

FINAL ENVIRONMENTAL IMPACT REPORT

BELVEDERE-TIBURON LIBRARY EXPANSION PROJECT

SCH# 2009052003

Prepared for:

Town of Tiburon

Scott Anderson

Director of Community Development

1505 Tiburon Boulevard

Tiburon, California 94920



Belvedere-Tiburon Library Expansion Project

Final Environmental Impact Report

STATE CLEARINGHOUSE NO. 2009052003

August 2011

**Prepared for: Town of Tiburon
Planning Division
1505 Tiburon Boulevard
Tiburon, California 94920**

**Prepared by: Leonard Charles and Associates
7 Roble Court
San Anselmo, California 94960
415.454.45**

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CHAPTER 1

INTRODUCTION

A. PROJECT DESCRIPTION

The Belvedere-Tiburon Library Agency (the project applicant) proposes to expand the existing Belvedere-Tiburon Public Library through the construction of a two-story addition. The existing 10,500 square foot (sf) Library (11,990 sf including a mechanical mezzanine area) would be expanded to 28,500 sf (29,990 sf including the mechanical mezzanine area) in floor area. The project would also result in changes to vehicular access points; changes to site parking, including the installation of a new fifty-two (52) car parking area; and relocation of the existing Zelinsky Park. The project would also include lighting and landscaping improvements, including the installation of a Town Plaza and Zelinsky Promenade/Garden Plaza extending from Tiburon Boulevard to Zelinsky Park, restoration of the existing Zelinsky Park area, landscaping, and installation of a Story Time Area and Staff Patio.

B. EIR PROCESS AND RESPONSE TO COMMENTS FORMAT

In June 2010, a Draft EIR (DEIR) prepared for the proposed Belvedere-Tiburon Library Expansion Project (hereafter referred to as “the project”) was circulated for public review and comment. During the public review phase, the Town received 12 comment letters on the DEIR. Additional oral comments were made at the Tiburon Planning Commission’s July 14, 2010 public hearing on the DEIR.

Subsequent to the Planning Commission public hearing, the Town determined that a Revised Draft EIR should be prepared and circulated for public review. Based on comments received, the Town determined that most of the DEIR did not require revision. The sections that did require substantial revision were biological resources (Section I1.3D), transportation/traffic (Section VPH), and alternatives to the proposed project (Section VI). Because the mitigations and conclusions contained in those three sections affect various summary discussions in other sections of the DEIR, those sections have been revised accordingly (i.e., Section VIA – Summary of Significant and Unavoidable Impacts and Section II- Executive Summary).

The Revised DEIR described the public review process for that document. It stated:

- *The public review phase for the DEIR except for the sections included in this RDEIR is closed. Comments submitted on the original DEIR on matters not included in the five recirculated sections will be responded to in the Final EIR. The Town will not accept additional comments on those sections.*
- *Comments submitted on the original DEIR on biological resources, transportation/traffic, and/or alternatives to the proposed project will not be responded to. In revising these sections, the EIR consultants have attempted to address the concerns and suggestions made by the commenters. As such, the original comments may no longer be pertinent to the revised EIR sections. Individuals and agencies who submitted those original comments will need to*

review the revised sections in this RDEIR and submit new comments on those revised sections if they feel that their comments have still not been adequately addressed. Consistent with CEQA Guidelines Section 15088.5(f)(3), individuals, groups, and agencies who commented on these sections of the original DEIR have been notified that they will need to submit new comments on these recirculated sections.

- *The Town will accept comments from any agency, group, or individual on the sections included in this RDEIR, whether or not the commenter submitted comments on these sections during the original review phase.*

As such, this Final EIR responds to written and oral comments on the original DEIR that concern areas other than biological resources, traffic, or project alternatives. The Final EIR also responds to new comments received on the Draft Revised DEIR that pertain to biological resources, traffic, and project alternatives.

The public review period for the Revised DEIR began on March 24 2011 and ended on May 9, 2011.

This Final EIR provides a thorough analysis of the comments received on the Draft EIRs and responds to the comments consistent with the requirements of CEQA. Where comments were received that expressed disagreement with the conclusions of the Draft and Revised Draft EIRs, the responses clearly address the issue by modifying the Draft or Revised Draft EIR, providing additional mitigation, or justifying the conclusion that the analysis in the Draft and Revised Draft EIR is correct. This approach will allow the Tiburon decision-makers to make an informed decision on the project.

Chapter 2 of this report contains the comment letters received and responses to the comments contained in those letters. Those comments and responses are followed by a summary of comments delivered at the two public hearings that were held on the adequacy of the DEIR and the Revised Draft EIR.

Chapter 3 of this report describes the text changes to the Revised Draft EIR needed to complete the Final EIR. These changes were deemed necessary or desirable given certain comments received.

Chapter 4 includes the Mitigation Monitoring Program for the project that describes how required mitigation measures will be implemented and monitored.

CHAPTER 2

WRITTEN COMMENTS AND RESPONSES ON THE DEIR

This chapter provides responses to the written and verbal comments received by the Town during the two public review periods. This section begins with a list of the commentors and where their letter and the EIR preparers' response to the comments can be found. Each letter is followed by a response page(s). Each letter's comments and corresponding responses are numbered for easy reference.

A. LIST OF COMMENTERS ON THE DRAFT AND REVISED DRAFT EIRS

The Town received 13 comment letters on the original DEIR. Two of those letters – one from Nona Dennis for the Marin Conservation League (dated June 21, 2010) and one from Barbara Salzman for the Marin Audubon Society (dated July 24, 2010) addressed biological resources. One letter from the California Department of Transportation (dated July 26, 2010) addressed traffic issues. Those letters are included but not responded to in this Final EIR. All three of these commenters subsequently submitted new comment letters on the Revised DEIR, and responses are provided to these new letters. The following table lists the letters and verbal comments on the original Draft EIR

<u>Original DEIR</u>		Comment	Response
Commenter	Date	Page	Page
1. State Office of Planning and Research	6/20/10	5	7
2. Matthew Huang (State Department of Toxic Substances Control)	7/21/10	8	13
3. Dain Anderson (MMWD)	7/26/10	14	15
4. Jon LaHaye	3/23/11	16	18
5. Leslie Doyle and Alan K. Brune (Belvedere-Tiburon Landmarks Society)	7/26/10	19	22
6. Lois B. Epstein (Belvedere-Tiburon Library Agency)	7/20/10	23	26
7. Jessica Stuart Pliner	3/22/11	27	28
8. Marti and Jay Andrews	6/25/10	29	30
9. Robert and Connie Peirce	7/23/10	31	32
10. Therese M. Hennessey	7/14/10	33	34
11. Nona Dennis (Marin Conservation League)	6/21/10	35	37
12. Barbara Salzman and Phil Peterson (Marin Audubon Society)	7/24/10	38	42
13. Lisa Carboni (California Department of Transportation)	7/26/10	43	45
14. Tiburon Planning Commission Public Hearing	7/14/10	46	52

The following table lists the 15 letters and verbal comments received on the Revised Draft EIR

Revised DEIR

Commenter	Date	Comment Page	Response Page
15. State Office of Planning and Research	5/11/11	53	55
16. Becky Frank (California Department of Transportation)	4/29/11 6/03/11	56	60
17. John Corcoran (Tiburon Planning Commission)	5/03/11	62	65
18. William G. Kuhns (Belvedere-Tiburon Library Agency)	4/19/11	70	72
19. Nona Dennis (Marin Conservation League)	5/09/11	73	75
20. Barbara Salzman and Phil Peterson (Marin Audubon Society)	5/09/11	76	78
21. Martin Cannon	4/01/11	82	85
22. John E. Sanford	4/23/11	86	87
23. Joyce Griffin	4/29/11	88	89
24. Barry and Fran Wilson	5/08/11	90	93
25. Marti Andrews	5/09/11	94	95
26. Elisabeth G. Gleason	5/09/11	96	98
27. Stephan C. Volker	5/09/11	99	103
28. Connie and Bob Peirce	5/09/11	104	110
29. Tiburon Planning Commission Public Hearing	4/27/11	111	114

B. RESPONSES TO COMMENTS ON DRAFT EIR

Responses were prepared by the EIR consulting team, including:

Leonard Charles and Associates

Leonard Charles, Ph.D.	Project Manager
Lynn Milliman	Environmental Analyst
Jacoba Charles	Environmental Analyst

C. COMMENTS AND RESPONSES ON DRAFT EIR

The following section of this report contains the letters received and responses to those letters. Each letter is followed by a response page(s). Each comment and its corresponding response are numbered.



JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



May 10, 2011

RECEIVED
MAY 12 2011

Scott Anderson
City of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

PLANNING DIVISION

Subject: Belvedere-Tiburon Library Expansion
SCH#: 2009052003

Dear Scott Anderson:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 9, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

1-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009052003
Project Title Belvedere-Tiburon Library Expansion
Lead Agency Tiburon, City of

Type EIR Draft EIR
Description Approximately 18,000 sf expansion of existing Library facility, relocation and expansion of existing parking lot, relocation of existing park, installation of site landscaping, changes to access from SR 131.

Lead Agency Contact

Name Scott Anderson
Agency City of Tiburon
Phone (415) 435-7392 **Fax**
email
Address 1505 Tiburon Boulevard
City Tiburon **State** CA **Zip** 94920

Project Location

County Marin
City Tiburon
Region
Lat / Long 37° 52' 37" N / 122° 27' 41" W
Cross Streets Tiburon Boulevard/Mar West Street
Parcel No. Various
Township

Range **Section** **Base**

Proximity to:

Highways Hwy 131
Airports
Railways
Waterways Railroad Marsh, Belvedere Lagoon
Schools Reed Elementary
Land Use Public/Quasi-Public, Open Space (both Zoning and GP)

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 03/24/2011 **Start of Review** 03/24/2011 **End of Review** 05/09/2011

Response to Letter from Scott Morgan, State Clearinghouse

- 1-1. This is a cover letter that states that the Town has complied with State Clearinghouse review requirements for draft environmental documents that are subject to CEQA. No response is required.

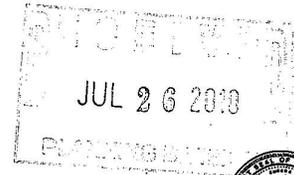


Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
700 Heinz Avenue
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

9

July 21, 2010

Scott Anderson
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, California 94920

Draft Environmental Impact Report
Belvedere-Tiburon Library Expansion Project
SCH# 2009052003

Dear Mr. Anderson:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Belvedere-Tiburon Library Expansion Site. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Resource Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

The Draft EIR does not include a thorough description of the property's historical uses, without this information we are unable to determine whether hazardous substances may have been released into the soil at the Site. We strongly recommend that a historical assessment of past uses be done. Based on that information, sampling should be conducted to determine whether there is an issue which will need to be addressed in the CEQA compliance document. If hazardous substances have been released, they will need to be addressed as part of this project.

2-1

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation

Scott Anderson
July 21, 2010
Page 2

impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

If you have any questions or would like to schedule a meeting, please contact me at (510) 540-3740. Thank you in advance for your cooperation in this matter.

Sincerely,



Matthew Huang, Project Manager
Northern California – Site Mitigation Cleanup Branch

Enclosures

cc: without enclosures

Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806



California Environmental Protection Agency
Department of Toxic Substances Control



The Voluntary Cleanup Program

The California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) has introduced a streamlined program to protect human health, cleanup the environment and get property back to productive use. Corporations, real estate developers, local and state agencies entering into Voluntary Cleanup Program agreements will be able to restore properties quickly and efficiently, rather than having their projects compete for DTSC's limited resources with other low-priority hazardous waste sites. This fact sheet describes how the Voluntary Cleanup Program works.

Prior to initiation of the Voluntary Cleanup Program, project proponents had few options for DTSC involvement in cleaning up low-risk sites. DTSC's statutory mandate is to identify, prioritize, manage and cleanup sites where a release of hazardous substances has occurred. For years, the mandate meant that, if the site presented grave threat to public health or the environment, then it was listed on the State Superfund list and the parties responsible conducted the cleanup under an enforcement order, or DTSC used state funds to do so. Because of staff resource limitations, DTSC was unable to provide oversight at sites which posed lesser risk or had lower priority.

DTSC long ago recognized that no one's interests are served by leaving sites contaminated and unusable. The Voluntary Cleanup Program allows motivated parties who are able to fund the cleanup -- and DTSC's oversight -- to move ahead at their own speed to investigate and remediate their sites. DTSC has found that working cooperatively with willing and able project proponents is a more efficient and cost-effective approach to site investigation and cleanup. There are four steps to this process:

- / Eligibility and Application
- / Negotiating the Agreement
- / Site Activities
- / Certification and Property Restoration

The rest of this fact sheet describes those steps and gives DTSC contacts.

The Voluntary Cleanup Program

Step 1: Eligibility and Application

Most sites are eligible. The main exclusions are if the site is listed as a Federal or State Superfund site, is a military facility, or if it falls outside of DTSC's jurisdiction, as in the case where a site contains only leaking underground fuel tanks. Another possible limitation is if another agency currently has oversight, e.g., a county (for underground storage tanks). The current oversight agency must consent to transfer the cleanup responsibilities to DTSC before the proponent can enter into a Voluntary Cleanup Program agreement. Additionally, DTSC can enter into an agreement to work on a specified element of a cleanup (risk assessment or public participation, for example), if the primary oversight agency gives its consent. The standard application is attached to this fact sheet.

If neither of these exclusions apply, the proponent submits an application to DTSC, providing details about site conditions, proposed land use and potential community concerns. No fee is required to apply for the Voluntary Cleanup Program.

Step 2: Negotiating the Agreement

Once DTSC accepts the application, the proponent meets with experienced DTSC professionals to negotiate the agreement. The agreement can range from services for an initial site assessment, to oversight and certification of a full site cleanup, based on the proponent's financial and scheduling objectives.

The Voluntary Cleanup Program agreement specifies the estimated DTSC costs, scheduling for the project, and DTSC services to be provided. Because every project must meet the same legal and technical cleanup requirements as do State Superfund sites, and because DTSC staff provide oversight, the proponent is assured that the project will be completed in an environmentally sound manner.

In the agreement, DTSC retains its authority to take enforcement action if, during the investigation or cleanup, it determines that the site presents a serious health threat, and proper and timely action is not otherwise being taken. The agreement also allows the project proponent to terminate the Voluntary Cleanup Program agreement with 30 days written notice if they are not satisfied that it is meeting their needs.

Step 3: Site Activities

Prior to beginning any work, the proponent must have: signed the Voluntary Cleanup Program agreement; made the advance payment; and committed to paying all project costs, including those associated with DTSC's oversight. The project manager will track the project to make sure that DTSC is on schedule and within budget. DTSC will bill its costs quarterly so that large, unexpected balances will not occur.

Once the proponent and DTSC have entered into a Voluntary Cleanup Program agreement, initial site assessment, site investigation or cleanup activities may begin. The proponent will find that DTSC's staff includes experts in every vital area. The assigned project manager is either a highly-qualified Hazardous Substances Scientist or Hazardous Substances Engineer. That project manager has the support of well-trained DTSC toxicologists, geologists, industrial hygienists and specialists in public involvement.

The project manager may call on any of these specialists to join the team, providing guidance, review, comment and, as necessary, approval of individual documents and other work products. That team will also coordinate with other agencies, as appropriate, and will offer assistance in complying with other laws, such as the Resource Conservation and Recovery Act.

Step 4: Certification and Property Restoration

When remediation is complete, DTSC will issue either a site certification of completion or a "No Further Action" letter, depending on the project circumstances. This means "The Site" is now property that is ready for productive economic use.

To learn more about the Voluntary Cleanup Program, contact the DTSC representative in the Regional office nearest you:

Southern California
Greater Los Angeles Area
Tedd Yargeau
9211 Oakdale Avenue
Chatsworth, California 91311-6505
(818) 717-6545
tyargeau@dtsc.ca.gov

Central California
Steven Becker
8800 Cal Center Drive
Sacramento, California 95826-3200
(916) 255-3586
sbecker@dtsc.ca.gov

North Coast California
Janet Naito
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2737
(510) 540-3833
jnaito@dtsc.ca.gov

Southern California
Southern/Eastern Counties
Maryam Tasnif-abbasi
5796 Corporate Avenue
Cypress, California 90630
(714) 484-5489
mtasnif@dtsc.ca.gov

Central California
Greater Fresno Area
Kevin Shaddy
1515 Tollhouse Road
Clovis, California 93612
(559) 297-39329
kshaddy@dtsc.ca.gov

Response to Letter from Matthew Huang, California Department of Toxic Substances Control

- 2-1. The Draft EIR determined that any impacts associated with hazardous substances would be less than significant. The Initial Study prepared in 2004 reached this same conclusion (*Initial Study for the Belvedere-Tiburon Library Proposed Expansion General Plan Amendment and Rezoning*, March 2004, Amy Skewes-Cox et al.). There was no response to the NOP circulated for the Draft EIR that indicated any additional study was warranted. Much of the site proposed for development is either already developed land (i.e., the site of the Town Hall and existing Library) or previously-disturbed (i.e., Zelinsky Park). The Town has no evidence that any businesses using or storing hazardous materials used the area currently developed with the library and the Town offices, and no additional study is warranted.

8

Scott Anderson

From: Dain Anderson [danderson@marinwater.org]
Sent: Monday, July 26, 2010 3:36 PM
To: Scott Anderson
Cc: Jon LaHaye; Una Conkling
Subject: Tiburon library Expansion Draft EIR - Comments from MMWD

Hi Scott,

Thank you for providing the Marin Municipal Water District the opportunity to review and **3-1** comment on the Draft EIR for the Belvedere-Tiburon Library Expansion Project. Our comments follow:

1. Based on the site plans presented in the Draft EIR it appears that the new parking area may conflict with an existing 8-inch water main that traverses the project site. Typically the District's water mains are installed with about 30-inches of cover. The project cross-section drawings indicate some lowering of the existing grade and the installation of pervious pavement typically involves the installation of a foot or two of drain rock below the surface. There is a potential that this activity will result in damage to the water main and/or not provide sufficient cover to protect the main from future damage. The proposed changes in grade and construction activity above the water main represent an unacceptable risk to the District's facilities. As indicated in the Draft EIR the water line will need to be relocated.

The Town of Tiburon will need to execute a Pipeline Relocation Agreement with the MMWD. All costs associated with the pipeline relocation will be the responsibility of the project.

2. MMWD Service No. 60960 provides water to Parcel No. 058-171-94 for the Belvedere-Tiburon Library. The proposed expansion will not impair the District's ability to continue service to this property. However, District records indicate the property is operating above its annual water entitlement of 0.97 acre-feet. The purchase of an additional water entitlement will be required to meet the property's new demand. Service No. 61737 provides water to Parcel No. 058-171-62.

3. All landscape and irrigation plans must be designed in accordance with District Landscape Ordinance #385. Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems.

4. Should backflow protection be required, said protection shall be installed as a condition of water service.

If you have questions concerning our comments or would like to discuss them further please call me.

Dain Anderson
Environmental Services Coordinator
Marin Municipal Water District
220 Nellen Avenue
Corte Madera, California 94925-1169
(415) 945-1586
(415) 945-4953 (fax)
danderson@marinwater.org
www.marinwater.org

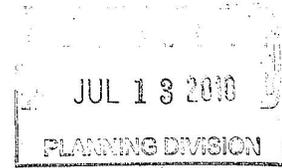
Response to Letter from Dain Anderson, Marin Municipal Water District

- 3-1. The letter lists the standard water district requirements for new projects. The project will be required to abide by all these conditions.

4

Scott Anderson

From: Jon LaHaye [jlahaye@marinwater.org]
Sent: Wednesday, June 23, 2010 8:45 AM
To: Scott Anderson
Cc: Dain Anderson
Subject: Proposed Tiburon Library Expansion



tiburon library expansion.pdf ...

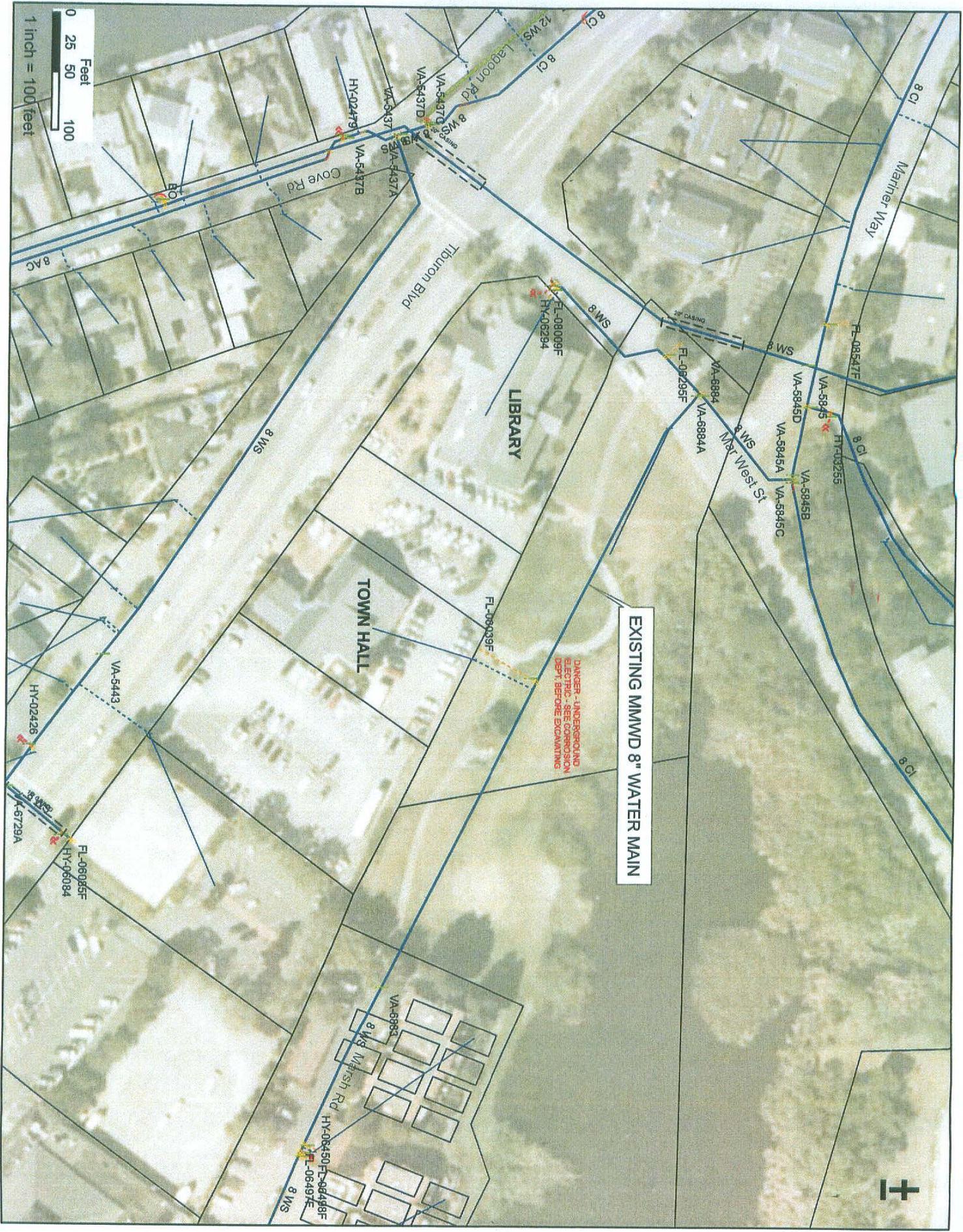
Hi Scott,

The DEIR for the subject project was circulated for staff review here at MMWD. Based on the site plans it appears that the new parking area may conflict with the District's 8-inch water main. Typically our water mains are installed with about 30-inches of cover. The cross section indicates some lowering of the existing grade and the pervious pavement typically involves the installation of a foot or two drain rock below the surface. There is a potential that this activity will result in damage to the water main and/or not provide sufficient cover to protect the main from future damage. I have attached a figure which shows the approximate location of the District's water facilities. 4-1

Can you put me in contact with someone on the project team (the Architect or their Engineering subconsultant) so that we can determine if there is a conflict?

