No member-sponsored events have been applied for, are currently held according to the applicant, or are authorized by this use permit for Monday through Friday. Existing parameters of activity during Monday through Friday are set forth in the baseline (Exhibit C).

*Discussion: Kol Shofar has indicated that they have been in compliance with this requirement. Four (4) Friday evening congregational dinners following services have been held so far in 2016, each ending by 9:00 p.m. At this time, no Monday evening classes have been scheduled.*

*Beginning in January, 2015, Kol Shofar held a series of Tuesday morning adult education programs that were heavily attended, but with less than 200 attendees at each program. These programs generated several complaints from neighboring residents regarding overflow parking. The Town has received no complaints regarding any Kol Shofar programs or overflow parking in 2016.*

- C. This permit authorizes and regulates member-sponsored weekend evening events on Saturday and Sunday. A member-sponsored event is defined as a private function pursuant to an agreement between the member and the synagogue, at which a sponsoring member must be present at the event for substantially the entire event. Member-sponsored weekend evening events shall be limited as follows:
- (i) Saturday member-sponsored events shall be limited to sixteen (16) total annually (six (6) existing plus ten (10) new): eight (8) events with a

maximum attendance of one hundred fifty (150) people; six (6) events with a maximum attendance of two hundred (200) people; one (1) event with a maximum of two hundred fifty (250) people, and one (1) event with no specified attendance limit provided that all conditions applying to an event expected to exceed ninety percent (90%) of on-site parking capacity, as set forth below, are met. All events must end by 10:00 pm.

*Discussion: Kol Shofar has indicated that there have been no Saturday member-sponsored events in 2016.*

- (ii) Sunday member-sponsored events shall be limited to seven (7) total annually (all new): four (4) with a maximum attendance of one hundred (100) people; two (2) with a maximum attendance of one hundred fifty (150) people; and one (1) with a maximum attendance of two hundred (200) people. All events must end by 8:00 pm.

*Discussion: Kol Shofar has indicated that one Sunday member-sponsored event was held in 2016.*

3. The Mitigation Monitoring Program, attached hereto as Exhibit B and made a part of this resolution, is hereby adopted and its provisions shall be implemented.

*Discussion: All of the mitigation measures contained in the Mitigation Monitoring Program either pertain to requirements completed during the construction of the expansion project or are duplicated as conditions of approval in Resolution No. 15-2007, with the following two exceptions:*

Mitigation Measure 3.3-C.5 & 3.9-A.1-2: All events or combinations of events/activities at CKS with a cumulative attendance expected to exceed ninety percent (90%) of the on-site parking capacity, calculated at 2.3 persons per vehicle (except for Sunday School programs) will require trained traffic control monitors provided to the satisfaction of the Tiburon Police Department, located as follows: 1) at the corner of Blackfield Drive/Via Los Altos; 2) CKS driveway at Reedland Woods Way; and 3) at the CKS parking lot entrance on Via Los Altos. Additional monitors may be necessary to adequately direct traffic and parking, to be determined by CKS based upon need. CKS shall inform the Tiburon Police Department five (5) days in advance of any such event.

*Discussion: This mitigation measure applies to all events/activities with a cumulative attendance that equates to 323 or more. As noted in the response to Condition No. 5.B.i.c. below, the monitoring report for the October 3, 2016 Rosh Hashanah service indicated that the required monitor was in place at the CKS driveways at Via Los Altos and Reedland Woods Way, but not at the other required location. The monitoring report indicated that the higher traffic and parking volume of the event worked smoothly event without the additional traffic monitor.*

Mitigation Measure 3.5-C.2: The Town will have the right to monitor the project once the new circulation improvements are completed and require additional measures to confirm that headlight intrusion into residences is minimized. In addition, MM 3.5-A.2 requires that landscaping on the site be enhanced to reduce impacts from headlight intrusion into residences.

*Discussion: The Town has not found active monitoring of headlights to be necessary. The Town has not received any complaints regarding headlight impacts.*

4. Facilities:

A. The following conditions shall apply to all facilities at the site:

- (i) CKS facilities shall not be rented out to non-member public or private entities, except for the classroom facilities that are rented to an entity operating a private day school on the site.

*Discussion: Kol Shofar has indicated that facilities have not been rented out to non-member entities, with the exception of the private day school.*

- (ii) All HVAC units shall be baffled to reduce noise to surrounding residents. HVAC units shall not be operated after the facility is closed each day. The Building Permit application specifications shall include best practices for minimizing sound from all ventilation and air circulation equipment.

*Discussion: The installed HVAC units are baffled to reduce noise. Kol Shofar has indicated that the HVAC units have been operated in compliance with this requirement. The building permit included appropriate best practices for minimizing sound from all ventilation and air circulation equipment.*

- (iii) No outdoor amplification will be allowed except for the annual Sunday School opening and closing ceremonies, at which time audio speakers shall be faced toward the CKS facility and away from surrounding residential uses. 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. Landscaping shall be enhanced to reduce noise to the surrounding neighborhood.

*Discussion: Kol Shofar has indicated that they have operated in compliance with these requirements since the last conditional use permit review. Landscaping was reviewed by the Design Review Board for enhancement of noise reduction.*

B. The following conditions pertain specifically to the Multi-Purpose Building (MPB) and its Courtyard:

- (i) The MPB lobby shall not be used for event seating except for High Holy Day services.

*Discussion: Kol Shofar has indicated that they have operated in compliance with this requirement.*

- (ii) Doors and windows of the MPB shall remain in the closed position during functions of one hundred (100) or more persons and during amplified indoor events (such as life-cycle events) except for High Holy Day services

(when the doors and windows can be left open only during the services),  
and those events listed in 4(B)(iv) below.

*Discussion: Kol Shofar has indicated that they have operated in compliance with this requirement.*

- (iii) Windows and doors of the MPB shall be designed to minimize noise leakage to outside areas.

*Discussion: The windows and doors of the MPB were reviewed during the building permit process for compliance with this requirement and were installed as approved.*

- (iv) Use of the Courtyard area for events is authorized only for High Holy Day events, opening and closing Sunday School ceremonies, Sukkot, and Saturday Kiddush lunches. Outdoor use of the Courtyard during events, other than the High Holy Days, Sunday School opening and closing ceremonies, Sukkot, and Saturday Kiddush lunches, shall be limited to people stepping out for air and casual conversation. Except for Sukkot and the Kiddush lunches, no food or drinks shall be served in the Courtyard. No organized activities, other than those listed in this condition, will be held in the Courtyard.

*Discussion: Kol Shofar has indicated that they have operated in compliance with these requirements. The only use of the courtyard was the closing Sunday School ceremonies and celebration on May 22, 2016 and the High Holy Days services on October 2, 3, 4, 11 and 12, 2016.*

- (v) The Design Review Permit application drawings for the MPB shall include a design for a fully enclosed, heavily sound-insulated area connecting to kitchens wherein catering vehicles would be loaded and unloaded and for storage of garbage and recyclables. This area shall be large enough to accommodate van-type catering vehicles, and no catering or supply vehicles such as equipment rental trucks shall be permitted unless they load and unload within the enclosed area with the doors closed. To the extent practicable, use of “back-up warning devices” on vehicles using this loading and unloading area shall be minimized.

*Discussion: An 815 square foot enclosed loading area is attached to the MPB in compliance with this requirement.*

C. The following specific conditions pertain to the Classrooms:

- (i) Total day school use of the site (tenant day school attendance in combination with any CKS-operated pre-school attendance) shall not exceed one hundred (100) school children on weekdays. The educational spaces may be used for religious study and for religious educational instruction by the congregation. Total day school use of the site (tenant day school attendance in combination with any CKS-operated pre-school attendance) shall not exceed one hundred (100) school children on

weekdays. The educational spaces may be used for religious study and for religious educational instruction by the congregation.

*Discussion: This condition of approval was modified by the Planning Commission on June 24, 2009 by the adoption of Resolution No. 2009-05. Resolution No. 15-2007 originally allowed a maximum total day school attendance of 150 children. Kol Shofar has indicated that the tenant day school currently has an enrollment of 72 students.*

- (ii) Weekday school start and end times at the CKS site shall be separated by a minimum of fifteen (15) minutes from the start and end times of the Bel Aire public school.

*Discussion: Kol Shofar has indicated that they have operated in compliance with this requirement.*

D. The following specific conditions apply to the Annex Building:

- (i) The Annex Building is approved for accessibility upgrades and fire sprinkler and other safety upgrades.

*Discussion: The approved upgrades to the annex building were performed during the construction of the expansion project.*

- (ii) Use of the Annex Building shall be limited to storage and religious and educational activities.

*Discussion: The use of the annex building has been in compliance with this requirement.*

5. The following Traffic and Parking Management program shall be implemented:

A. Physical Improvements

- (i) Fencing or a landscaping barrier shall be installed along or near the CKS frontage of Reedland Woods Way to effectively discourage pedestrian access to the site from Reedland Woods Way.

*Discussion: A 2 foot tall wooden barrier fence has been installed along the Reedland Woods Way frontage to discourage pedestrian access to the site from this street. Landscaping was first installed along the sidewalk for this stretch of Reedland Woods Way, but left an open section that allowed pedestrian access from the sidewalk to the new parking lot above. Staff required the installation of the barrier fence to discourage use of this access point.*

- (ii) A minimum of one hundred fifty-six (156) total on-site parking spaces shall be provided, including handicapped parking spaces. Finalized parking lot design, circulation and layout shall be provided as part of the Design Review application.

*Discussion: A total of 156 parking spaces have been provided on the site, as approved by the Design Review Board and Town Council.*

- (iii) A lighted directional sign to be reviewed by the Design Review Board shall be required at the corner of Blackfield Drive and Via Los Altos to direct vehicles to the CKS parking lot entrance on Via Los Altos and to discourage use of Reedland Woods Way by CKS-related inbound traffic. The sign shall be constructed of natural materials with low-impact lighting.

*Discussion: On August 5, 2010, the Design Review Board approved a sign permit for the installation of a wooden directional sign mounted on top of the existing monument sign near the intersection of Blackfield Drive and Via Los Altos. The sign is illuminated by an upward-facing ground-mounted light fixture in front of the sign, set to an electronic timer.*

*Prior to the CUP review in 2011, the Town received complaints from several neighboring residents that the light for the sign has been left on throughout the night. The Southern Marin Fire Protection District required that the monument sign be illuminated during all nighttime hours so that the attached address plate is visible to emergency vehicles. At the March 23, 2011 meeting, the Planning Commission requested that Kol Shofar redirect the light for the directional sign to focus solely on the address plate. The light fixture has since been modified to shine directly onto the address and parking direction on the sign. Since the 2011 use permit review, the Town has received no further complaints regarding the lighting of the sign.*

- (iv) Red “No Parking” curbs shall be painted at the following locations:
  - (a) along both sides of Via Los Altos from Blackfield Drive to the curve below 32 Via Los Altos;
  - (b) along the northwest side of Blackfield Drive from Via Los Altos to the property at 231 Blackfield Drive;
  - (c) along the east side of Reedland Woods Way to the property line with 20 Reedland Woods Way;
  - (d) along the west side of Reedland Woods Way to the CKS property line with 35 Reedland Woods Way.

*Discussion: Red curbs have been painted at the required locations. Several nearby property owners have complained that the extent of the red curbs has substantially limited the amount of on-street parking available to residents and their guests. Prior to the CUP review in 2011, the owner of the residence at 201 Blackfield Drive (at the southwest corner of the intersection of Blackfield Drive and Via Los Altos) requested that the red curbs adjacent to his home along Via Los Altos be eliminated. At that time, Kol Shofar requested the elimination of red curbs from several other locations.*

*At the March 23, 2011 meeting, the Planning Commission noted the history of the CUP review and determined that more time was needed before exploring any substantial elimination of the red curbed areas. The Commission directed staff to work with the owner of 201 Blackfield Drive to relieve the red curb situation at that property. Since that time, the Public Works Department has eliminated the red curbs as requested by that property owner.*

*Prior to the January 25, 2012 review, Kol Shofar representatives indicated to Town staff that they wished to again request elimination of most or all of the red curb requirements for the streets surrounding the site. Staff informed Kol Shofar that, in addition to the CUP requirements, the red curbing was a CEQA mitigation measure contained in the certified EIR and would need to be reviewed from an environmental impact standpoint prior to substantial relaxation or elimination of this requirement. A proposed change of that magnitude would require a formal amendment to the CUP and would be beyond the scope of a “periodic review.”*

*At the January 25, 2012 review, the Planning Commission indicated that although there has been a steady improvement by Kol Shofar to manage its traffic and parking situations since approval of the conditional use permit, more work needed to be done to improve compliance with the traffic and parking requirements before substantial changes to the red curb requirements were considered. At the November 14, 2012 review, the Commission noted the substantial improvements made by Kol Shofar in complying with the traffic and parking requirements, but the consensus was that it was too early to recommend significant changes to the use permit requirements. The issue of the red curb requirements was not discussed at the 2013, 2014 or 2015 reviews.*

*In 2016, Kol Shofar representatives approached the Town to discuss the possibility of allowing vehicles to temporarily park in red curbed areas during the High Holy Days. The Town responded that the red curbed street areas were required as mitigation measures of the certified EIR for the expansion project and these measures could only be modified after additional CEQA review as part of a CUP amendment application.*

- (v) “No U-turn” signs shall be placed along Blackfield Drive above the Via Los Altos intersection and on Via Los Altos below 32 Via Los Altos, with precise number and placement to be determined by the Town Engineer. Tiburon Police shall be authorized to ticket drivers who make U-turns in these areas.

*Discussion: The required signage has been installed.*

- (vi) The Town Engineer shall review the condition of the “hump” at the upper Via Los Altos driveway to CKS and determine whether minor modifications are necessary to enhance circulation in and out of that driveway.

*Discussion: The Town Engineer reviewed this situation and required removal of some vegetation uphill from the driveway to improve visibility for vehicles exiting onto Via Los Altos. More substantial mitigation was deemed infeasible.*

## B. Management

- (i) The following traffic and parking management measures shall be imposed for events or combinations of events/activities at CKS with a cumulative attendance expected to exceed ninety percent (90%) of the on-site parking capacity, calculated at 2.3 persons per vehicle (except for Sunday School programs):

*Discussion: Since the occupancy of the MPB, the only events or activities that have been held that have triggered this requirement have been the “grand opening” of the MPB on August 29, 2010 and the 2010, 2011, 2012, 2013, 2014, 2015 & 2016 High Holy Days services. Kol Shofar underestimated the attendance at the grand opening and, as a result, did not implement the required traffic and parking management measures for that event.*

*Town staff performed unannounced monitoring of the October 3, 2016 Rosh Hashanah service for compliance with the parking, traffic and noise requirements for an event of that size. A monitoring report (**Exhibit 10**) was prepared that summarizes the compliance with these requirements as described below.*

- (a) “Resident Traffic Only” temporary signs placed on Reedland Woods Way and Via Los Altos.

*Discussion: Temporary signs were in place as required on Via Los Altos, but were not posted on Reedland Woods Way. As a result, approximately 10 cars utilized Reedland Woods Way for street parking during the services.*

- (b) “No Parking” temporary signs placed on the southeast side of Blackfield Drive between Corte San Fernando and Karen Way.

*Discussion: Temporary no parking signs were in place along the east side of Blackfield Drive, between Via Los Altos and just northeast of Reedland Woods Way, as well as along the east (south) side of Blackfield Drive between Reedland Woods Way and Via San Fernando.*

- (c) Trained traffic control monitors/controllers provided to the satisfaction of the Tiburon Police Department, located as follows: 1) at the corner of Blackfield Drive/Via Los Altos; 2) CKS driveway at Reedland Woods Way; and 3) at the CKS parking lot entrance on Via Los Altos. Additional monitors may be necessary to adequately direct traffic and parking, to be determined by CKS based upon need. CKS shall inform the Tiburon Police Department five (5) days in advance of any such event.

*Discussion: The monitoring report indicated that the required monitor was in place at the CKS driveways at Via Los Altos and Reedland Woods Way, but not at the other required location. The report indicated that the higher traffic and parking volume of the event worked smoothly without the additional traffic monitor.*

- (d) Total minimum event/service parking shall be calculated by dividing the expected number of attendees by 2.3 (attendees per vehicle). Adequate off-site parking spaces shall be secured at a remote parking lot or lots in advance for any event, function, or combination thereof that is expected to exceed the on-site parking capacity. Written verification of the off-site parking lot availability must be presented to a CKS-designated person by contract, letter or e-mail from a remote lot owner or operator at least five (5) days prior to an event/activity or service. If such verification is not timely presented, or is subsequently withdrawn, the event shall be

relocated, rescheduled, or reduced in magnitude unless sufficient substitute off-site parking can be found and verified in writing prior to the event. Such written verification is to be kept on file at CKS and made available to the Director of Community Development upon request. Parking lot locations shall be pre-assigned and notification provided by mail or e-mail. CKS will issue parking passes to attendees indicating their assigned parking lot. Attendees should display their parking passes in the windshield during the event or service.