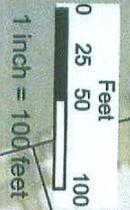
Jon M. LaHaye, P.E.
Principal Engineer

(415) 945-1589
jlahaye@marinwater.org



EXISTING MMWD 8" WATER MAIN

DANGER - UNDERGROUND
ELECTRIC - SEE CORROSION
RPT. BEFORE EXCAVATING



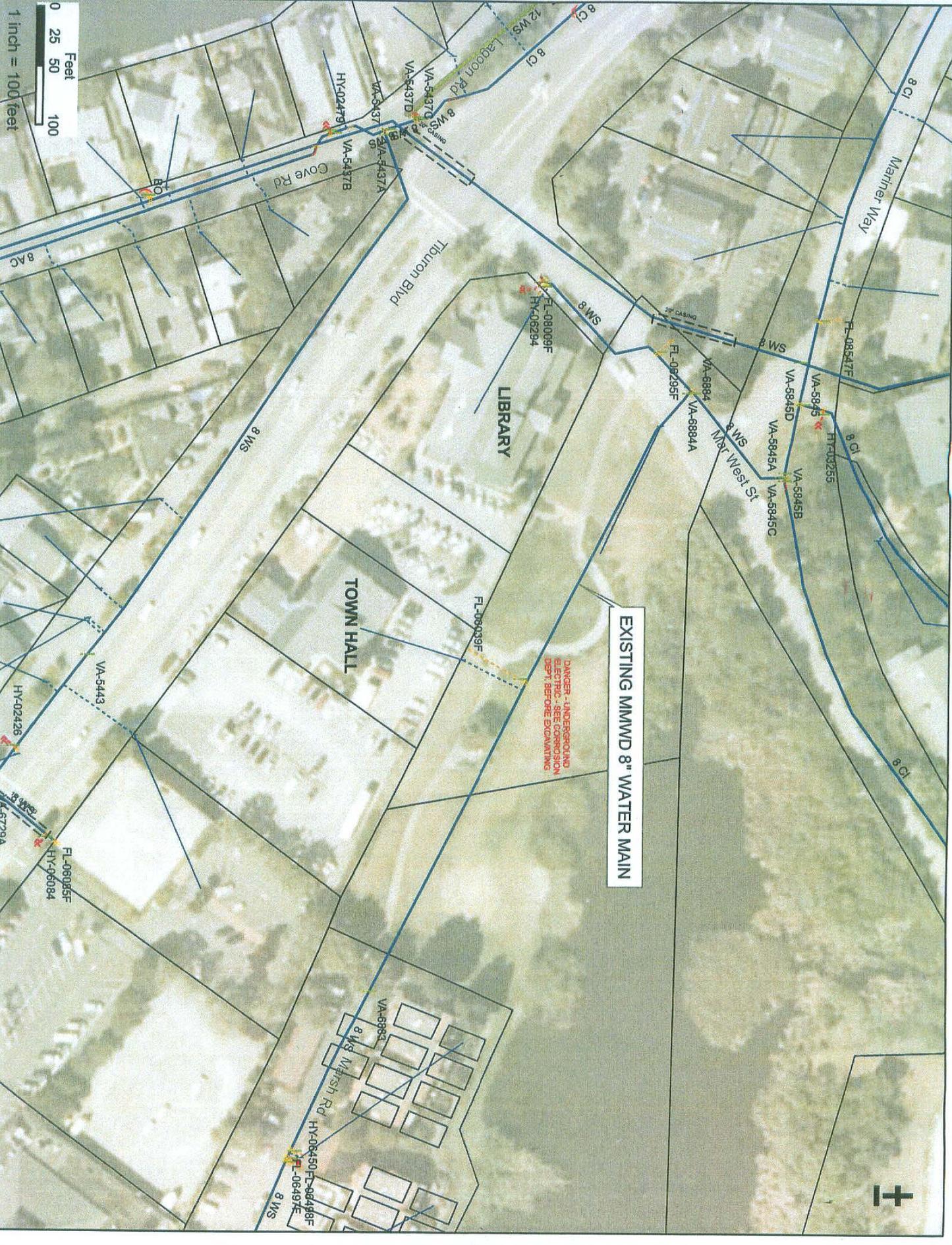
LIBRARY

TOWN HALL

Mariner Way

Tiburon Blvd

Mariner Way



Response to Letter from Jon M. LaHaye, Marin Municipal Water District

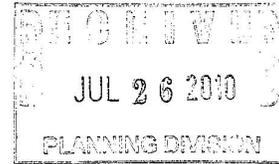
- 4-1. This letter raises a concern that was raised in Comment Letter 3 above. See the response to that letter.



LANDMARKS

Making History

Town of Tiburon
Planning Department
Tiburon Town Hall
1500 Tiburon Boulevard
Tiburon, CA 94920



We would like to comment on the current library expansion that is being proposed. We believe that the current proposal would seriously change the view of Old St. Hilary and the Open Space from Tiburon Boulevard to the point of blocking out this incredible view. 5-1

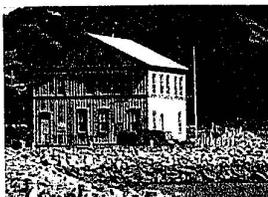
Old St. Hilary as shown on the Then and Now plaque across from the Library is the most visible landmark in Tiburon and we believe that its view from Tiburon Boulevard should not be further blocked. The current proposal has a two-story structure even though there is only one floor of usable space.

The Belvedere-Tiburon Library is a wonderful asset to our community. We hope that the library expansion committee can come up with a plan that does not diminish the architectural beauty of the Library nor the reverence for the Old St.. Hilary site and the open space views.

Sincerely,

Leslie Doyle
Co - Executive Director
Landmarks Society

Alan K. Brune
Co - Executive Director
Landmarks Society



Railroad & Ferry
Depot Museum



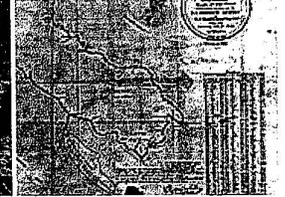
China Cabin



Old St. Hilary's



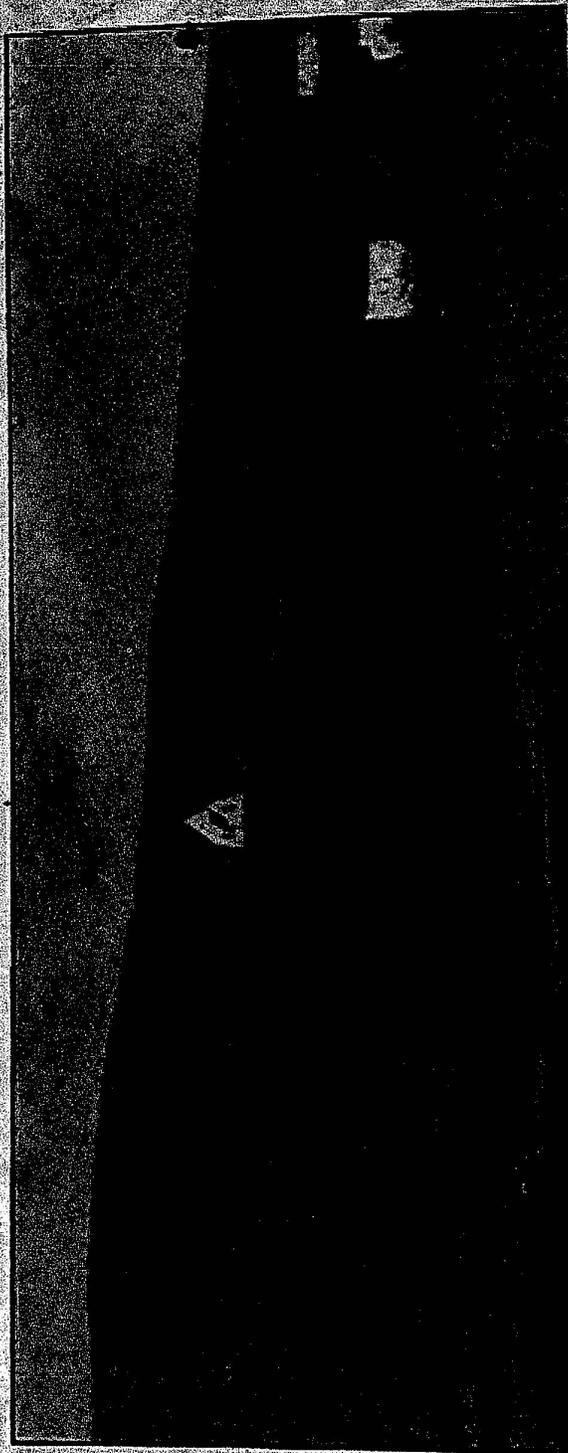
Art & Garden
Center



History
Collections

Depot in downtown Tiburon. The early photograph below was taken from the location of this panel.

COMPARE THEN AND NOW



Phillip Pannari Photo Landmarks Society Archives

OUR MOST VISIBLE LANDMARK

Old St. Hilary Church was erected in 1888 to meet the spiritual needs of the railroad workers who were mostly Irish and Italian Catholics.

This picture, from the early 1900s, is typical of many showing the church occupying its commanding vigil on the barren hillside. Now owned by the Belvedere-Tiburon Landmarks Society, the church shares its site with a unique wildflower preserve.



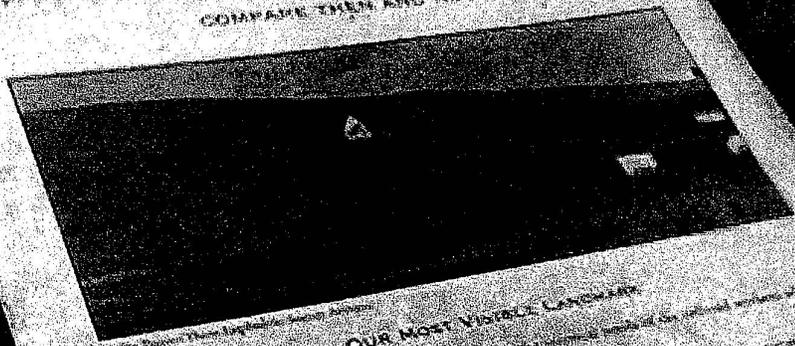
STATION 6



THE TIBURON PENINSULA HISTORICAL TRAILS

The Tiburon Historical Trail is a guided tour of the Tiburon Peninsula. It includes the Belvedere, Tiburon, and Sausalito. The trail is a great way to see the history of the area. It is a great way to see the history of the area. It is a great way to see the history of the area.

COMPARE THEN AND NOW



This picture shows the harbor in 1850.

OUR MOST VISIBLE LANDMARK

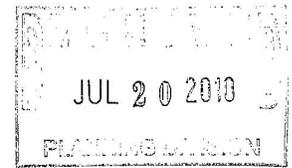
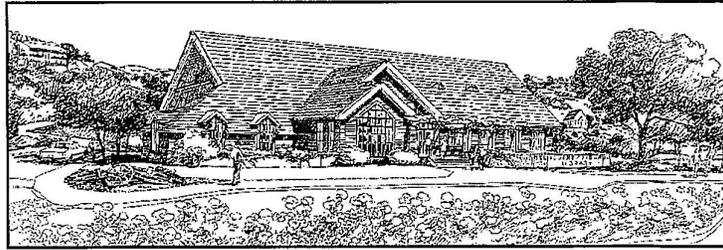
Old St. Hilary Church was erected in 1851. It is the largest building of its kind in the area. The picture, from the early 1850s, is a view of many of the buildings that were built on the harbor at that time. Also, it is a view of the harbor at that time. The picture shows the harbor at that time. The picture shows the harbor at that time.



Response to Letter from Leslie Doyle and Alan K. Burke, Belvedere-Tiburon Landmarks Society

- 5-1. The opinion is noted for the record. The DEIR concludes that the project as proposed would result in a significant and unavoidable visual impact due to blockage of the ridgeline. See the discussion of the new Alternative D in the Revised DEIR (pages 106 to 114) for a project that reduces the visual impact.

6



Belvedere - Tiburon Library
1501 Tiburon Boulevard
Tiburon, CA 94920
415-789-2665 415-789-2650 (fax)

July 20, 2010

Mr. Scott Anderson
Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

Re: Belvedere-Tiburon Library Expansion Project Draft Environmental Impact Report

Dear Director Anderson,

The members of the Belvedere-Tiburon Library Agency have reviewed the referenced DEIR dated June, 2010 and wish to formally comment as follows:

The Agency notes that of the many potentially significant negative impacts to the environment as a result of the expansion project, very few were determined to be significant and unavoidable. Of these few, air quality, noise, and vibration are simply temporary by-products of construction activity and cannot be avoided during the construction of any project. Furthermore, the Agency plans to utilize construction methods that minimize these impacts to the greatest extent possible.

Excluding the three temporary construction impacts, only two other impacts remain -- the alleged impairment of a view of Tiburon Ridge from Tiburon Boulevard, and the issue of on-site parking, each of which are addressed in-turn below.

Other than the impacts analysis, the "Project Description" section of the EIR is the only other portion of the document about which the Agency currently has comments.

Views

The Tiburon General Plan, Tiburon 2020, contains certain policies to guide development and conservation within the Town. These policies are not always entirely consistent with one another. In fact, the DEIR on page IV.F-22 points out that "...Tiburon 2020 contains many policies, which may in some cases address different goals, and thus some policies which may compete with each other." For example, the Open Space and Conservation Element contains a view policy for the protection of view

6-1

corridors and open space from key roadways, including Tiburon Boulevard. (OSC-28 & 31.) However, the Downtown Element of the General Plan then addresses development along Tiburon Blvd. and states that, "the visual presence and location of on-site parking spaces are to be made **secondary** to building storefronts, entrances and street orientation," and that, "locating parking **behind** buildings will be required wherever possible." (DT-27.) The requirement of moving building facades closer to the edge of Tiburon Blvd. is, on its face, incongruous with protecting views of open space from Tiburon Blvd. Moving a building closer to a roadway will always cut down viewing angles from said roadway. It is inappropriate to determine that a significant unavoidable impact exists on the basis of noncompliance with General Plan sections in direct conflict with one another. In fact, the DEIR itself points out that, "...the project would be generally consistent with over 90 percent of the applicable policies in Tiburon 2020 and impacts to land use consistency would be considered **less than significant**."

In addition to Policy DT-27 referenced above, a review of the Downtown Element reveals other policies and goals in conflict with policies OSC-28 & 31, and which further support the Library Expansion Project. These policies and goals include: **DT-F**: "To enhance Downtown's public facilities and amenities for the benefit of all users;" **DT-28**: "A mix of two and three story buildings is encouraged for new construction;" and **DT-35**: "Support an appropriate expansion of the Belvedere-Tiburon Public Library adjacent to Zelinsky Park." The application of DT-27 and 28 would limit the view of Tiburon Ridge from Tiburon Boulevard each time a building is constructed or redeveloped and required to be sited toward the streetscape.

An analysis of the actual view at issue also suggests that the finding of a significant unavoidable view impact is inappropriate. The proposed Library Expansion project obscures only a minimal slot-view of Tiburon Ridge. This narrow view is over and through the existing parking lot between the Library and Town Hall and is only visible from a very short stretch of Tiburon Boulevard. It strains credulity to suggest that the infringement upon this quantity of view, from such a brief stretch of roadway, would "substantially limit views of the Tiburon Ridge" from Tiburon Blvd. (EIR IV.B-10)

Parking

The on-site parking is currently, and as proposed, a facility shared by the Town Hall and the Library. According to the DEIR, an application of the Tiburon parking requirements shows a shortfall of approximately 32 on-site spaces after the proposed expansion. Approximately 21 of these spaces are attributable to the Library, while 11 are attributable to the Town Hall. The DEIR also notes that there is other off-street parking in the immediate area, particularly the private lot adjacent to Town Hall that has an additional 80 parking spaces and the on-street parking adjacent to the combined sites and in the immediate vicinity. 6-2

As the DEIR points out, neither the Library Agency nor the Town own additional land on which to expand the proposed parking lot and, therefore, the on-site parking shortfall is substantial but unavoidable.

Since the DEIR demonstrates that there is more than adequate parking in the immediate vicinity of the Library and Town Hall, the finding of significant unavoidable impact is questionable and further

consideration of this matter is requested. Particularly, why is the significant availability of adjacent parking not being considered in parking calculus?

Project Description

The history of the library is briefly discussed on Page III-1 of the EIR. The "Project Site" subsection briefly touches on the 1997 construction of the current structure and the previous railroad uses of the project site. This historical background is missing important facts that need to be included in order to present an accurate history and better understand the project and EIR as a whole. Specifically, the fact that the library was originally designed to simply be a branch outlet for the Marin County Library needs to be added. The facility actually became an independent municipal library after Belvedere and Tiburon negotiated a withdrawal from the County Library system and established a separate Joint Powers Agency. Accordingly, the current facility's size and configuration reflect its original intended role and purpose and did not contemplate the need for administration space and other features associated with a stand-alone entity. This important historical data should be included in the EIR in order for the document to accurately present the project. 6-3

Conclusion

We bring to your attention Section 15093, Statement of Overriding Considerations, of the California Environmental Quality Act Guidelines, which states: "(a) CEQA requires the decision making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'." Even if any of the above-referenced impacts remain in the final EIR, the benefits of the proposed project would easily outweigh the supposedly unavoidable adverse environmental effects. 6-4

The Library Agency respectfully requests that all of the above discussion be taken into account when the Final EIR is prepared and certified, and when the matter of project approval comes before the Town Council for consideration and action.

Please see Attachment A for a few additional comments.

Respectfully yours,



Lois B. Epstein, M.D.

Belvedere-Tiburon Library Agency

Response to Letter from Lois B. Epstein, Belvedere-Tiburon Library Agency

- 6-1. The opinions regarding visual impacts and project consistency with plan policies are noted for the record. See the discussion of Project Alternative D in the Revised DEIR (pages 106 to 114) for a project that reduces the visual impact to a less-than-significant level.
- 6-2. See the revised analysis of parking in the Revised DEIR (pages 78 to 82).
- 6-3. This data is noted for the record. It does not alter the conclusions or recommendations of the Revised DEIR.
- 6-4. The opinion about the benefits of the project outweighing remaining significant impacts is noted for the record. This is a policy question that will ultimately be decided by the Town Council.

1

Scott Anderson

From: Jessica Pliner [Jpliner@PSALaw.net]
Sent: Sunday, June 20, 2010 8:44 AM
To: Scott Anderson
Subject: Library expansion EIR



Dear Mr. Anderson,

I live at 30 Harbor Oak Drive (#22), Northwest of the proposed expansion of the library, and more importantly, on the hillside above it. I write to provide my comments regarding the environmental impact report. I have reviewed approximately 1/3 of the impact report. I cannot dedicate the time right now to thoroughly review or analyze the entire report. 7-1

The report, along with common knowledge indicates that the quality of my life will be impacted by the expansion. Most significant will be the construction noise and dust and the change in my scenic view. I pay a premium to rent my apartment and I do so because of the view. I also enjoy the quiet. While one can hear everything up on the hillside, the noise on Tiburon blvd. is somewhat masked by the sounds of birds in the area. I did not see in the report what the estimated length of time for the construction was to be, but I suspect it will last for quite some time. Additionally, I commute via the ferry and enjoy the scenic surroundings on my walk home through Zelinsky Park. 7-2
7-3

While I cannot really speak to how dire the need for the expansion is, I am opposed to the project due to the impact to the enjoyment of my home. I'd be happy to donate some spare computers to the library or to schools as an alternative to the expansion if such alternatives are still being explored. 7-4

Please do not hesitate to contact me should you have any questions or concerns

Very truly yours,

Jessica Stuart Pliner, Esq.
PHILLIPS, SPALLAS & ANGSTADT LLP
San Francisco / Los Angeles / Las Vegas
3 Embarcadero Center, Suite 550
San Francisco, CA 94111
jpliner@psalaw.net
415-278-9400, ext. 129
415-278-9411 (facsimile)

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Please consider the environment before printing this e-mail.

Response to Letter from Jessica Stuart Pliner

- 7-1. The commenter's concerns about effects on her views and noise environment are noted for the record. As no questions are asked regarding the EIR, no additional response is required.
- 7-2. The commenter is correct that the project does not include a construction timeline, but typically such projects will take at least a year, but less than two years, to complete.
- 7-3. Again, the commenter's opinion regarding the visual effects of the project are noted for the record. As no questions are asked regarding the EIR, no additional response is required.
- 7-4. The opinion and offer are noted for the record. As no questions are asked regarding the EIR, no additional response is required.

Scott Anderson

From: Marti Andrews [martiand@comcast.net]
Sent: Friday, June 25, 2010 1:09 PM
To: Scott Anderson
Subject: Library expansion

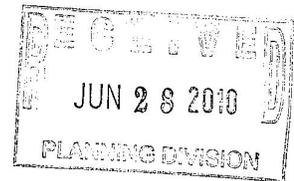
Dear Mr. Anderson

We have numerous concerns regarding the proposed 18,000 square foot expansion of the Tiburon library:

- 1. Why would a huge expansion of book shelf space be beneficial in this age of digital publishing? If anything, the library should be smaller. Bigger is not always better. 8-1
- 2. With numerous environmental concerns specified in the Draft Environmental Impact Report, we should leave the area around the library alone. Give up the beautiful surrounding marsh area, etc for a 52-car parking garage?? Bad idea! 8-2
- 3. An expansion of parking is not necessary anyway. Between the two of us, we get to the library in excess of 100 times per year (different days of the week and weekend, different times of day, afternoon, evening, etc.). We have been living in Tiburon since long before the last library expansion, and have NEVER had a problem parking there or at Town Hall. 8-3
- 4. Access from Mar West – trying to turn left onto Tiburon Blvd from Mar West is already a challenge. More traffic coming out of Mar West may necessitate a light. Please no more traffic lights – keep Tiburon charming. 8-4
- 5. the economy suggests that money would be better spent on other projects. Ideas: get more books digitized, repurpose a vacant building in town for an annex or branch of the library if more space is really needed, etc. 8-5

Thank you,

Marti and Jay Andrews
Longtime Tiburon residents



Response to Letter from Marti and Jay Andrews

- 8-1. The comment is noted for the record. As no questions were asked concerning the EIR, no additional response is required.
- 8-2. The opinion is noted for the record. As no questions were asked concerning the EIR, no additional response is required.
- 8-3. The EIR necessarily examines a worst case scenario where most people drive to the library. It is possible that the EIR overstates the parking demand.
- 8-4. The Revised DEIR assesses impacts to this intersection. The project plus cumulative development does warrant a signal at this intersection and Mitigation Measure TRANS-8 states that the Town will apply to Caltrans for signalization of the intersection once traffic increases to a level that a signal is warranted.
- 8-5. The opinion is noted for the record. As no questions were asked concerning the EIR, no additional response is required.

7.

Scott Anderson

From: Robert Peirce [bob@ocadian.com]
Sent: Friday, July 23, 2010 4:25 PM
To: Scott Anderson; Dan Watrous
Subject: Objection to LIBRARY EXPANSION as designed

Greetings,

Please consider this message as our formal expression of concern about the expansion of the library as it is now proposed.

My wife and I lived in Tiburon for over twenty years, and moved to the Belvedere Lagoon in 2007. Our home is at 36 Cove Road, Belvedere...right at the intersection of Cove and Lagoon Roads...at Tiburon Blvd....directly across from the library.

Our home is designed in such a way that we have only ONE second story window facing in the direction of the library. Given the design and location of the existing library structure, we are able to see the hillside behind the library...including the view of Old Saint Hillary's Church. We VERY MUCH value this view!! The proposed addition to the library (which has the structure build in what is now the parking lot between the existing library and the Town Hall) would completely eliminate this view of St. Hillary's Church and the adjacent hillside/open space. We STRONGLY OBJECT to the structure as proposed, and ask that more serious consideration be given to having the addition placed behind the existing building...and not on the Tiburon Blvd. site. We know that this concern has been mentioned by a number of other citizens who also object to the proposed massive structure across so much of Tiburon Blvd. ..blocking the same view(s) that we mentioned above.

9-1

We would like to be clear in stating that we very much appreciate having the library and the wonderful service it provides to our community, but we struggle to understand why the structure needs to triple in size to provide this service. Given the layout of our downtown area, we (and I'm sure many others) see the library as the 'gateway'. We moved to Tiburon in 1986, attracted to its quaint feeling. In 2007, we moved closer to the downtown area, again attracted to the small village atmosphere. We feel very strongly that having such an imposing structure at the entrance to downtown is out of character with the community we now so much appreciate.

We thank you for considering our concern.

Robert and Connie Peirce
36 Cove Road
Belvedere

415-435-5954 (home)

415-302-5124 (cell)

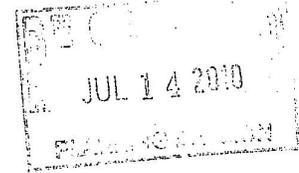
7/28/2010

Response to Letter from Robert and Connie Peirce

- 9-1. The opinion is noted for the record. The Revised DEIR includes a discussion of a project alternative that places the expansion behind the existing library (i.e., Alternative B – see pages 97 to 103 of the Revised DEIR) and an alternative that reduces the visual screening of Tiburon Ridge (see Alternative D on pages 106 to 114).

LATE MAIL # 1

THERESE "TERRY" HENNESSY
7 Marsh Road
Tiburon, CA 94920
415.717.1570 cell



5

July 14, 2010

Planning Commission
Town of Tiburon

Re: Library Expansion EIR

Dear Chairman Kunzweiller and Commissioners:

My first question would be "how was it decided to allow the Library Agency to use the entire Town of Tiburon property as their project site?" When did the residents of the Town of Tiburon decide to donate all their property and property rights to the Library Agency?

10-1

I moved to Tiburon in 1969; raised my three children here; worked as Tiburon Town Clerk for twelve years and served on the Tiburon Town Council for five years. While on the Town Council I voted to approve the existing library. I am in favor of a modest expansion of the library. I am not in favor of a massive structure that will change the character of the community by eliminating open space views, eliminating day light from the Town Hall offices; prohibit further expansion of the Town Hall already bulging at its seams; taking business away from a local retailer by installing an internet café; creating a regional library attracting users from outside the peninsula exacerbating traffic problems on Tiburon Blvd. and slowing traffic from the downtown area with another traffic signal, not to mention the safety issues of children bicycling to and from the Tiburon Peninsula Club.

What are the parking requirements for a retail café? What are the parking requirements for a retail book store? Are they the same as the parking ratio of a library? Are these retail establishments' parking requirements different because they are inside the library?

10-2

I know it's not a popular statement to mention that people will be reading books electronically, but it's a fact. I have already downloaded books on my iPad to use while traveling. Ten years from now, or sooner, the entire Peninsula will have wireless connections, and most people will know how to operate computers.

10-3

In 1996 the Belvedere/Tiburon Library was considering housing the Recreation Department but there's no mention of that in the current library expansion proposal. If this expansion is approved, how much expansion space would be available for the Town Hall?

10-4

If this proposal with all its adverse impacts was not for a library, would the Planning Commission even be considering it?

Sincerely,

Therese M. Hennessy

Response to Letter from Therese M. Hennessey

- 10-1. The opinion is noted for the record. The EIR has no control over the type or size of project the Library Agency proposes. As no questions were asked concerning the EIR, no additional response is required.
- 10-2. See the revised discussion of parking requirements on pages 78 to 82 of the Revised DEIR for a discussion of parking requirements and impacts.
- 10-3. The observation is noted for the record. As no question was asked regarding the EIR, no additional response is required.
- 10-4. The project does not include a proposal to allow the Town or the Belvedere-Tiburon Joint Recreation Agency to use space in the new library.

June 21, 2010

Scott Anderson, Director
Community Development Department
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, California 94920



Celebrating 75 Years

Re: Belvedere-Tiburon Library Expansion Draft Environmental Impact Report

Dear Scott:

Marin Conservation League appreciates the opportunity to review the Draft EIR for the subject project. We have reviewed the document, focusing in particular on the relocation of existing parking to a site that is in close proximity to Railroad Marsh. 11-1

Over the years, Railroad Marsh has experienced reductions in size and numerous threats from surrounding development. Somehow it has survived, and what remains has ecological value to a variety of wildlife, whether designated as "special status" or not. Although the project will not have direct impacts on the marsh, it is possible that increased activity in the parking area could disturb wildlife, and that runoff could degrade water quality, even though there will be some redirection into storm drains. It is important that the marsh not be further compromised.

The Biological Resources section acknowledges that the marsh is a sensitive natural community and that indirect impacts could occur (Impact BIO-2). It states that a 25-foot buffer will be established to separate grading and construction activities from the 96-foot contour around the marsh. The Hydrology and Water Quality section acknowledges that runoff from grading and construction activities could discharge into Railroad Marsh (Impact HYDRO-1). Mitigation Measures HYDRO-1a and 1b will help to limit construction-related impacts on the marsh. Mitigation Measure BIO-2a is NOT mitigation – it is merely verification that responsible agencies have been consulted and have given authorization. Measure BIO-2b provides short-term mitigation only, during construction. Measure BIO-2c begins to address the longer term need to buffer the habitat of the marsh – or, at least, the Measure provides that the area will be improved by removing invasive weedy species and that signage will be placed to educate the public as to the ecological value of the nearby marsh.

Our main concern is with Impact BIO-5, which provides an elaborate argument summed up by the statement that the Mitigation Measures set forth in the EIR, when implemented, will have enhanced existing habitat for project area wildlife (this is not supported in the EIR), created a public education component, decreased impervious surface area, and lessened the effect of direct runoff into Railroad Marsh. At the same time, Impact BIO-5 states that Tiburon General Plan Policy OSC-20 ("...buffer zones of at least 100 feet shall be provided, to the maximum extent feasible, between development and wetland areas...") would have to "be amended to add an exception from the 100-foot setback provision in the case of public projects benefiting a substantial segment of the community". This is an important admission that is buried in the text

PHONE: 415.485.6257
FAX: 415.485.6259

EMAIL: mcl@marinconservationleague.org
URL: www.marinconservationleague.org

ADDRESS: 1623-A Fifth Avenue
San Rafael, CA 94901



and should be openly acknowledged in findings:

- First, we believe the 25-foot is not an adequate buffer between the developed parking lot and the marsh, whose protective vegetation and separation from human activity makes it an important refuge for wildlife;
- Second, if the project design does not have sufficient space for a buffer as specified by policy, and the City does decide to make this exception to Policy OSC-20, it should be identified as an unavoidable significant impact and be accompanied by a finding of overriding considerations. To do otherwise would be dishonest.

Thank you for the opportunity to comment. We look forward to a response to our concerns in the Final EIR.

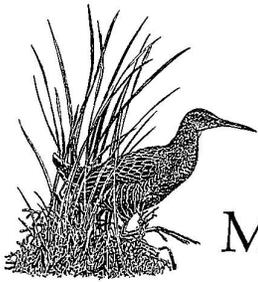
Sincerely,



Nona Dennis
President

Response to Letter from Nona Dennis, Marin Conservation League

- 11-1. This letter contains numerous comments related to the biological analysis in the Draft EIR. This biological analysis has been revised, in part, to respond to issues and suggestions raised in this comment letter. As stated earlier, this Final EIR is not required to respond to comments raised on areas that were revised in the Revised DEIR. The commenter has reviewed the Revised DEIR and submitted a new comment letter on the Revised DEIR. See Comment Letter 19 and the responses to these new comments.



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

12

JUL 27 2010
PLANNING DIVISION

July 24, 2010

Scott Anderson,
Director of Community Development
Town of Tiburon
1505 Tiburon Blvd.
Tiburon, CA 94920

RE: TIBURON PUBLIC LIBRARY EXPANSION PROJECT

Dear Mr. Anderson:

The Marin Audubon Society appreciates the opportunity to comment on the July 24, 2010 Draft Environmental Impacts Report (DEIR) for the Belvedere-Tiburon Library Expansion Project. The project would enlarge the existing 10,500 square foot library to 29,990 square feet in a two story addition as well as modify outside parking and other facilities. Our questions and concerns focus on the impacts of the project to the fresh water pond at the rear of the project site. 12-1

There are a number of problems with the DEIR. Some information is presented in a biased manner, including identification of resources that would be impacted and the extent of the impacts. Adverse impacts are not accurately identified and/or evaluated resulting in minimization of their significance. CEQA Guidelines provide that avoidance of an impact be considered first. There is no evidence that avoidance has been considered at all. The discussions go directly to mitigating impacts.

The area of project impact is too narrowly defined and contains conflicting information. The DEIR states (page IV.D-39) "The project site does not contain any areas of permanent water or suitable vegetation...(for suitable Redlegged- frog habitat). Several sentences later, it states that there is a moderate potential to occur and that, although some years ago, they have actually been observed in that marsh.

PURPOSE AND NEED

Many of the project impacts, particularly those of interest to MAS, result from the size of the building. The project proposes a massive building and associated parking lot to serve the proposed two-story addition. No information has been provided about the use of the existing library to support the need for such an enormous building that would adversely impact an important Town natural resources, the adjacent Railroad Marsh.

There appears to have been no attempt to avoid adverse biological impacts, which could be accomplished through reducing the size of the building by eliminating the size of some components. For example, the building contains a number of components that are not necessary

for a library, including a snack bar, shop, and private outdoor area and bathrooms for staff. In addition to a huge lobby and other spaces, which could be significantly reduced in size.

BIOLOGICAL RESOURCES

The discussion under Sensitive Natural Communities/Habitats (page IVD-38) is misleading and inaccurate. It indicates that the Railroad Marsh is not sensitive natural habitat community because it is not listed by the CNPS and CNDDDB. These sources are hardly the only, or even the most appropriate, sources to use to define sensitive habitat. The Railroad Marsh is a freshwater marsh, an unusual resources in our Mediterranean climate and is accurately recognized as such in the Tiburon 2020 General Plan as well as statewide and nationally as reflected by the fact that they are regulated by state and federal agencies. This section should be revised.

The EIR should include the wetland delineation. Even if not approved by the corps, the most recent wetland delineation should be included. The delineation should be included so the public can be fully informed as to the extent of this resource.

The EIR should include a discussion of resident and migratory birds that use the site. Undoubtedly there is nesting of resident species, and migratory waterfowl use the marsh for foraging and resting during the winter months they are in the bay.

The EIR should also include a discussion of the importance of buffers/setbacks adjacent to marshes. See discussion below for more detail.

Impact/Mitigation Analyses

BIO-1 the discussion recognizes that two special status species (Red-legged frog and Common Yellowthroat) could be adversely impacted by the project, and states that Mitigation Measure BIO-1 will reduce the potential impacts to less-than-significant. Mitigation BIO-1 is not adequate to reduce the significance of this impact because it only deals with construction impacts. Post-construction impacts should be identified and discussed.

The proposed minimum setback is insufficient to ensure that post-construction impacts would not occur to the special status species and to the marsh itself. Post-construction impacts to the marsh include the direct impact of losing adjacent upland which actually is an important part of wetland habitats. Adjacent uplands provide for nesting and feeding as well as refuge from predators during times of high water. Wetlands with no or very limited adjacent uplands are also limited in their value for wildlife. A diminished setback would increase indirect impacts including the presence of people close to the marsh, increased noise, lighting, increased litter, domestic animals closer and potentially into the habitat because of the narrow buffer, all of which would result in wildlife avoiding the marsh in the vicinity. The possibility for shading of the marsh to occur due to the proximity and height of the structure should also be addressed.

The most appropriate and effective mitigation would be to increase the size of the buffer/setback to 100 feet.

BIO 2 We disagree with this conclusion. The project would have significant impact on the

riparian habitat and sensitive natural community.

Mitigation Measure BIO-2 states that the project will not result in impacts to riparian habitat or other Sensitive Natural Community because none of the four natural communities occur on the site. As discussed above, the lists that were used to define natural communities are inadequate. Impacts will occur to a public resource that is immediately adjacent to the project site, and therefore, must be considered.

Mitigations measure BIO 2c speaks to the Town and the Library agency coordinating to enhance the buffer which now includes a number of non-native highly invasive species. However, there is no description of what entity would actually be responsible for implementing any enhancement, and what activities would ensure the habitat is enhanced. The EIR should include a description of what an enhanced buffer should consist of (plant species) and the recommended activities to achieve this outcome. A buffer/transition plan should be prepared and clear identification of the responsible agency. Who would be responsible for monitoring and maintaining the buffer in the future?

A permanent sign is also recommended to inform the public about the marsh sensitive habitat. Signs do not Mitigation for habitat impacts. I seems inconsistent at best for the library to degrade the habitat by reducing the buffer, and then tell the public how important the habitat is. This is certainly not abiding by the message it proposes.

BIO-3 Claims that the project would not have a substantial adverse effect on federally protected wetlands because a 25 foot buffer would be maintained. As recognized by Town policy, Countywide Plan policies, the "San Francisco Bayland Habitat Goals Report" and many other experts, a 25 foot buffer is inadequate to prevent substantial adverse effects on wetlands.

BIO - 4 The project will interfere substantially with the movement of native and resident wildlife (and)migratory wildlife species and will impede the use of a native wildfire nursery site. Migratory waterfowl and perhaps shorebirds use the marsh. A 25-foot buffer would be inadequate to protect these species from disturbance. States that a buffer alone will be maintained throughout construction to prevent degradation of the marsh. This would not be effective because 25 feet in not enough to accomplish the stated purpose.

BIO -5 declares basically that the project would not conflict with any local policyprotecting biological resources because the policy would be changed. The only recommendation is that policy O.C.-20 be amended to add an exception to the 100-foot setback provision in the case of public projects benefitting substantial segment of the community. It is not only a bad precedent for a jurisdiction to simply change policies to serve the immediate desires of some citizens, this action would be contrary to the intent of the Tiburon Plan and ignore the public interest in maintaining this important remnant of marsh that exists in Tiburon. All of this would be for an oversized building that could easily be reduced in size and still quite adequately serve the community.

"Conflict with local policies..." is identified on the list of Environmental Impacts that would be a

significant environment effect on page IVD-41. This impact is not adequately mitigated and should continued to be considered significant.

HYDROLOGY

A MCSTOPP goal is to “preserve beneficial uses of local waterways” protect and enhance water quality in...wetlands.’ The project does not comply with these goals

The project includes and additional bio-retention features: A flow-through planter and catchment area are relied on to improve stormwater treatment. Please explain how a flow through planter would work and show and describe where it would be located,. Would it be in the buffer, possible causing additional adverse impacts?

Climate change is discussed. Include a discussion of potential adverse impacts of sea level rise.

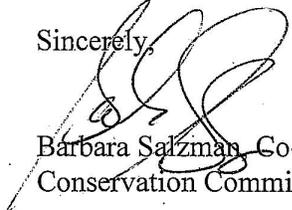
ALTERNATIVES ANALYSIS

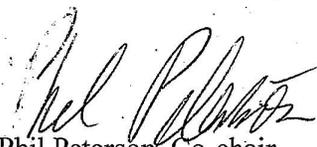
Alternative C is identified as reduced project by eliminating the second story. Alternative C is identified as the environmentally superior alternative based solely on aesthetics. It fails to address and reduce the significant biological impacts of the project.

Alternative C either should be revised to reduce the footprint of the building and parking lot so that the 100-foot buffer adjacent to the wetlands can be maintained, or a new alternative that avoids the biological impacts to the species and the marsh should be developed and included in the EIR.

Thank you for considering our questions and concerns.

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee


Phil Peterson, Co-chair
Conservation Committee

Response to the Letter from Barbara Salzman and Phil Peterson, Marin Audubon Society

- 12-1. This letter contains numerous comments related to the biological analysis in the Draft EIR. This biological analysis has been revised, in part, to respond to issues and suggestions raised in this comment letter. As stated earlier, this Final EIR is not required to respond to comments raised on areas that were revised in the Revised DEIR. The commenters have reviewed the Revised DEIR and submitted a new comment letter on the Revised DEIR. See Comment Letter 20 and the responses to these new comments.

10

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

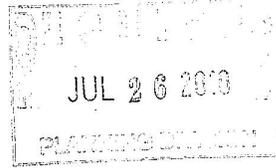
ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



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Be energy efficient!*



July 26, 2010

MRN-131-3.95
MRN131102
SCH 2009052003

Mr. Scott Anderson
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

Dear Mr. Anderson:

Belvedere-Tiburon Public Library Expansion Project - Draft Environmental Impact Report (EIR)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the Draft EIR and have the following comments to offer.

13-1

Traffic

1. For the project condition scenario, with a peak hour volume of 1,149 on State Route (SR-) 131 (Tiburon Boulevard) and a volume of 173 on the Mar West Street approach, it is probable that the plotted point is on or above the applicable curve per Figure 4-3C of the California Manual on Uniform Traffic Control Devices (MUTCD), Part 4. Even if the plotted point is not on the curve, it is very close, meaning that the peak hour volume warrant may not be satisfied with the current condition; it will be satisfied in a short time. Therefore, signaling the intersection of SR-131 and Mar West Street must be a mitigation of the project; please coordinate with the Department on the mitigation for the State facility.
2. With or without a signal, the traffic study must discuss and provide calculation whether the existing eastbound left-turn lane on SR-131 at Mar West Street can accommodate the additional project's queue. In determining the adequacy of the left-turn lane, please refer to the Department's Highway Design Manual Index 405.2. If the existing left-turn lane cannot accommodate the queue, then extension of the left-turn lane must be a mitigation of the project.
3. If implementing project mitigation such as installing a signal and/or extending the existing left-turn lane causes any impact (for example, tree removal), then the impact must also be discussed in the EIR with proper mitigation as well.

Mr. Scott Anderson/Town of Tiburon
July 26, 2010
Page 2

Signal Operations

Please send Signal Lighting Plans during the design phase for our review. The westbound right-turn and southbound left-turn movements shall have adequate storage pockets to prevent any queuing onto through movements. SR-131 will have a significant impact when left-turn queues spill onto through movements. Please also provide the proposed signal and striping plans for our review when plans are available.

Encroachment Permit

Please be advised that any work or traffic control that encroaches on State right-of-way (ROW) requires an encroachment permit issued by the Department. Further information is available on the following website: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process.

Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Please note that Highway Operations is reviewing the traffic impact analysis, and therefore the Department may submit further comments shortly.

Should you require further information or have any questions regarding this letter, please contact Connery Cepeda of my staff at (510) 286-5535.

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan (State Clearinghouse)

Response to the Letter from Lisa Carboni, California Department of Transportation

- 13-1. This letter contains numerous comments related to the traffic analysis in the Draft EIR. This traffic analysis has been revised, in part, to respond to issues and suggestions raised in this comment letter. As stated earlier, this Final EIR is not required to respond to comments raised on areas that were revised in the Revised DEIR. The commenter has reviewed the Revised DEIR and submitted a new comment letter on the Revised DEIR. See Comment Letter 16 and the responses to these new comments.

PLANNING COMMISSION
MINUTES NO. 1000
July 14, 2010
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California

CALL TO ORDER AND ROLL CALL:

Chair Kunzweiler called the meeting to order at 7:30 p.m.

Present: Chair Kunzweiler, Commissioners Corcoran, Doyle, and Tollini

Absent: Vice-Chair Frymier

Staff Present: Director of Community Development Anderson and Minutes Clerk Levison

ORAL COMMUNICATIONS: None

COMMISSION AND STAFF BRIEFING: None

PUBLIC HEARING

- 1. ACCEPT PUBLIC COMMENT ON DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE PROPOSED BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT LOCATED AT 1501 AND 1505 TIBURON BOULEVARD; File #s GPA 2008-02, MCA 2008-14, 40801 and 30804; Assessor Parcel Numbers 058-171-92, 93, 94 and a portion of 058-171-62**

Director of Community Development Anderson presented the staff report, stating that the Town is processing land development applications for an approximately 18,000 square foot, two-story addition to the Belvedere-Tiburon Public Library building and related improvements involving both the adjacent Town Hall site and Zelinsky Park. The Town determined that an Environmental Impact Report (EIR) was required for the project and retained the firm of Christopher A. Joseph and Associates, as an independent and objective third party, to prepare the EIR.

Mr. Anderson stated the purpose of tonight's hearing is for the Planning Commission to receive public testimony on the contents of the DEIR and not on the merits of the project itself. This hearing is also not informational in nature, other than that provided by the staff report. The DEIR was released on June 10, 2010 and is currently being circulated for the required 45-day review and comment period ending July 26, 2010. A copy of the DEIR is available on CD or via the Town's website. Members of the public are also encouraged to contact staff with any questions, or to submit them as part of their oral or written comments.

Following tonight's meeting the Commission will hold a subsequent hearing to determine whether it is appropriate to direct the consultant to proceed with the response to comments and prepare the Final EIR, before holding any hearings on the actual merits of the project.

Mr. Anderson discussed the focus of typical comments, which include: 1) whether the project description is complete and accurate; 2) whether discussion of environmental factors is accurate and complete; 3) whether any impacts were overlooked or inadequately addressed; 4) whether additional feasible mitigation measures could be included; 5) whether feasible alternatives that could reduce environmental impacts could be analyzed; 6) correction of any factual errors.

Mr. Anderson provided a brief description of the project, stating that the proposed project would expand the existing library with the construction of a two-story addition between the existing Town Hall and Library facilities. The project would result in elimination of all current on-site parking and would replace it with a new, fifty-two (52) space parking area situated behind the Library and its addition in a portion of Zelinsky Park.

Mr. Anderson reviewed the key findings of the DEIR, noting that it focuses on significant environmental impacts and some topical areas were determined early on to not be impacted significantly. The EIR identified the following five significant and unavoidable impacts that could not be mitigated to less than significant levels: 1) the project would conflict with an applicable Bay Area Air Quality Management District plan; 2) construction noise resulting from the project would temporarily increase ambient noise levels in the site vicinity; 3) construction activities would temporarily result in ground-borne vibration, primarily affecting Library and Town Hall users; 4) the project would substantially obstruct views of the Tiburon Ridge from Tiburon Boulevard; and 5) the project would result in inadequate parking capacity.

The DEIR also identified conflicts with an applicable air quality management plan and impacts to scenic vistas as significant unavoidable cumulative impacts. Other impacts related to agricultural and forest resources, cultural resources, geology and soils, hazards and hazardous materials, mineral resources, population and housing, public services, recreation, and utilities, and service systems were determined to be less than significant.

Mr. Anderson stated CEQA guidelines require that an EIR identify and analyze a reasonable range of alternatives that accomplish most of the basic objectives of the project and reduce at least one significant impact. The DEIR examined three alternatives to the project as proposed: 1) No Project, 2) Alternative B, consisting of a Library addition to be constructed behind the existing library building, and 3) Alternative C, consisting of a one-story addition in the same location as the proposed two-story addition.

He noted that off-site alternatives were also considered and deemed to be infeasible. The DEIR concluded that the No Project alternative was the environmentally-superior alternative. However, CEQA requires that if the environmentally-superior alternative is the No Project alternative, the EIR must also identify an environmentally superior alternative from amongst the other studied development alternatives. Alternative C (Reduced Project) was identified as such.

Mr. Anderson reminded the Commission and public there would be plenty of opportunity to comment on the project itself later this year and recommended that the Commission receive any public comments on the DEIR at this time.

Chair Kunzweiler noted for the record that he is involved with the Library Foundation Council. He spoke with the Town Attorney to discuss the possibility of a conflict of interest and she prepared the following statement: "I have conferred with the Town Attorney and she believes I need not step down from this matter. I do not have any direct or indirect financial interest in the Library's expansion project. I am a member of the Library Foundation Council and spearheaded last year's effort to reconstitute the former Board and redraft the Bylaws. The Foundation Council does fundraising and is not involved in the Library's expansion project. Because I have not been involved in the project on the Library's behalf, I can participate in the Planning Commission's proceedings with an open and impartial mind."

Chair Kunzweiler said he has served on the Commission for six or seven years and the Library is one of the many Town assets he cares about. He reiterated the hearing process, stating that the CEQA process is intended to support a fair, open, and exhaustive evaluation of the environmental impacts of a proposed project, as well as to provide context for the analysis of some general alternatives. He stressed that the alternatives are not exhaustive and are intended more to provide boundaries from within which the project will be considered. He said tonight's comments will be collected, factored into and responded to in the DEIR. The Commission will then hold another hearing to determine if any substantial new information or fundamental flaws have come to light that would require recirculation of the EIR. The Commission will then hold a hearing on the merits of the project as proposed and potentially those of various alternatives. He asked that the public limit tonight's comments to what is directly related to the DEIR document and he opened the public hearing.

Lois Epstein said she just completed a one-year term as the Chair of the Belvedere-Tiburon Library Agency. She said the agency has been considering this expansion for nearly ten years and is delighted to now have a DEIR prepared. She thanked everyone involved in the project, particularly Community Development Director Anderson and Library project manager Glenn Isaacson.