*Discussion: Kol Shofar obtained the use of the parking lots at Westminster Church, Tiburon Baptist Church and the Golden Gate Seminary for this service. Parking passes were not noticed on the dashboards of parked cars. Color coded passes had been distributed, and all attendees assigned to park at remote lots for this service were directed to one of the three remote lots. The shuttle service appeared to be operating smoothly from all three lots.*

- (e) Shuttle service to and from the remote parking lot or lots shall be required. A traffic control monitor shall be provided by CKS at the remote parking lot or lots to facilitate parking and use of the shuttle by attendees. CKS shall develop a detailed shuttle program for review and approval by the Director of Community Development at least one hundred twenty (120) days prior to issuance of the Certificate of Occupancy for the MPB. Shuttle runs shall begin at least thirty (30) minutes prior to the start of an event or service and shall end no earlier than one (1) hour after the end of the event or service. A minimum of two (2) shuttle buses shall be in operation at all such times. Shuttles shall not be diesel powered and shuttle engines shall not idle except when loading or unloading.

*Discussion: Shuttle service was provided to and from the remote parking lots. A parking lot monitor was present at each lot, but the relatively low number of vehicles parked in the remote lots did not appear to necessitate traffic control monitors. Kol Shofar submitted an e-mailed courtesy notice of the parking plan (**Exhibit 11**) to neighboring residents and to the Director of Community Development on September 13, 2016, before the 2016 High Holy Days services. The first shuttle was observed prior to the start of the event. The shuttle stopped operating half an hour after the end of the service, by which time all vehicles had left the remote parking lots. At least three marked shuttles were in use.*

- (f) To the extent practicable, attendees shall be issued parking passes and maps with directions sent by mail or e-mail two (2) weeks prior to the event indicating the assigned parking lot (on-site or off-site) with a copy of the mailed information (map, directions, sample parking pass) sent to the Neighborhood Advisory Committee, Tiburon Police Department, and Director of Community Development. Invitations to events shall include traffic, noise and circulation reminders as well as a reminder to please limit noise in the CKS parking lot and grounds upon arrival and upon leaving an event.

*Discussion: As noted above, color coded parking passes were distributed assigning attendees to park at one of the three remote lots for this service.*

- (g) CKS shall be responsible for implementing all required traffic controls.

*Discussion: The compliance with the required traffic controls is summarized above.*

- (ii) For the High Holy Days services, the following shall apply in addition to the measures identified in B(i) above:
  - (a) CKS shall provide a courtesy mailing or e-mailing to all property addresses within three hundred (300) feet of the CKS property at least ten (10) days but no more than twenty-one (21) days before the start of High Holy Days services;

*Discussion: Kol Shofar indicated that the required courtesy e-mail notice was sent prior to the High Holy Days services (Exhibit 11). The Town received a complaint from a neighboring resident that notices were not sent in the mail to neighbors. Courtesy e-mails were also sent to neighboring residents for other religious events, such as funerals, when a sizable crowd has been expected.*

- (b) Carpool/shuttle/parking permit/information and map shall be distributed to members at least twenty-one (21) days before the start of High Holy Days services. This distribution shall include traffic, noise and circulation reminders as well as a reminder to please limit noise in the parking lot and grounds upon arrival and upon leaving an event.

*Discussion: Kol Shofar has indicated that the parking information was distributed as required.*

#### C. Monitoring, Education, and Enforcement

- (i) In order to enforce the use, traffic and parking management provisions, a minimum of three (3) unannounced traffic and parking monitoring events per year shall be performed by Town-retained independent observers for at least the first two (2) years following occupancy of the MPB. The cost of the independent observers shall be paid by CKS. The purpose of the monitoring events shall be to ensure that the use and traffic and parking provisions, including off-site parking, shuttle service, and the use of on-site parking have been complied with and become routine. To assist with the selection of unannounced monitoring times, CKS shall provide the Director of Community Development a list of all known events or combination of events/activities with the estimated cumulative number of attendees on site in excess of three hundred (300) persons on a quarterly basis, with said list to be provided at least ten (10) days prior to the first event on each quarterly list.

*Discussion: As noted above, the Town conducted an unannounced monitoring event for the October 3, 2015 Rosh Hashanah service. Kol Shofar has indicated that there have been no events/activities since the High Holy Days that have had more than 300 attendees. This lack of large events has limited the Town's need and opportunities to conduct additional unannounced monitoring.*

*The monitoring report for the 2016 Rosh Hashanah service indicated that at its peak the Kol Shofar parking lot was full and a maximum of 42 cars were noted in the Westminster Church remote parking lot, an increase from the maximum of 20 cars noted during the 2015 High Holy Days. A maximum of 7 cars were noted in the Tiburon Baptist Church remote parking lot and a maximum of 35 cars were noted in the Golden Gate Seminary remote parking lot for this service. The monitors observed up to 179 vehicles from likely event attendees parked on surface streets surrounding Kol Shofar, mostly on Blackfield Drive and elsewhere in the Bel Aire neighborhood, an increase from the 120 cars noted at one point during the 2015 High Holy Days, albeit for a different event.*

*On the whole, the monitoring report indicates a continued improvement in the management of parking and traffic during the 2016 High Holy Days. Town staff received no complaints from neighboring residents regarding these services, which is another indicator of improved parking and traffic management by Kol Shofar.*

- (ii) Results of each traffic and parking monitoring event shall be forwarded by the Director of Community Development to CKS and to the Neighborhood Advisory Committee (see Condition #9) within fourteen (14) days of receipt, and will be made available to the Planning Commission for each CUP review. If a traffic and parking monitoring event results in a finding of non-compliance, the Director of Community Development shall first inform CKS and the Neighborhood Advisory Committee in writing about the non-compliance issues and require immediate correction. If subsequent monitoring results in a second finding of non-compliance within one (1) year of the previous finding of non-compliance, the Director of Community Development shall refer the matter to the Planning Commission for review of the CUP provisions and recommendation of corrective action.

*Discussion: The monitoring report was forwarded to Kol Shofar more than fourteen (14) days of receipt. Based on the overall findings of the monitoring report, the Town did not make a finding of non-compliance. As a whole, the monitoring report indicates that Kol Shofar's compliance with these requirements for 2016 appeared to be improved from that observed during the 2010, 2011, 2012, 2013, 2014 & 2015 High Holy Days.*

- (iii) CKS shall conduct a multi-part educational program concerning traffic control and parking. The program shall include:
  - (a) The strong discouragement of any parking in the surrounding neighborhoods (including Bel Aire neighborhood streets) when there are available spaces in the on-site parking lot. CKS shall advise event attendees to avoid parking in surrounding neighborhood streets.

- (b) CKS shall mail or e-mail written reminders at least twice annually to all congregants that they should park in CKS on-site parking lots or at pre-approved and identified off-site parking lots associated with the shuttle program.
- (c) Diagrams showing parking locations and circulation patterns, including entrances and exits from on-site and any assigned off-site parking lots shall be included. A statement encouraging courteous conduct toward neighbors shall also be included.
- (d) CKS shall conduct an ongoing educational program for its members and for attendees of CKS events concerning traffic and parking, including a statement that Reedland Woods Way is not to be used by inbound CKS-related traffic and that U-turns and turn-arounds using residential driveways are not to be made in the surrounding streets and will be enforced by the Tiburon Police Department.
- (e) CKS shall maintain an up-to-date database of its members to facilitate and encourage carpooling. The carpool database shall be updated annually and confirmation of the update (but not the database itself) shall be submitted with the periodic review application information. The information from this database shall be used by CKS to provide information to its members about potential carpool partners and will be targeted to members for whom carpooling may be a viable means of reaching the property.
- (f) CKS shall maintain a log of all events/activities that have exceeded ninety percent (90%) of the on-site parking capacity.
- (g) The CKS log shall be made available to the Neighborhood Advisory Committee and the Director of Community Development upon reasonable notice of a request to review the log.
- (h) CKS shall maintain a website available to the neighborhood, the congregation, and the Town to provide regular information on events, activities, parking and traffic. The website shall provide an e-mail address for written comment from interested persons.

*Discussion: Kol Shofar has indicated that they have conducted the required educational program in compliance with this requirement. There have been no programmed events/activities that have exceeded ninety percent (90%) of the on-site parking capacity other than the grand opening event and the High Holy Days services. The Kol Shofar website ([www.kolshofar.org](http://www.kolshofar.org)) is updated regularly, but no longer includes information on parking and traffic regulations. Kol Shofar has indicated that their voluntary neighborhood liaison has been responsive to all requests for information and complaints from neighboring residents.*

6. Lighting, Parking Lot Lighting, and Landscaping:

- A. Parking lot lighting shall be on timers to turn off no later than 10:00 pm on weekdays. The duration of lighting may be extended by manual override device when occasions demand, but in no event shall be kept on later than 10:30 pm except for High Holy Days, Selichot, Shavuot, the second night of Passover, or other religious observances, at which times the parking lot lighting shall remain on until no later than thirty (30) minutes after event ending time.

*Discussion: The Town received several complaints from neighbors shortly after the completion of the MPB that the parking lot lights were being left on beyond the proscribed hours. Kol Shofar adjusted the timer for the lights and now appears to be in compliance with this requirement. The Town has received no recent complaints regarding lighting issues.*

- B. Landscaping shall be enhanced in the Design Review application drawings to achieve the goals of reducing off-site noise, light and glare impacts.

*Discussion: The Design Review Board determined that the project landscape plans achieved these goals.*

- C. Eucalyptus trees located on the CKS property in the immediate vicinity of the area below 32 Via Los Altos shall be inspected annually by a certified arborist or registered professional forester who shall file a report as to the tree health and safety. Said report shall be submitted to the Town annually.

*Discussion: The fifth annual inspection report regarding the eucalyptus trees that has been submitted to the Town was completed on December 23, 2014. The Town has not received any annual inspection reports in either 2015 or so far in 2016.*

- D. All skylights shall have blackout blinds to be closed at sunset whenever the facility is in use.

*Discussion: Blackout blinds have been installed for all skylights. The Town has received no complaints regarding the operation of the blackout blinds.*

7. Noise Controls: (see Condition No. 4 and Exhibit B of this Resolution).

*Discussion: See discussion under Condition Nos. 3 & 4 above.*

8. CUP Review:

- A. The CUP shall be reviewed by the Planning Commission at a public hearing six (6) months after occupancy of the MPB. Additional reviews shall occur once every six (6) months for the next two and one-half (2 ½) years thereafter, and annually after the first three (3) years. The Planning Commission shall have the authority to modify the restrictions of this CUP. However, the Town Council intends that the effectiveness of the project design, mitigations, conditions, and restrictions of the use permit should be tested over a substantial period of time before the Planning Commission entertains any proposal to relax conditions or restrictions.

*Discussion: The MPB was granted occupancy on August 29, 2010. Resolution No. 2013-14 modified this condition to only require annual review of the permit. This hearing constitutes the third annual review under this modified condition of approval and the eighth overall review of this permit.*

- B. CKS shall be responsible for submitting, at least forty-five (45) days prior to the periodic review date, a detailed narrative report of the current use and operation of the synagogue and day school and supporting documentation to demonstrate compliance with conditions of approval of this permit, including adopted mitigation measures. The Director of Community Development shall review the report for completeness and may request clarification or additional documentation as necessary. CKS shall be responsible for all Town processing costs associated with the review and shall deposit in advance sufficient funds to cover such cost.

*Discussion: Kol Shofar submitted the required narrative (Exhibit 9) on September 23, 2016, more than 45 days before the review date for the use permit.*

- C. CKS will advise and educate its tenant (the day school) concerning provisions of this CUP, with special emphasis on minimizing traffic, noise, light and glare, providing courtesy to neighbors, and other issues addressed in these use permit conditions of approval. CKS 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.

*Discussion: Kol Shofar has indicated that they have conducted the required educational program and coordination in compliance with this condition.*

9. Neighborhood Advisory Committee:

- A. CKS shall support the formation and operation of a Neighborhood Advisory Committee (NAC), which shall be composed of the CKS Executive Director, a Board Member, a Congregation Member and three neighborhood members selected by the surrounding neighborhood.
- B. The NAC shall have two co-chairs (one from CKS and one neighborhood representative) responsible for agendas and acting as committee liaison to the Town. The NAC shall provide a brief, written report to the Director of Community Development annually or as deemed useful by the committee.
- C. The NAC shall meet periodically; initially once a month but not less than twice a year.
- D. The primary purpose of the NAC is to foster communication and discussion and recognize and resolve issues before they escalate or result in CUP compliance problems. The NAC shall be advisory in nature for the purpose of discussing matters related to CKS operations such as, but not limited to, CUP compliance issues, traffic management, coordination before and analysis following special events, ongoing operations and activities of the school(s), noise, landscaping and

lighting. The Town shall have sole and ultimate authority over CUP compliance determinations and enforcement matters.

- E. CKS shall advise the NAC at least two weeks in advance of events/activities or combinations thereof that are anticipated to exceed ninety percent (90%) of the on-site parking capacity (except the Sunday School program).
- F. NAC meetings shall be held where the public may observe in a space to be provided by CKS. Persons who place their name on a mailing or e-mailing list maintained by the NAC shall be notified by CKS of all meeting dates, times and locations. CKS shall maintain agendas and summary notes describing the nature of NAC discussions and recommendations during meetings.
- G. NAC meetings shall not be considered member-sponsored events.

*Discussion: The NAC has met twice: on August 22, 2010, shortly before the grand opening ceremonies, and on October 22, 2010. The NAC has not met since the March 23, 2011 CUP review.*

*At the March 23, 2011 meeting, the Planning Commission acknowledged the difficulty in conducting NAC meetings, particularly due to the lack of officially "selected" neighborhood representatives. The Commission chose not to modify this condition of approval at that time, but instead encouraged more informal participation for the committee and hoped that email and direct mail communications from the applicants could be very helpful in encouraging residents to do so.*

*At the January 25, 2012 meeting, the Commission again discussed the NAC situation. At that time, the Commission encouraged Kol Shofar to make additional efforts to reach out to local neighborhood associations, including the possibility of holding a community meeting prior to High Holy Days services. There has been no indication that Kol Shofar has held such a meeting or conducted additional outreach to the neighborhoods in furtherance of the NAC requirements of their use permit, although Kol Shofar has indicated that their voluntary neighborhood liaison has been responsive to all requests for information and complaints from neighboring residents. At least one resident indicated an interest in contacting members of the Tiburon Neighborhood Coalition (an organization of residents that had previously raised concerns about Kol Shofar during the 2007-2008 conditional use permit application review) to provide representation to the NAC.*

*At the November 14, 2012 review, the Planning Commission encouraged neighbors to serve on the NAC, but stressed the overall importance that the neighboring residents had no complaints with the uses at Kol Shofar.*

*In 2016, the owners of the adjacent property at 35 Reedland Woods Way indicated to the Town that they wished to restart the NAC and had reached out to Kol Shofar regarding this matter. The Town has not heard anything regarding updates from the neighbor or Kol Shofar regarding the NAC since then.*

10. An encroachment permit shall be secured from the Tiburon Public Works Department for any work on Town streets, rights-of-way, or land over which the Town holds a real property interest.

*Discussion: An encroachment permit was obtained for all work done on Town streets and rights-of-way.*

11. Applicable traffic mitigation fees shall be paid at the time of building permit issuance.

*Discussion: Kol Shofar paid any applicable traffic mitigation fees for the expansion project.*

12. The Town of Tiburon reserves the right to amend or revoke this CUP for cause, in accordance with regulations of the Town.

*Discussion: No need for review.*

13. The Town intends the conditions of approval of this permit to ameliorate the project's impacts on the neighborhood without imposing a substantial burden on CKS's religious exercise. In the event that the implementation of these conditions imposes a substantial burden on CKS' religious exercise, the Town will, upon application by CKS, amend the conditions to reduce that burden to a less than substantial level. Notwithstanding the foregoing, the Town will not approve any such amendment request that is contrary to a compelling Town interest.

*Discussion: No need for review.*

## **PUBLIC COMMENT**

As of the writing of this report, no letters have been received regarding the subject CUP review.

## **CONCLUSION**

Staff's concludes that the synagogue and day school uses appear to be operating in substantial compliance with the conditions of approval of their conditional use permit. As noted in the report above, Staff believes that there has been ongoing improvement in the management of the few large events held at the facility. The improvement in parking and traffic controls noted in the monitoring report for the 2016 High Holy Days, combined with the lack of complaints from neighboring residents, suggests that Kol Shofar is successfully conducting its parking and traffic operations in the manner intended by the conditional use permit.

However, staff suggests that improvements need to be made in the following areas:

- Better efforts need to be made to mail courtesy notices to all neighboring property owners before the start of High Holy Days services.
- "Resident Traffic Only" temporary signs need to be placed on Reedland Woods Way during High Holy Days services.

- Kol Shofar should demonstrate constructive efforts with neighbors regarding the potential for reactivating the Neighborhood Advisory Committee.
- Annual tree inspection reports need to be prepared in a timely manner.

As noted above, in 2014 Kol Shofar submitted a conditional use permit application requesting to amend certain requirements of the existing use permit relating to member sponsored events, courtyard use, parking limitations and management, lighting and the Neighborhood Advisory Committee. Once the necessary CEQA review documents for this request have been prepared, a public hearing shall be scheduled for the Planning Commission to review this application. The Planning Commission may discuss other possible amendments to the CUP as part of the current review, but should bear in mind the stated direction in Condition No. 8 (A) that “the Town Council intends that the effectiveness of the project design, mitigations, conditions, and restrictions of the use permit should be tested over a substantial period of time before the Planning Commission entertains any proposal to relax conditions or restrictions.” It has now been over six years since the multi-use building was occupied.

## **RECOMMENDATION**

Staff recommends that the Planning Commission take public testimony on this item, close the public hearing, and conclude that Kol Shofar is in substantial compliance with its conditional use permit. The Commission should provide direction regarding areas where improvement is warranted and may consider whether any modifications should be made to the adopted conditions of approval for this use permit.

## **EXHIBITS**

1. Town Council Resolution No. 15-2007
2. Minutes of the March 23, 2011 Planning Commission meeting
3. Minutes of the January 25, 2012 Planning Commission meeting
4. Minutes of the November 14, 2012 Planning Commission meeting
5. Minutes of the May 8, 2013 Planning Commission meeting
6. Minutes of the November 13, 2013 Planning Commission meeting
7. Minutes of the October 22, 2014 Planning Commission meeting
8. Minutes of the November 11, 2015 Planning Commission meeting
9. Kol Shofar notes for CUP review, dated September 23, 2016
10. Monitoring Report for Rosh Hashanah event, dated October 3, 2016
11. Kol Shofar courtesy parking notice for High Holy Days, dated September 13, 2016

Prepared By: Daniel M. Watrous, Planning Manager

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

**RESOLUTION NO. 15-2007**

A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF TIBURON PARTIALLY UPHOLDING THE CONGREGATION KOL  
SHOFAR APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A  
CONDITIONAL USE PERMIT FOR THE CONGREGATION KOL SHOFAR  
SYNAGOGUE PROPERTY AT  
215 BLACKFIELD DRIVE (AP 38-351-34) FILE #10404

WHEREAS, the Town Council 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 ("CKS") 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 day school use from 100 to 150 children, as well as allowing 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



meeting. CKS initially indicated a willingness to consider such an approach for conditional approval by the Planning Commission, but on May 16, 2006, informed Town Staff that CKS did not wish to support such an approach and requested an “up or down” vote on the Application.

- D. At the May 31, 2006 hearing, the Planning Commission approved Resolution 2006-15 certifying the Final EIR and approved Resolution 2006-16, denying the Conditional Use Permit application.
- E. The Planning Commission’s certification of the Final EIR and denial of the CUP application was the subject of three (3) appeals. On June 6, 2006, CKS appealed the Planning Commission’s denial and certification of the EIR. On June 12, 2006, Tiburon Neighborhood Coalition appealed the certification of the EIR. The Greenwood Beach Homeowners Association appealed the certification of the EIR on June 12, 2006. The Greenwood Beach Homeowners Association appeal was subsequently withdrawn. The appeals from the applicant and Tiburon Neighborhood Coalition have been denied by separate resolution.
- F. On October 24, 2006 and November 15, 2006, the Tiburon Town Council held duly noticed public hearings on the appeals of the Planning Commission’s actions to certify the Final EIR and deny the Conditional Use Permit and, after extensive testimony, closed the public hearing, and heard the recommendations of the ad-hoc subcommittee of the Town Council. After due consideration and deliberation, the Town Council voted unanimously to endorse the sub-committee’s recommendations and provided direction to staff to return with resolutions reflecting the Town Council’s direction for adoption at a future meeting.
- G. On February 7, 2007 and February 21, 2007, the Town Council held duly noticed public meetings to take further testimony and final action on the appeals of the Planning Commission’s decisions.
- H. The Town Council 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 attached mitigation monitoring program. Findings of Fact pursuant to the California Environmental Quality Act have been adopted by separate resolution.
- I. The Town Council also finds based upon the application materials and analysis provided in the certified EIR and Staff Reports and based on evidence in the record that the project, as conditioned, is consistent with the Tiburon General Plan and is in substantial compliance with the Tiburon Zoning Ordinance and other applicable regulations.
- J. The Town Council 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.

- K. The Town Council 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. Partial Granting of the CKS Appeal.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon does hereby partially grant the appeal of CKS and approve the conditional use permit application subject to the conditions below. The Town Council finds, based on evidence in the record, that changes to the project have to the Council's satisfaction addressed the objections to the application expressed by the Planning Commission in adopting its resolution of denial. Findings to that effect, and in support of the conditional approval, have been adopted by separate resolution.

Section 3. Conditions of Approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Town of Tiburon Town Council does hereby approve the Conditional Use Permit application (File #10404), to remodel and expand the facilities for the existing synagogue and private day school uses and increase the number of weekday and weekend events at 215 Blackfield Drive, subject to the following conditions and modifications:

1. Physical Plant Improvements. The approved physical improvements for Congregation Kol Shofar (CKS) are depicted on the Proposed Site Plan Diagram (Sheet A1.1) dated 4/16/2004 prepared by Herman & Coliver and as further detailed on Sheets, A0.1-0.3, A1.2, A2.0, A3.0, A3.1, L1.0, L1.0, C2.0, and C3.0 (all dated 4/16/2004); and Sheets A1.3 and A-3.2 (revised 11/04/05), as modified herein and summarized below:
  - A. Construction of a new one-story, 3,662 square foot, 20-foot high classroom building consisting of four (4) classrooms and a service building.
  - B. Construction of a new one-story, approximately 8,300 square foot, 23-foot high Multi-Purpose Building (MPB), which represents a 15% reduction from that shown on the referenced drawing. The MPB shall be pulled back from the hill-slope to a distance at least five (5) feet from the top of slope and appropriately landscaped. The multi-purpose room portion of the MPB shall not exceed 4,500 square feet of net usable area. In

addition to the approximately 8,300 square feet of MBP, an attached facility is approved that shall consist of a fully enclosed eight hundred (800) square foot one-story loading/unloading area for catering, clean-up and related purposes at the western edge of the MPB, as shown on Exhibit A, attached hereto and incorporated herein.

- C. Interior remodeling of the existing main building and annex building on the site.
- D. CKS shall modify the primary parking lot layout to optimize circulation and provide a minimum of one hundred fifty-six (156) total on-site parking spaces, including handicapped spaces. The primary parking lot shall be designed as "enter only" from Via Los Altos and "exit only" onto Reedland Woods Way. The exit from the primary parking lot onto Reedland Woods Way shall be as narrow as practicable to the satisfaction of the Town Engineer. No parking structure is approved herein. Improvements to the existing service parking lot (accessed from the upper driveway on Via Los Altos) shall provide staff parking, handicapped parking and service access. This lot shall not be available to the public as a parking area, except for those needing handicapped parking (see also Mitigation Measure 3.3-B.1).
- E. Landscape improvements as shown on Sheets A1.1 and L1.0 are subject to further refinement at the Design Review application phase to implement mitigation measures and conditions of approval herein. Approved landscaping shall be professionally-maintained at all times in a healthy, weed-free and litter-free condition. Dead or dying plants shall be promptly replaced. A landscape maintenance bond for a term of three years beyond occupancy of the MPB shall be required prior to occupancy of the MPB. The landscape plan shall call for the removal of invasive plant species such as French broom and pampas grass from the site.
- F. The reconstruction and expansion plans approved as part of the Conditional Use Permit provide a framework, in terms of the site plan "footprint" and established maximum development intensity, which will be subject to further refinement during the Design Review Permit process. Plans submitted for Design Review shall provide detailed design information, particularly for the facilities that are identified for further study and modification, as noted above, such as the MPB, parking lot design, and landscape plans. The Design Review Board shall not have the authority to unilaterally further reduce the square footage of the MPB or classroom additions.

2. Uses Regulated.

- A. The project will accommodate greater intensity of use than the site would support at present and accordingly could cause increased impacts to the neighborhood. In imposing the conditions herein, the Town intends to ameliorate the potential for such increased impacts. The Town does not intend that this use permit impose new attendance restrictions on the

existing events and activities that have been conducted at CKS since the inception of its operation in 1984. The Town has not previously limited attendance at these events and activities. The types and times of these events and activities and the number typically attending these events and activities, based on information provided by the applicant, are set forth in Table A, attached hereto as Exhibit C. This list is not exhaustive, but establishes a general baseline for this permit. Any substantial increase in use from that already established that creates identifiable adverse neighborhood impacts shall require an amendment to the CUP, as determined by the Planning Commission.

- B. CKS has applied for an increase in the number of Friday evening congregational dinners from twenty-five (25) annually to thirty (30) annually. According to CKS, such dinners are held until 9:00 pm and have a maximum attendance of approximately one hundred (100) persons. CKS has also applied for added adult education classes for approximately twenty (20) to thirty (30) persons on Monday evenings from 7:00 pm to 9:00 pm approximately twenty-five (25) to thirty (30) weeks per year. The requested increase in the number of Friday evening congregational dinners and added Monday evening adult education classes are hereby approved. No member-sponsored events have been applied for, are currently held according to the applicant, or are authorized by this use permit for Monday through Friday. Existing parameters of activity during Monday through Friday are set forth in the baseline (Exhibit C).
- C. This permit authorizes and regulates member-sponsored weekend evening events on Saturday and Sunday. A member-sponsored event is defined as a private function pursuant to an agreement between the member and the synagogue, at which a sponsoring member must be present at the event for substantially the entire event. Member-sponsored weekend evening events shall be limited as follows:
- (i) Saturday member-sponsored events shall be limited to sixteen (16) total annually (six (6) existing plus ten (10) new): eight (8) events with a maximum attendance of one hundred fifty (150) people; six (6) events with a maximum attendance of two hundred (200) people; one (1) event with a maximum of two hundred fifty (250) people, and one (1) event with no specified attendance limit provided that all conditions applying to an event expected to exceed ninety percent (90%) of on-site parking capacity, as set forth below, are met. All events must end by 10:00 pm.
  - (ii) Sunday member-sponsored events shall be limited to seven (7) total annually (all new): four (4) with a maximum attendance of one hundred (100) people; two (2) with a maximum attendance of one

hundred fifty (150) people; and one (1) with a maximum attendance of two hundred (200) people. All events must end by 8:00 pm.

3. The Mitigation Monitoring Program, attached hereto as Exhibit B and made a part of this resolution, is hereby adopted and its provisions shall be implemented.

4. Facilities:

A. The following conditions shall apply to all facilities at the site:

- (i) CKS facilities shall not be rented out to non-member public or private entities, except for the classroom facilities that are rented to an entity operating a private day school on the site.
- (ii) All HVAC units shall be baffled to reduce noise to surrounding residents. HVAC units shall not be operated after the facility is closed each day. The Building Permit application specifications shall include best practices for minimizing sound from all ventilation and air circulation equipment.
- (iii) No outdoor amplification will be allowed except for the annual Sunday School opening and closing ceremonies, at which time audio speakers shall be faced toward the CKS facility and away from surrounding residential uses. 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. Landscaping shall be enhanced to reduce noise to the surrounding neighborhood.

B. The following conditions pertain specifically to the Multi-Purpose Building (MPB) and its Courtyard:

- i) The MPB lobby shall not be used for event seating except for High Holy Day services.
- ii) Doors and windows of the MPB shall remain in the closed position during functions of one hundred (100) or more persons and during amplified indoor events (such as life-cycle events) except for High Holy Day services (when the doors and windows can be left open only during the services), and those events listed in 4(B)(iv) below.
- iii) Windows and doors of the MPB shall be designed to minimize noise leakage to outside areas.
- iv. Use of the Courtyard area for events is authorized only for High Holy Day events, opening and closing Sunday School ceremonies, Sukkot, and Saturday Kiddush lunches. Outdoor use of the Courtyard during events, other than the High Holy Days, Sunday School opening and closing ceremonies, Sukkot, and Saturday Kiddush lunches, shall be limited to people stepping out for air and casual conversation. Except for Sukkot and the Kiddush lunches, no food or drinks shall be served in the Courtyard. No organized activities, other than those listed in this condition, will be held in the Courtyard.

- v. The Design Review Permit application drawings for the MPB shall include a design for a fully enclosed, heavily sound-insulated area connecting to kitchens wherein catering vehicles would be loaded and unloaded and for storage of garbage and recyclables. This area shall be large enough to accommodate van-type catering vehicles, and no catering or supply vehicles such as equipment rental trucks shall be permitted unless they load and unload within the enclosed area with the doors closed. To the extent practicable, use of "back-up warning devices" on vehicles using this loading and unloading area shall be minimized.
  - C. The following specific conditions pertain to the Classrooms:
    - i) The tenant day school shall be limited to a maximum enrollment of one hundred (100) children, to be operated on weekdays only. Day school use of the site (tenant day school attendance in combination with any CKS-operated pre-school attendance) shall not exceed one hundred fifty (150) school children on weekdays. The educational spaces may be used for religious study and for religious educational instruction by the congregation.
    - ii) Weekday school start and end times at the CKS site shall be separated by a minimum of fifteen (15) minutes from the start and end times of the Bel Aire public school.
  - D. The following specific conditions apply to the Annex Building:
    - i) The Annex Building is approved for accessibility upgrades and fire sprinkler and other safety upgrades.
    - ii) Use of the Annex Building shall be limited to storage and religious and educational activities.
5. The following Traffic and Parking Management program shall be implemented:
- A. Physical Improvements
    - i) Fencing or a landscaping barrier shall be installed along or near the CKS frontage of Reedland Woods Way to effectively discourage pedestrian access to the site from Reedland Woods Way.
    - ii) A minimum of one hundred fifty-six (156) total on-site parking spaces shall be provided, including handicapped parking spaces. Finalized parking lot design, circulation and layout shall be provided as part of the Design Review application.
    - iii) A lighted directional sign to be reviewed by the Design Review Board shall be required at the corner of Blackfield Drive and Via Los Altos to direct vehicles to the CKS parking lot entrance on Via Los Altos and to discourage use of Reedland Woods Way by CKS-related inbound traffic. The sign shall be constructed of natural materials with low-impact lighting.
    - iv) Red "No Parking" curbs shall be painted at the following locations:
      - (a) along both sides of Via Los Altos from Blackfield

- Drive to the curve below 32 Via Los Altos;
  - (b) along the northwest side of Blackfield Drive from Via Los Altos to the property at 231 Blackfield Drive;
  - (c) along the east side of Reedland Woods Way to the property line with 20 Reedland Woods Way;
  - (d) along the west side of Reedland Woods Way to the CKS property line with 35 Reedland Woods Way.
- v) “No U-turn” signs shall be placed along Blackfield Drive above the Via Los Altos intersection and on Via Los Altos below 32 Via Los Altos, with precise number and placement to be determined by the Town Engineer. Tiburon Police shall be authorized to ticket drivers who make U-turns in these areas.
- vi) The Town Engineer shall review the condition of the “hump” at the upper Via Los Altos driveway to CKS and determine whether minor modifications are necessary to enhance circulation in and out of that driveway.

B. Management

- i) The following traffic and parking management measures shall be imposed for events or combinations of events/activities at CKS with a cumulative attendance expected to exceed ninety percent (90%) of the on-site parking capacity, calculated at 2.3 persons per vehicle (except for Sunday School programs):
  - (a) “Resident Traffic Only” temporary signs placed on Reedland Woods Way and Via Los Altos.
  - (b) “No Parking” temporary signs placed on the southeast side of Blackfield Drive between Corte San Fernando and Karen Way.
  - (c) Trained traffic control monitors/controllers provided to the satisfaction of the Tiburon Police Department, located as follows: 1) at the corner of Blackfield Drive/Via Los Altos; 2) CKS driveway at Reedland Woods Way; and 3) at the CKS parking lot entrance on Via Los Altos. Additional monitors may be necessary to adequately direct traffic and parking, to be determined by CKS based upon need. CKS shall inform the Tiburon Police Department five (5) days in advance of any such event.
  - (d) Total minimum event/service parking shall be calculated by dividing the expected number of attendees by 2.3 (attendees per vehicle). Adequate off-site parking spaces shall be secured at a remote parking lot or lots in advance for any event, function, or combination thereof that is expected to exceed the on-site parking capacity. Written verification of the off-site parking lot availability must be presented to a CKS-designated person by contract, letter or e-mail from a

remote lot owner or operator at least five (5) days prior to an event/activity or service. If such verification is not timely presented, or is subsequently withdrawn, the event shall be relocated, rescheduled, or reduced in magnitude unless sufficient substitute off-site parking can be found and verified in writing prior to the event. Such written verification is to be kept on file at CKS and made available to the Director of Community Development upon request. Parking lot locations shall be pre-assigned and notification provided by mail or e-mail. CKS will issue parking passes to attendees indicating their assigned parking lot. Attendees should display their parking passes in the windshield during the event or service.