Susan Wolfe, Paradise Drive, asked that the Commission consider the proposed garden plaza and promenade between the Library addition and Zelinsky Park as a mitigating factor to the obstruction of the Tiburon Ridge view from Tiburon Boulevard. She said the attractive, new space situated on the site of the existing parking lot will create a new pedestrian access to the park from Tiburon Boulevard and will be a visual enhancement to the entire complex. 14-1

Joan Don, Belvedere, also spoke to the visual obstruction of Tiburon Ridge. She asked if the DEIR takes into account the project's LEED certification goals. As a result of reducing energy needs to comply with the program requirements, large windows would be installed on the north side of the building that would afford panoramic views of the park and marshlands. She noted that from inside the Library, which is open to the public, views would actually be enhanced. 14-2

Bonnie Spiesberger, Belvedere, said the DEIR gave some consideration to the change from the current parking layout but only touched briefly on the availability of additional street parking. She suggested the EIR should consider available off-site parking in the nearby area and acknowledged that while parking spaces in the Library/Town Hall lot may be limited in number, there are other parking opportunities in the vicinity. She noted that some libraries in other towns have much more limited parking than what is proposed here and she wondered if it is appropriate for the EIR to discuss comparative municipalities. 14-3

Nona Dennis, Marin Conservation League, said she has tracked the gradual reduction in size of the Railroad Marsh and has concerns over the relationship between the proposed parking area and the marsh. She said Railroad Marsh is the only safe, unlandscaped oasis surrounded by the landscaped environment of downtown Tiburon. While the DEIR does acknowledge this and goes to great lengths to protect it during the construction process, she said it ignores the long-term indirect impacts. She said that twenty-five feet is an inadequate buffer between the parking lot and the marsh and is inconsistent with the Town's General Plan policy that requires that a one hundred foot buffer be maintained. She said the DEIR proposes to amend this policy because of the overriding community significance, and it determines that removal of invasive weedy species and introduction of signage makes this a less than significant impact. She asked that the DEIR provide better long-term mitigation and that if the design is such that it can only allow a twenty-five foot buffer, it be justified through some means other than social importance. She also asked that the DEIR be more honest by acknowledging that it has used an overriding consideration in order to justify narrowing the buffer. 14-4

Steger Johnson, Belvedere, referred to page IV.B-10 of the DEIR, which references Figure IV.B-6 as an example of how the Library addition would substantially limit views of Tiburon Ridge from Tiburon Boulevard. He stated the trees located directly in front of the Library already obscure most of Tiburon Ridge, and the extension of the Library roofline would only minimally increase the obstruction of that view corridor. He said that to call this a substantial impact on the view corridor would be incorrect. He also noted that the DEIR references competing General Plan policies, one that favors the protection of view corridors from major thoroughfares and the other that encourages placement of parking to the rear of buildings to allow for construction along the street itself. He said it is important to keep in mind that to extent this latter policy is encouraged, it will tend to result in view obstruction. 14-5

Martin Griffin, Belvedere, said he served as the third president of the Marin Audubon Society and has a long-standing acquaintance with the birds and habitat of Marin County. He said that as a sanctuary, as one of the few freshwater marshes in the county and as one of Tiburon's most beautiful features, Railroad Marsh deserves to be preserved. He discussed the history of the Marsh Restoration Plan and the resulting 2001 Railroad Marsh Management Plan. He said many invasive species are taking hold of the marsh perimeter and it is time for a ten-year reassessment of the entire marsh area, including the area controlled by the Tiburon Peninsula Club, and suggested that the Management Plan should be part of the EIR. He suggested the Library expansion could turn into a public education process and restoration of the marsh. He voiced concern that the DEIR identifies inadequate parking levels and does not directly address the impacts of the parking that is provided and the volume of vehicular activity at the site. He 14-6

believes vehicle exhaust gases would drift directly into the pond and impact invertebrates, endangered species, and birds in a way that has not been discussed.

Maureen Meikle, Harbor Oak Drive, concurred with Dr. Griffin's comments. She disagreed that traffic-related aspects of the project would be less than significant, stating that coming down Mar West Street is already difficult because of the Tiburon Peninsula Club, and that exiting onto Tiburon Boulevard can be extremely problematic. She supports a Library expansion but believes the circulation of the proposed project presents a significant problem, and asked that it be readdressed.

14-7

There being no one else wishing to speak, Chair Kunzweiler closed the public hearing and brought the item back to the Commission for comment. He reminded the public that they have until July 26, 2010 to submit written comments on the DEIR.

Commissioner Corcoran said he found the DEIR very thorough and has little to add, although he appreciates the public comments and found them enlightening. He acknowledged this may bleed into a discussion on the merits of the project, but said he would like to see some reconfiguration of the parking area if at all possible. He also acknowledged this may have been considered already, but by bringing the addition further towards Town Hall, the multi-purpose room could be shifted forward to minimize its extension towards the marsh.

Commissioner Doyle said he found the comments great and loves to see this kind of small community's interest in things that would not necessarily seem that noticeable. He concurred with Commissioner Corcoran's comments pertaining to parking and said he has other questions and concerns he intends to address in writing later.

Commissioner Tollini noted there was discussion in the DEIR on the possibility of leasing parking from neighboring lots, but that it could not be included as a project alternative. She suggested that preliminary discussions with those property owners could be held up-front so that it can be considered during the merits phase of the project. She believed that impacts on Railroad Marsh were not adequately addressed and she would like to see more discussion on why the impacts to it are not considered significant. She also said she would like to see visual depictions of the identified alternatives, to better facilitate a comparison with the proposed project.

14-8

Chair Kunzweiler concurred with comments made relative to Railroad Marsh and said he has significant concerns over the post-construction mitigation plan. He also asked that the cumulative impacts to the marsh, which is bordered by the Tiburon Peninsula Club on the other side, be addressed and that the Railroad Marsh Management Plan be discussed in the DEIR. He would like to see alternatives that actually consider different footprints, including perhaps a parking structure, and better discussion of the area's parking inventory and what that means relative to actual use.

14-9

14-10

He echoed Commissioner Tollini's request for photo simulations of the alternatives and to keep those representations consistent in terms of surrounding trees. He would like the consultant to explain the logic behind the unavoidable impact on air quality. He said that a significant unavoidable impact is serious, and the logic that making improvements to a building will

14-11

increase its use and, therefore, its pollution, seems circular and hollow. He said air quality issues can in fact be real, but he thought the rating of significant and unavoidable may be over-the-top in this case.

With respect to Ms. Meikle's comments regarding traffic impacts, he said there is a whole science around incremental traffic and the rating of intersections, and based on that, he believes the impacts to be properly analyzed. He said this was lost in the detail, and believes that a more crisp analysis of incremental traffic and what people might expect when travelling along Tiburon Boulevard will be helpful.

ELECTION OF OFFICERS

ACTION: It was M/S (Corcoran/Doyle) to continue the Election of Officers to August 11, 2010.
Motion carried: 4-0.

MINUTES:

2. PLANNING COMMISSION MINUTES – Regular Meeting of June 23, 2010

ACTION: It was M/S (Corcoran/Tollini) to approve the minutes of June 23, 2010, as drafted.
Motion carried: 4-0.

ADJOURNMENT:

The Planning Commission adjourned the meeting at 8:25 p.m.

JOHN KUNZWEILER, CHAIRMAN
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY

Response to Verbal Comments Made at the Tiburon Planning Commission Public Hearing, July 14, 2010

- 14-1. The suggestion is noted for the record. As no questions were asked concerning the EIR, no additional response is required.
- 14-2. The comments about the project merits are noted for the record. As no questions were asked concerning the EIR, no additional response is required.
- 14-3. See the new parking analysis in the Revised DEIR (pages 78 to 82) for a discussion on street parking.
- 14-4. The comment raises issues related to the biological analysis in the Draft EIR. This biological analysis has been revised, in part, to respond to issues and suggestions raised in this comment. As stated earlier, this Final EIR does not respond to comments raised on areas that were revised in the Revised DEIR. The commenter has reviewed the Revised DEIR and submitted a new comment letter on the Revised DEIR. See Comment Letter 19 and the responses to these new comments.
- 14-5. The opinion is noted for the record. As no questions were asked concerning the EIR, no additional response is required. Also, see the additional photographs and simulations presented later in this Final EIR.
- 14-6. See the discussion of biological impacts in the Revised DEIR regarding impacts to the marsh and the revised traffic section regarding parking impacts on wildlife using the marsh.
- 14-7. The commenter disagrees with the traffic analysis presented in the EIR, and this disagreement is noted for the record. As she presents no additional data regarding traffic flows and levels of service, no additional response is possible. It is true that increasing traffic will increase congestion at this intersection, but the intersection would operate at an acceptable level of service until some future date when the traffic from other projects is added to the roadway system. The EIR calls for signalization of the intersection when traffic reaches that point.
- 14-8. See the assessment of biological impacts and the additional visual simulations of alternatives in the Revised DEIR.
- 14-9. See the assessment of biological impacts in the Revised DEIR.
- 14-10. See the discussion of the new Alternative D and the revised assessment of parking in the Revised DEIR.
- 14-11. See the simulations for Alternative D in the Revised DEIR and the additional simulations presented later in this Final EIR.



JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



May 10, 2011

RECEIVED
MAY 12 2011

Scott Anderson
City of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

PLANNING DIVISION

Subject: Belvedere-Tiburon Library Expansion
SCH#: 2009052003

Dear Scott Anderson:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 9, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

15-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009052003
Project Title Belvedere-Tiburon Library Expansion
Lead Agency Tiburon, City of

Type EIR Draft EIR
Description Approximately 18,000 sf expansion of existing Library facility, relocation and expansion of existing parking lot, relocation of existing park, installation of site landscaping, changes to access from SR 131.

Lead Agency Contact

Name Scott Anderson
Agency City of Tiburon
Phone (415) 435-7392 **Fax**
email
Address 1505 Tiburon Boulevard
City Tiburon **State** CA **Zip** 94920

Project Location

County Marin
City Tiburon
Region
Lat / Long 37° 52' 37" N / 122° 27' 41" W
Cross Streets Tiburon Boulevard/Mar West Street
Parcel No. Various
Township

Range	Section	Base
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Proximity to:

Highways Hwy 131
Airports
Railways
Waterways Railroad Marsh, Belvedere Lagoon
Schools Reed Elementary
Land Use Public/Quasi-Public, Open Space (both Zoning and GP)

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 03/24/2011 **Start of Review** 03/24/2011 **End of Review** 05/09/2011

Response to Letter from the State Clearinghouse

- 15-1. This is a cover letter that states that the Town has complied with State Clearinghouse review requirements for revised draft environmental documents that are subject to CEQA. No response is required.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5536
FAX (510) 286-5559
TTY 711

RECEIVED
MAY 02 2011



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PLANNING DIVISION

April 29, 2011

MRN-131-3.95
MRN131102
SCH 2009052003

Mr. Scott Anderson
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

Dear Mr. Anderson:

Belvedere-Tiburon Public Library Expansion Project – Revised Draft Environmental Impact Report (EIR)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the Revised Draft EIR and have the following additional comments to offer.

Highway Operations

1. To reiterate Highway Operations Comment 1 in the Department letter dated August 6, 2010, please provide a copy of the Traffic Impact Analysis dated February 17, 2010 referenced in the Draft EIR for our review. 16-1
2. To reiterate Traffic Comment 2 in the Department letter dated July 26, 2010, the eastbound left-turn storage lane on State Route (SR-)131 (Tiburon Boulevard) at Mar West Street should be increased to accommodate the additional volume generated by the project. Furthermore, the length of the aforementioned left-turn storage lane on SR-131 mentioned on page 72 (100 feet) is incorrect; please verify in the field for the correct length. Please refer to the Department's *Highway Design Manual* Index 405.2 for left-turn lane standards: <http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm>. Please provide backup calculations of the 95th percentile queue for the left-turn storage lane on SR-131 at Mar West Street for our records. 16-2

Mr. Scott Anderson/Town of Tiburon
April 29, 2011
Page 2

Should you require further information or have any questions regarding this letter, please contact
Connery Cepeda of my staff at (510) 286-5535.

Sincerely,



BECKY FRANK
District Branch Chief
Federal Grants / Rail Coordination

c: Scott Morgan (State Clearinghouse)

DEPARTMENT OF TRANSPORTATION

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P. O. BOX 23660
OAKLAND, CA 94623-0660
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FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*

June 3, 2011

MRN-131-3.95
MRN131102
SCH 2009052003

Mr. Scott Anderson
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

Dear Mr. Anderson:

Belvedere-Tiburon Public Library Expansion Project – Traffic Impact Analysis (TIA)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the TIA dated February 17, 2010 referenced in the Draft Environmental Impact Report (EIR) and the Revised Draft EIR, and have the following additional comments to offer:

Traffic

- 1. The Department wishes to reiterate that the TIA must address Traffic Comment #1 in the Department letter dated July 26, 2010: volumes on the Mar West Street approach are 177 and the total volumes on State Route (SR-) 131 (Tiburon Boulevard) approaches are 1,149 (Figure 11, page 33). These volumes are very likely to satisfy a Peak Hour Warrant, if correctly plotted on Figure 4C-3 of the California Manual on Uniform Traffic Control Devices (MUTCD). Therefore, signalization of the intersection of SR-131 and Mar West Street should be considered as a mitigation for the project. 16-3
- 2. The Department wishes to also reiterate that the TIA must include discussion of Traffic Comment #2 in the Department letter dated July 26, 2010 (and Highway Operations Comment #2 in the Department letter dated April 29, 2011): the eastbound left-turn storage lane on SR-131 at Mar West Street should be increased to accommodate the additional volume generated by the project. Furthermore, the length of the aforementioned left-turn storage lane on SR-131 mentioned on page 72 (100 feet) is incorrect; please verify in the field for the correct length. Please refer to the Department's *Highway Design Manual Index 405.2* for left-turn lane standards: <http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm>. Please provide backup calculations of the 95th percentile queue for the left-turn storage lane on SR-131 at Mar West Street for our records. 16-4

Mr. Scott Anderson/Town of Tiburon
June 3, 2011
Page 2

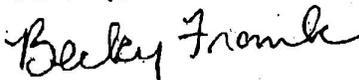
Highway Operations

1. Appendix A of the TIA indicates a left-turn pocket storage of 67 feet from eastbound SR-131 onto Mar West Street, whereas TRANS-9 of the Revised Draft EIR (May 2011) states that the left-turn pocket has about 100 feet of storage; please explain the discrepancies. To accommodate the cumulative traffic resulting from this library expansion project, the proposed 25-foot additional left-turn storage in Mitigation Measure TRANS-9 may be inadequate. 16-5

2. As a result of this project, the left-turn traffic from eastbound SR-131 onto Mar West Street would increase from 76 vehicles (Existing) to 170 vehicles (Year 2020, Cumulative Baseline with Project Condition). In the previously submitted Revised Draft EIR, Mitigation Measure TRANS-9 states the additional left-turn storage will be built when needed on eastbound SR-131, yet it also states that such a project will have to go through the City's criteria for ranking and prioritization. Since the additional left-turn storage on SR-131 is proposed as mitigation for the project, the project sponsor should set aside funds for the mitigation measure, rather than have the mitigation measure compete with other City projects. 16-6

Should you require further information or have any questions regarding this letter, please contact Connery Cepeda of my staff at (510) 286-5535.

Sincerely,



BECKY FRANK
District Branch Chief
Federal Grants / Rail Coordination

Response to Two Letters from Becky Frank, California Department of Transportation

- 16-1. The Town supplied Caltrans with this requested analysis on May 11, 2011. On the basis of receiving that analysis, Caltrans submitted the second letter dated June 3, 2011.
- 16-2. The length of the left-turn lane from the westernmost end of the stripe that marks the south side of the lane, is about 70 feet long. However, the full length of the area used to turn left (that includes the taper into the lane where currently cars stack up while waiting to turn left) is about 100 feet. In any case, Mitigation Measure TRANS-9 on page 88 calls for lengthening this left-turn lane once traffic conditions warrant. Backup calculations for the 95th percentile queue were not done as the intersection is unsignalized. The *2000 Highway Capacity Manual* analysis methods for unsignalized intersections do not allow calculation of the 95th percentile queue. To calculate the queue at this intersection would require use of a dynamic assignment traffic model, which would have to be specifically created for this project and intersection.
- 16-3. There is a question of whether traffic volumes are correctly plotted on a graph used by Caltrans to determine the need for signaling intersections. This question centers on whether Tiburon Boulevard at the Mar West Street intersection is to be considered two lanes or one lane in each direction. This is important because if there are two lanes in each direction, then per Figure 4C-3 of the *Highway Design Manual*, the projected traffic volumes would not warrant a signal. If the road is considered to have only one lane in each direction, then the volumes would be very close if not at the volume needed to warrant a signal. While there is only one through lane in both directions, there are left-turn lanes on Tiburon Boulevard on both approaches to the intersection. The *Highway Design Manual* is not definitive on whether these left-turn lanes are to be considered as a second lane for purposes of Figure 4C-3. It can depend on the number of cars using the left-turn lanes as compared to the volume of through traffic. If a large percentage of the traffic is using the left-turn lane, it may be considered a second lane in that direction. The westbound left-turn lane is rarely used (9 left turns compared to 513 through trips and 66 right turns); the eastbound left-turn is more heavily used (122 left turns, versus 432 through trips and 7 right turns – data taken from Figure IV.H-8 of the EIR). The original EIR traffic engineers have interpreted the intersection differently than the interpretation that evidently Caltrans is presenting in this Comment Letter. This constitutes a difference of opinion among experts. That said, it is Caltrans' highway, and they have responsibility for ensuring it functions properly and safely.

The EIR traffic analyst used the Institute of Transportation Engineers (ITE) Trip Generation Manual to develop its projections of project trip generation. The manual does not differentiate between an expansion of an existing library and the construction of a new library; hence the traffic study projects a 171% increase in automobile trips to and from the expanded library, using a simple straight-line projection based on square footage increase. This methodology assumes that the same population will use the expanded library 171% more than it currently

does, which is extremely unlikely to occur. Use of the methodology for developing a worst-case impact analysis for environmental review purposes is common, but the tendency of such methodologies to overstate impacts should be recognized. On this common-sense basis, the intersection is not expected to meet the warrant for signalization (no matter how Figure 4C-3 is interpreted) until there is additional development in the Town and its planning area that would generate substantial additional trips through the Mar West Street intersection with Tiburon Boulevard. This eventual need for signalization as the Tiburon Peninsula approaches buildout is described in Impact TRANS-8 on page 87 of the Revised DEIR. However, the Town has the authority to determine that the project traffic could trip the signal warrant based on the EIR traffic analysis, and therefore result in a significant impact. In that case, the Town could require the applicant to pay or commit to pay their fair share of traffic signalization as a mitigation measure. Alternatively, the Town could reach mutual agreement with the applicant on an appropriate monetary contribution toward eventual signalization of the intersection with the understanding that the EIR trip generation projections are almost certainly overstated.

- 16-4 See Response 16-2 regarding this same comment.
- 16-5. See Response 16-5. To ensure there is adequate lengthening of the left-turn lane, Mitigation Measure TRANS-9 will be revised to require that it be lengthened consistent with the traffic volumes and Caltrans design requirements. See the revision in Chapter 3 below.
- 16-6. The Town should consider the Caltrans suggestion to require the applicant to provide their fair share of funding for this mitigation.

6.

Comments on Revised DEIR for Belvedere-Tiburon Library Expansion Project

Comments From: John Corcoran, Planning Commissioner

5/3/2011

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MAY 03 2011

PLANNING DIVISION

- page 9: Impact AQ-5: How can the RDEIR Conclude that Greenhouse gas emissions would have a "less than significant" impact on the environment? I think it should be potentially significant, given the magnitude of the construction. This also conflicts with Impact AQ-2 regarding air quality standards on page 7 which finds that there would be a "PS" (potentially significant) level of significance prior to mitigation, and recommends numerous measures in mitigation. I also believe the Level of Significance after Mitigation should be found to be "SU" (Significant and unavoidable). 17-1
- page 10: I like the mitigation measures of adding a fence at the inland edge of the buffer along the project's interface with the buffer. At the merits phase, there should be discussion of what this 3-foot fence will look like to avoid an aesthetically unpleasing change to the current conditions. Also at the merit stage there should be some discussion of what "signage" will be added to provide information on the history of the marsh, habitat and species. I like this mitigation measure. 17-2
- page 12, paragraph 3, 3rd line from the bottom: there appears to be a typo. It says "activities that could result in take shall be postponed." I'm not sure what "in take" means. 17-3
- page 13, paragraph 7: please provide more detail about what "vegetation ladders" are. 17-4
- page 14: How is the biological monitor to be paid? Are they to be paid by the applicant? If their paycheck is coming from the applicant, there is a risk of lack of independence. How do we ensure independence? Also, who chooses the monitor - does the town decide? Also, the biological monitor should be the same person throughout the project, if possible. If multiple monitors serve the role then each new person would have to get up to speed. It's better to have one person serve in this role throughout, so they are aware of the conditions on site and can spot any changes easily. 17-5
- page 14, paragraph 8 at the top of the page. What types of "permanent exclusionary measures" is this paragraph referring to? It is unclear. 17-6
- page 14, paragraph 9, 3rd line from the bottom: I recommend eliminating the word "able" and substituting "encouraged." 17-7
- Page 14, paragraph 10, first line: I would change this first sentence to the following: "The biological monitor *or the crew member mentioned in the previous paragraph 9* has the authority to halt all or some construction activities ..." 17-8

page 16, first line of the page: it is recommended that a 300 foot setback be established for raptors within which all construction-related disturbances shall be prohibited. Is this 300-foot distance realistic? If a raptor nest is found reasonable close to the library building zone, then this would result in zero further construction. Perhaps at the end of this first sentence the words "until the young birds have fledged" to clarify this limitation. 17-9

page 16: I am concerned about changing General Plan OSC-20. It seems the new language eviscerates the current OSC-20 language and creates the potential for other subsequent projects to come along and use less than a 100 foot buffer zone. Two questions: 17-10

(1) Is it even necessary to change the language of OSC-20, given the general plan provision does provide for some flexibility in the language "to the maximum extent feasible"? Perhaps the PC can make a formal finding that a 100 foot buffer is not feasible in this instance to avoid the possibility of an opponent of the project arguing that a 100 foot buffer was feasible. 17-11

(2) if we do need to change the language of OSC-20, can we make it more limited, such as adding the language "unless a different buffer zone has been established in a Town-adopted management plan by May 1, 2011." By adding a date, we avoid the possibility of another applicant coming along and getting the Town to adopt a new wetlands management plan which justifies a buffer zone of less than 100 feet. 17-12

page 48 recommends different language for the revised OSC-20 policy:

OSC-20 Buffer zones of at least 100 feet, or for wetlands with Town-adopted management plans, whatever buffer is recommended in that plan, shall be provided, to the maximum extent feasible, between development and wetland areas.

My comment: I think this second suggested language is more confusing and convoluted than the other suggested language. Also, if the General Plan has made a policy decision that the 100 foot buffer zone is flexible "to the maximum extent feasible" then I don't see why the extra language is necessary. 17-13

page 20, Impact LU-2: No mitigation measures are required. However, it seems given the proposed change to General Plan Policy OSC-20 (from a 100' buffer to less than a 100' buffer set back from a wetland) that the project would conflict with an applicable land use plan, the Town's General Plan. Is this correct? 17-14

page 24, paragraph 2: What is the "partial 'decking' that is referred to? Is this referring to creating a two story parking structure? 17-15

page 108, last paragraph at the bottom of the page: this paragraph suggests that there would be "no second story addition with windows where lighting would be visible." However, Simulation of Alternative D in Figure VI-4 on page 109 is unhelpful because there are trees blocking the structure. Please provide a better visual as part of Figure VI-4 which demonstrates a view of the Alternative D without trees obstructing the view. Also, this paragraph says that the change in lighting from the windows would be just "incrementally less" but it concludes that the additional open space views provided by Alternative D would be sufficient to reduce all aesthetic impacts of this alternative "to a less than significant level." I don't see how such a minor change would have such a big impact in terms of going from "significant and unavoidable impacts on views to suddenly "less than significant." 17-16

page 110: first paragraph: need a period at the end of the last sentence.

17-17

Response to Letter from John Corcoran

- 17-1. During the public review of the original DEIR, no comments were made regarding the air quality analysis. As such, technically, this issue does not require response in this Final EIR since the air quality section was not revised. That said, the project construction emissions do not meet the significance criterion for greenhouse gas emissions adopted by the Bay Area AQMD in their new *CEQA Air Quality Guidelines*. Based on those guidelines, we believe the original Draft EIR correctly concluded that the impact would be less-than-significant.
- 17-2. The comment is noted, and these decisions will be made at the merits stage.
- 17-3. The term “could result in take” is a technical term that means that the animal would or could be killed by the activity.
- 17-4. The term “vegetation ladders” refers to vegetation growing up the fence that would allow the animal to climb over the fence.
- 17-5. The comments and suggestions are noted for the record. The Town has the authority to appoint the monitor and his/her successors and how the monitor is reimbursed. In practice, the Town of Tiburon selects the monitor, enters into a contract with, and directly pays the monitor for the work. The project sponsor is required to deposit the full contract amount with the Town prior to execution of the contract.
- 17-6. This mitigation was recommended by the biologist working on the original DEIR. The purpose of such fencing is to ensure that if there are frogs living in the marsh, they do not enter the project site where they could be injured or killed. It is possible that when reviewing the fencing plan, the US Fish and Wildlife Service may determine that such fencing is not warranted or required.
- 17-7. The suggested change has been made (see Chapter 3 of this FEIR).
- 17-8. We concur, and this change has been made (see Chapter 3 of this FEIR).
- 17-9. The suggested change is part of paragraph 3 on that same page (page 16). This states if a permanent buffer is not feasible, then a temporary buffer will be required unless eggs have not been laid or juveniles are foraging independently.
- 17-10. The project application includes a proposal to amend General Plan Policy OSC-20 so that with that amendment, the project would be consistent with this General Plan policy – this amendment is part of the current project application (see page III-22 of the original Draft EIR). The suggested language in the Revised DEIR was intended to replace the originally-proposed change to OSC-20, which states that the policy would be revised to add an exception from the 100-foot setback for “public projects benefiting a substantial segment of the community.”

The EIR’s suggested language for the policy is not required to reduce any impact’s significance, since inconsistency with a policy is not considered a significant environmental impact. The suggestion was made to provide better

future protection for wetland resources than the originally-proposed revision. The EIR recommendation would retain the requirement for a buffer (either the 100-foot buffer or whatever buffer called for in a Town-adopted Management Plan). This provides greater wetland protection than the originally-proposed language. The Town has the authority to revise or not revise the policy as it sees fit. As is explained on pages 46 to 47 of the Revised DEIR, determining consistency with this policy is a “quasi-legislative” determination that would be determined at the time the Town considers the merits of the project. The EIR preparers believe that the proposed language for the policy is more protective of wetlands than the originally-proposed amendment. Nevertheless, to clarify that this suggestion is not a mitigation measure needed to address a specific impact, the discussion of Impact BIO-4 has been revised to clarify that no mitigation is required. See the revision as shown in Chapter 3 of this FEIR.

- 17-11. The Revised DEIR asks this same question on page 47. The policy may not require revision given that the policy includes the requirement for a 100-foot buffer “to the maximum extent feasible.” As stated on page 47 of the Revised DEIR, general plans address a wide range of competing interests. The Town Council, which will be the final judge of policy consistency, is charged with determining whether a project furthers the Town’s objectives and policies as stated in the general plan. This does not necessarily mean complete compliance with each sentence or phrase of each policy. The Town, in recognizing that there could be occasions where other community objectives might be as important as, in this case, a precise 100-foot buffer from a jurisdictional wetland boundary, included the phrase “to the maximum extent feasible.” The policy does not state that there will be a 100-foot buffer for all projects and there will be no exceptions to that rule. The Town will determine the need for policy revision.
- 17-12. As noted above, the Town has the authority to revise or not revise the policy as it sees fit.
- 17-13. The comment is noted for the record.
- 17-14. The project includes a proposed amendment to Policy OSC-20. If the project is approved that would include their requested amendment of the General Plan. The project would therefore be consistent with the amended General Plan. That said, there remains the question of whether the policy needs to be revised as stated in Comment 17-13.
- 17-15. “Partial decking” refers to constructing a second story parking deck over a portion of the lot, but not the entire lot.
- 17-16. The requested simulation along with a photograph of the existing building with the leaves not on the trees are provided on the following page. The determination of the significance of a visual impact is a somewhat subjective judgment. The original DEIR found the aesthetic impacts of the project to be less-than-significant as regards damage to scenic resources, degradation of the existing scenic character, and changes to the nighttime landscape (see pages IV.B-12 to 17). The one visual impact that was judged to be significant was that the “project would substantially limit views of the Tiburon Ridge from public

viewing places including Tiburon Boulevard” (RDEIR, page IV.B-10). As is shown on Figure VI-4 of the Revised DEIR, the project as proposed almost entirely blocks views of the grassy portion of the ridge from the selected vantage point. Alternative D allows views of a portion of that grassy area. On this basis, the Revised DEIR concludes that this impact is reduced sufficiently to make the impact less-than-significant. The Town has the authority to conclude otherwise. In that case, this visual impact would be one of the significant and unavoidable impacts the Town would have to accept (in a Statement of Overriding Considerations) if it chooses to approve the project or Alternative D.

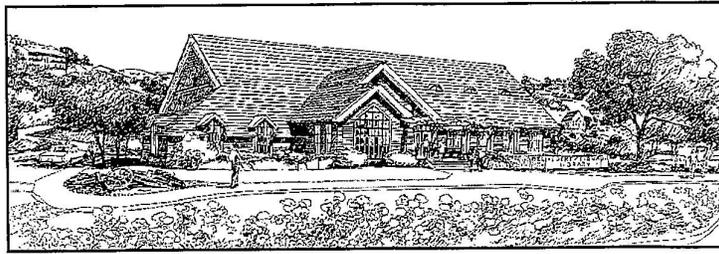
17-17. The typographic error has been fixed (see Chapter 3 of this FEIR).



Photograph 1 - Existing View with No Leaves on Trees



Photosimulation 1 - Project with No Leaves on Trees



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APR 19 2011

Belvedere - Tiburon Library
1501 Tiburon Boulevard
Tiburon, CA 94920
415-789-2665 415-789-2650 (fax)

PLANNING DIVISION

April 19, 2011

Mr. Scott Anderson
Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

Re: Belvedere-Tiburon Library Expansion Project Revised Draft Environmental Impact Report

Dear Director Anderson,

The members of the Belvedere-Tiburon Library Agency have reviewed the referenced RDEIR dated March, 2011 and wish to formally comment as follows:

The Agency notes that Alternative D renders identified potentially significant negative impacts to the environment as a result of the expansion project to less than significant with appropriate mitigation. The Agency views this as a positive contribution in the review process.

The Agency would like to make a comment on the traffic trip generation analysis as follows:

Section IV.H, Traffic/Transportation, now takes into account the 36 parking spaces leased in Lot C (Zelinsky lot) and 32 -36 on-street parking spaces as resources. This treatment responds favorably to the Agency's comment on the DEIR in our letter of July 20, 2010. **18-1**

In terms of trips to the Library the analysis in this Section utilizes the Transportation Engineers Trip Generation Manual method for calculating trips, which is based upon floor area of the Library. In the Agency's opinion this probably results in a finding of more theoretical trips than actual ones because the visitor-ship is unlikely to grow proportionally to the floor area as our community population is pretty well fixed and a good proportion of the new floor area will be devoted to administrative functions for which no increase in staff is forecast. This "over-stated" trip count increases from a current level of 591 average **18-2**

daily trips to 1,603 daily trips in the expanded facility which number is used for purposes of calculating the projected wait times and Level of Service at the intersections. The Mar West/Tiburon Blvd. intersection downgrades from a B to a C at p.m. peak, which is still very acceptable but could, with further trips generated by other uses, result in a long term warrant to signalize the intersection. Likewise, the trip numbers are used to caution that the left turn pocket on Tiburon Blvd. may need to be lengthened from 100 feet to 125 in the future should further p.m. peak trips be added.

While both of these situations do not pose a present Significant Adverse Impact the use of these numbers could have consequences in the future, which may be avoided by using actual visit counts at the Library currently and by doing counts at other libraries that are comparable.

In addition there are a few very minor editing items to be picked up in the next draft: **18-3**

P.87 line 9 the word "intersections" is missing.

p.92 line 5 :three" should be ' four '.

p.100 Air Quality line 5 "exposure" should be 'expose '.

Respectfully yours,



William G. Kuhns, Chair

Belvedere-Tiburon Library Agency

Response to Letter from William G. Kuhns, Belvedere-Tiburon Library Agency

- 18-1. The comment is noted for the record. As no question is asked concerning the EIR, no additional response is required.
- 18-2. The commenter may be correct that the EIR overstates the amount of new traffic (see Response 16-3 regarding this matter). Mitigation measures require that improvements to the Mar West Street/Tiburon Boulevard intersection would be done only when actual future traffic volumes warrant the improvements.
- 18-3. These typographic errors have been fixed (see Chapter 3).

9.

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MAY 09 2011

May 9, 2011

Scott Anderson, Director
Community Development Department
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, California 94920

PLANNING DIVISION



Re: Belvedere-Tiburon Library Expansion Revised Draft Environmental Impact Report

Dear Scott:

Marin Conservation League has reviewed the Revised Draft EIR for the subject project. We appreciate the addition of Alternative D, with two options for a wetland buffer. This provides an Environmentally Superior alternative when compared with the Proposed Project. The two figures, VI-3 and VI-5, also help by comparing two wetland buffer options and their implications for the Railroad Marsh habitat, as well as their impacts on parking. In our view, however, the Revised DEIR, does not adequately explain how Alternative D, under either buffer option, actually reduces significant unavoidable biological resource impacts to less-than-significant. Our comments below deal solely with this topic.

The Revised DEIR is caught between two ambiguous wetland policy directives: the Tiburon 2020 General Plan Policy OSC-20 and the Railroad Marsh Management Plan do not agree on what should constitute the "edge" of the marsh for purposes of measuring an appropriate buffer. Policy OSC-20 calls for a "zone of at least 100 feet . . . between development and wetland areas (emphasis added)." This 'jurisdictional' wetland area is saturated only seasonally and episodically, typical of the upper margins of such wetlands. In contrast, the Railroad Marsh Management Plan, Item #3, states that ". . . vegetative buffers shall be planted and a low fence installed 50 feet from the shore. . ." This term suggests a more or less permanently saturated wetland margin. This is not the appropriate "edge" from which to measure a wetland buffer, although in other respects the Railroad Marsh Management Plan provides useful guidance. The literature on wetland and riparian buffers over and over affirms the importance of adequate width to ensure maximum separation between wetland functions such as wildlife habitat, and sources of disturbance. One-hundred feet from the upper margin of the wetland is not optimum, but it serves as a practical compromise.

19-1

The Revised DEIR is very clear on the values of wetland buffers and, although it does not argue for a particular buffer width, it lists the significant impacts, such as human and dog presence, opening and closing of car doors, talking, headlight intrusion, etc. that could result from an inadequate buffer (Page 40, Para. 3). These significant impacts will not change measurably – certainly not be reduced to less-than-significant – with the addition

19-2

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San Rafael, CA 94901

of 15 feet, to yield a 50-foot buffer from the shore and a 40-foot buffer from the 96-ft. contour (assuming the 96-foot contour is roughly ten feet "upslope" from the shore.) The second option, viz., adding 25 feet, to yield a 50-foot buffer from the 96-foot contour and 60-foot buffer from the shore, would begin to make a difference, but in our view would not avoid the BIO-1 significant impact. Neither option complies with Policy OSC-20.

Policy consistency is not a CEQA issue, although the Revised DEIR proposes revising Tiburon 2020 as mitigation for the project's conflict with Policy OSC-20. Mitigation Measure BIO-4 recommends this revision: "OSC-20 Buffer zones of at least 100 feet, or for wetlands with Town-adopted management plans, whatever buffer is recommended in that plan, shall be provided, to the maximum extent feasible, between development and wetland areas." Not only is the revised policy awkwardly phrased, it could also open the door to future attempts to circumvent the town's ability to protect wetlands and wetland buffers adequately. Above all, it does not resolve the significant impact of an inadequate buffer. In our view, OSC-20 is an element of the Town's "constitutional" general plan; as such, it should take precedence over the Railroad Marsh Management Plan and should not be compromised (revised) to accommodate one project.

19-3

Short of the "no project/no build" alternative, or further reductions of parking for the library, it appears that none of the alternatives would fully avoid impacts on Railroad Marsh and still meet basic objectives of the proposed expansion. If the project is approved by the Town, we recommend that Alternative D with Option "2" – i.e., a 50-foot buffer measured from the 96-foot contour (60 feet from the shore) – be considered as the less impacting ("environmentally superior") alternative. All BIO and HYDRO mitigations to minimize significant impacts on the marsh during construction should be implemented. To address the "unavoidable significant impact" on Railroad Marsh over the long term, we recommend that the buffer area be planted and three-foot fence be constructed, as recommended in BIO-1b and 1c, and that the impact be acknowledged in the Final EIR and recognized during the approval process in a finding of overriding considerations.

19-4

Thank you for the opportunity to comment. We look forward to a response to our concerns in the Final EIR and subsequent hearings on the merits of the project.

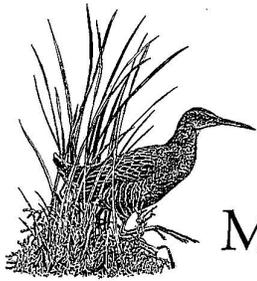
Sincerely,


Nona Dennis, Vice President

cc. The Ark
Marin Audubon Society
Dr. L. Martin Griffin

Response to Letter from Nona Dennis, Marin Conservation League

- 19-1. The comment is accurate regarding the ambiguity and contradictions between the Railroad Marsh Management Plan and Policy OSC-20. The comment is accurate in its description of typical measurements for wetland buffers. That said, it is noted that Railroad Marsh is an urban marsh that exists primarily because of the Town's ongoing dredging and maintenance. It has active urban uses up to the water's edge in many locations, including the project site. The jurisdictional wetland portion of the project site is mowed grass and is regularly accessed by people and their dogs. It is likely that the preparers of the Railroad Marsh Management Plan recognized its status when recommending the 50-foot buffer.
- 19-2. The commenter disagrees with the conclusion of the revised DEIR (see page 110) that Alternative D with a 50-foot buffer from the marsh shore would reduce the impact to the marsh to a less-than-significant level on the grounds that a 100-foot buffer is needed. The conclusion in the EIR was based on the recommendations set forth in the Town-adopted Railroad Marsh Management Plan. Given this long-adopted and implemented management plan, the EIR preparers believe that this conclusion of impact significance is valid. However, it is recognized that there is a difference of opinion among experts on this conclusion. The Town could determine that the impact remains significant as suggested by the commenter. In that case, this impact would need to be addressed in the Statement of Overriding Considerations that will be required if the Town approves the project or Alternative D.
- 19-3. See Response 17-10 regarding this consistency issue. As stated in that response, we believe that the recommended rewording is an improvement over the originally-proposed wording for the policy amendment. The commenter's opinion that Policy OSC-20 should not be compromised is noted for the record. See the two previous responses regarding the impact to the marsh.
- 19-4. The recommendation that the Town select Alternative D with Option "2" is noted for the record. All the cited mitigations would be included in this alternative. The commenter's conclusion that the impact to the marsh would remain significant and unavoidable is noted for the record. As stated above, there is a difference of opinion regarding this significance conclusion.



Marin Audubon Society

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10.

PLANNING DIVISION

May 4, 2011

Scott Anderson, Community Development Director
Town of Tiburon
1505 Tiburon Blvd.
Tiburon, CA 94920

RE: TIBURON PUBLIC LIBRARY EXPANSION PROJECT REVISED DRAFT EIR

Dear Mr. Anderson:

The Marin Audubon Society appreciates the opportunity to comment on the latest version of the DEIR for the Belvedere-Tiburon Library Expansion Project. The project has changed little. It would still enlarge the existing 10,500 square foot library to 29,990 square feet in a two story addition as well as a new 52-car parking area and other facilities. Many of the comments in our July 24, 2010 letter are still valid. The DEIR contains new analyses, revised mitigations and a new alternative that is somewhat reduced in size by eliminating the second story.

BIOLOGICAL RESOURCES

Proposed mitigations measures BIO 1A through c call for not damaging native vegetation in the buffer, enhancing the marsh by improving the buffer and habitat, preparing a restoration and enhancement plan that would remove invasive plant species, replant the buffer with native plants, establish maintenance guidelines, list native species to be planted, and install a fence and sign.

20-1

The discussion notes that an additional mitigation could include widening the buffer to 50 feet. While a 50-foot wide buffer would be an improvement over the proposed 35-foot wide buffer, the impact would remain significant with either option. Narrower buffers reduce wildlife habitat and adversely impact water quality. A 100-foot wide buffer is needed.

We wonder why an enhancement plan is needed if there already is a Railroad Marsh Management Plan? This mitigation signals that the existing plan is inadequate. Further, the discussion on page 29 states "Consistent with the plan's recommendations, in the autumn of 2010, Town contractors conducted maintenance work on the marsh. Adjacent to the project site, cattails and much of the understory vegetation beneath trees was removed and trees were limbed up. This work resulted in views from the project site of open water in the marsh." This indicates that the plan calls for the pond to be managed, not for habitat, but as a view and landscaped amenity. Therefore, this plan should not be relied upon to define an adequate marsh buffer.

Impact/mitigation BIO-4 This mitigation also notes that the project is inconsistent with General Plan Policy OSC-20 that requires a 100-foot buffer around wetlands. While the final

20-2

determination of consistency with the General Plan will be made by the council, it is obvious that a 35-foot buffer is inconsistent with a policy that calls for a 100-foot buffer. Inconsistencies with the general plans of the local jurisdiction within which a project is proposed is a potential impact to be addressed in an EIR. How the council chooses to deal with that inconsistency is another matter.

Changing the policy would require a General Plan amendment. A property noticed public hearing would have to be conducted. Questions to be considered are: Would the amendment be just for this project, for all of the wetlands in the Town? If the amended policy were intended to apply to all of the town, the other areas it would apply to should be identified and considered. While there may not be plans for expansion of other buildings currently, general plan policies are intended to be guidelines for future development throughout the jurisdiction. Another consideration is that state law allows general plans to be amended only four times a year. Has the Town already amended its General Plan this year? 20-3

The DEIR also notes that the project is inconsistent with the Railroad Marsh Management Plan recommendation for at least a 50-foot buffer. We note that there is no mention of whether the Town ever actually adopted the Management Plan, and if it did why was the inconsistency with the General Plan not addressed then? If the Management Plan was never actually adopted, there is no compelling reason to follow it. 20-4

ALTERNATIVES ANALYSIS

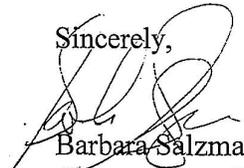
A new alternative, Alternative D, has been developed which would reduce the size of the structure by 1,000 square feet by eliminating the second story. With this alternative, parking spaces would be reduced by five, which would allow the buffer to be expanded to 50 feet. While this would be an improvement over the proposed plan's 35-foot wide buffer, it is still inadequate. The primary improvement with this alternative would appear to be to views because the second story is eliminated. 20-5

The discussion further notes that the extent of the jurisdictional wetlands on the site is the 96-foot elevation. A figure showing the extent of the jurisdictional wetlands should be included and considered as part of the EIR review process. The Town should maintain this area as a wetland, not as a landscaped view area. Wetland buffer should be measured from the landward edge of the wetland, not from the edge of the pond. 20-6

This Alternative should be revised to provide a 100-foot wide buffer around the marsh. This could be accomplished by further reducing the size of the building and the parking lot so that the 100-foot buffer adjacent to the wetlands can be maintained.

Thank you for considering our concerns.

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee


Phil Peterson, Co-chair
Conservation Committee

Response to Letter from Barbara Salzman and Phil Peterson, Marin Audubon Society

- 20-1. The mitigations to enhance the buffer are consistent and build upon the marsh management plan's recommendations for the buffer (see page 38 of the Revised DEIR). Cattail removal done in autumn 2010 by contractors working for the Town was done per the management plan guidelines, which call for periodic removal of cattails to maintain shallow water habitat. The EIR-recommended mitigations will provide additional protection of the marsh near the project site. The commenters' opinion that the adopted plan should not be used to determine appropriate marsh buffers is noted for the record. See previous Responses 19-1 and 19-2 regarding this issue.
- 20-2. The consistency with Policy OSC-20 is described in the Revised DEIR (see pages 46 to 48). As is explained on those pages, a possible inconsistency with general plan policies is not an environmental impact. CEQA requires assessment of impacts to the physical environment, and municipal general plans are not part of that environment. The EIR is required to identify potential plan inconsistencies so that decision-makers are aware of those inconsistencies. The EIR has done this. See Response 17-10 for additional response regarding plan consistency issues.
- 20-3. The project includes a proposed amendment of Policy OSC-20, and that proposed amendment will be considered when the Town considers the merits of the project. If the policy is amended, it would apply to all new projects near wetlands. There are no other Town-adopted wetland or marsh management plans, so at this time the recommended revision would apply only to any future projects around Railroad Marsh. The applicant's proposed amendment of the policy would allow new projects with public benefits without the need for any defined wetland buffer. As stated in Response 17-11, there is a question whether the policy needs to be revised at all, given that the policy includes the requirement for a 100-foot buffer "to the maximum degree feasible." Regarding the final point, the Town has not amended its general plan at all in 2011.
- 20-4. As stated on page 38 of the Revised DEIR, the updated management plan was adopted in 2001. The Town's General Plan was adopted in 2005. Regardless of how the inconsistency occurred, the marsh management plan was developed by qualified wetlands experts specifically to address management issues for the Railroad Marsh. As described in Responses 17-10 and 17-11, the Town will determine the policy consistency issue, whether the policy needs to be revised if the project is to be approved, and, if it does, what the revised language shall include.
- 20-5. The commenter's opinion regarding the adequacy of Alternative D to mitigate wetland impacts is noted for the record. The alternative was developed to reduce impacts of blockage of views to the ridgeline and reduce biological impacts to Railroad Marsh.
- 20-6. See the new maps on the following pages where the 96-foot contour is shown (the edge of the jurisdictional wetland) plus a series of setbacks from the shore

edge and the 96-foot contour. The commenter's recommendation is noted for the record. If the Town accepts this mitigation, then there is almost no space for on-site parking (see the following two maps). None of the project alternatives included in the EIR (other than the no project alternative) would be feasible if this condition is accepted. A new, considerably smaller project would need to be designed and/or existing parking for the library and Town Hall would need to be retained.

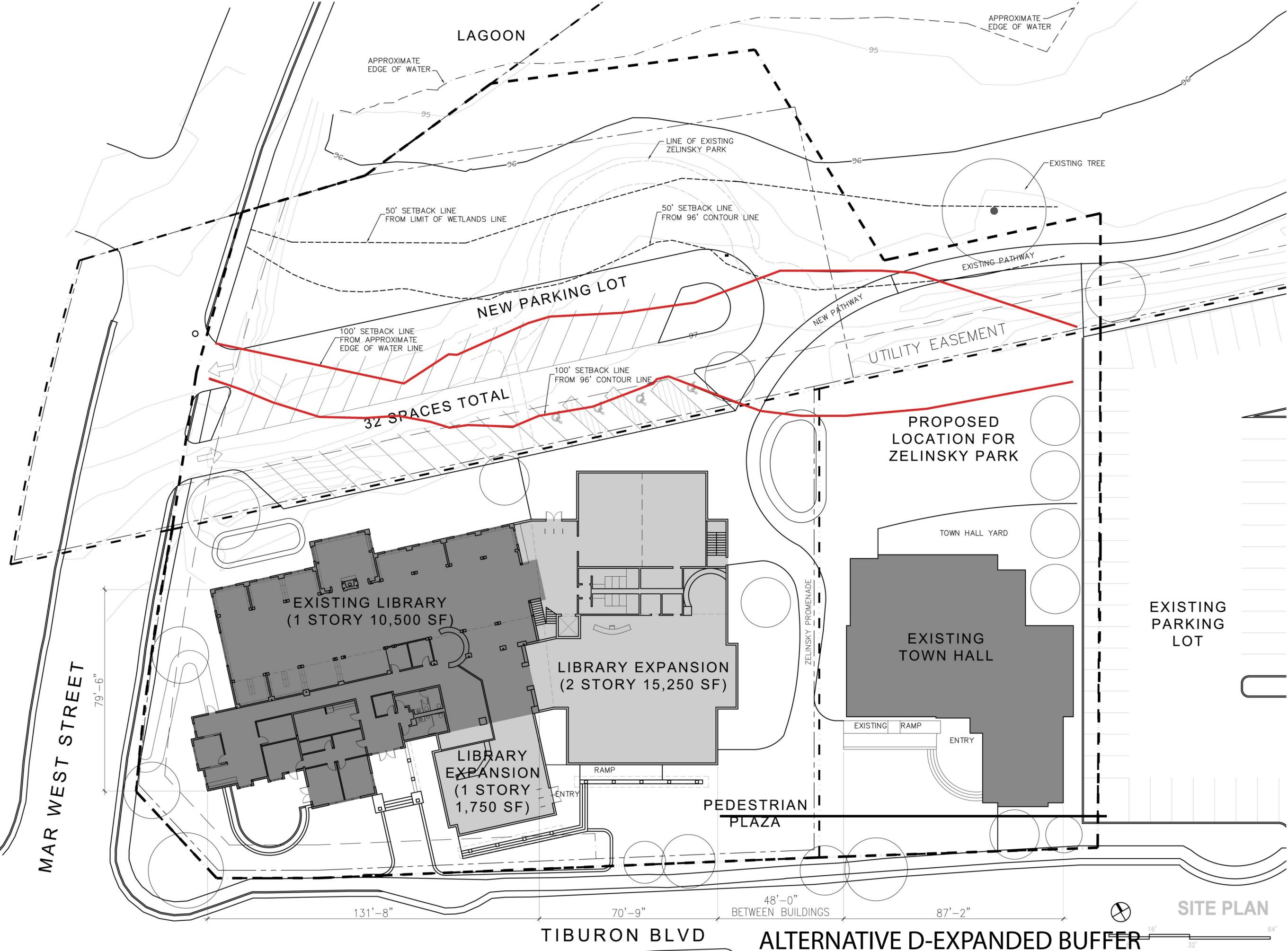
Belvedere-Tiburon Library

EHDD

Esherick Homsey
Dodge & Davis

Architecture
Interior Design
Graphic Design

500 Treat Avenue
San Francisco
California 94110
www.ehdd.com
415.285.3866 fax
415.285.9193 tel



MAR WEST STREET

79'-6"

EXISTING LIBRARY
(1 STORY 10,500 SF)

LIBRARY EXPANSION
(2 STORY 15,250 SF)

LIBRARY EXPANSION
(1 STORY 1,750 SF)

PROPOSED
LOCATION FOR
ZELINSKY PARK

EXISTING
TOWN HALL

EXISTING
PARKING
LOT

NEW PARKING LOT

32 SPACES TOTAL

PEDESTRIAN
PLAZA

TIBURON BLVD

ALTERNATIVE D-EXPANDED BUFFER

131'-8"

70'-9"

48'-0"
BETWEEN BUILDINGS

87'-2"

SITE PLAN



Printing _____ Date _____

Revisions _____ Date _____

EHDD JOB NUMBER
07024

DRAWN BY
A.C.