- (e) Shuttle service to and from the remote parking lot or lots shall be required. A traffic control monitor shall be provided by CKS at the remote parking lot or lots to facilitate parking and use of the shuttle by attendees. CKS shall develop a detailed shuttle program for review and approval by the Director of Community Development at least one hundred twenty (120) days prior to issuance of the Certificate of Occupancy for the MPB. Shuttle runs shall begin at least thirty (30) minutes prior to the start of an event or service and shall end no earlier than one (1) hour after the end of the event or service. A minimum of two (2) shuttle buses shall be in operation at all such times. Shuttles shall not be diesel powered and shuttle engines shall not idle except when loading or unloading.
- (f) To the extent practicable, attendees shall be issued parking passes and maps with directions sent by mail or e-mail two (2) weeks prior to the event indicating the assigned parking lot (on-site or off-site) with a copy of the mailed information (map, directions, sample parking pass) sent to the Neighborhood Advisory Committee, Tiburon Police Department, and Director of Community Development. Invitations to events shall include traffic, noise and circulation reminders as well as a reminder to please limit noise in the CKS parking lot and grounds upon arrival and upon leaving an event.
- (g) CKS shall be responsible for implementing all required traffic controls.
- (ii) For the High Holy Days services, the following shall apply in addition to the measures identified in B(i) above:
  - (a) CKS shall provide a courtesy mailing or e-mailing to all property addresses within three hundred (300) feet of the CKS property at least ten (10) days but no more than twenty-one (21) days before the start of High Holy Days

services;

- (b) Carpool/shuttle/parking permit/information and map shall be distributed to members at least twenty-one (21) days before the start of High Holy Days services. This distribution shall include traffic, noise and circulation reminders as well as a reminder to please limit noise in the parking lot and grounds upon arrival and upon leaving an event.

C. Monitoring, Education, and Enforcement

- (i) In order to enforce the use, traffic and parking management provisions, a minimum of three (3) unannounced traffic and parking monitoring events per year shall be performed by Town-retained independent observers for at least the first two (2) years following occupancy of the MPB. The cost of the independent observers shall be paid by CKS. The purpose of the monitoring events shall be to ensure that the use and traffic and parking provisions, including off-site parking, shuttle service, and the use of on-site parking have been complied with and become routine. To assist with the selection of unannounced monitoring times, CKS shall provide the Director of Community Development a list of all known events or combination of events/activities with the estimated cumulative number of attendees on site in excess of three hundred (300) persons on a quarterly basis, with said list to be provided at least ten (10) days prior to the first event on each quarterly list.
- (ii) Results of each traffic and parking monitoring event shall be forwarded by the Director of Community Development to CKS and to the Neighborhood Advisory Committee (see Condition #9) within fourteen (14) days of receipt, and will be made available to the Planning Commission for each CUP review. If a traffic and parking monitoring event results in a finding of non-compliance, the Director of Community Development shall first inform CKS and the Neighborhood Advisory Committee in writing about the non-compliance issues and require immediate correction. If subsequent monitoring results in a second finding of non-compliance within one (1) year of the previous finding of non-compliance, the Director of Community Development shall refer the matter to the Planning Commission for review of the CUP provisions and recommendation of corrective action.
- (iii) CKS shall conduct a multi-part educational program concerning traffic control and parking. The program shall include:
  - (a) The strong discouragement of any parking in the surrounding neighborhoods (including Bel Aire neighborhood streets) when there are available spaces in the on-site parking lot. CKS shall advise event attendees to avoid parking in surrounding neighborhood streets.

- (b) CKS shall mail or e-mail written reminders at least twice annually to all congregants that they should park in CKS on-site parking lots or at pre-approved and identified off-site parking lots associated with the shuttle program.
- (c) Diagrams showing parking locations and circulation patterns, including entrances and exits from on-site and any assigned off-site parking lots shall be included. A statement encouraging courteous conduct toward neighbors shall also be included.
- (d) CKS shall conduct an ongoing educational program for its members and for attendees of CKS events concerning traffic and parking, including a statement that Reedland Woods Way is not to be used by inbound CKS-related traffic and that U-turns and turn-arounds using residential driveways are not to be made in the surrounding streets and will be enforced by the Tiburon Police Department.
- (e) CKS shall maintain an up-to-date database of its members to facilitate and encourage carpooling. The carpool database shall be updated annually and confirmation of the update (but not the database itself) shall be submitted with the periodic review application information. The information from this database shall be used by CKS to provide information to its members about potential carpool partners and will be targeted to members for whom carpooling may be a viable means of reaching the property.
- (f) CKS shall maintain a log of all events/activities that have exceeded ninety percent (90%) of the on-site parking capacity.
- (g) The CKS log shall be made available to the Neighborhood Advisory Committee and the Director of Community Development upon reasonable notice of a request to review the log.
- (h) CKS shall maintain a website available to the neighborhood, the congregation, and the Town to provide regular information on events, activities, parking and traffic. The website shall provide an e-mail address for written comment from interested persons.

6. Lighting, Parking Lot Lighting, and Landscaping:

- A. Parking lot lighting shall be on timers to turn off no later than 10:00 pm on weekdays. The duration of lighting may be extended by manual override device when occasions demand, but in no event shall be kept on later than 10:30 pm except for High Holy Days, Selichot, Shavuot, the second night of Passover, or other religious observances, at which times the

parking lot lighting shall remain on until no later than thirty (30) minutes after event ending time.

- B. Landscaping shall be enhanced in the Design Review application drawings to achieve the goals of reducing off-site noise, light and glare impacts.
  - C. Eucalyptus trees located on the CKS property in the immediate vicinity of the area below 32 Via Los Altos shall be inspected annually by a certified arborist or registered professional forester who shall file a report as to the tree health and safety. Said report shall be submitted to the Town annually.
  - D. All skylights shall have blackout blinds to be closed at sunset whenever the facility is in use.
7. Noise Controls: (see Condition No. 4 and Exhibit B of this Resolution).
8. CUP Review:
- A. The CUP shall be reviewed by the Planning Commission at a public hearing six (6) months after occupancy of the MPB. Additional reviews shall occur once every six (6) months for the next two and one-half (2 ½) years thereafter, and annually after the first three (3) years. The Planning Commission shall have the authority to modify the restrictions of this CUP. However, the Town Council intends that the effectiveness of the project design, mitigations, conditions, and restrictions of the use permit should be tested over a substantial period of time before the Planning Commission entertains any proposal to relax conditions or restrictions.
  - B. CKS shall be responsible for submitting, at least forty-five (45) days prior to the periodic review date, a detailed narrative report of the current use and operation of the synagogue and day school and supporting documentation to demonstrate compliance with conditions of approval of this permit, including adopted mitigation measures. The Director of Community Development shall review the report for completeness and may request clarification or additional documentation as necessary. CKS shall be responsible for all Town processing costs associated with the review and shall deposit in advance sufficient funds to cover such cost.
  - C. CKS will advise and educate its tenant (the day school) concerning provisions of this CUP, with special emphasis on minimizing traffic, noise, light and glare, providing courtesy to neighbors, and other issues addressed in these use permit conditions of approval. CKS 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.
9. Neighborhood Advisory Committee:

- A. CKS shall support the formation and operation of a Neighborhood Advisory Committee (NAC), which shall be composed of the CKS Executive Director, a Board Member, a Congregation Member and three neighborhood members selected by the surrounding neighborhood.
  - B. The NAC shall have two co-chairs (one from CKS and one neighborhood representative) responsible for agendas and acting as committee liaison to the Town. The NAC shall provide a brief, written report to the Director of Community Development annually or as deemed useful by the committee.
  - C. The NAC shall meet periodically; initially once a month but not less than twice a year.
  - D. The primary purpose of the NAC is to foster communication and discussion and recognize and resolve issues before they escalate or result in CUP compliance problems. The NAC shall be advisory in nature for the purpose of discussing matters related to CKS operations such as, but not limited to, CUP compliance issues, traffic management, coordination before and analysis following special events, ongoing operations and activities of the school(s), noise, landscaping and lighting. The Town shall have sole and ultimate authority over CUP compliance determinations and enforcement matters.
  - E. CKS shall advise the NAC at least two weeks in advance of events/activities or combinations thereof that are anticipated to exceed ninety percent (90%) of the on-site parking capacity (except the Sunday School program).
  - F. NAC meetings shall be held where the public may observe in a space to be provided by CKS. Persons who place their name on a mailing or e-mailing list maintained by the NAC shall be notified by CKS of all meeting dates, times and locations. CKS shall maintain agendas and summary notes describing the nature of NAC discussions and recommendations during meetings.
  - G. NAC meetings shall not be considered member-sponsored events.
10. An encroachment permit shall be secured from the Tiburon Public Works Department for any work on Town streets, rights-of-way, or land over which the Town holds a real property interest.
  11. Applicable traffic mitigation fees shall be paid at the time of building permit issuance.
  12. The Town of Tiburon reserves the right to amend or revoke this CUP for cause, in accordance with regulations of the Town.
  13. The Town intends the conditions of approval of this permit to ameliorate the project's impacts on the neighborhood without imposing a substantial burden on CKS's religious exercise. In the event that the implementation of these conditions imposes a substantial burden on CKS' religious exercise, the Town

will, upon application by CKS, amend the conditions to reduce that burden to a less than substantial level. Notwithstanding the foregoing, the Town will not approve any such amendment request that is contrary to a compelling Town interest.

Section 4. Prior Resolutions Superseded.

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

Section 5. Vesting.

The applicant must vest this approval by obtaining a Site Plan & Architectural Review Permit for physical improvements described herein within two (2) years following approval, unless a time extension is granted. Time extensions will not unreasonably be withheld. Upon approval of a Site Plan & Architectural Review approval, this Conditional Use Permit shall remain valid only as long as the Site Plan & Architectural Review Permit remains valid. Site Plan & Architectural Review Permits are valid for three years, and expire unless a Building Permit has been issued in reliance on the Site Plan & Architectural Review Permit. Please be advised that if the Building Permit approval lapses after the end of the validity date of the Site Plan & Architectural Review Permit (and no extensions have been granted), the Building Permit, Site Plan & Architectural Review Permit, and Conditional Use Permit may become null and void unless the Building Permit has vested.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on February 21, 2007, by the following vote:

AYES: COUNCILMEMBERS: Berger, Fredericks, Gram & Smith  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Slavitz

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TOM GRAM, MAYOR  
Tiburon Town Council

ATTEST:

\_\_\_\_\_  
DIANE CRANE IACOPI, TOWN CLERK

and climate change. She stated that Tiburon has an average residential solar installation rate of 3%, which is well over the 1% county average. She suggested that the Town could benefit from additional opportunities, such as the purchase of deep green energy from Marin Clean Energy and adoption of a green building ordinance that exceeds CALGreen standards.

There was no public comment.

Commissioner Doyle said that he supported the document and appreciated what the Town has already accomplished.

Vice-Chair Corcoran voiced appreciation for the MCEP partnership. He reiterated his request to see the sea level rise section strengthened and said that the threat there feels very real to him. He requested the Town Council consider his comments regarding the majority of the population and movement towards a more aggressive goal.

Commissioner Kunzweiler said that he supported the document and proposed reduction standard. He said that his experience was that Tiburon is a town that wants to do the right thing and not necessarily to be the trailblazer.

Commissioner Tollini said that the report was comprehensive and recommended forwarding it to the Town Council.

Chair Frymier concurred.

ACTION: It was M/S (Kunzweiler/Doyle) to recommend that Staff forward the Draft Climate Action Plan to the Town Council, with comments. Motion carried: 5-0.
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## **PUBLIC HEARING**

**2. 215 BLACKFIELD DRIVE: REVIEW OF CONDITIONAL USE PERMIT FOR KOL SHOFAR SYNAGOGUE AND APPURTENANT DAY SCHOOL; FILE #10404; Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34**

Mr. Watrous presented the staff report, giving an overview of the permit history. He referred to the staff report for a full discussion on the conditions of approval and highlighted those where concerns were raised:

- *Landscape* – The Town received several complaints from neighboring property owners regarding the maintenance of landscaping on the site, including concerns about dead or dying plants and stumps on the property.
- *Lighting* – The Town has received complaints from several neighboring residents that the light for the lighted sign to direct vehicular traffic to the Via Los Altos parking lot entrance has been left on throughout the night. The Southern Marin Fire District has

required that the sign be illuminated and visible from the street during all nighttime hours for emergency vehicle access.

- *Red “No Parking” curbs* – The owner at 201 Blackfield Drive has requested that the red curbs adjacent to his home along Via Los Altos be eliminated. Kol Shofar has also requested the elimination of certain sections along Via Los Altos, Blackfield Drive, and Reedland Woods Way.
- *Traffic Management* – Since occupancy of the multi-purpose building, the only events or activities that have been held that trigger this requirement have been the grand opening in August 2010 and High Holy Days services in September 2010. During the September 17 Yom Kippur Eve services, a Town-hired consultant found that temporary signs and monitors were in place as required, however monitors were not actively directing traffic. The consultant also found that while the use of off-site parking lots was appropriate, neither parking permits nor the shuttle service were utilized as intended and numerous hazardous vehicular and pedestrian movements were witnessed.
- *Neighborhood Advisory Committee* – The NAC has met only twice since approval of the use permit and there appears to be difficulty with the requirement that representatives are to be officially selected by the surrounding neighborhood.

Mr. Watrous stated that it appears that Kol Shofar is operating in substantial compliance with the conditions of the use permit. However, staff believes that there is room for improvement in the following areas: 1) refined implementation of parking and traffic controls, 2) composition of the Neighborhood Advisory Committee, 3) further evaluation of the location and extent of red curbs, and 4) more timely submission of the required reports on trees and events by the applicant.

Mr. Watrous noted that Condition of Approval No. 8 (A) of the use permit grants the Commission the authority to modify the restrictions of the use permit. However, it clearly states that “the effectiveness of the project design, mitigations, conditions, and restrictions of the use permit should be tested over a substantial period of time before the Planning Commission entertains any proposal to relax conditions or restrictions.”

Mr. Watrous stated that Kol Shofar has made good faith efforts thus far to comply with the complex requirements of the use permit and believed that additional observation is warranted before making changes to the conditions of approval. He stated that the next review of the use permit is tentatively scheduled to occur after the next High Holy Days services which would allow for additional unannounced monitoring along with continuing staff observations of the ongoing operations.

Karen Hirsch, CKS Board President, said that Kol Shofar looks forward to working with the Town and their neighbors in the future. She acknowledged that there were a few bugs to work out, but felt that these were minor and easily remedied. She said that since reoccupying the facility, compliance with the conditions of the use permit has been at the forefront of everyone’s mind. She stated that CKS contracted with a landscape and maintenance contractor in November 2010 for the purpose of removing and replanting dead and failing plants. She said that the

replacement planting had been delayed due to inclement weather and also because certain replacement species had yet to be released from the nursery. She said that while the original intent was to replace all failing plants at once, CKS is sensitive to the complaints of the neighbors and has requested immediate replacement of perimeter plantings where the landscape is most visible to neighbors. She added that CKS has also requested a proposal for cleanup of fallen debris and weed management along Via Los Altos, to occur roughly once monthly as needed.

Ms. Hirsch discussed parking and traffic concerns, noting that the required guidelines were still very new to congregants and guests. She said that while CKS cannot always anticipate attendance at its religious services, they had made every effort to contact neighbors as a courtesy when it was anticipated. She said that they had and will continue to hire off-duty police officers to assist on site as needed, will provide more no parking signs, and will begin to work on assigning attendees to offsite lots during High Holy Days services. She said that CKS would explore drop-off and pick-up procedures, but felt that it should be understood that many attendees need the ability to drop-off handicapped, elderly, and young family members before parking their vehicles offsite.

Ms. Hirsch requested that the Town begin to immediately repaint certain red curbs along Via Los Altos and Blackfield Drive back to the original gray, which would add approximately 40 spaces near CKS and reduce overflow into the surrounding neighborhood. She said that CKS had complied with the Town's requirement to form an advisory committee but as noted, identifying representatives has been difficult. She also requested that Steve Sockolov, a neighbor and CKS member, assemble an email list of all neighbors for notification purposes.

Commissioner Tollini asked if the traffic control monitors received training, noting that the monitoring report indicated that they were merely standing with signs rather than actually directing traffic. Ms. Hirsch said that the monitors were trained, but that holding the signage typically requires both hands.

Commissioner Tollini asked whether the lighted directional sign could be adjusted to illuminate only the address. Ms. Hirsch said that they asked that question themselves and will continue to look into it. She said that the lighting in place, which the Design Review Board and Fire District both approved, is low-voltage and currently set at the lowest possible level.

Commissioner Tollini acknowledged the complexity of the CUP and asked how the requirements were managed internally within Kol Shofar. Ms. Hirsch said that the former building committee continues to track compliance with the conditions of approval.

Commissioner Kunzweiler noted that the number of member-sponsored events over the last 6 months was relatively low and asked if that is expected to change in the future. Ms. Hirsch clarified that there were no member-sponsored events in that time and said there are none scheduled as of yet.

Vice-Chair Corcoran asked if CKS had any suggestions on how to address the issue of the Neighborhood Advisory Committee. Ms. Hirsch did not. Vice-Chair Corcoran said that one

possibility would be to simply have open meetings, although that would raise the fear that it could turn into a much larger event.

Vice-Chair Corcoran asked how CKS planned to handle the shuttle and offsite parking process during the next High Holy Days services. Ms. Hirsch said that they would certainly tighten up traffic control. She noted that last year's services were held only two weeks after moving back in to the facility, which was not sufficient time to rehabilitate congregants to the new plan. She stated that this year's ticket packet would contain detailed instructions regarding parking, pickup and delivery. She reiterated her concern that some attendees be allowed to drop their passengers off at the main lot.