DATE
18 MAY 2011

SCALE
1/16" = 1'-0" at 24 X 36

BELVEDERE-TIBURON LIBRARY
CIVIC CONNECTION SCHEME
E.I.R. ALTERNATE OPTION

Scott Anderson

From: George Rodericks [grodericks@cityofbelvedere.org]
Sent: Friday, April 01, 2011 11:11 AM
To: Scott Anderson
Cc: Martin Cannon; Pierce Macdonald - Planning Manager
Subject: Fwd: Library Expansion

RECEIVED
APR 01 2011

PLANNING DIVISION

Scott,

Below are comments from Martin Cannon in response to the request for comments on the Draft EIR for 21-1 the Library Expansion comments. If you need additional information from Mr. Cannon feel free to contact him directly. If there is any problem including these comments as a part of the public record, please so advise and we can have Mr. Cannon contact you directly.

Regards,

George

George Rodericks
City Manager
City of Belvedere
450 San Rafael Avenue
Belvedere, CA 94920
(415) 435-3838 - Office
(415) 412-1281 - Mobile

PUBLIC DISCLOSURE NOTICE:

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Begin forwarded message:

From: Pierce Macdonald - Planning Manager
<pmacdonald@cityofbelvedere.org>
Date: April 1, 2011 11:08:30 AM PDT
To: "Cannonml@aol.com" <Cannonml@aol.com>
Cc: George Rodericks <grodericks@cityofbelvedere.org>
Subject: RE: Library Expansion

I will take your comments under advisement. At this time, staff has not been directed to respond to the request for comments. You are welcome to send your comments

4/4/2011

to sanderson@ci.tiburon.ca.us or mail them to Scott Anderson, Community Development Director, Town of Tiburon, 1505 Tiburon Blvd., Tiburon 94920.

From: Cannonml@aol.com [mailto:Cannonml@aol.com]
Sent: Friday, April 01, 2011 10:54 AM
To: Pierce Macdonald - Planning Manager
Subject: Re: Library Expansion

Hello Pierce,
Most importantly, I think the proposed library expansion should be moved off the street frontage so three sizeable buildings do not appear next to each other as one big mass. As to size, I do not have a specific number in mind, but I do know that one of the earlier proposals was about half the size of what is proposed and was not built in the existing parking lot.
Thank you.
Martin

21-2

In a message dated 4/1/2011 8:04:24 A.M. Pacific Daylight Time, pmacdonald@cityofbelvedere.org writes:

Thank you, Martin.

I have the detailed report for the project here at City Hall if you would like to review it with me.

Could you send me a possible height and/or size that would be acceptable in your opinion? I am copying the City Manager for his information.

Sincerely,

Pierce Macdonald
Planning Manager
(415) 435-3838

PUBLIC DISCLOSURE NOTICE:

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From: Cannonml@aol.com [mailto:Cannonml@aol.com]
Sent: Thursday, March 31, 2011 4:22 PM
To: Pierce Macdonald - Planning Manager
Subject: Library Expansion

Hello Pierce,
I noticed on George Roderick's email newsletter that you are the one taking comments on the proposed Belvedere Tiburon Library expansion.
The proposed expansion is too large for the street front location between the existing library and Tiburon City Hall such that it will present a very large mass of buildings together. I also think it is too large for the library's requirements, although I am sure they have reasons for all of the space. Having it set back and of a smaller scale is more in line

21-3

with what this community needs. Also, the larger it is, the more it is to heat and maintain, and this is not the time to be taking on such a grand project which will further strain the budgets of Belvedere and Tiburon.

I do support a library expansion, just not one of the proposed scale or in the proposed location.

Martin Cannon

Response to Letter from Martin Cannon

- 21-1. The actual comment letter from Martin Cannon begins on the second page of this email chain.
- 21-2. The opinion about building relocation is noted for the record. See Alternative B (pages 97 to 103 of the Revised DEIR) for an alternative that relocates buildings such as suggested by the commenter. Alternative C (pages 103 to 106) describes a smaller project alternative.
- 21-3. The opinions are noted for the record. See Response 21-2 above regarding alternatives to the proposed project.

Scott Anderson

From: JESanford7@aol.com
Sent: Saturday, April 23, 2011 9:23 PM
To: Scott Anderson
Subject: Belvedere-Tiburon Library Expansion

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APR 25 2011

PLANNING DIVISION

4/23/11

To: Town of Tiburon, Scott Anderson, Director of Community Development, 1505 Tiburon Boulevard, Tiburon, California 94920.

The Town of Tiburon is requesting comments on the planned 19,990 sf expansion of the Belvedere-Tiburon Library. The expansion project includes new library amenities, patios, 52 parking spaces, relocation of Zelinsky Park, lighting and landscape changes. The deadline for comments is 5 PM on May 9, 2011.

On 9/18/10 I wrote the following letter to the Ark and to the Director of the Belvedere-Tiburon Library.

Most local residents would agree that the present Belvedere-Tiburon Library building is an architectural masterpiece. It is just "so" Belvedere with its craftsman design. It is the perfect "bookend" for the Tiburon Town Hall which is "so" Tiburon. Together they are in harmony. Together, they create a unity of structure and space, including an important view corridor to Old St. Hilary's.

That view corridor is the centerpiece of our Landmarks Society, the marsh and all of downtown. Every element of it works together and is a joy for everyone who walks, bikes or drives by the present site. The present parking space between the Library and the Tiburon Town Hall is neither intrusive nor objectionable. It all works together.

I have reviewed the Draft EIR relating to this project. In my opinion, that report does not give sufficient concern to the loss of the view corridor by the proposed expansion. This is a serious omission. The report also does not give sufficient consideration to the alternative of building behind the present library. Yes, there are problems with the high pressure sewer line but they can be overcome with creative engineering including a removable bridge between the old library and the new expanded section. 22-1
22-2

I strongly oppose the EIR as it is written for these two reasons. If this were a private building project, I am sure that greater consideration would be given to persevering the historic view corridor and the balance between the present library and the Tiburon Town Hall. If this were a private building project, I am sure that the planning commissioners would ask the applicants to come back with a plan that preserves the view corridor and uses some creativity to complete the project in another manner.

Do to a prior commitment I will not be able to attend the hearing where this plan will be reviewed.

John E. Sanford
60 Pine Terrace
Tiburon, CA 94920
435-2139

4/25/2011

Response to Letter from John E. Sanford

- 22-1. The aesthetic impacts of the project as proposed were addressed in the original Draft EIR, and the impact describing the blocking of the view of Tiburon Ridge was deemed a significant and unavoidable project impact. Alternative D developed for the Revised DEIR reduces this impact to a less-than-significant level in the opinion of the EIR preparers. See Response 17-16 for additional discussion of this issue as well as the additional photographs and simulation that follow the responses to Comment Letter 17.
- 22-2. The EIR does include an alternative of building behind the library – see the discussion of Alternative B on pages 97 to 103 in the Revised DEIR. The Revised DEIR concludes that this alternative would have more significant impacts on biological resources than other alternatives. It is not the environmentally superior alternative.

Scott Anderson

From: Joyce Griffin [joyce@sonic.net]
Sent: Friday, April 29, 2011 10:16 AM
To: Scott Anderson; editor@thearknewspaper.com; Debbie Mazzolini
Subject: library expansion project

RECEIVED
MAY 02 2011

To Whom It May Concern:

PLANNING DIVISION

While proceeding with plans to triple the library's size and relocate the parking lot next to the railroad marsh, the city has yet to provide these critical visual aids to help the public comprehend the negative impacts on the marsh and ridge historic views:

Place story poles between city hall and the new library Place boundary and elevation markings for the new 52-car parking lot behind the library and mark the smaller Zelinsky park. 23-1
Place boundary markers on dedicated open space to be rezoned for the parking lot and reduced 100-ft marsh setback. (Legal?)

The public needs to understand what they will gain and lose.

How can the new 52-car parking lot (close by the 150-car TPC parking lot), mitigate for the heavier than air toxic tailpipe emissions rolling into the adjacent fresh water marsh from hundreds of vehicles every day? 23-2

In this green county, shouldn't the city of Tiburon require solar panels for the library expansion, (as should have been required for recent expansion of TPC)? Both locations seem ideal to generate adequate electricity for these projects. 23-3

The taxpayers of Tiburon, Belvedere and the County have purchased vast areas of Open Space throughout the county including Richardson Bay, the majestic Tiburon Ridge for public enjoyment, air, water, and visual quality. Open Space in this county is sacrosanct and even small rezoning for a parking lot can open the door to greater conversions, diminishing wildlife habitat. 23-4

Perhaps negative impacts could be mitigated by helping in the "last chance" purchase of the 100-acre wild Martha Property high on the Tiburon Ridge. It adjoins the Landmark's Old St. Hillary's. It's part of the Railroad Marsh watershed, which includes the Library in its present just-so setting. 23-5

We need a basic public vote on how to proceed with the library expansion.

Sincerely,

Joyce Griffin
39 Peninsula Rd.
Belvedere

Response to Letter from Joyce Griffin

- 23-1. The Town does not believe that the suggested story poles and markers are needed to understand the environmental impacts of the project, and their placement was not required. Story poles will be required for any subsequent architectural plan review that may occur before the Town.
- 23-2. The air pollutant emissions from the project are assessed in the air quality chapter of the original EIR. There is no evidence that these emissions would have a significant air quality impact on humans or wildlife inhabiting or using Railroad Marsh. The commenter has not provided any information to the contrary, so no additional response is possible.
- 23-3. The suggestion is noted for the record. The Revised DEIR does not address climate change impacts as these were addressed in the original EIR. No mitigations were required in that EIR because the greenhouse gas emissions were less than significant (see pages IV.C-19 to 20 in the original DEIR).
- 23-4. The concern is noted for the record. As no questions are asked concerning the EIR, no additional response is possible.
- 23-5. The suggestion is noted for the record. This mitigation is not warranted to reduce any remaining significant impacts to a less-than-significant level.

Scott Anderson

From: Barry Wilson [bhwilfly@gmail.com]
Sent: Sunday, May 08, 2011 8:54 PM
To: Scott Anderson
Subject: Library DEIR Comments-Barry & Fran Wilson

RECEIVED
MAY 09 2011

TO: Scott Anderson, Director of Community Development
FROM: Barry and Fran Wilson
DATE: May 8, 2011
RE: Belvedere-Tiburon Library Expansion Project, Revised Draft Environmental Impact Report

PLANNING DIVISION

Dear Scott,

We have the following comments/questions about the Library expansion DEIR:

1. The view simulation appears to be inaccurate. There are two large trees depicted which appear to block a good deal of the existing view corridor in both the "before" and "after" simulations. In reality, although similar trees do exist, they do not appear to us to be in the position depicted. They block almost none of the real view corridor to the Old St. Hilary's Open Space, even when the chosen viewpoint parallels the southeast Library wall. Moving southeast from that point, the view corridor expands even more -- only small trees are in the foreground with minimal view impact. 24-1

The incorrect depiction of the large trees distorts the true impact of both the proposed project and Alternative D on the view corridor. The effect is to significantly minimize the impact of the proposed new buildings on the current views of the open space. Trees can be trimmed to maintain views. Buildings, once built, cannot. We feel the simulations should fairly depict the impact of the new buildings and not employ incorrectly located trees to minimize it. Are we in error? We have attached two photos of the view corridor which we believe illustrate our point.

2. The project is a very significant expansion of an existing building--nearly tripling its size. In view of that, wouldn't story poles be appropriate to alert the public of what is being proposed? 24-2

3. An expansion of the Library on this scale, requiring: 24-3

- amendments to the Town's General Plan
- Zoning Ordinance changes
- deviation from Tiburon's 2020 policies
- a new traffic light and turn lane on the state highway

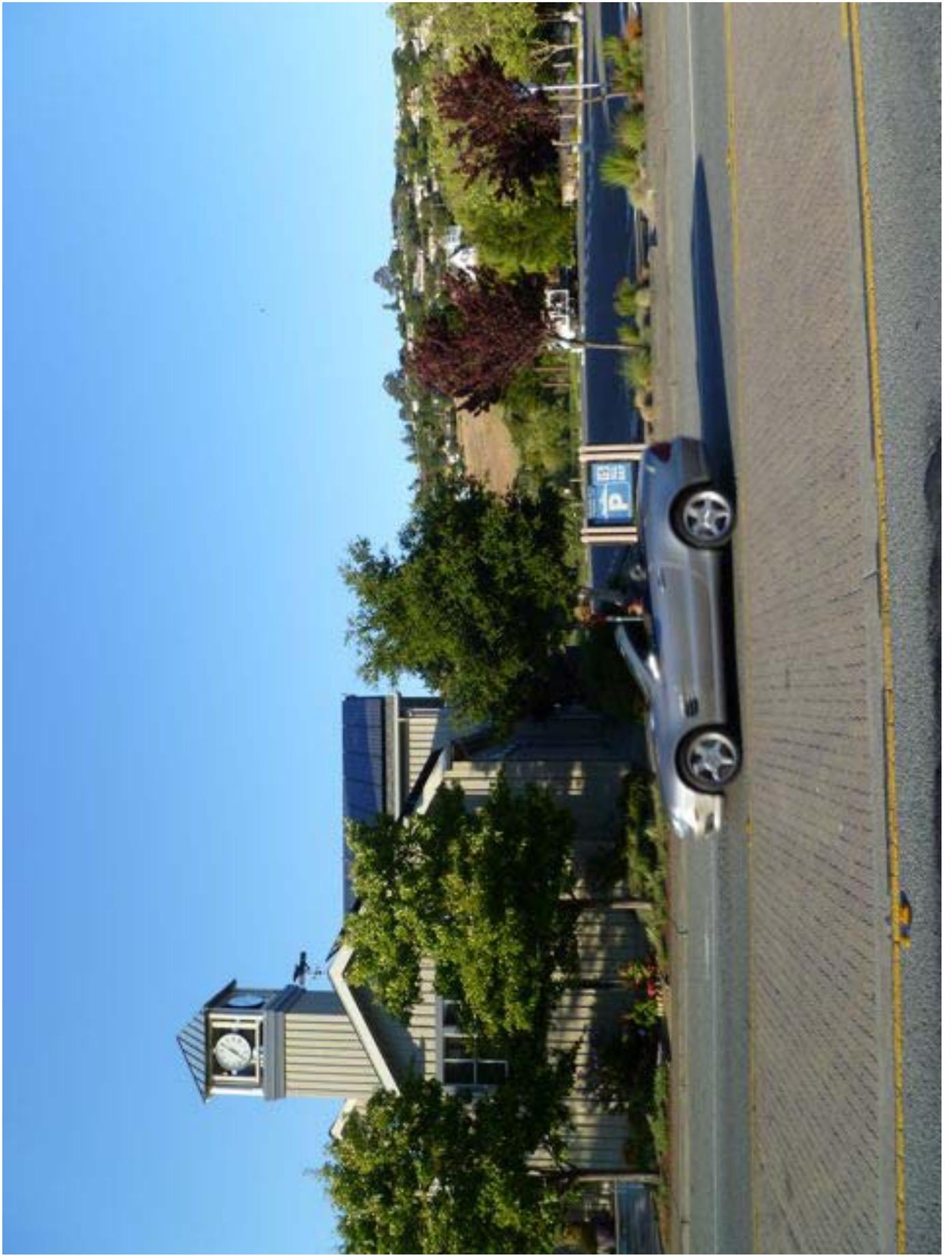
and projecting:

- a 171% increase in vehicle trips and Library parking needs
- the possibility of double-decking a Tiburon parking lot due to severely inadequate parking space (32 committed spaces short)

calls into question whether the project is in appropriate scale for a Town this size. Has this aspect been addressed?

Thank you for the opportunity to comment.

Barry and Fran Wilson
1990 Centro West
Tiburon, CA 94920





Response to Letter from Barry and Fran Wilson

- 24-1. See the additional photographs and simulations presented earlier in this report (after the responses to Comment Letter 17) to see the effect of the trees without leaves. The trees are correctly positioned in the photographs and simulations presented in the revised DEIR and this Final EIR (the commenter's belief that they are incorrectly positioned is likely due to the position where the photos were taken from). See Response 17-16 for additional discussion of the visual effects of the project and Alternative D.
- 24-2. See Response 23-1 regarding the need for story poles.
- 24-3. The commenter's summary of project impacts is noted for the record. The Town will consider these impacts as well as the scale of the project when considering the merits of the project and whether to approve it or not.

Scott Anderson

From: Dan Watrous
Sent: Monday, May 09, 2011 8:38 AM
To: Scott Anderson
Subject: FW: Library

RECEIVED
MAY 09 2011

Library EIR comments...

*Daniel M. Watrous
Planning Manager
Town of Tiburon
(415) 435-7393*

PLANNING DIVISION

From: Marti Andrews [mailto:martiand@comcast.net]
Sent: Saturday, May 07, 2011 10:47 AM
To: Dan Watrous
Subject: Library

Dear Dan

As the EIR suggests, the plans for the expansion of the Tiburon Library are problematic. As a longtime Tiburon resident, I have seen many nice improvements, including the library we have now. Adding a lot of parking and tripling the building size screams pretension and waste:

1. The marsh and nearby open space must be left alone! It is lovely as is. Tiburon needs no more 25-1 buildings.
2. More parking is not needed. I have never even needed to drive around to find a parking spot immediately at the library. Even more parking encourages people to drive when they should walk, bike, or take the bus. There are other lots and nearby parking areas if/when parking would be needed.
3. Here we are in the 21st century.....digital is the way to go. The only time I go to the library anymore is to pick up a book/CD that I requested online. The library should need less space, not more. I am not understanding the reasoning behind this proposed expansion.
4. For meeting and other uses of space, we also have Town Hall next door plus other areas of town that desperately need to be occupied.
5. The economy suggests that there are better ways to use our resources. Using the old school paradigm of "lets build a big building because we have the money" is no longer valid. Think of all the things the library could do with that money! To name a few: purchasing digital books, reference material, DVDs, CDs, etc.

Thank you,

Marti Andrews
415.847.1200

Response to Letter from Marti Andrews

25-1. The commenter's opinions about the need for the project are noted for the record. As no questions are asked concerning the EIR, no additional response is required.

Subject: Library expansion DEIR
Date: Monday, May 9, 2011 3:48 PM
From: Elisabeth G Gleason <gleasone@usfca.edu>
To: <sanderson@ci.tiburon.ca.us>

Dear Mr. Anderson:

I would like to comment on the DEIR re the Library expansion.

First, I strongly agree with the statements made by Cathy Frymier as quoted in The Ark of Wednesday, May 5.

Second, the same goes to the comments by Barry and Fran Wilson in their letter to you dated May 8.

Third, rather than repeating what they said, I want to focus on the parking. Adding cars to 26-1 streets, either Mar West or Tiburon Boulevard, would not add anything other than creating more problems for those of us who live in the area and use said streets. The overflow of cars from the library is already noticeable esp. on Mar West, creating potential traffic hazards near the intersection with Tiburon Boulevard. Has this been carefully considered?

Fourth, I am especially and deeply concerned about the proposed parking lot behind the 26-2 library adjacent to the Railroad Marsh. Are the planners aware of the sad state of the march before it was cleaned up and restored relatively recently? We supposedly care about wildlife in our town and environs. Would this be true if the birds of all sorts who either live around the marsh and/or use it as a source of clean water and food were to be impacted by massive construction? What about the ongoing noise near their habitat that would be a daily feature even after the construction? Oil drips from the cars, especially in wet weather, would pollute the water and affect bodies of the birds by compacting their feathers. Has any thought of all this crossed the minds of the people who drew up the DEIR?

Fifth, I, too, looked at the current view corridor and want to underline that we need ACCURATE photos rather than those the DEIR contains. Has anyone addressed this matter? 26-3

Finally, do we need a café in the library that would add to the size of the building? Why, when one only needs to go across the street to get a cup of coffee? 26-4

For the sake of brevity, I shall stop here, but not before expressing some very serious concerns with the proposed massive addition, the blocking of unique views, and the welfare of our wildlife.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elisabeth G. Gleason".

Dr. Elisabeth G. Gleason
5 Tower Point Lane
Tiburon

9 May 2011

--

Response to Letter from Dr. Elisabeth G. Gleason

- 26-1. The Revised DEIR (pages 71 to 76) does address traffic congestion and hazards. The impacts are less than significant for the project. In the future, under cumulative conditions, signalization of the Mar West Street/Tiburon Boulevard intersection will be needed to maintain acceptable levels of survive (see Response 16-3 regarding this issue).
- 26-2. The impacts (including noise, air quality, and water quality impacts both during construction and during the use phases) on Railroad Marsh and its inhabitants were carefully reviewed in the Revised DEIR (see pages 39 to 46). The project would have a significant and unavoidable impact on the marsh. Alternative D that was developed as part of the Revised DEIR would increase the marsh buffer and reduce the impact to a less-than-significant level.
- 26-3. The photographs in the Revised DEIR were reviewed by Town staff and determined to accurately show the existing buildings and trees.
- 26-4. The commenter's opinion regarding the café is noted for the record.

Stephan C. Volker
Joshua A.H. Harris
Shannon L. Chaney
Alexis E. Krieg
Stephanie L. Abrahams
Daniel P. Garrett-Steinman
Jamey M.B. Volker
M. Benjamin Eichenberg

Law Offices of
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Oakland, California 94612
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e-mail: svolker@volkerlaw.com

RECEIVED
MAY 09 2011

May 9, 2011

VIA EMAIL AND U.S. POST
sanderson@ci.tiburon.ca.us

PLANNING DIVISION

Scott Anderson
Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, California 94920

Re: Comments of Alan and Janice Fenster on Revised Draft Environmental Impact Report for Belvedere-Tiburon Library Expansion Project

Dear Mr. Anderson:

In accordance with your notice of availability of the Revised Draft Environmental Impact Report ("RDEIR") for the Belvedere-Tiburon Library Expansion Project ("Library Project"), and on behalf of our clients, Alan Fenster and Janice Bickel-Fenster, we respectfully submit the following comments on the Library Project RDEIR.

INTRODUCTION

The RDEIR revises the Draft EIR ("DEIR") for the Library Project in five significant respects. In response to comments received from the public and agencies requesting additional information and analysis, the Town's new CEQA consultants on this project revised its chapters on biological resources, transportation/parking, and alternatives. Because of revisions in those chapters, the consultants also revised the DEIR's Executive Summary (Section II) and the DEIR's Summary of Significant and Unavoidable Impacts (Section V.A). Accordingly, and in accordance with CEQA Guidelines [14 C.C.R. section 15088.5(g)], we restrict our comments to those five revised sections of the RDEIR. While the RDEIR represents a substantial improvement over its predecessor, we remain concerned about its discussion of the Library Project's impacts on biological resources and its consideration of alternatives, as discussed below.

BIOLOGICAL RESOURCE IMPACTS

The RDEIR acknowledges, as it must, that the 10-acre Railroad Marsh "is a sensitive natural community and is the pre-eminent biological resource near the project site." RDEIR at 27. It notes that the marsh was historically part of the Belvedere Lagoon, and supported both salt marsh and tidal mud

flat habitat before it was severed from tidal action by construction of the Northwestern Pacific Railroad railroad yard. Natural siltation of its outlets have blocked saltwater intrusion, converting the marsh to freshwater habitat. Among Railroad Marsh's special status species are the Point Reyes checkerbloom, the Suisun Marsh aster, the California red-legged frog, the salt marsh common yellowthroat and a fresh water snail, the robust walker. *Id.* at 27-32. The Tiburon General Plan adopts numerous policies to protect the biological resources of Railroad Marsh. See, e.g., OSC-16, OSC-17, OSC-18, OSC-20 (prescribing a 100-foot set back "between development and wetland areas") and OSC-38. To implement these preservation policies, in 1985 the Town adopted the Railroad Marsh Management Plan, which was updated in 2001. That Plan requires specific measures to protect the red-legged frog and the salt marsh common yellowthroat, and directs that vegetative buffers be planted and a low fence installed 50 feet from the shore to reduce disturbance to wildlife along the south shore.

The proposed Project appears to conflict with a number of these General Plan policies, most notably, the requirement that there be a 100-foot set back between development and wetland areas, and that vegetative buffers be planted and a low fence installed 50 feet from the shore to reduce disturbance to wildlife along the south shore. The RDEIR's Mitigation Measure BIO-2a proposes the excavation of burrows for the California red-legged frog in areas adjacent to the Library Project if, at the time of inspection, "no animal use is noted." RDEIR at 11. "Excavated burrows with no CRLF [California red-legged frog] shall be left open so they cannot be re-occupied." *Id.* These "Mitigation Measures" threaten harm to the California red-legged frog because they illuminate burrows that have been used by this listed species in the past if they are simply not occupied at the time of inspection. Indeed, even where they are found to be occupied, this Mitigation Measure directs that "the area shall be vacated and re-inspected in one week." RDEIR at 11. Since the species does not remain in its burrow all the time, there is a significant likelihood that burrows in use by this species will be vacated at the time of inspection, resulting in the destruction of such burrows "so they cannot be re-occupied." *Id.* The long-term result of this steady attrition of red-legged frog habitat will be the taking of this species in violation of applicable law, including OSC-20, the Railroad Marsh Management Plan and the federal Endangered Species Act. Accordingly, we ask that the RDEIR be revised to provide that any burrows identified by biologists conducting inspections of the Railroad Marsh area be left undisturbed, rather than be "excavated whenever they are not currently occupied." 27-1

Second, Mitigation Measure BIO-2a directs that where "any life stage of the CRLF is found during the surveys or excavations, the Department of Fish and Game and the US Fish and Wildlife Service shall be contacted immediately, and activities that could result in take shall be postponed until appropriate actions are taken to allow project activities to continue." Literally, this Mitigation Measure directs that "activities that could result in take" of this protected species will be allowed "after appropriate actions are taken" in order "to allow project activities to continue." This announced intention to take this species is inconsistent with the protections provided under the Town's Railroad Marsh Management Plan and the federal Endangered Species Act. The Endangered Species Act forbids the taking of listed species. 16 U.S.C. §§ 1531, 1538(a)(2). 27-2

The RDEIR acknowledges the Library Project's conflict with Town General Plan Policy OSC 27-3 20, which prescribes a buffer zone of 100 feet between development and wetland areas. RDEIR at 47. We strongly urge the Town to respect this buffer zone here "to the maximum extent feasible" as required under OSC-20. There has been no demonstration that this 100-foot buffer is infeasible.

ALTERNATIVES

We also urge the Town to consider a fifth Alternative which would allow a smaller increase in the size of the existing library and provide for adequate buffering of Railroad Marsh from the adverse affects of this project. 27-4

In view of the fact that there has been no demonstration that such an alternative would be infeasible, and since such an alternative would better protect Railroad Marsh and implement the Town's General Plan, the Town has a duty under CEQA and the General Plan to fully consider it.

CONCLUSION

Thank you for considering our comments on the Library Project RDEIR.

Respectfully submitted,

/s/ Stephan C. Volker

Stephan C. Volker
Attorney for Alan Fenster and
Janice Bickel-Fenster

SCV:taf

bcc: Alan Fenster and Janice Bickel-Fenster
34 Marsh Road
Tiburon, CA 94920-2541

Response to Letter from Stephen C. Volker

- 27-1. As reported on page 31 of the RDEIR, there are no reports of red-legged frog in or near Railroad Marsh. The project site does not include habitat the frog needs to complete its life cycle, and there is not suitable breeding or foraging habitat on the project site. No red-legged frogs or burrows were identified during field surveys. Finally, the site is outside the Federal Critical Habitat for the species. Being conservative, the original EIR biologist recommended standard protection measures for the species despite the lack of evidence of the frog using or inhabiting the site. The mitigation incorporates standard measures for protecting red-legged frog. It is noted that neither the USFWS or the Department of Fish and Game submitted comments on the original DEIR or the Revised DEIR. To ensure compliance with all State and Federal requirements regarding construction in areas where the frog could be present, the cited mitigation will be revised to state that the entire mitigation measure will be reviewed and approved by the USFWS and California Department of Fish and Game prior to any construction. See the revision in Chapter 3 below.
- 27-2. See the above response. The USFWS, which is responsible for overseeing projects that could affect Endangered Species will review and approve the mitigation measure prior to any construction on the site (see Chapter 3 of this FEIR where the change to Mitigation Measure BIO-2a is described).
- 27-3. See previous Responses 17-10, 17-11, and 20-2 to 20-6 regarding this concern.
- 27-4. As shown on the new maps following Response 20-6, there is almost no room for an addition to the Library if the 100-foot buffer is required.

From: Connie Peirce <connie94920@yahoo.com>
Subject: Comments on RDEIR for the Proposed Library Expansion
To: "Scott Anderson" <sanderson@ci.tiburon.ca.us>
Cc: "Deborah Mazzolini" <dmazzolini@bel-tib-lib.org>
Date: Monday, May 9, 2011, 3:41 PM

RECEIVED
MAY 09 2011

Dear Scott,

Thank you so much for meeting with me last week.

PLANNING DIVISION

After much thought regarding the Revised Draft of the Environmental Impact Report (RDEIR) for the proposed library expansion I would like to address what impacts my husband, Bob, and me most personally, the potential blockage of the view of Old St. Hilary's (OSH) that we enjoy from our upstairs. The attached photos help to illustrate our concern.

28-1

We treasure our view of OSH as she sits on her knoll framed in abundant green as seen in the attached *View of Old St. Hilary's*. This is the **primary** view from our only easterly-facing upstairs window. With a slight shift in body position, however, the view from that window becomes that of the attached photo *Library Roof*. Bob and I truly hope that our treasured view of OSH will not be replaced by another view of a library roof and its attendant daytime glare.

We also treasure our nighttime view of OSH, which can be seen in the photo *Old St. Hilary's at Night*. We would be crushed not only by the loss of this view, but also by the devastating impact of lit, second-floor, westerly-facing windows if the library undertakes a two-story expansion towards Town Hall. If those windows are large, as in the Simulation of Proposed Tiburon Library, Figure VI-4, they will cast an enormous amount of light at night (and glare during the day) into our field of vision. View *Imagine Impact of Lit Foreground Windows* to understand the true lack of light pollution that we now enjoy. Then imagine large lit windows in the foreground of that scene, as would be the case for many of our waking hours in winter with its prolonged darkness and leafless trees.

The RDEIR addresses the impact of the proposed project and various alternative scenarios. The project as submitted would have the most substantial and unavoidable consequences on our view of OSH and its accompanying Open Space. Alternative A and Alternative B would have no impact on our view. Alternative C, a one-story expansion towards Town Hall, would likely have the least impact on our view of any expansion towards Town Hall. However, how exterior lighting, windows and screening are handled will determine the extent of Alternative C's impact.

28-2

Alternative D would likely impact us as much as the proposed project, unless mitigations were made regarding the roof height. Please note the Tiburon Town Hall flag and pole near the far right edge of the photo *View old St. Hilary's*. This can be seen through a gap in the trees just above the roof of the house (which is across the street at 39 Cove Rd.) The edge of the library closest to Town Hall in Alternative D reaches to within 7-8 feet of this flagpole. In extending the library roof visible in this same photo straight out to the flagpole,

one sees that the expanded roof in Alternative D would cut across the roof of OSH, thus substantially impacting our view of OSH and its Open Space.

Bob and I truly encourage the library, its architect and the Planning Commission to find a means to substantially mitigate this negative impact. A significantly stepped down roof might be able to accomplish this goal and mitigate the effects of glare from that roof.

Because the trees in the Simulation of Alternative D in Figure VI-4 in the RDEIR obscure the view of that alternative, it is difficult to determine how the windows in Alternative D are designed, and hence, how the glare and light from them may impact us. It is quite likely, however, that the windows on the Tiburon Blvd. side of Alternative D, particularly the second-floor ones, will impact us significantly. 28-3

On one final note, not view related, I am concerned about the proposed 7:00 AM construction start-time. We are already "bounced out of bed" often by heavy vehicles that hit what we believe is the pedestrian crossing at Tiburon Blvd./ Cove Rd/ Mar West. With a 7:00 AM start, we (and likely our neighbors, as well) would be disrupted by the ground vibrations and noise of construction vehicles well before that time. My understanding is that 8:00 AM is the traditionally approved start time for construction projects. If so, our neighborhood would be significantly less impacted by the later start-time, even if that were to mean a 6:00 PM end-time. 28-4

Bob and I would very much like the library, its architect and the Planning Commission to take all these concerns (view blockage, light pollution, glare from windows and roof, and construction hours) into consideration as planning for the library's expansion continues. We would be delighted to offer any assistance that we can towards that goal. In the meantime, let me add for your reference that the large and small leafless trees in *View of Old St. Hilary's* are directly across from the Children's Room and the library's meeting room, respectively. 28-5

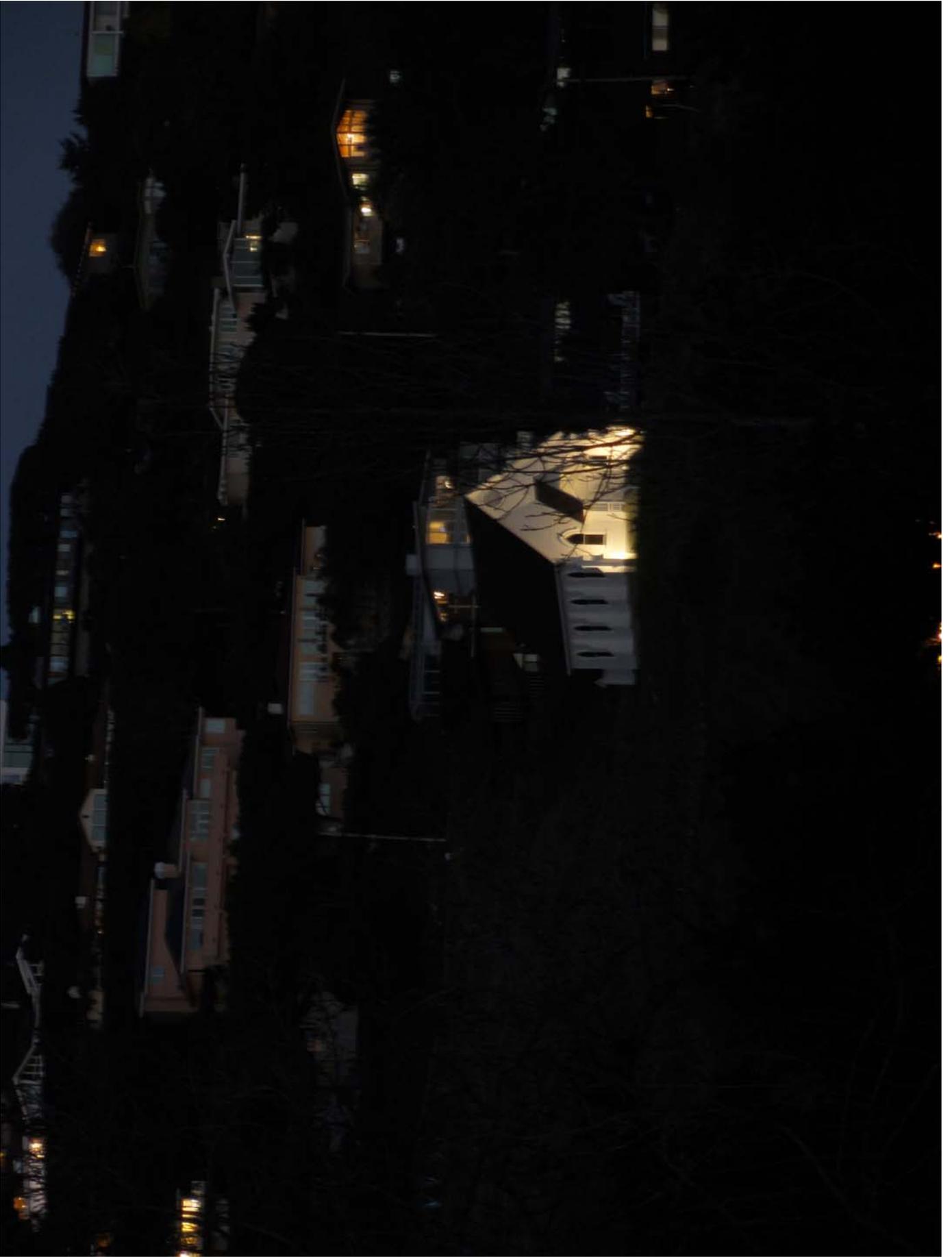
Let me underscore, again, how much Bob and I value the library, its staff and all its dynamic offerings, and that we truly support the desirability of an expanded facility. In this letter, however, we chose just to address how we would be impacted personally by various alternatives.

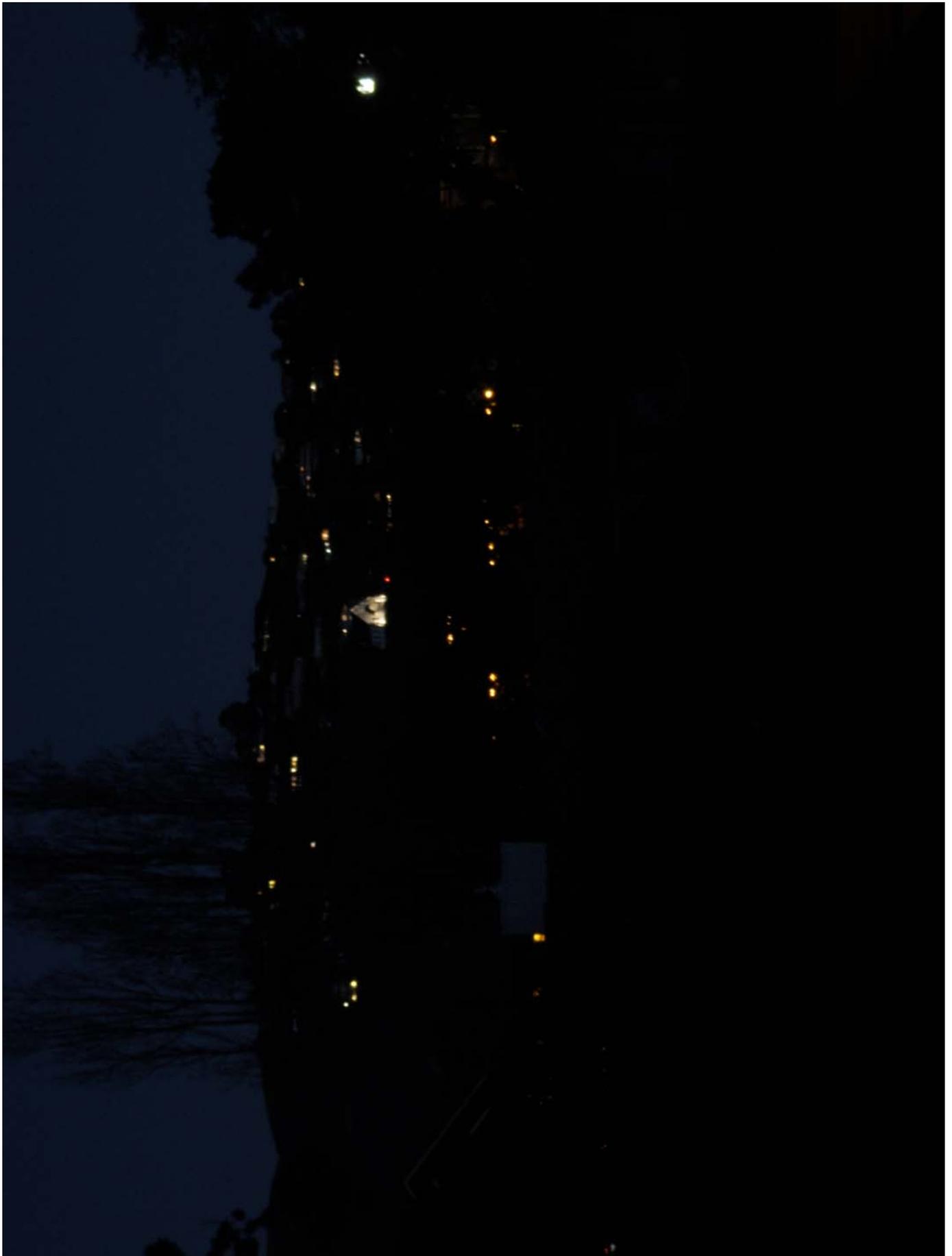
Sincerely,
Connie Peirce

Connie and Bob Peirce
36 Cove Rd.
Belvedere, CA 94920
435-5954









Response to Letter from Connie and Bob Peirce

- 28-1. The commenter's opinions and the effects on their views are noted for the record. As no question is asked concerning the EIR, no additional response is required.
- 28-2. The commenter's opinion of the alternatives and the recommendation to employ "a stepped-down roof" are noted for the record.
- 28-3. See the additional photosimulations presented earlier in this report for a depiction of the view without leaves on the trees.
- 28-4. The construction hours would be limited to the hours specified in the Town's requirements for construction (Chapter 13 of the Municipal Code). The Town could impose additional restrictions as suggested by the commenter, but it is not required to reduce a significant noise impact.
- 28-5. The commenter's concerns and opinions are noted for the record.

1. 1501 AND 1505 TIBURON BOULEVARD: ACCEPT PUBLIC COMMENT ON A REVISED DRAFT ENVIRONMENTAL IMPACT REPORT (RDEIR) FOR THE PROPOSED BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT; FILE #S GPA 2008-02, MCA 2008-14, 40801 AND 30804; Assessor Parcel Numbers 058-171-92, 93, 94 and a portion of 058-171-62

Community Development Director Anderson presented the staff report, stating the Library Expansion Project's DEIR was prepared and released in June 2010. When the Response to Comment document was being prepared, it became clear that recirculation of certain portions would be required. The Town's consultant prepared an RDEIR that updated and revised certain sections of the original DEIR and those sections are the focus of comments tonight for this item.

The three areas identified as requiring revision and recirculation were biological resources, transportation/parking, and alternatives sections. The other topical impact areas of the project were adequately addressed in the original DEIR. The Response to Comments will address the comments made to those latter sections in the original DEIR, as well as responding to comments received tonight on the three recirculated sections described above.

The key findings of the RDEIR were that the original DEIR had underestimated the biological impacts of the project on the marsh and the sensitive species that use or inhabit it, and that without creation of a larger buffer between the development and the marsh, there would be significant and unavoidable biological impacts. The RDEIR also concluded that parking impacts, which were originally identified as being significant and unavoidable, could be reduced to less than significant levels with certain mitigation measures. With respect to alternatives, a new Alternative D was developed that included shrinking the project and creating a larger space between it and the Town Hall building. That alternative served to reduce visual impacts to the extent that the remaining views to the ridge would be expanded over the original project design, and it also reduced biological impacts to less than significant levels with mitigation, according to the RDEIR. The project and all the development alternatives studied would still result in significant unavoidable impacts to air quality, consistency with an adopted air quality plan, and temporary noise and ground borne vibration increases due to construction.

Director Anderson noted that staff has received very few comments to date on the RDEIR. The public comment period will remain open until May 9th. Staff anticipates the RDEIR issue will return to the Commission at its May 25th meeting, at which the Commission will consider the issue of whether recirculation is required based on the new comments received on the RDEIR. Assuming that no recirculation is required, the consultant will then prepare the Final EIR. The Final EIR and project merits will return to the Commission for hearing this summer.

Chair Frymier opened the public hearing.

Deborah Mazzolini, Belvedere-Tiburon Library Director, said the Library is very appreciative and is grateful for the community interest and comments received to date. All comments have been helpful in focusing on a building design that the community can both love and respect.

Connie Pierce, Cove Road, expressed concerns related to general view blockage from Tiburon Boulevard and specific view blockage of Old St. Hilary's Church from her home. She shared general requests for clarification about the project, to which Mr. Anderson invited her to contact him the following day. 29-1

Ms. Mazzolini said she would also be happy to meet with Ms. Pierce.

There being no one else wishing to speak, Chair Frymier closed the public hearing.

Vice-Chair Corcoran thanked the applicant for their responsiveness to the comments received. He said he had only brief oral comments, and would submit more detailed comments in writing. He had questions about the role of the biological monitor during the mitigation process, specifically inquiring about consultant selection and payment. He wanted to ensure a certain degree of independence for this role and thought it should be addressed in the EIR. He referred to a suggestion in the RDEIR that spoke to the potential modification of General Plan Policy OSC-20, which establishes setbacks or buffer zones from wetlands. He cautioned against any modification of the policy and stated his belief that the current policy language provided sufficient flexibility to make the findings without an amendment if infeasibility could be demonstrated. He noted that the language of the RDEIR states that the photo simulation of Alternative D on p. 109 of the RDEIR shows reduced window area and lighting impacts, but the image depicts the second story addition being almost completely obscured by trees. He requested a new photo without the trees, which would be more in line with the description of Alternative D. 29-2

Commissioner Tollini said she did not necessarily believe Alternative D to be the environmentally superior development alternative. She thought that a combination of Alternatives C and D might prove more suitable for that purpose. She said Alternative D does not go far enough in its project revisions to mitigate impacts to her satisfaction, and tries to walk the line by either ignoring or revising certain parts of the General Plan. 29-3

She stated that amending General Plan Policy OSC-20 as a mitigation measure for the project is not consistent with the Planning Commission's repeated affirmations of the General Plan as the Commission's "Constitution". 29-4

She noted that on p. 111 of the RDEIR, the definition of "wetland" is being ignored and urged that the General Plan definition be used rather than developing another to suit the needs of the project. She 29-5

wanted to see an option that better respects the 100 foot buffer from the Marsh wetlands, uses the General Plan definition of wetlands, and better complies with General Plan Policies OSC-20 and OSC-29 for discussion at the merits phase of review. She disagreed with the conclusion on p. 108 that "all aesthetic impacts of this alternative [would be] reduced to a less than significant level, and felt that the RDEIR discussion was not honest with its view impact discussion. She acknowledged that certain aspects of the discussion would be more appropriate during the merits phase, 29-6

but said she strongly opposed a General Plan amendment to the wetlands setback policy.

Chair Frymier concurred with the prior comments by Commissioners and said she could not support a General Plan amendment for this project with respect to Policy OSC-20. 29-7

The mitigations for biological impacts fall short, particularly in light of the goals and policies of the General Plan. She suggested that the traffic analysis may also be insufficient, noting there was no discussion on the new businesses potentially coming into town, and disagreed that the traffic generation levels identified are less than significant. 29-8

The Commission and staff discussed the concept of blending alternatives already identified in the EIR to come up with yet another, which is within the range of alternatives discussed in the EIR, and which could be taken up at the merits phase of review. Mr. Anderson cautioned that proposing an entirely new and significantly different alternative at this point would require recirculation of the RDEIR. He explained that any conceptual project design falling within the range of alternatives that have been analyzed, as well as enhancements to already proposed mitigation measures, would not require recirculation and could be discussed at the merits stage of review. He also suggested that the idea of blending alternatives could be addressed in the Response to Comments, in terms of discussing how such a blending might occur. 29-9

The Commission was clear in its position that granting a General Plan amendment for purposes of avoiding biological impacts of the project was inappropriate, but agreed that any actual policy consistency discussion would properly take place at the merits phase of review. 29-10

Mr. Anderson noted that while the project and all development alternatives propose General Plan amendments, the Commission has the authority to approve a project with the finding that it does, on balance, further the goals and objectives of the General Plan without being consistent with each and every policy. He also noted that while General Plan Policy OSC-20 would not necessarily require amendment in order to approve the project, the re-designation of a portion of the project site from Open Space to Public/Quasi-Public would require such an amendment.

Chair Frymier noted that the General Plan clearly states its support for a Library expansion of some kind.

Mr. Anderson also noted that a prior approval was granted for a library expansion several years ago, and at the time the General Plan policy regarding the 100-foot wetlands setback did not exist and was not an issue.

Response to Verbal Comments Made at the Tiburon Planning Commission Public Hearing, April 27, 2011

- 29-1. See the responses to Comment Letter 28 above from this commenter regarding these issues.
- 29-2. The Vice-Chair's comments are included in the comments he made in Comment Letter 17 above – please see the responses to those comments.
- 29-3. The Commissioner's opinion regarding the environmentally superior alternative is noted for the record. The Town has the authority to approve an alternative that is a hybrid of those assessed in the EIR.
- 29-4. As previously discussed (see Response 17-10), the project includes a proposed amendment of this policy. The Revised DEIR suggested alternate revision language to provide better long-term protection for wetland resources. However, the discussion of Impact BIO-4 has been revised to clarify that the suggested language is not a required mitigation measure (see Chapter 3 for the revision).
- 29-5. The discussion on page 111 of the Revised DEIR describes the 100-foot buffer called for in Policy OSC-20 and explains what the effects of that buffer would be on site development. See the new site plans provided earlier in this report (following the response to Comment Letter 20) for a clearer depiction of the effect of that buffer. Please note that the original DEIR did not find the impacts to Railroad Marsh to be significant while the Revised DEIR did find that impact significant and unavoidable. The Revised DEIR then developed a project alternative to reduce that impact, whereas the original DEIR did not require any additional mitigation.
- 29-6. The discussion of the aesthetic impacts of Alternative D presented in the Revised DEIR were based on the photosimulations provided. The Commissioner may disagree with the conclusions of significance. As was noted earlier in Response 17-16, such conclusions about impacts to views are in many cases subjective. If the Town believes that the aesthetic impact of the alternative (i.e., that the building substantially blocks public views of Tiburon Ridge) would remain significant for this Alternative, then it would need to be addressed in the required Statement of Overriding Considerations that Town would need to adopt if it approved this alternative.
- 29-7. The Chair's opinions are noted for the record.
- 29-8. See previous Responses 16-2, 16-3, and 26-1 regarding traffic impacts. The preparers of the Revised DEIR found no evidence to change the conclusion of the DEIR that traffic generated by the project would have less-than-significant impacts
- 29-9. The Town has the authority to blend alternatives so long as the impacts from that hybrid do not cause a new impact not addressed in the Revised DEIR or substantially increase the severity of an impact (unless there are mitigations available to reduce that impact). For example, the Town could select an

alternative that had a smaller footprint within the development area of any of the project alternatives, and this alternative would be covered by this EIR. Another example might be to not move the parking lot and add smaller library additions on the front, back, and east sides of the library. Again, such an alternative would be covered by this EIR.