Steve Sockolov, CKS member, said that he is also a neighbor on Reedland Woods Way and had unsuccessfully attempted to get some neighbors onboard with the committee. He said that he could not offer any suggestions on how to increase participation, but encouraged anyone interested in representing the neighborhood to do so.

Chair Frymier opened the public hearing.

Samantha Winter stated that she lives directly across from the lower entrance and parking lot and the light from the sign shines directly into her living room. She acknowledged the Fire Code requirements but said that the light is not centered on the sign as indicated in the original Design Review application. She acknowledged Ms. Hirsch's comments regarding landscaping but said that the weeds and haphazardly spread woodchips could be dealt with even in the rain. She stated that she raised the issue with landscaping the Town in October 2010 and had received no response. Regarding red curbs, she said that reverting them to gray would primarily seem to benefit only CKS and she agreed with the staff recommendation that proper evaluation would require more time.

Daniel LaCoss requested that the red curbs in front of his home be repainted grey. He explained that street parking on the other side of his driveway is somewhat hindered by the intersection and fire hydrant and said that the three spaces currently painted red are needed for his family and guests. He requested that at the least, this stretch be returned to grey curbing with "no parking" posted during high usage times. Alternatively, he did not see any significant issue with CKS attendees using this or the spaces across the street when needed.

Jerry Thayer stated that the vehicular and pedestrian violations noted in the monitoring report do not support staff's finding of compliance with the conditions of the use permit. He said that the traffic impacts identified seriously affect the residential neighborhood which was designed long before CKS. He stated that CKS could stand to significantly improve enforcement of all parking and traffic requirements. He said that he is currently acting as the Bel Air neighborhood representative, though he noted that that was only because no one seemed to object to his doing so and not because he was formally elected. He said that the use permit puts the burden of enforcement on the neighborhood associations and suggested that any neighbor interested in attending a committee meeting be allowed to do so in good faith, rather than limiting attendance to officially selected representatives.

Logan Boles said that he felt that the Town Council placed a tremendous burden on residents around CKS. However, he said that the Council wisely applied a number of provisions intended to protect neighbors and asked the Commission to refrain from any capricious changes to the conditions of approval. He agreed that the red curbs in front of 201 Blackfield Drive should be repainted grey, but he supported leaving the remainder in place. He said that the landscaping could certainly use some improvement and he was pleased to hear of Kol Shofar's plans. He said that the illuminated directional sign also shines brightly into his home throughout the evening, and he acknowledged the Fire District's requirement, but suggested that alternative methods of illumination be pursued.

David Ngo said that his home is constantly inundated with traffic and noise as a result of CKS events.

Margaret Kirby cited safety concerns related to several parking spaces in front of her home. She said that both she and CKS need the spaces and she does not wish for the curbs to be painted red, but that these spaces seem to be a magnet for those wishing to perform illegal u-turns. She said that this behavior, coupled with the tendency for pedestrians to walk down the middle of the street or cross inappropriately, is an accident waiting to happen. She requested increased police presence and traffic enforcement during the High Holy Days services.

Ron Brown, resident and CKS member, said that he is the former Board President and Co-Chair of the Building Committee and was involved in all negotiations that took place as part of the use permit. He acknowledged the intent of the red curbs but said that they largely create many of the issues highlighted by neighbors. He asked that any issues related to High Holy Days events be set aside in the discussion as they are the same problems created by any Christian institution during Christmas. He clarified that his concern relates more to the occasional special events where more guests attend than were anticipated. While he did not see this occurring often, he said that it could easily result in an addition of 40 or 50 cars. He suggested repainting the curbs between the Reedland Woods Way exit and Via Los Altos entrance, which would give vehicles leaving the parking lot when it is full a place to park without creating any particular hazard.

Chair Frymier requested clarification on the High Holy Days calendar. Mr. Brown explained that it begins with a modestly attended service on the first evening of Rosh Hoshanah. He said that services on the first full day are very busy, with roughly 1,500 attendees, and the second day is again a much more modestly attended service. He explained that Yom Kippur also begins at sunset, with that evening and the following day into sunset being very heavily attended.

Phil Walters said that he heads the CKS Grounds Committee and has 32 years experience in landscape design and contracting. He said that he did not see the weed issue that neighbors have claimed exists, but noted that CKS's usual practice of chemical weed management is difficult during winter months. He confirmed that replanting delays are related to the inclement weather and failure of the growers to release certain plantings. He also confirmed that CKS is awaiting a bid for ongoing cleanup of eucalyptus debris.

Commissioner Kunzweiler requested clarification on whether or not CKS currently has a monthly landscape maintenance plan. Mr. Walters confirmed and clarified that there is no

existing maintenance plan for the areas around the perimeter of the site. He said that those areas, such as the sidewalk along Reedland Woods Way, are not planted areas and he had not considered their maintenance applicable under the conditions of the use permit. He stated that CKS has a collaborative relationship with Brooks Landscaping and Trees, who spreads their chip mulch in those areas to help suppress weeds and feed the soil. He noted that CKS is not required to install expensive bark in those areas and that shredded mulch is prohibited by ordinance.

Ms. Kirby added to her comments, stating that she has lived at her present address since 2002 and that the traffic concerns she spoke about existed both then and now.

Chair Frymier closed the public hearing.

Commissioner Tollini stated that the CKS use permit is indeed voluminous, though she understood that this was necessary in order for the Town Council to be comfortable with such a significant expansion of use within a residential area. She suggested that CKS consider assigning specific members of its team to specific conditions of approval in order to facilitate compliance monitoring. She said that the Council was very clear in its intent that the Commission make no sweeping changes to the use permit at this time and, while she would support removing the red curbs in front of 201 Blackfield Drive, she believed that staff should perform additional monitoring before any other changes are recommended.

She said that CKS should make every effort to follow the required event and parking protocols to the letter. She said that she did not see a particular need for children to be dropped off at the main entrance, and suggested that parking be provided near the front door for those who are truly of limited mobility and the rest ride the provided shuttles. She also recommended that CKS make it a practice to overestimate attendance and allow for offsite parking and shuttles whenever possible. She concurred with Ms. Kirby that increased police presence could help to deter unsafe traffic activities.

Commissioner Tollini acknowledged the comments of both CKS and neighbors, and said that she would like to see more progress made concerning landscape maintenance. Regarding the Neighborhood Advisory Committee, she suggested that the condition be amended to allow public participation in addition to any appointed representatives. She suggested that the light for the directional sign be focused solely on the address and that additional landscaping on the rear side of the sign could help to shield any light overspill. She voiced support for the staff recommendation that the use permit be kept on file with the Tiburon Police Department. She commended Kol Shofar for being in substantial compliance with the numerous conditions of approval.

Commissioner Kunzweiler concurred with the majority of Commissioner Tollini's comments. He said that pockets of the landscaping looked abandoned to him and he encouraged Kol Shofar to pursue a plan that would improve the appearance for neighbors. He said that the solution to the lighting of the directional sign was simple. He supported Commissioner Tollini's suggestion regarding the Neighborhood Advisory Committee and said that it is in the neighborhoods' interest to participate, but that it was also important to distinguish between public attendance and voting abilities. He said that he did not want to explore changing many of the red curbs right

now, noting that there were a lot of controversy and CEQA mitigations for this project and the process needs more time. He said that the CKS website is very clear regarding parking expectations and that it is more an enforcement issue. He supported the recommendation to increase police presence at large events as a way to accelerate the needed behavioral changes. He thought that something could be worked out regarding the parking situation at 201 Blackfield Drive.

Vice-Chair Corcoran said that CKS has made a lot of progress and compliance will be even better in the future. He said that the Council's language was very clear in requesting that any changes be made carefully and thoughtfully. He did not feel that 6 months was sufficient time to warrant such changes, but said the use permit is quite burdensome and would hopefully be relaxed some in the future. He recommended that no changes be made to the Neighborhood Advisory Committee at this time, supported repainting the red curbs in front of 201 Blackfield Drive back to grey, and suggested that the proposal to paint the red curbs grey between Reedland Woods Way and Via Los Altos be closely studied for future reconsideration. He encouraged the applicant to make the landscaping improvements as soon as possible. He thought that it was a good idea to collect e-mail addresses for neighbors and to focus the light on the sign. He thought that having the next CUP review after the High Holy Days was also a good idea. He thought that it was great to see the neighbors and Kol Shofar working together.

Commissioner Doyle supported the comments of the Commission. He suggested that Kol Shofar appoint one person as a point of contact regarding the use permit's conditions. He did not see the neighborhood parking issues to be any different from those created by events at Bel Aire, Del Mar, or Reed Schools but suggested that some sort of colored curb and/or permit program could alleviate the issue for neighbors. He suggested that CKS look to its congregants to help with weed abatement and management. He supported the recommendations of the Commission regarding the lighted signage and the next review period.

Chair Frymier said that she believed the applicant to be in substantial compliance with what is a very complex use permit. She said that the Town Council spent an excruciating amount of time constructing the conditions of approval and she wholeheartedly concurred that the Commission should make no changes except regarding the red curbs at 201 Blackfield Drive. She said that she has visited the site on several occasions and found the landscaping to be subpar when compared to other developments in the area. She acknowledged that the plantings have yet to mature, but said that other new facilities in town do not seem to receive the same criticism from neighbors. She shared the impression that grounds maintenance and presentation could stand to be improved all around. She said that while she would prefer to see a different design for directional sign, in the short term, the applicant should consider down lighting the existing sign. She said that she considered the kind of occasional noise generated by High Holy Days or other services and events to be part of being part of a community.

Mr. Watrous stated the intent was never for the Neighborhood Advisory Committee to be tasked with anything, despite the provision for election of co-chairs. He summarized the Commission's direction to encourage more informal participation for the committee. He said that email and direct mail communications from the applicants could be very helpful in encouraging residents to do so.

ACTION: It was M/S (Kunzweiler/Tollini) to find that CKS is in substantial compliance with its conditional use permit, to make no changes to the conditions of approval at this time, but to direct staff to work with the owner of 201 Blackfield Drive to relieve the red curb situation at that property; to encourage CKS to move ahead with the required landscaping management as soon as is reasonable possible; and, to request the applicant redirect lighting of the directional sign at the corner of Blackfield Drive and Via Los Altos. Motion carried: 5-0.

**MINUTES**

**3. PLANNING COMMISSION MINUTES – Regular Meeting of March 9, 2011**

ACTION: It was M/S (Corcoran/Tollini) to approve the minutes of the March 9, 2011 meeting as submitted. Motion carried: 5-0.

**ADJOURNMENT:**

The Planning Commission adjourned the meeting at 9:25 p.m.

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CATHY FRYMIER, CHAIR  
TIBURON PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
SCOTT ANDERSON, SECRETARY

garage seemed to be poorly configured in terms of garage space, that the applicant did the right thing by removing the living space, and that the applicant now seems to be punished for acting appropriately. He said that the Commission discussed this at the previous hearing and ultimately felt that there was not sufficient reason to alter a development agreement.

Commissioner Weller said that he read the staff reports, both current and historic, examined the plans and generally concurred with the decision of the Commission. He did not see how the Commission could bend the law to suit individual circumstance on such a controversial and heavily negotiated issue. He requested clarification on whether the application was inconsistent with the provisions and intent of the development agreement or precise plan. Community Development Director Anderson said that intent is always difficult to project backwards, but that the request was clearly inconsistent with the provisions of the precise plan in the same way it was with the development agreement. Commissioner Kunzweiler suggested and the Commission supported dropping the word “agreement” from the resolution.

Commissioner Weller said that those called upon to make decisions are often bound by laws that may differ from their personal desires and beliefs. He said that whatever the personal feelings of the Commission, they are bound by the actions of their predecessors.

Commissioner Welner said that he would abstain from the item but requested clarification on whether the floor area limitation applies to basement space. Mr. Anderson explained that the floor area ratio was not established at the time of the development agreement and so the floor area limitation in this case applies to all habitable space.

The Commission directed staff to modify the resolution as follows:

- Delete “the intentions of” on the third line of 1(c).

ACTION: It was M/S (Weller/Kunzweiler) to adopt the resolution denying the application, as amended. Vote: 3-0-1 (Welner abstained).
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**2. 215 BLACKFIELD DRIVE: REVIEW OF CONDITIONAL USE PERMIT FOR KOL SHOFAR SYNAGOGUE AND APPURTENANT DAY SCHOOL; File #10404; Assessor’s Parcel No. 038-351-34**

Planning Manager Watrous presented the staff report, stating that on February 21, 2007, the Town Council approved on appeal a conditional use permit to remodel and expand the facilities and operations of the existing synagogue (Congregation Kol Shofar) and private day school uses on property located at 215 Blackfield Drive. The application was ultimately approved and included a provision for periodic review by the Planning Commission, of which this is the second.

Mr. Watrous referred to the staff report for full details on all conditions of approval, but described the following in further detail:

- Landscape improvements - At the March 23, 2011 meeting, the Town received complaints from neighboring property owners about the maintenance of landscaping on the site, including concerns about dead or dying plants. CKS representatives indicated at that time that they had contracted with a landscape and maintenance contractor for the purpose of removing and replanting dead and failing plants, and had also requested a proposal for cleanup of fallen debris and weed management along Via Los Altos. Staff has visually inspected the site and found that although most of the landscaping has been kept in good condition, there are portions of the site where the vegetation is dead, in poor condition, or sparse.
- Red curbs – red curbs have been painted at the required locations. Several nearby property owners have complained that the extent of the red curbs has substantially limited the amount of on-street parking available to residents and their guests. At last year’s meeting, the Commission directed CKS to work with staff and the owner at 201 Blackfield Drive regarding elimination of most or all red curb striping in front of his home. Staff has had discussions with CKS representatives about eliminating most or all red curbs covered by the CUP. Staff informed CKS that the red curbing was a CEQA mitigation measure contained in the certified EIR and would need to be reviewed from an environmental impact standpoint prior to substantial relaxation or elimination if this requirements.

Mr. Watrous referred to the monitoring report, which took place unannounced during the most recent High Holy Days services. He said that the Town received complaints regarding signage issues and also noted those summarized by the monitoring consultant. By and large, however, he said that the report indicated that CKS was in compliance with the conditions of approval and appeared to have improved over the 2010 High Holy Days services.

Mr. Watrous said that at the March 23, 2011 meeting, the Commission acknowledged the difficulty in conducting Neighborhood Advisory Committee (NAC) meetings, particularly due to the lack of officially “selected” neighborhood representatives. He stated that the Commission chose not to modify this condition of approval at that time, but instead encouraged more informed participation for the committee and hoped that email and direct mail communications from the applicants could be very helpful in encourages residents to do so.

Staff concluded that that the synagogue and day school uses appeared to be operating in substantial compliance with the conditions of approval of the conditional use permit. Staff noted that there was room for improvement with regards to parking and traffic control during larger events. Staff also believed that CKS needed to make better efforts to properly maintain all landscaping and vegetation on the site. Staff recommended that the Commission take public comments and provide staff with direction for areas of improvements and any modifications, if any, requested at this time.

The applicant declined to make comment at this time.

Chair Corcoran opened the public hearing.

Jerry Thayer said that he has been actively involved in the CKS approval process from the beginning. He noted that he testified the prior year as to the substantial parking overload in the Bel Air neighborhood. He conceded that the overflow lessened over the prior year, but said that it was still substantial and enough to impede normal neighborhood functioning. Regarding the NAC, he said that he distributed a letter throughout the neighborhood volunteering to act as a representative, but there is no mechanism for official selection. Barring any objection, he said that he would continue to offer his services in a volunteer capacity.

Logan Boles called the Commission's attention to his late mail submission. He said that he could personally forgive many of the smaller issues associated with CKS, but that parking and traffic during High Holy Days is untenable. He said that CKS failed to employ traffic monitors and temporary "no parking" signs in an effective way. He also noted that during High Holy Days services, CKS installed a temporary banner over its main sign, but it was visually obstructed and essentially ineffective for infrequent visitors to CKS. He said that he witnessed a number of unsafe traffic maneuvers during the event. He asked that CKS make better attempts to honor the provisions of the CUP and, if not, he asked who he reports issues to, and what the consequences of non-compliance would be.

Karen Hirsch, CKS Board President, said that she appreciated the comments of Mr. Thayer and Mr. Bowles regarding additional traffic two days a year, but said that CKS has been in compliance with the conditions of its use permit.

Commissioner Kunzweiler asked Ms. Hirsch her perspective on the traffic-monitoring program in place.

Bruce Rafal, representing CKS, said that they installed the temporary signs as mandated in the CUP. He said that they also had traffic monitors at each parking lot as well as the intersections of Karen Way and Blackfield Drive and Via Los Altos and Blackfield Drive, but acknowledged that they are difficult to see during evening services. He said that he was told by the Chief of Police that the temporary "no parking" signs are not enforceable by the Police Department. He also noted that a number of attendees were not regular CKS members without tickets, and therefore have not received the extensive information that its regular congregants have.

Chair Corcoran asked whether CKS could work with staff and the Police Department on a method to enforce temporary parking restrictions. Mr. Watrous explained that while the Police Department has some ability to enforce the requirements of a CUP, it cannot issue citations on non-municipal parking violations. He noted that the requirement is only for CKS to install signage; it is not technically a violation of the permit if people choose to park where it says "no parking."