29-10. See Response 29-4 regarding this issue.

CHAPTER 3

REVISIONS TO THE REVISED DRAFT EIR

The following chapter presents changes to the text of the Revised Draft EIR that are warranted given the comments presented in Chapter 2. Changes are shown in the following manner:

- Additions to the text are shown as underlined text like this added text.
- Deletions from the text are shown as strike-out text, like this ~~strike-out~~.

1. **Page 42.** “BIO-2a The project shall not injure or destroy habitat used by California red-legged frogs (CRLF). To accomplish this standard, a qualified biologist, capable of monitoring projects with potential habitat for California red-legged frogs (CRLF) shall be present at the site to implement the following measures. This mitigation plan will be reviewed by the U.S. Fish and Wildlife Service and the California Department of Fish and Game prior to any project construction. These agencies will revise, delete, or add measures as needed to prevent the take of CRLF.”

These changes will also be made to the Impact and Mitigation Summary Table at page 14.

2. **Page 44.** “9. The general contractor shall assign a crew member that will be responsible for conducting site inspections, monitoring gate opening and closing, and assuring that other species protection measures are in place and being enforced when the Biological Monitor is not present. The crew member shall adhere to the procedures contained in the training document and shall be ~~able~~ responsible for contacting the biological monitor should any violations be noted or listed species observed on-site.

10. The biological monitor or the crew member mentioned in Paragraph 9 above has the authority to halt all or some construction activities and or modify all or some construction methods as necessary to protect habitat and individual sensitive species. The monitor shall be responsible for contacting USFWS should any endangered or threatened species be observed within the construction zones.”

These changes will also be made to the Impact and Mitigation Summary Table at page 11.

3. **Page 48.** “*Mitigation Measures*

No mitigation is required for this impact. However, if the Town determines that a General Plan Amendment is required to approve the project or a project alternative, then it may wish to consider the following language rather than the originally-proposed revision:

BIO-4 The proposed project’s General Plan Amendment regarding General Plan Policy OSC-20 could be revised to state:

OSC-20 Buffer zones of at least 100 feet, or for wetlands with Town-adopted management plans, whatever buffer is recommended in that plan, shall be provided, to the maximum extent feasible, between development and wetland areas, unless a different buffer zone has been established in a Town-adopted management plan, in which case the latter buffer shall control.

Impact Significance After Mitigation

As stated above, no mitigation is required. This suggested language maintains the existing General Plan intention of providing protection for wetlands. Unlike the originally-proposed policy amendment, which could be perceived as a precedent for other projects' intrusion into wetland buffers, the suggested language maintains the existing buffer requirement except where the Town has determined that reduced buffers are acceptable when it adopted or adopts science-based management plans for a particular wetland. It thereby reduces the potential for the General Plan Amendment to be a precedent for future projects seeking development within a wetland buffer zone.

See the subsequent discussion of Project Alternative D regarding an alternate project that would be consistent with this proposed revision to Policy OSC-20 and with the Railroad Marsh Plan's recommended buffer width."

4. **Page 87.** "As shown in Table IV.H-17, peak hour traffic signal warrants were conducted for three study intersections using the methodology of the MUTCD, California Supplement."
5. **Page 88.** "TRANS-9 Once future traffic conditions warrant, the Town will apply to Caltrans to extend the eastbound Tiburon Boulevard left-turn pocket at Mar West Street ~~25 feet~~ to the west. The lane will be lengthened to meet Caltrans' requirements for left turn lanes for the measured traffic volume. The Town shall employ its own criteria for ranking and prioritization when considering the need and timing for lengthening this left-turn pocket, and will coordinate with Caltrans, but the final decisions to approve the left-turn pocket lies with Caltrans."

This change will also be made to the Impact and Mitigation Summary Table at page 25.

6. **Page 92.** "The following alternatives analysis compares the potential significant environmental impacts of the four ~~three~~ alternatives with those of the proposed project for each of the environmental topics analyzed in Sections IV.A through IV.H (Environmental Impact Analysis) of the EIR."
7. **Page 100.** "For General Plan amendments, the BAAQMD *CEQA Guidelines* recommend that the impact of the change in land use designation with respect to vehicle miles traveled (VMT) and the potential for the project to ~~expose~~ exposure sensitive receptors to sources of objectionable odors, toxics, or accidental releases of hazardous materials be evaluated to determine consistency with the current CAP."

8. **Page 110.** “However, a final determination of plan consistency will be made by Town decision-makers.”

CHAPTER 4: MITIGATION MONITORING PROGRAM BELVEDERE-TIBURON LIBRARY EXPANSION PROJECT

INTRODUCTION

The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring program when approving a project or changes to a project, in order to mitigate or avoid significant effects on the environment (Public Resources Code section 21081.6). The program is based on the findings and the required mitigation measures presented in an Environmental Impact Report (EIR) that has been prepared on the project and certified by the lead agency. The reporting program must be designed to ensure compliance during project implementation.

Pursuant to the CEQA Guidelines, a Mitigation Monitoring Program (MMP) must cover the following:

- The MMP must identify the entity that is responsible for each monitoring and reporting task, be it the Town of Tiburon (as lead agency), other agency (responsible or trustee agency), or a private entity (i.e., the project sponsor).
- The MMP must be based on the project description and the required mitigation measures presented in the environmental document prepared for the project and certified by the lead agency.
- The MMP must be approved by the lead agency at the same time of project entitlement action or approvals.

MMP's are typically designed in chart and checklist format for ease of monitoring.

LOCATION AND CUSTODIAN OF DOCUMENTS

Consistent with the California Environmental Quality Act, an EIR was prepared to address the impacts of the proposed project. This document, entitled the Final EIR for the Belvedere-Tiburon Library Expansion Project consists of three (3) volumes as follows:

1. Draft Environmental Impact Report, Belvedere-Tiburon Library Expansion Project, prepared by Christopher A. Joseph & Associates, June 2010.
2. Revised Draft Environmental Impact Report, Belvedere-Tiburon Library Expansion Project, prepared by Leonard Charles and Associates, March 2011.
3. Final Environmental Impact Report, Belvedere-Tiburon Library Expansion Project, prepared by Leonard Charles and Associates, August 2011.

All volumes are State Clearinghouse Number 2009052003.

The Final EIR is on file with the Town of Tiburon Community Development Department, along with all the other documents which constitute the record of proceedings.

PURPOSE AND USE OF THE MONITORING PROGRAM

The purpose of the monitoring program is to provide the Town of Tiburon with a simple guideline of procedures to ensure that the mitigation measures required under the Final EIR are implemented properly.

Since each required mitigation measure must be implemented, a monitoring chart was created, which is attached to this report. This chart provides the following information and direction for use.

- 1) The mitigation number from the Final EIR is listed in the first column.
- 2) The required mitigation measures are listed in the second column, corresponding to the list of measures provided in the Final EIR.
- 3) The third column lists the timing as to when the mitigation measure is to be implemented.
- 4) The fourth column lists the agency or entity responsible for implementing the mitigation measure)
- 5) The fourth column lists the monitoring agency or entity.
- 6) The sixth column liusts the sanctions if the mitigation is not implemented..

The Town's requirements for mitigation monitoring programs are set forth in the Town's Environmental Review Guidelines. ¹ Section E.2.c states that "the Town's efforts shall focus on monitoring, not reporting. A memorandum shall be prepared by the case planner, upon completion of the implementation of all mitigation measures, for inclusion in the project file to document satisfactory completion of the Mitigation Monitoring Plan."

¹ *Town of Tiburon Environmental Review Guidelines*, Town Council resolution No. 62-2002.

*Belvedere-Tiburon Library Expansion Project
Mitigation Monitoring Program*

<i>Mitigation Number</i>	<i>MITIGATION</i>	<i>Implementation Schedule</i>	<i>Implemented by</i>	<i>Monitored By</i>	<i>Non-Compliance Sanction</i>
IV.C	AIR QUALITY				
AQ-2a	<p>Construction Emissions: Implementation of the following measures would reduce airborne dust by reducing and controlling loose soils in areas subject to dust creating activity. As a condition of the construction contracts, the project sponsors shall require that construction contractors follow these construction practices:</p> <ol style="list-style-type: none"> a. Water all active construction areas at least twice daily. b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. c. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction sites. d. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction sites. e. Sweep public streets adjacent to construction sites daily (with water sweepers) if visible soil material is carried onto the streets. f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). h. Limit traffic speeds on unpaved roads to 15 miles per hour. i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways. j. Replant vegetation in disturbed areas as soon as possible. k. Wash off the tires or tracks of all trucks and equipment leaving the construction site. l. Install wind breaks at the windward sides of the construction areas m. Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour. 	<p>Start: Onset of site development</p> <p>Complete: Completion of site development</p>	Project Sponsor and construction contractor	Building Division	No issuance of permit; stop-work order, penalties and corrective action for any violations
IV.D	BIOLOGICAL RESOURCES				
BIO-1a	The project shall not damage native vegetation in the buffer zone. The boundary of the buffer zone shall be staked and flagged in the field with a highly visible color coded system and all construction and equipment operators shall be instructed to remain outside this no-disturbance boundary for the duration of construction.	<p>Start: Prior to issuance of grading permit</p> <p>Complete: Completion of site development</p>	Project Sponsor	Town Engineer & Building Division	Stop work order, penalties; and corrective action for violations
BIO-1b	The area between the proposed Library expansion and Railroad Marsh shall be enhanced to improve habitat value and to protect sensitive riparian, buffer, marshland and open water habitats. A restoration and enhancement plan shall be prepared by a qualified wetland biologist prior to the project receiving a grading permit. The applicant shall be responsible for implementing that plan. The plan shall at least include:	<p>Start: Prior to issuance of grading permit</p> <p>Complete: Completion of site development</p>	Project Sponsor	Town Engineer & Building Division	No issuance of permit; stop-work order, penalties and corrective action for any violations

*Belvedere-Tiburon Library Expansion Project
Mitigation Monitoring Program*

Mitigation Number	MITIGATION	Implementation Schedule	Implemented by	Monitored By	Non-Compliance Sanction
	<ul style="list-style-type: none"> • Requirements for removal and monitoring of acacia, eucalyptus, pampas grass, French broom, Himalaya berry, poison hemlock, curly dock, and fennel within the buffer. It will establish the monitoring protocol and follow-up actions needed for seedling and resprout removal. • Guidelines for replanting the buffer. The replanting plan should be consistent with the marsh management plan that recommends planting low-growing species such as soft rush (<i>Juncus effuses</i>) along the waterline area and coyote brush (<i>Baccharis pilularis</i>) on the adjacent upland. • Maintenance guidelines regarding whether mowing or cutting of vegetation in the buffer should occur and when. • A tree and shrub plant list for other landscaped areas on the north side of the buildings and parking lot. Native trees and shrubs will be used to the maximum extent feasible. <p>The plan shall be submitted for review to CDFG and amended consistent with the department's recommendations.</p>				
BIO-1c	A 3-foot high fence shall be installed at the inland edge of the buffer along the project's interface with the buffer. Public access and use of the buffer will be prohibited. The signage shall state that humans and dogs are not allowed between the fence and the marsh. Signage may provide information on the history of the marsh, habitat and species composition as well as the sensitivity of these habitats and the need to restrict human and dog intrusion into the marsh area.	<p>Start: Conclusion of site grading</p> <p>Complete: Completion of site development</p>	Project Sponsor	Town Engineer	Stop work order,;penalties; and corrective action for violations
BIO-2a	<p>The project shall not injure or destroy habitat used by California red-legged frogs (CRLF). To accomplish this standard, a qualified biologist, capable of monitoring projects with potential habitat for California red-legged frogs (CRLF) shall be present at the site to implement the following measures. This mitigation plan will be reviewed by the U.S. Fish and Wildlife Service and the California Department of Fish and Game prior to any project construction. These agencies will revise, delete, or add measures as needed to prevent the take of CRLF.</p> <p>1. Prior to and within 3 days of installation of the exclusion fencing (type to be determined through consultation with CDFG and USFWS), the biologist shall survey the location for the installation for the presence of CRLF. In addition, should any burrows be observed, the burrows shall be inspected by the biologist to determine if it is being used by the species. Should CRLF be observed, the area shall be vacated and re-inspected in one week. If no animal use is noted, the burrows shall be carefully excavated using a small trowel or shovel. Careful prodding using a blunt object will aid in determining the course of the tunnel such that the tunnel is excavated from the sides rather than the top, reducing the potential for any injury should an animal be present. Excavated</p>	<p>Start: Prior to start of site development</p> <p>Complete: Completion of site development</p>	Project Sponsor	Biologist under contract to the Town of Tiburon and Planning Division	No issuance of permit; stop-work order, penalties and corrective action for any violations

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	<p>burrows with no CRLF shall be left open so they cannot be re-occupied. If any non-listed species are located, they shall be translocated outside of the construction zone. Should any individual CRLF be found during the field survey or excavation, the area where that individual has been found shall remain undisturbed. If any life stage of the CRLF is found during these surveys or excavations, the Department of Fish and Game and the US Fish and Wildlife Service shall be contacted immediately, and activities that could result in take shall be postponed until appropriate actions are taken to allow project activities to continue.</p> <p>2. During installation of the construction zone exclusion fencing, the biological monitor shall be present and will oversee the installation of all construction fencing. The exclusionary fencing shall be installed along the marsh boundary first, leaving the southeastern property boundary open so that if any animals are within the construction zone, they will have the opportunity to move out of the area freely. Once it is confirmed that no animals remain within the project boundary, the remaining exclusionary fencing shall be placed.</p> <p>3. Immediately following installation of exclusion fencing, the biological monitor shall survey the enclosed construction zone for the presence of CRLF. If any life stage of the CRLF is found during these surveys, the Department of Fish and Game and the U.S. Fish and Wildlife Service shall be contacted immediately, and activities that could result in take shall be postponed until appropriate actions are taken to allow project activities to continue.</p> <p>4. The biological monitor shall be present at all times during restoration area planting activities outside the construction zone and within the buffer area, to monitor for the presence of CRLF.</p> <p>5. The biological monitor shall prepare a training document in both English and Spanish about the animals of concern, their identification, and the methods of avoidance and reporting requirements and procedures, should the species be observed. The document shall provide photographs of the species and notification numbers for the monitor, the Department of Fish and Game, and the U.S. Fish and Wildlife Service. The training document and contact information for the monitor shall be posted at the construction zone and maintained in the monitoring log. Every contractor, sub-contractor and construction worker shall be provided a copy of the training document in advance of their respective construction activities and shall be required to adhere to its contents.</p> <p>6. A highly visible warning sign shall be installed along the project perimeter. The warning sign shall be in English and Spanish and shall state: "Stay Out - Habitat Area of Federally Protected Species." A</p>				

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	<p>document drop shall be attached to several warning signs and stocked with a supply of training documents.</p> <p>7. The biological monitor shall conduct weekly site visits when construction is occurring to verify that all construction zone exclusionary fencing is in place and functioning as intended. Any repair or maintenance to the fencing deemed necessary by the biological monitor shall be completed under the monitor's supervision. Such maintenance activities include adequate removal of vegetation at the construction fence line to ensure that vegetation "ladders" for species access are not allowed to establish.</p> <p>8. Once construction activities are complete, the exclusion fencing shall be removed under the supervision of the biological monitor. Prior to the removal of the buffer area/restoration area fencing, permanent exclusionary measures shall be put in place to prevent special status species movement beyond the buffer areas. Wildlife movement through the site shall be facilitated via the buffer zone established between the exclusionary fencing and the marsh.</p> <p>9. The general contractor shall assign a crew member that will be responsible for conducting site inspections, monitoring gate opening and closing, and assuring that other species protection measures are in place and being enforced when the Biological Monitor is not present. The crew member shall adhere to the procedures contained in the training document and shall be encouraged to contact the biological monitor should any violations be noted or listed species observed on-site.</p> <p>10. The biological monitor or the crew members mentioned in Paragraph 9 above has the authority to halt all or some construction activities and or modify all or some construction methods as necessary to protect habitat and individual sensitive species. The monitor shall be responsible for contacting USFWS should any endangered or threatened species be observed within the construction zones.</p> <p>11. The biological monitor shall complete daily monitoring reports for each day present, to be maintained in a monitoring log-book kept on site. Reports must contain the date and time of work, weather conditions, biological monitor's name, construction or project activity and progress performed that day, any listed species observed, any measures taken to repair and or maintain fencing, and any construction modifications required to protect habitat. The monitoring log-book with compiled reports shall be submitted to the Town of Tiburon upon cessation of construction as part of a construction monitoring report.</p>				
BIO-2b	The project shall not injure or destroy habitat used by the salt marsh common yellowthroat. To accomplish this standard, any active salt	Start: Prior to start of site development	Project Sponsor	Biologist under contract to the	No issuance of permit; stop-work

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	<p>marsh common yellowthroat, raptor, or other nests in the vicinity of proposed grading shall be avoided until young birds are able to leave the nest (i.e., fledged) and forage on their own. Avoidance may be accomplished either by scheduling grading and tree removal during the non-nesting period (September through February), or if this is not feasible, by conducting a pre-construction survey for raptor nests. Provisions of the pre-construction survey and nest avoidance, if necessary, shall include the following:</p> <ol style="list-style-type: none"> 1. If grading is scheduled during the active nesting period (March through August), a qualified wildlife biologist shall conduct a pre-construction nesting survey no more than 14 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity. 2. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with CDFG and implemented to prevent nest abandonment. At a minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. A nest-setback zone of at least 300 feet shall be established for raptors and 100 feet for other birds within which all construction-related disturbances shall be prohibited. The perimeter of the nest-setback zone shall be fenced or adequately demarcated (e.g. high visibility fencing, staking or flagging), and construction personnel restricted from the area. 3. If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the nest-setback zone until a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from the nest are foraging independently and capable of independent survival at an earlier date. A survey report by the qualified biologist verifying that the young have fledged shall be submitted to the Town of Tiburon and CDFG prior to initiation of grading in the nest-setback zone. 	<p>Complete: Completion of site development</p>		Town of Tiburon and Planning Division	order, penalties and corrective action for any violations
IV.E	HYDROLOGY AND WATER QUALITY				
HYDRO-1a	Prepare and implement an erosion control plan and SWPPP for the construction phase of the project, in accordance with NPDES permit requirements. The SWPPP will describe methods for preventing discharge of construction and post-construction related pollutants to the Town's municipal stormwater system and to Railroad Marsh. The plan should outline specific methods for minimizing exposure of graded areas adjacent to Railroad Marsh, and construction activities for portions of the project adjacent to the Marsh shall be limited to the dry season (May through September).	<p>Start: Prior to issuance of grading permit</p> <p>Complete: Prior to first rainy season following initiation of project construction</p>	Project Sponsor	Town Engineer	No issuance of permit; stop-work order, penalties and corrective action for any violations
HYDRO-1b	Prepare a Stormwater Control Plan (SCP), following the procedures outlined by MCSTOPPP. The SCP shall include the	<p>Start: Prior to issuance of grading permit</p>	Project Sponsor	Town Engineer	No issuance of permit; stop-work order, penalties and

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	project SWPPP (see Mitigation Measure HYDRO-1a above) as well as a description of post-construction BMPs being implemented. Bioretention features will be designed following the guidance found in MCSTOPPP's stormwater quality manual and the California Storm Water BMP Handbook for New and Redevelopment. If it is determined that pervious pavement is not feasible for the parking area, additional bioretention features or area will be included to treat all imperious surfaces within the new parking area, and the library bioretention features shall be designed to treat all rooftop area of the new library expansion. Bioretention facilities and areas of pervious pavement shall include an underdrain system due to the clayey nature of the soil on-site as well as the presence of near-surface groundwater.	Complete: Prior to first rainy season follow initiation of project construction			corrective action for any violations
HYDRO-4a	Upon completion of the final project design and prior to Town approval, the applicant shall complete a site drainage study to quantify the effects of the increased impervious surfaces on the 100-year peak runoff from the project site. If the study identifies increases in 100-year peak flow, specific design measures shall be incorporated into the project to reduce peak flow rates for the 100-year event to at or below pre-project levels. Design measures to control runoff may include the expansion of areas underlain by permeable pavement, reduction in impervious surface area, and/or enlarging/adding water quality or other stormwater control features to provide additional detention. The results of this study shall be submitted to the Town of Tiburon for approval.	Start: Prior to issuance of grading permit Complete: Prior to first rainy season following initiation of project construction	Project Sponsor	Town Engineer	No issuance of permit until peak flow rates demonstrated to be at or below pre-project levels
HYDRO-4b	The final drainage map for the Tiburon Library project shall be reviewed by the Town engineer to verify that where the project has increased the drainage area to any individual storm drain, that drain has sufficient capacity to receive the estimated increase in flows without flooding. If individual storm drain capacity is not sufficient, then potential flow to that storm drain shall be reduced to below capacity by increasing pervious surfaces, incorporating swales or other means of detention/retention, or rerouting flows to storm drains that have sufficient capacity.	Start: Prior to issuance of grading permit Complete: Prior to first rainy season following initiation of project construction	Project Sponsor	Town Engineer	No issuance of permit unless sufficient capacity demonstrated
HYDRO-9	The project shall incorporate a continuous berm at no less than 10.5 feet NAVD88 in elevation to maintain the existing separation between the Railroad Marsh and the library building. The elevation of the landscaped area east of the proposed parking lot shall be raised so that the crest of the area is the same elevation as the existing pathway east of the project site (10.5 feet NAVD88).	Start: Prior to issuance of grading permit Complete: Prior to first rainy season follow initiation of project construction	Project Sponsor	Town Engineer	No issuance of permit; stop-work order, penalties and corrective action for any violations
IV.G	NOISE				
NOISE-1a to 1g	Construction of the proposed project shall be restricted to the hours of 7:00 A.M. to 5:00 P.M. Monday through Friday, and 9:30 A.M. to 4:00 P.M. on Saturdays. Only quiet work is allowed to be performed on Saturdays, such that noise from any source associated with the permitted work, including but not limited to construction activity,	Start: Prior to issuance of a grading permit or building permit Complete: Completion of	Project Sponsor	Building Division	No issuance of permit; stop-work order, penalties and corrective action for any violations

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	<p>amplified sound, and worker's voices shall not be plainly audible beyond the property line. Work covered by a permit shall not be performed on Sunday or on holidays observed by the Town of Tiburon.</p> <p>Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses.</p> <p>Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.</p> <p>The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Examples include the use of drills and tractors.</p> <p>The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.</p> <p>Barriers such as plywood structures or flexible sound control curtains shall be erected between the proposed project and sensitive receptors to minimize the amount of noise to the maximum extent feasible during construction.</p> <p>All construction truck traffic shall be restricted to truck routes approved by the Town, which shall avoid residential areas and other sensitive receptors to the extent feasible.</p>	project development			
IV.H	TRAFFIC				
TRANS-8	The intersection of Mar West Street and Tiburon Boulevard satisfies a peak hour traffic signal warrant [under the cumulative buildout scenario]and shall be included in the Town's list of intersections that are considered for traffic signal installation. The Town shall employ their own criteria, for ranking and prioritization, including other signal warrants and accident history, when considering the need and timing for traffic signal installation.	<p>Start: When signalization is warranted</p> <p>Complete: When sufficient fees are available for implementation</p>	Town Engineer	Town Engineer	Not Applicable
TRANS-9	Once future traffic conditions warrant, the Town will apply to Caltrans to extend the eastbound Tiburon Boulevard left-turn pocket at Mar West Street to the west. The lane will be lengthened to meet Caltrans' requirements for left turn lanes for the measured traffic volume.The Town shall employ its own criteria for ranking and prioritization when considering the need and timing for lengthening this left-turn pocket, and will coordinate with Caltrans, but the final decisions to approve the left-turn pocket lies with Caltrans."	<p>Start: When lane lengthening is warranted</p> <p>Complete: When sufficient fees are available for implementation</p>	Town Engineer	Town Engineer	Not Applicable