Commissioner Welner said that the neighbors' points may be valid, but not necessarily the fault of CKS.

Commissioner Weller noted that "no parking" signs installed consistent with the municipal ordinance would have to apply to everyone, including Mr. Thayer. He felt that the issue was that

CKS had failed to exercise enough moral suasion in encouraging attendees to alter their parking behavior.

In response to Mr. Bowles, Commissioner Kunzweiler explained that if CKS fails to follow the steps and take the actions required under the CUP, the consequence could be that the Commission alters the CUP in a way that makes a different point.

Nancy Drapin, CKS Executive Director, explained that the High Holy Days ticketing and notification process begins in June. She said that this year each attendee was assigned to one of eight specific parking lots, each with its own monitor, and received notification of such many times over prior to the event.

Commissioner Welner asked how CKS felt about the NAC process thus far. Ms. Drapin said that NAC has assigned a neighborhood liaison and utilizes a neighborhood email list, which is generally obtained from Town staff.

Chair Corcoran closed the public hearing.

Commissioner Kunzweiler said the Commission took no action on the NAC issue last year. He wondered whether they could look to homeowners' associations in the surrounding neighborhood for a more structured membership. Mr. Watrous explained that some, but not all, neighborhoods have associations, with some more active than others.

Mr. Anderson recommended that, in terms of parking, the current requirement may be inadequate and that a simple solution may be to require the applicant to set out additional "no parking" signs.

Commissioner Kunzweiler said that the initial permit process was both complicated and lengthy, and it is commendable that they have come this far. He recommended that CKS increase the number of "no parking" signs during larger events and that extra diligence be applied to the role of monitors. He said that consequences have to reside in the CUP and if there are too many complaints, there may be a need to modify the CUP. While he appreciated Mr. Thayer's offer, he did not believe it entirely appropriate for a committee to be led by a volunteer on the simple basis that no one else objected. He suggested that CKS reach out to local neighborhood associations and remind them that they had requested this opportunity for input. Failing that, he felt that CKS should continue with its e-mail notifications and allow for reestablishment of the NAC when a broader set of participants is willing and able. He concluded that CKS was in substantial compliance with the conditions of its use permit, but agreed with recommendations to tighten up the traffic and parking compliance.

Commissioner Weller noted that while he was not present during the Commission or Design Review Board's review of the CKS project, he did follow the matter closely. He agreed that CKS is in substantial compliance with its conditional use permit. With regard to the NAC, he felt that the blame lay with both CKS and the community, but that it is Kol Shofar's obligation to encourage more interaction. He said that some formal process of calling for community meetings is in order. He suggested a recommendation or condition requiring CKS to call just such a

community meeting (and encourage attendance) prior to High Holy Days services in order to discuss the issues and solicit suggestions. He tended to agree that non-congregants are likely creating the bulk of the issue by making unpermitted U-turns, which he thought would likely be alleviated by an increased physical presence. He felt that the landscaping on the site had been properly cleaned up.

Commissioner Welner disclosed that he is a volunteer on the Osher JCC Board, which leases the preschool space at CKS, but said that this is not a relationship that requires him to recuse himself from this item. He too found CKS to be in substantial compliance with the use permit. He said he would like to see the congregation make greater attempts in the area of neighborhood participation, adding that resigning communication to only e-mails is not in the spirit of the CUP. He encouraged CKS to hold a community meeting and see who comes, as this would be a useful tool to improve communication. He also encouraged CKS to work with staff on a method to post enforceable “no parking” signs during larger events.

Chair Corcoran said the current discussion was vastly different from that when the project first came through the Design Review Board. He noted a steady improvement by CKS since approval of the CUP, including efforts to have more parking monitors and a better lighted sign. In addition to the traffic and parking issues already cited, he said that he observed a high incidence of U-turns at Blackfield Drive and Via San Fernando. He recommended some sort of signage in the area, though he noted that this would likely just force vehicles down side streets instead. He said that it was difficult to address the issue of informing non-congregants where to park, but thought that signage may have an effect over time. He found the current restrictions on removing red striping to be a bit onerous and recommended discussion at some point in the future. He felt that the Council intended the NAC as a mechanism to allow for neighbors to have a voice, and that it would in the best interests of the congregation to attempt to nurture the process. He felt the current landscape plan to be appropriate. He asked that CKS be required to install additional temporary “no parking” signage between Karen Way and Corte San Fernando, a “no U-turn” sign at Via San Fernando, and to work with staff and the police on enforceability. While not necessarily appropriate at present, he felt the Commission should be prepared to discuss lessening or removing the review requirement at some point.

Commissioner Kunzweiler asked that CKS consider calling an NAC meeting roughly 4 to 6 weeks prior to High Holy Days events, which would be an opportune time to receive feedback on how to improve this year’s events.

**MINUTES:**

3. PLANNING COMMISSION MINUTES – Regular Meeting of January 11, 2012

ACTION: It was M/S (Kunzweiler/Weller) to approve the Minutes of January 11, 2012, as submitted. Motion carried: 4-0.

Commissioner Corcoran asked if there have been any staff approvals of short-term rental units. Planning Manager Watrous said this is the first application under this ordinance. He said that a use that was relatively innocuous could be approved by staff as long as it was compatible with the surrounding neighborhood.

Commissioner Corcoran said that the 2010 revision of the zoning ordinance was done to try to create a process for controlling the short-term rentals that were already occurring. He said that it would be very difficult to live near the current property for the last six months. He did not think that any conclusion should be drawn about the language of the actual ordinance yet. He noted that even if this application is denied, the house could still be rented on a monthly basis. He said that if they wanted to rent their home for two weeks during the America's Cup, but not on a repeated basis, then there would be no requirement to apply for a seasonal rental permit. He did not think that this seasonal rental unit works at this location. He was not concerned about precedent because this was the first such application and every short term rental permit would be decided on its own merits.

Chair Tollini said that she would like to see some refinement of the language in the ordinance going forward, with some provisions regarding traffic and noise that would be more enforceable. She said that she would like a discussion of seasonal rentals and would like to have more "teeth" to the provisions. She agreed with the other Commissioners and the staff report and said that this has obviously been very disruptive and was inconsistent with the surrounding neighborhood. She said that the applicant could rent the home for more than 30 days with no permit required, but the constant turnover was causing neighborhood problems.

**ACTION:** It was M/S (Corcoran/Welner) to adopt the draft resolution denying the application.  
Motion carried: 3-0.

**3. 215 BLACKFIELD DRIVE: PERIODIC REVIEW OF CONDITIONAL USE PERMIT FOR KOL SHOFAR SYNAGOGUE AND APPURTENANT DAY SCHOOL: FILE #10404; Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34**

Planning Manager Watrous said in February 2007 the Town Council approved on appeal a conditional use permit to remodel and expand the facilities and operations of the existing synagogue (Congregation Kol Shofar) and private day school uses on property located at 215 Blackfield Drive. The Town Council imposed Condition No. 8 (A) of Resolution No. 15-2007, which stated that the CUP shall be reviewed by the Planning Commission at a public hearing every six months and then annually after the first three years. He said they have had two reviews so far and this is the third scheduled review.

Planning Manager Watrous highlighted items in the staff report, particularly the September 2012 Yom Kippur service, including parking, traffic and noise requirements, which worked more smoothly than observed in 2010 and 2011. He said that no complaints were received from neighbors throughout the entire High Holy Day service period. He noted that the neighborhood advisory committee had not met, but Kol Shofar indicated that they had been responsive to all concerns of the neighbors. He stated that the Commission has the authority to modify the

restrictions of the CUP, but encouraged this to happen only after a substantial period of time and that any substantial changes would require a separate public hearing.

Commissioner Welner said that while it is not a formal conflict of interest, he disclosed that he is on the Board of the Osher Marin JCC, which operates the daycare at Kol Shofar.

Joshua Steinhauer, past president of Kol Shofar, said that he was available to answer any questions.

Chair Tollini opened the public hearing.

Samantha Winter said that she lives across the street from Kol Shofar and everything has been status quo. She agreed that the High Holy Days were definitely handled better this year than in the past.

Chair Tollini closed the public hearing.

Commissioner Welner said that if Commissioner Kunzweiler were here he believed that he would raise the issue of whether the time period between reviews could be extended. Commissioner Welner suggested perhaps the reviews can be done on an annual basis.

Planning Manager Watrous pointed out that six month reviews were to continue for three years and then become annual thereafter and suggested that it may be premature to reduce it to no reviews, but suggested considering not requiring independent monitoring of High Holy Days services. He said that changing the number of reviews or monitoring could not happen at this meeting but would be need to be noticed for a future meeting on potential amendments. Commissioner Welner suggested that he may be open to that in the future.

Commissioner Corcoran asked about the requirement for annual reports on the eucalyptus trees from an independent arborist. Director Anderson said that the eucalyptus inspections related to a safety issue for children playing near the trees at the school, while the traffic and parking monitoring was to be independently verified by the Town.

Commissioner Corcoran asked about the procedure for changing the independent monitoring. Planning Manager Watrous said that the CUP allows the Planning Commission to make some changes but cautioned the Commission as to the breadth and timing of making such changes. He said that changing conditions of approval that were EIR mitigation measures may trigger the need for an additional CEQA review. He said that at minimum a public hearing would be required on the amendment.

Commissioner Corcoran said that Kol Shofar has shown tremendous improvement in complying with the Town's requirements. He said that the fact that there were no comments on the review served as a testament to the effort that has been put in by Kol Shofar and he thanked them for their efforts. He said that he would support another hearing to relax some of the conditions and restrictions, and suggested that any notice for the hearing describe the different restrictions to be

considered, including the parking monitor, eucalyptus tree inspections and possibly changing the period of time between reviews.

Chair Tollini commended Kol Shofar and said that she appreciated the amount of time and effort they have put into following the restrictions. She suggested changing the monitoring of the High Holy Days to staff instead of an independent reviewer. She thought that the six month reviews and then annual reviews were fine. She suggested if anyone in the neighborhood would like to take up the role of the neighborhood advisory committee, that would be great, but if the neighbors are happy, that was more important. She said that she would like to continue the traffic monitoring going forward to keep driving in the residential neighborhood safe. She suggested that Kol Shofar get their required submissions in on time in the future.

Commissioner Corcoran asked if the Commission agreed that there should be a separate hearing on amending the CUP. Mr. Steinhauer asked if there could be latitude in bringing up some operational items at such a hearing. Planning Manager Watrous said that they will meet with Kol Shofar's representatives in the near future to come up with a list and schedule a time to come back to the Commission for that hearing.

**ACTION:** It was M/S (Corcoran/Welner) to conclude that Kol Shofar is in substantial compliance with its conditional use permit. Motion carried: 3-0.

**MINUTES:**

**2. PLANNING COMMISSION MINUTES – Regular Meeting of September 12, 2012**

**ACTION:** It was M/S (Corcoran/Welner) to approve the minutes of the September 12, 2012 meeting as written. Motion carried: 3-0.

**ADJOURNMENT:**

The Planning Commission adjourned the meeting at 9:00 p.m.

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ERIN TOLLINI, CHAIR  
TIBURON PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
DANIEL M. WATROUS, SECRETARY

parking situation. She did not feel strongly about clarifying the truck delivery in the language of the conditional use permit.

Commissioner Welner asked the applicant if they had any comment about adding language about truck deliveries to the permit. Ms. Harder said that a small car would make the deliveries and she doubted that a truck would be needed.

ACTION: It was M/S (Corcoran/Welner) to adopt the attached resolution approving the conditional use permit for 1630-1632 Tiburon Boulevard, with the additional condition of approval stating that no large trucks shall be used for pick up or delivery. Motion carried: 3-0.

**3. 215 BLACKFIELD DRIVE: REVIEW OF CONDITIONAL USE PERMIT FOR KOL SHOFAR SYNAGOGUE AND APPURTENANT DAY SCHOOL; FILE #10404; Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34**

Planning Manager Watrous said that in 2007 the Town Council approved a conditional use permit for a remodel of Kol Shofar Synagogue. This is the fourth six-month review of that permit. He noted that there had been some previous discussion about maintenance of the landscaping, and the Town received some photos of overgrown vegetation on Reed Ranch Way from a neighbor. He stated that there has been a steady improvement in managing the parking situation on High Holy Days. He said that the Planning Commission has the authority to modify the restrictions required by the conditional use permit and suggested that the Commission consider allowing staff to monitor the upcoming High Holy Day parking and traffic instead of hiring an outside consultant.

Commissioner Welner noted for the record that he is an unpaid Boardmember at the Jewish Community Center, which is a tenant for the preschool facility that is located at the Kol Shofar site.

Commissioner Corcoran asked staff if there would be two more six-month reviews after tonight and then the reviews would become annual. Planning Manager Watrous confirmed that that is the case. Commissioner Corcoran asked if Kol Shofar was in the process of implementing the recommendations of their arborist report. Planning Manager Watrous suggested addressing that question to the applicant.

Joshua Steinhauer, member of Kol Shofar and past president, said that they have regular landscaping maintenance and the weeds and rubbish situation have been addressed. He stated that some plants have failed in that location after multiple attempts and they will need to find another solution. He asked if it was possible to avoid holding another public hearing regarding the monitoring of High Holy Day parking and traffic.

Chair Tollini asked if the trees indicated for removal by the arborist report have been removed. Mr. Steinhauer said that they are in the process of implementing the items in the report. Chair Tollini asked if the pine trees have been removed. Nancy Drapin, Executive Director of Kol Shofar, said that they are currently pricing the removal and the trees will be removed.

Planning Manager Watrous noted Exhibit 1; section C, of the use permit resolution requires unannounced traffic monitoring of events to be done by independent monitor for at least two years after the opening of the multi-purpose building. As it has been more than two years, he stated that an additional hearing would not be needed to change that requirement to staff monitoring. He requested input from the Planning Commission regarding that issue.

There were no public comments.

Commissioner Corcoran said that it was tremendous to see the positive change in these meetings over the past two years. He recalled the very contentious meetings at the beginning of the process. He commended Kol Shofar for working to meet the concerns of the neighbors and supported not requiring an independent observer for traffic at additional cost to Kol Shofar. He noted that at the last meeting the Commission discussed changing this review to an annual review, and he thought that that would be a good change. He added, however, that there are only two more reviews before the annual reviews take place. He stated that there has been a trend toward longer review periods or reviews on a complaint-basis only for similar facilities in Tiburon.

Commissioner Welner also commended Kol Shofar for doing an outstanding job in meeting the requirements of the conditional use permit. He agreed that the requirement for an independent observer could be eliminated, as long as that did not place an undue burden on Town staff. He stated that the amount of time that has passed is getting close to the “substantial period of time” mentioned in the use permit before conditions of approval could be modified. He said that the amount of time and the extreme level of non-controversy suggest to him that the permit should be amended to require annual reviews instead of the six-month reviews.

Planning Manager Watrous stated that another noticed hearing would be required to make that change to the use permit, and suggested that the notice for the next six-month review include the possibility of making such an amendment. Chair Tollini liked that idea and felt that six months from now would be a more appropriate time of year to bring up the issue.

Chair Tollini said that she had no issue with having staff conduct the parking and traffic monitoring. She said that she drove by that day to look at the conditions on Reedland Woods Way, and requested removal of additional fencing refuse.

Commissioner Corcoran said that he supported the idea of extending the review period, and asked that it be discussed at the next six month review.

<p>ACTION: It was M/S (Corcoran/Welner) to conclude that Kol Shofar Synagogue and Appurtenant Day School is in substantial compliance with its conditional use permit. Motion carried: 3-0.</p>
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PLANNING COMMISSION MINUTES  
MINUTES NO. 1038  
November 13, 2013  
Regular Meeting  
Town of Tiburon Council Chambers  
1505 Tiburon Boulevard, Tiburon, California

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**CALL TO ORDER AND ROLL CALL:**

Chair Weller called the meeting to order at 7:35 p.m.

Present: Chair Weller, Vice Chair Welner, Commissioners Corcoran, Kulik and Tollini

Absent: None

Staff Present: Planning Manager Watrous and Minutes Clerk Rusting

**ORAL COMMUNICATIONS:** None

**COMMISSION AND STAFF BRIEFING:**

Planning Manager Watrous stated that the next scheduled Planning Commission meeting on November 27, 2013 is the night before Thanksgiving and that is traditionally cancelled. He stated that currently nothing was scheduled for the December 11<sup>th</sup> meeting, which would mean no Planning Commission meetings would be scheduled for the rest of the year. He noted that this will also be Commissioner Tollini's last meeting, and Planning Manager Watrous and Chair Weller thanked her for her service and wished her well.

**PUBLIC HEARINGS:**

- 1. 215 BLACKFIELD DRIVE: PERIODIC REVIEW OF CONDITIONAL USE PERMIT TO OPERATE A SYNAGOGUE AND APPURTENANT DAY SCHOOL; FILE # 10404: Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34**

Planning Manager Watrous reported that this was the fifth review of the conditional use permit. He highlighted a few conditions from the staff report. He said that there were past complaints about maintenance of landscaping on the property and a late mail item was received from a nearby resident also noting this ongoing concern. He stated that the monitoring of High Holidays was conducted on September 4, 2013, and there is a monitoring report detailed that the shuttle service seemed to work smoothly, only one parking lot was being used, many of the cars parked on the street during the service were residents coming home late and the ongoing improvement in management of parking was in compliance with the required parking and traffic management.

Planning Manager Watrous stated Kol Shofar was operating in substantial compliance with the CUP and no complaints were received in regards to the 2013 High Holy Days. He stated that at the last review there was some discussion about possibly modifying some conditions of approval, including the ongoing monitoring that is currently required to be done for at least two years by independent observers. Staff felt that they were able to conduct the necessary monitoring this past year without passing the expense of an independent monitor to Kol Shofar.

Planning Manager Watrous noted that the CUP requires one more review scheduled in 6 months and then annually thereafter. He recommended skipping the next 6 month review and going straight to annual reviews from this point on. He noted that the CUP included a recommendation from the Town Council that the effectiveness of the use permit should be tested over a substantial period of time before the Commission recommends any changes, and staff felt that the above mentioned changes were appropriate.

Joshua Steinhauer, representing Kol Shofar, said that they did not propose any amendments to the CUP tonight but they had some requests that will be brought up at another time. He said that they support the idea of annual monitoring, but he felt that the language to monitor their parking was not necessary because staff can monitor it any time.

Commissioner Tollini noted the Treemasters report from November 2012 and asked if the branches recommended for removal had been removed. Mr. Steinhauer confirmed that the branches were removed. Commissioner Tollini asked about the plantings along Reedland Woods Way. Mr. Steinhauer said that they continue to monitor the vegetation but do not plan to plant or remove any trees in that location.

Commissioner Kulik said that the trees on Reedland Woods Way have been an ongoing concern of the neighbor who submitted the late mail. He asked if Kol Shofar would be willing to replace those plants. Mr. Steinhauer stated they have been monitoring and replacing plants when necessary. Commissioner Kulik said that he heard that replacing that vegetation was not in the budget, but this is a required condition of approval. Mr. Steinhauer said that he thought that the neighbors were requesting replacement of trees that do not need it, but he said that he will certainly look at it.

Commissioner Corcoran asked if the trees are a requirement, and Planning Manager Watrous said the only required landscaping to be planted was in the landscaping plan. He stated that the complaint had more to do with ongoing maintenance and replacements and there was no condition of approval to replace particular plants. He said that the landscape plan was approved by the Design Review Board and staff inspected it in 2010 and the plantings complied with the approved landscaping plan at that time.

There were no public comments. Chair Weller closed the public hearing.

Commissioner Corcoran said that there has been little to discuss on this project. He thought that Kol Shofar has done a good job complying with the conditional use permit and that this was the first time there has been a letter from a neighbor in a few years. He supported the suggestion to go to annual reviews starting with one year from now and also supported Kol Shofar's

suggestion that staff be given discretion to determine whether it is necessary to do traffic and parking monitoring.

Commissioner Tollini thought that what Ms. Seidel was referring to in her letter is the requirement that dead or dying plants should be replaced. She said that she visited the site today and felt that the vegetation along Reedland Woods Way looked sufficient. She noted that the CUP requires three parking monitors and only one was present and she wondered if perhaps the Commission should discuss changing the requirement so Kol Shofar would not be in noncompliance by doing what seems to be common sense. She agreed with Commissioner Corcoran that a one year CUP review seemed most prudent along with giving the Town discretion to monitor traffic and parking once per year. She believed that Kol Shofar was in substantial compliance with the CUP.

Vice Chair Welner said that he was happy that Kol Shofar is at a point where the Commission can amend the CUP for annual reviews. He felt that this was appropriate given the track record established over the last few years. He said that the logic of adding a requirement for staff to monitor traffic and parking was not clear to him because adding that requirement would extend it beyond two years and he supported leaving it out unless staff had a concern. Planning Manager Watrous confirmed that staff has no concern and that the intent of the recommended condition of approval was not to create any official ongoing monitoring but instead to reflect that staff can conducting the monitoring instead of hiring an independent monitor. Vice Chair Welner stated that he also felt that Kol Shofar was in substantial compliance with the CUP.

Commissioner Kulik said that he deferred to his fellow Commissioners since they had more insight on the history of this project. He said that he met with Ms. Seidel and that without seeing the actual landscape plan the trees appear to be a very small part of the entire CUP. If the trees were part of the landscaping plan, then he respectfully requested that the landscaping be addressed because it would a very small cost to achieve full compliance.

Chair Weller agreed that annual reviews would be appropriate. He agreed with Vice Chair Welner that monitoring of parking should not be required as a condition of approval and he suggested addressing that only if a problem developed. He agreed that the CUP ought to be stripped of items that are not essential, but he did not want to cherry pick items but rather allow Kol Shofar to bring those to staff's attention and address them in an organized way. He said that he would like a more definite answer from staff as to the landscape maintenance required by the CUP. Planning Manager Watrous said that requiring individual plants shown on an approved landscaping plan to be maintained in that exact condition over time is not a standard to which anyone in Tiburon is held. He said that the Town allows some discretion in planting after a final inspection is done. He said that the issue of landscaping maintenance is more of a subjective decision that the Commission must make to determine whether the landscaping appearance is appropriately in compliance with the intent of the landscape plan rather than requiring particular plants to be in place.

Vice Chair Welner stated that the language of the requirement does not say that every dead and dying plant shall be replaced, but says that there shall be upkeep and dead and dying plants shall be replaced. He thought that the interpretation of the resident who sent the letter was a rather

extreme interpretation of the language and he did not think that that was the intent of the requirement. Commissioner Kulik said that the Toyon plants were intended to grow to 15 feet in height and he thought that that was the spirit of the letter and the intention was to provide a visual barrier in that location.

ACTION: It was M/S (Welner/Corcoran) that 215 Blackfield Drive is in substantial compliance with its conditional use permit and direct staff to draft a resolution converting the review process to an annual review. Motion carried: 5-0.

**2. 1 ROUND HILL TERRACE: REQUEST TO AMEND THE ROUND HILL OAKS PRECISE DEVELOPMENT PLAN (PD #36) TO INCREASE THE MAXIMUM ALLOWABLE FLOOR AREA FOR LOT 1; FILE #31303; Ian Schwartz, Owner; Ivan Lukrich, Applicant; Assessor's Parcel No. 058-301-39**

Planning Manager Watrous reported this is a request to amend the Round Hill Oaks Precise Development Plan for the property located at 1 Round Hill Terrace. The amendment would increase the maximum allowable floor area for this home from 2,300 square feet to 2,734 square feet. The new floor area would allow for the construction of a master bedroom suite addition and a new bedroom and bathroom for the existing single-family dwelling on the site.

The previous approval of the Round Hill Oaks Precise Development Plan to create four single-family residential lots on a 3.7 acre parcel included floor area limitations for each of the four lots. Lot 1 occupies the northernmost 1.23 acres of this subdivision. During the review of the Precise Development Plan by the Planning Commission, the building envelope for Lot 1 was reduced in size and moved further away from a nearby drainage course. The maximum floor area for a house on this lot was reduced by 500 square feet from the originally requested 2,800 square feet to a maximum of 2,300 square feet. The applicant at that time characterized the house on this lot as a "carriage house" that would be tucked into the hillside of this lot. Resolution No. 3297 states that "the proposed building envelope for Lot 1 would nestle the future house into the side of a hill and into the adjacent grove of trees." A single-family dwelling was constructed on this lot in 2001 in conformance with these requirements.

Planning Manager Watrous stated that some of the calculated floor area for this project has to do with cantilevered space below the dining room so there is not actual enclosed living space. The addition would all be within the building envelope. Staff feels the addition would not substantially expand the mass of the existing house, and the overall appearance of the house would be almost indistinguishable with the existing house on the site.

Commissioner Tollini asked if story poles were not required because it was within the same building envelope, and Planning Manager Watrous confirmed that was the case.

Ivan Lukrich, architect, said that this is a challenging parcel with a small footprint and living areas stepped back into the hillside with many retaining walls. He said that they are asking for an expansion of the master bedroom to be able to add another bedroom to the space to accommodate a growing family. He described the design details and said that 70 square feet of floor area would be built over an existing hardscape area on the second floor comprised of patio

Vice Chair Kulik echoed the comments of the other Commissioners and said that the reasons for the request were compelling. He expressed his sympathy for the family's loss and supported the time extension.

Chair Welner concurred with the Commissioners' views.

**ACTION:** It was M/S (Corcoran/Williams) to adopt the resolution recommending approval of the 18-month time extension to the Town Council. Motion carried: 4-0.

**2. 215 BLACKFIELD DRIVE:** Periodic Review of a Conditional Use Permit to Operate a Synagogue and Appurtenant Day School; File #1004; Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34

Mr. Watrous presented the staff report. He stated that the Town Council approval in 2007 specified a review process for the CUP which was modified last year by the Commission to require annual review of the permit. He noted that monitoring of the High Holy Days which occurred on September 24, 2014 indicated that everything ran smoothly, with parking and traffic levels slightly lower than last year. He said that staff finds that the synagogue and day school seem to be operating in substantial compliance with their CUP. He noted that Kol Shofar has submitted a CUP application to amend certain other requirements of the CUP which involve amending regulations regarding the member sponsored events, the courtyard use, parking limitations, management and lighting, and the neighborhood advisory committee. He stated that staff is in the process of preparing the CEQA documents for this application, which will be presented for separate review and consideration in the future by the Planning Commission and that the Planning Commission should not comment this evening. He recommended that the Commission take testimony on the item, close the hearing and conclude that Kol Shofar is in substantial compliance with its CUP.

Vice Chair Kulik said that last year there was some neighbor concern about vegetation and landscaping, and he confirmed with staff that there were no complaints received from neighbors this year.

Chair Welner opened the public hearing.

Joshua Steinhauer, Kol Shofar, thanked the Commission and staff and said that everything has gone very smoothly again this year. He stated that all operations have been well within the use permit requirements and within their capacity limits. He introduced their new President, Steven Tulsy, and Executive Director Nancy Drapin who were available for questions.

Chair Welner closed the public hearing.

Vice Chair Kulik stated that there were no complaints from the neighborhood and he found the congregation to be in substantial compliance with its CUP.

Commissioner Williams agreed and recognized the substantial evidence of compliance based on the staff report. She commended the Kol Shofar representatives for being able to follow the many requirements.

Commissioner Corcoran said that it appears that the use permit has been requiring less attention at each subsequent review and there has been less and less neighbor concern. He found that Kol Shofar was in substantial compliance with the CUP.

Chair Welner concurred with Commissioners and said that the evidence points to overwhelming compliance with the CUP.

**ACTION:** It was M/S (Williams/Corcoran) that the Planning Commission finds that Kol Shofar is in substantial compliance with its CUP. Motion carried: 4-0.

**3. GENERAL PLAN CIRCULATION ELEMENT AMENDMENTS:** Review Proposed Amendments to the Tiburon General Plan Circulation Element Incorporating “Complete Streets” Principles; Consider the Initial Study/Draft Negative Declaration, and Make a Recommendation to the Town Council Regarding Adoption

Director of Community Development Anderson gave the staff report and said that the California Complete Streets Act requires that in the next comprehensive update of the circulation element the Town needs to include “complete streets” principles and policies in that element. He said that the Complete Streets Act requires that all users of streets, roads and highways (including bicyclists, children with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation and seniors) be considered, with the idea of making streets safe and convenient for all users. He noted that typically circulation elements have focused on automobile traffic and communities are now required to take a broader look at their elements with respect to user groups and travel modes.

Mr. Anderson noted that a comprehensive update of the Circulation Element is underway, but will not be ready for adoption until roughly mid-2015. He stated that MTC has tied eligibility for certain roadway maintenance grant monies to having Complete Streets policies in the Circulation Element. As a result, staff has grafted the Complete Streets policies into the Town’s existing circulation element as a stop-gap measure so the Town will meet the MTC eligibility criteria by the January 15, 2015 deadline. He described the different proposed sections, goals and implementing programs. He stated that an Initial Study and draft Negative Declaration has been prepared for this project and no comments had been received, but it is the role of the Commission is to consider the environmental document in making its recommendation to the Town Council. He recommended that the Commission hold the public hearing, take any comments, discuss any changes the Commission may wish to make and recommend adoption to the Council by adopting the resolution included in the packet.

Vice Chair Kulik asked if the Town would lose a substantial amount of funding if no action was taken. Mr. Anderson said that while staff cannot guarantee what funding MTC might grant the Town, several tens of thousands of dollars are usually involved.

benefit from noise blockage, as 920 square feet of deck would be covered, especially given the noise absorbing material proposed. He said that the residents would benefit from eliminating the PA system and that Sam's would increase its revenues. He agreed that a complete noise study should include Corinthian Island and look at different types of Eisenglass panels and canvas. He thought that the hours would be more restrictive, but requiring the panels to be lowered would help. He said that once they have more acoustical data, the conditions can be fine-tuned to benefit the overall environment. He envisioned that the area at Sam's could be turned into something that is similar to the Corinthian Yacht Club or Guaymas where transmission of noise is blocked to the west and channeled to the south. He said that the CUP review would be important.

Commissioner Corcoran added that since Mr. Wilson offered eliminating the PA system and the neighbors would gladly welcome it, this should be added as a condition of approval. He suggested keeping the condition about ending food service at 9:30 p.m., but noted that the Commission might extend this after a year or so to allow people to be seated outside at 9:29 p.m.

Vice Chair Williams asked about the possibility of reviewing the CUP after 6 months. Commissioner Corcoran disagreed and thought that the covered deck should go through a summer season to see the true impact, but if a problem arises, staff could always bring the CUP back to the Commission.

**ACTION:** It was M/S (Corcoran/Williams) to continue the matter to the December 14, 2015 Planning Commission meeting. Motion carried: 3-0.

2. 215 BLACKFIELD DRIVE: Periodic review of a Conditional use permit to operate a synagogue and appurtenant day school; File #10404; Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34

Planning Manager Watrous gave the staff report and stated that the staff report included detailed history of this application and reviews the many conditions of approval of the CUP and their compliance. He highlighted concerns about Tuesday morning adult education programs held earlier this year and more recently which were more heavily attended than anticipated and resulted in overflow parking onto the street. He said that Kol Shofar has indicated that they will try to look at their programming to better address this. He stated that staff conducted monitoring during the High Holy Days on the Yom Kippur service and that by and large staff felt everything was working smoothly and no complaints were received from neighboring residence. He stated that traffic mitigation and parking seemed to be working effectively and has continued to improve over the years. He stated that staff believes that Kol Shofar was operating in substantial compliance with conditions of their CUP, although there appeared to be room for improvement in projected their anticipated parking demands for their adult education programs and taking steps necessary to prevent parking overflow into adjacent residential neighborhoods. He recommended the Commission take public testimony on the item, close the hearing and conclude that Kol Shofar is in substantial compliance with their use permit and provide direction if there are areas for improvement.

Joshua Steinhauer, Kol Shofar, introduced Kaia Burkett, Interim Executive Director and said they do not have a presentation but are glad to answer any questions.

Commissioner Corcoran asked about CEQA review for the future Kol Shofar use permit application. Mr. Watrous stated that the CEQA review would have more to do with changes to the existing use permit requested under that CUP application rather than the current use permit and he deferred to Mr. Steinhauer as to when this would occur.

Mr. Steinhauer explained that Kol Shofar and the Town held conversations last year and reached a bit of an impasse regarding the need for additional studies. He said that it was becoming prohibitively expensive for them to proceed, but that they hope to return and hopefully work things out, but he said it has been difficult. He summarized portions of their use permit request, including trying to achieve some flexibility so they can actually use the multi-purpose room for member-sponsored events which they have been unable to do. He said they also hope for flexibility in reducing expenses on very expensive monitoring and managing requirements for the High Holidays. He stated that years ago when going through a contentious permitting process they agreed to some strict limits in order to get through the process. He said that as a result they have limited hours when they cannot start events and therefore they are trying to get a bit more flexibility so they can actually rent the facility to their congregants for wedding celebrations, bar mitzvahs and the like.

Commissioner Corcoran asked and confirmed that that application is not before the Commission. Mr. Watrous added that staff is very willing to discuss those extensions, but faces the difficulty that many of these conditions were adopted as mitigation measures of an EIR which limits the ability under CEQA to simply relax those. He said that staff is hopeful that the CEQA analysis would say that based on the operations, these changes would not result in significant impacts and then it is up to the Commission to decide on the requested changes, but from a CEQA standpoint, amending an EIR is not simple and is an expensive proposition.

Commissioner Corcoran said that the Commission could extend the time period of these reviews to a less frequent basis. Community Development Director Anderson said that what is before the Commission tonight is review of the CUP to determine whether Kol Shofar is in conformance with conditions of approval, which staff believes they are. Mr. Watrous said that the use permit would need to be amended to change the review period, which would not need to be noticed as such.

Mr. Steinhauer said they would like to have to appear less often, because while it is not a big expense, there is obviously some administrative time involved. He said that the more important thing involves the amendments they wish to bring forward but he hopes they will be working with the Commission on these soon and appreciated their interest in helping Kol Shofar.

Vice Chair Williams asked about the adult education program and parking issues that have arisen. Mr. Steinhauer said that this is an adult education program tends to attract many people. He said that they capped the lecture at 200 people and the average has been about 168. He said that they hold outreach in the community to ensure that people park properly and that they had

someone in the parking lot in terms of managing that aspect. He said that they are confident they can work this out and ensure it is not a problem for the community.

Vice Chair Williams asked if parking requirements are posted on their website, and Mr. Steinhauer stated that this information is provided to those who sign up for the program and that they conduct a lot of outreach around the High Holidays and other major programs, as well.

Chair Kulik said that the parking information is no longer on the website. Mr. Steinhauer said that he was unaware of that and that he would follow up on that and post it. He said that many people who come to the lectures do not visit their website, as some are members and some are not, so communication regarding parking is provided when they register.

Commissioner Corcoran asked if the Commission can extend the hours for the multi-purpose room. Mr. Watrous stated that the Commission cannot amend the CUP at all tonight. He said that many of conditions of approval having to do with hours of use for the multi-purpose building were mitigations measures under CEQA. He stated that a draft Initial Study was prepared that determined that these changes need additional CEQA analysis, which required hiring of a consultant. Mr. Steinhauer stated that they have disagreements about what the scope of the record already was in the voluminous environmental review and therefore whether additional environmental review was required, and that is what they need to work through.

Chair Kulik opened the public hearing.

James Winter said he lives directly across from the lower Kol Shofar parking lot and asked the Commission to ensure that the current CUP conditions are being satisfied before considering changes to the terms of the CUP. He stated that the adult education classes are put on by OLLI out of the Dominican University in San Rafael and believed that the number of attendees at classes exceed the baseline numbers in the CUP and resulted in substantial spillover of traffic and parking in the neighborhood. He stated that OLLI staff informed him that they actually pay a fee for the classroom space at Kol Shofar which may be a violation of another CUP condition. He said that he echoed Town staff's concerns noted throughout their report as well as comments made earlier.

Vice Chair Williams asked how many classes Mr. Winter witnessed. Mr. Winter responded that the classes were held twice weekly for 1-2 hours since the beginning of this year. He noted this is the first year he has noticed parking spilling over.

Vice Chair Williams asked if it was Mr. Winter's experience as a neighbor that Kol Shofar has been able to work through parking issues when issues have been brought to their attention, given this has been an ongoing issue for them around certain holidays. Mr. Winter stated that parking management around the High Holy Days is satisfactory.

Chair Kulik closed the public hearing.

Vice Chair Williams stated the issue at hand to review whether Kol Shofar has been in substantial compliance with the terms of the CUP. She said that she was mindful about the

parking issue around adult education and thankful that this was brought to the Commission's attention. She has noticed improved compliance over time in managing the High Holy Days situation and other areas. She believed that the one issue did not indicate that Kol Shofar is not in substantial compliance with the CUP and she would find they are. She noted that when other parking issues come up Kol Shofar has determined how to best remedy the situation so it is not an ongoing problem. She stated that she looked at the landscaping and felt that the entire facility looks terrific. She commended Kol Shofar for meeting the many conditions imposed upon them. She said that while not before the Commission tonight, she would be open to extending the review period to 2 years to minimize the burden on Kol Shofar.

Commissioner Corcoran said that he was on the Design Review Board 8 years ago when the Kol Shofar CUP was approved and there is an amazing and significant difference now. He supported changing the frequency of reviews and hoped that at the next review a modification can be requested. He said that notwithstanding a few issues regarding the adult education classes he believed that Kol Shofar is in substantial compliance. He said that Kol Shofar is a valued member of the community he hoped to have a more robust discussion in the future to help Kol Shofar thrive.

Chair Kulik said that this is his third review of the CUP and there have been fewer complaints each time. He stated that the substantial compliance issue was not debatable. He thought that perhaps the non-member activity is the cause of the parking issue. He felt that distributing parking information at registration should help address the issue. He noted Mr. Steinhauer's own admission that appearing before the Commission is not that onerous and thought that the reviews provide a good community forum. He agrees with his colleagues that Kol Shofar was in substantial compliance with their CUP.

ACTION: M/S (Williams/Corcoran) to find and determine that Kol Shofar is in substantial compliance with its conditional use permit. Motion carried: 3-0.

## MINUTES

### 3. Planning Commission Minutes – Regular Meeting of August 12, 2015

Vice Chair Williams requested the following correction:

- Page 5, 2<sup>nd</sup> paragraph, 4 lines up: “Vibrancy to the Town would outweigh the probability ~~probably~~ of harm...”

ACTION: It was M/S (Corcoran/Williams) to approve the minutes of the August 12, 2015, as amended. Motion carried: 3-0.

## ADJOURNMENT

The Planning Commission adjourned the meeting at 9:15 p.m.

## Dan Watrous

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**From:** Kaia Burkett [kburkett@kolshofar.org]  
**Sent:** Friday, September 23, 2016 10:20 AM  
**To:** Dan Watrous  
**Subject:** Info for CUP Report

Dear Dan,

Please find below the information for the Town of Tiburon annual review of the Kol Shofar conditional use permit. Kol Shofar has been in compliance with the CUP consistent with past reporting years. Below are the specific numbers that you requested.

1. What is the current day school enrollment? 72 registered with a daily attendance between 59 and 63.
2. How many Friday evening congregational dinners following services and how many Shabbat dinners have been held in 2016? 4 Friday evening congregational dinners.
3. Have any Monday evening classes been held in 2016? No Monday evening classes.
4. How many member-sponsored events have been held in 2016? No Saturday member-sponsored event.
5. Have any Sunday member-sponsored events been held in 2016? One Sunday member-sponsored event.
6. What was the date of the closing Sunday School ceremonies and celebration in 2016? May 22, 2016

There has been no change in membership.

I'm am out of the office from later this morning until Monday, October 3<sup>rd</sup>. If there is anything else you need for the report/meeting, I'm happy to get that to you once I'm back in the office.

Sincerely,  
Kaia

Kaia Burkett  
Executive Director  
Congregation Kol Shofar  
(415) 388-1818, ext. 103

<http://kolshofar.org>



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EXHIBIT NO. 9

# MONITORING REPORT FOR CONGREGATION KOL SHOFAR

MONDAY, OCTOBER 3, 2016

## I. INTRODUCTION AND SUMMARY

Monitoring of parking and traffic conditions for the Congregation Kol Shofar Rosh Hashanah services on October 3, 2016 were conducted by Planning Division staff periodically throughout the day from 8:00 AM to 1:15 PM. The daytime weather was overcast with light rain sprinkles, and temperatures in the 60-70 degree range. Services began at 9:00 AM, with attendees arriving gradually and arrivals peaking around 10:30 AM. Services ended at 1:00 PM, with participants leaving gradually over the next hour. No alarming traffic instances (such as accidents or near-misses) were observed by staff.

Observations began with surveys of on-site parking lots, surrounding streets, and the Westminster Church remote parking lot at 8:30 AM. The shuttle was in place and operational at the Westminster Church prior to 8:30 AM, although only 8 cars were counted in the lot at that time. The on-site Kol Shofar parking lots were sparsely occupied, although traffic monitors were present in the lot. The Tiburon Police Department officer assigned to the event was parked in his car on Reedland Woods Way near the parking lot entrance. Surrounding streets appeared to be occupied by typical resident vehicles and there was no evidence of any Kol Shofar-related parking on these streets. Temporary no parking signs were in place before 8:30 AM on the east side of Blackfield Drive from Karen Way to Corte San Fernando.

Mid-event on-street parking surveys were conducted at 10:30 AM and at 1:15 PM. At these times, the on-site lot was nearly full. Event parking on Blackfield Drive was beyond the intersection with Via San Fernando and along Karen Way and Claire Way. The Westminster Church remote lot was observed to hold up to 42 cars and the Golden Gate Seminary parking lot was observed at 10:30 to hold 35 cars. The Tiburon Baptist Church parking lot was observed to hold only 7 cars at 10:30 AM.

At its peak in the evening shortly after 10:30 APM, the event largely filled the Kol Shofar parking lot and had noticeable parking spillover onto Blackfield Drive, Karen Way and Claire Way, with additional spillover onto Via San Fernando and at the top of Via Los Altos. Event-related parking on neighborhood streets appeared somewhat greater than was counted in prior years during High Holy Days events. The Westminster Church remote parking lot also showed increased usage as compared to that counted in prior

years. The Golden Gate Seminary and Tiburon Baptist Church parking lots were not observed to be used in previous years.

## II. PARKING COUNTS AND OBSERVATIONS

On-site parking. At maximum event attendance shortly after 10:30 PM, the on-site parking lot appeared full, while at other observed times it was not nearly at capacity.

Off-site parking. The off-site parking lots at Westminster Church, Golden Gate Seminary and Tiburon Baptist Church were not near capacity at any of the observation times. On-street parking showed moderate spillover into the Bel Aire streets (primarily Karen Way, Claire Way and Blackfield Drive) during much of the morning, slightly greater than that found during prior-year monitoring sessions, which were taken during evening and Yom Kippur services.

**Table 1** below shows periodic totals of on-street parking counted during the observation sessions.

**Table 1 – On-Street Event Parking**

Time	Via Los Altos <sup>1</sup>	Reedland Woods Way <sup>2</sup>	Upper Blackfield Drive <sup>3</sup>	Lower Blackfield Drive <sup>4</sup>	Karen Way <sup>5</sup>	Claire Way <sup>6</sup>	TOTAL
8:30 AM	1	5	2	18	20	10	56
10:30 AM	4	15	14	67	40	39	179
1:15 PM	3	13	6	42	27	34	125

*NC = Not counted; only resident parking was observed at this pre-event time*

*RO = Resident only parking (prior to event)*

<sup>1</sup> *Via Los Altos is red-curbed along the Kol Shofar frontage, with the exception of two spaces on the south side of Via Los Altos immediately west of Blackfield Drive.*

<sup>2</sup> *Reedland Woods Way was blockaded by Tiburon police who controlled all inbound and outbound vehicles, restricting parking to residents only.*

<sup>3</sup> *Blackfield Drive from Karen Way to Corte San Fernando.*

<sup>4</sup> *Blackfield Drive from Karen Way to Cecilia Way.*

<sup>5</sup> *Karen Way from Blackfield Drive to Leland Way.*

<sup>6</sup> *Western portion of Claire Way below Karen Way*

Remote parking. Vehicle counts in the one remote lot observed are presented in **Table 2**. At maximum use levels during the observations, the Westminster Church lot had considerable remaining capacity.

**Table 2 – Remote Lot Parking**

Time	Westminster Church	Tiburon Baptist	Golden Gate Seminary	Total Vehicles in Remote Lots
8:30 AM	8	NC	NC	8
10:45 AM	42	7	35	84
1:15 PM	38	NC	NC	38

NC = Not Counted for this Event.

### **III. CONCLUSIONS**

The established parking controls for major events such as the High Holy Days services appear to continue to largely achieve their goals and prevent major neighborhood disruption from parking overflow.

In contrast to conditions on neighborhood streets prior to any of the current mitigation measures being in place during High Holy Days events (see attached photographs from 1996), the parking and traffic safety impacts on the surrounding neighborhood streets were slightly higher, but did not create any disruption to traffic flow in the area.

Staff did not receive any phone calls, letters, or e-mails this year from neighborhood residents voicing concerns or complaints about traffic or parking during the High Holy Days services. Staff did receive an e-mail several days before Rosh Hashanah from a neighbors stating that Kol Shofar did not mail notices to the surrounding neighbors as required under Section 5 (B[i]{a}) of their conditional use permit.

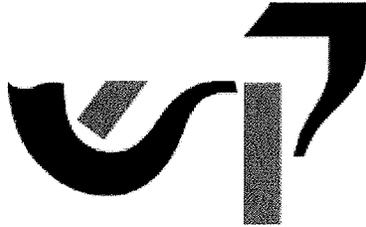
## Dan Watrous

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**From:** Kol Shofar [jdavis=kolshofar.org@mail45.atl111.rsgsv.net] on behalf of Kol Shofar [jdavis@kolshofar.org]  
**Sent:** Tuesday, September 13, 2016 5:22 PM  
**To:** Dan Watrous  
**Subject:** A Message to Our Neighbors: High Holy Days 2016

Our High Holy Days are Upcoming

[View this email in your browser](#)



**To Our Neighbors**  
**A Message About Our High Holy Days**

Dear Neighbors,

I am writing to give you a neighborly heads up regarding the dates for the Jewish New Year and High Holy Days Services at Congregation Kol Shofar. They are:

**Rosh Hashanah**

**Sunday, October 2 from 8:00 to 9:00 p.m.**

**Monday, October 3 from 8:30 a.m. to 1:30 p.m.**

**Tuesday, October 4 from 8:30 a.m. to 12:30 p.m.**

**Yom Kippur**

**Tuesday, October 11 from 6:45 to 8:30 p.m.**

**Wednesday, October 12 from 8:30 a.m. to 8:00 p.m.**

The ten days between Rosh Hashanah and Yom Kippur are the holiest days of the Jewish New Year. It is a time of introspection. We look at our personal mistakes of the past year, plan the changes that we want to make in the coming year, and ask God and other people in our lives for forgiveness.

At Congregation Kol Shofar, we work hard to make these days spiritual, joyous, and comfortable for ourselves and for you, our neighbors. Should you wish to learn about and experience any of our services, with or without children, we would love to have you with us. Please contact me if you would like complimentary tickets for any of the services.

As required by the Town of Tiburon Conditional Use Permit, we assign our current members to various parking lots throughout Tiburon and Mill Valley. We engage a shuttle service that takes people to and from these lots, and we have hired private monitors/valets for each lot.

We provide tickets to all services to our current member families and to those who have contacted us in advance. Other people from the greater community who come

EXHIBIT NO. 11

to worship and who may not have called in advance may not have tickets and may not be aware of our parking policies despite all communications that encourage people to call in advance for tickets. It is our policy not to turn anyone away from worship and, as such, they will be using available street parking as needed.

We work with the Tiburon Police department with regard to traffic. Temporary, enforceable 'NO PARKING' signs will be placed as required in the conditional use permit on the southeast side of Blackfield between Congregation Kol Shofar and Karen Way. The no parking schedule is:

**Sunday, October 2 from 4:00 to 10:00 p.m.**

**Monday, October 3 from 6:00 a.m. to 2:30 p.m.**

**Tuesday, October 4 from 6:00 a.m. to 2:00 p.m.**

**Tuesday, October 11 from 4:00 to 10:00 p.m.**

**Wednesday, October 12 from 6:00 a.m. to 10:00 p.m.**

We engage the Tiburon Police Department to provide traffic monitors on Blackfield Drive at Reedland Woods and Via Los Altos during heavier traffic times, and directional signage will be placed at appropriate points on Blackfield. We also hire private security for our building.

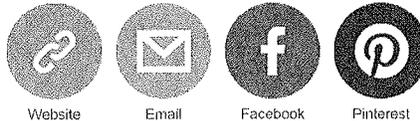
On behalf of the Board of Directors, clergy, and members of Congregation Kol Shofar, we wish that you and your family have a happy, healthy, and prosperous new year and we thank you for your continued support.

Warmly,

Kaia Burkett, Executive Director

[kburkett@kolshofar.org](mailto:kburkett@kolshofar.org)

(415) 388-1818, ext.103



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215 Blackfield Drive, Tiburon, CA 94920

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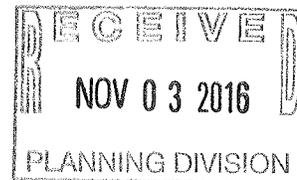
EXHIBIT NO. 61

LATE MAIL #PH-1

**Dan Watrous**

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**From:** Winter [sanfranwinter@aol.com]  
**Sent:** Thursday, November 03, 2016 8:46 AM  
**To:** Scott Anderson; Dan Watrous  
**Subject:** Kol Shofar



Dear Dan and Scott,

I saw in the Ark that Congregation Kol Shofar is having their annual CUP review next week with the Town. I would like to add a letter on record for the review.

Dominican University and Kol Shofar are offering two classes in the winter semester at the Kol Shofar facility like they have in the past. They are on Tuesdays and Friday (2 separate classes). In the previous semesters that these Dominican classes have been offered at Kol Shofar, the parking lot has been past capacity to where students of the classes are utilizing street parking as the Kol Shofar parking lot is full.

My understanding from the CUP in place is that Kol Shofar should be implementing parking management measures for events that exceed 90% of the onsite parking capacity. While there probably are not 2.3 persons per car for these classes, the onsite parking capacity is over 90% utilized because more cars are parking than there are spots available. In the past few years of these classes, cars have used overflow parking on the streets which assumes the parking lot has been full.

My expectation is that Kol Shofar would follow the CUP by limiting events that cause overflow from the parking lots to the street OR institute the required parking management measures (as outlined in the current CUP).

Here is the link to the two classes offered on Dominican's website. You need to scroll down to Tuesday and then Friday to see the ones at Kol Shofar.

[http://www.dominican.edu/academics/osher/copy4\\_of\\_winter-2015-course-offerings](http://www.dominican.edu/academics/osher/copy4_of_winter-2015-course-offerings)

In addition, no notices were sent to neighbors this year (as required by the CUP) for the high holidays parking management program to know when it would start, what the length of time it was, etc.

Please let me know if you have questions.

Sincerely,  
Samantha Winter  
220 Blackfield Drive