



December 30, 2019

Advice 5730-E

(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Relocating and Undergrounding Existing Overhead Line Covered By Easements Into Franchise At The Request Of The Town Of Tiburon - Request For Approval Under Public Utilities Code Section 851, Pursuant To General Order 173

Purpose

Pacific Gas and Electric Company (PG&E or the Company) requests Public Utilities Commission (Commission or CPUC) approval under Public Utilities Code (Section 851) and General Order 173 to allow PG&E to relocate its existing facilities. PG&E currently owns and operates an overhead distribution electric line (Overhead Facilities) along Tiburon Boulevard and Palmer Court in non-exclusive easements (Easements). The Town of Tiburon (Tiburon) has requested to relocate the Overhead Facilities to an underground location in a franchise area of Tiburon Boulevard as part of an Electric Rule 20B project.¹ PG&E would be relocating from easements into a franchise area at the request of Tiburon.

PG&E has reviewed the underground electric design and has determined that the requested move does not interfere with PG&E's operations or PG&E's ability to provide safe and reliable utility service to its customers. Both franchise areas and rights-of-way on private property are deemed adequate land rights for distribution line extensions under CPUC's Electric Rule No. 15.² The relocation does not interfere with PG&E's operations or PG&E's ability to provide safe and reliable utility service to its customers. This relocation will not be adverse to the public interest. PG&E requests approval for the effective disposal of the Easement that occurred as a result of this relocation.

Background

PG&E owns and operates the Overhead Facilities along Tiburon Boulevard and Palmer Court under the Easements, which are included as Attachment 1. In 2017, Tiburon

¹ https://www.pge.com/en_US/residential/customer-service/other-services/electric-undergrounding-program/electric-undergrounding-program.page

² CPUC Electric Rule No. 15, Section A.2.a.

created the Hawthorne Undergrounding District under Council Resolution 2017-1 to underground the overhead facilities along Tiburon Boulevard and Palmer Court.

In February 2016, Tiburon requested that PG&E remove the Overhead Facilities and place them underground pursuant to CPUC Electric Rule 20B. After considering various options, it was determined that it was unreasonable to move the Overhead Facilities to underground in the existing Easement areas due to construction and maintenance constraints. Ultimately, PG&E and Tiburon agreed that the best location for the underground lines that would allow PG&E to continue to safely and reliably serve its customers was in the public right-of-way in Delmar Drive, Hawthorne Drive, Mara Vista Court, Palmer Court, Rock Hill Road, Tiburon Boulevard (State Highway 131) and a portion of Hillary Drive under a franchise agreement with Tiburon and Caltrans Encroachment Permit. An illustration showing the approximate location of the Overhead Facilities and the proposed relocations are included as Attachment 2.

PG&E requests approval for the effective disposal of the Easements that would occur as a result of the relocation.

PG&E Requests Approval Under Section 851, Pursuant to GO 173

In accordance with General Order 173, Rule 4, PG&E provides the following information related to the proposed transaction:

(a) Identity and Addresses of All Parties to the Proposed Transaction:

Pacific Gas and Electric Company	Town of Tiburon
Molly Zimney	Patrick Barnes, PE
Law Department	Director of Public Works/Town
P.O. Box 7442	Engineer
San Francisco, CA 94120	1505 Tiburon Boulevard
Telephone: (415) 973-6840	Tiburon, California 94920
Facsimile: (415) 973-5520	Telephone: (415) 435-7388
Email: Molly.Zimney@pge.com	Email: pbarnes@townoftiburon.org

(b) Complete Description of the Property Including Present Location, Condition and Use:

The Easements are along the southerly side of Tiburon Boulevard. The Easements comprise of approximately 40,350 square feet. Presently, the Easements are used for PG&E's overhead electric distribution lines. The Easements are listed below and included as Attachment 1.

- Land Document (LD) LD 2401-06-0121, dated January 6, 1902 and recorded August 15, 1903 in Liber 82 of Deeds at page 332, Marin County Records. Consisting of APNs 055-171-25, 055-171-13, 055-201-01 and 055-201-25;
- LD 2401-06-0300, dated July 15, 1958 (not recorded), consisting of APN 055-201-14;

- LD 2401-06-0506, dated July 11, 1958 (not recorded), consisting of APN 055-201-36;
- LD 2401-06-1815, dated August 17, 1976 (not recorded), consisting of APN 055-201-36;
- LD 2401-06-1993, dated September 11, 1980 and recorded in Book 3766 of Official Records at page 131, consisting of APN 055-201-14;
- LD 2401-06-1995 dated September 16, 1980 and recorded in Book 3777 of Official Records at page 691, consisting of APN 055-201-36.

(c) Intended Use of the Property:

Following the disposition of the Easements, the former Easements area will revert back to the private property owners.

(d) Complete Description of Financial Terms of the Proposed Transaction:

Not applicable. PG&E will effectively dispose of the Easements in the relocation of the Overhead Facilities to the franchise area. The Easements will revert back to the private property owners.

(e) Description of How Financial Proceeds of the Transaction Will Be Distributed:

Not Applicable.

(f) Statement on the Impact of the Transaction on Ratebase and Any Effect on the Ability of the Utility to Serve Customers and the Public:

There is no impact to PG&E's rate base as Net Book Value is \$0. PG&E's relocation of the Overhead Facilities will not affect PG&E's ability to provide reliable service to its customers and the public at large.

(g) The Original Cost, Present Book Value, and Present Fair Market Value for Sales of Real Property and Depreciable Assets, and a Detailed Description of How the Fair Market Value Was Determined (e.g., Appraisal):

Not Applicable.

(h) The Fair Market Rental Value for Leases of Real Property, and a Detailed Description of How the Fair Market Rental Value Was Determined:

Not Applicable.

(i) The Fair Market Value of the Easement or Right-of-Way, and a Detailed Description of How the Fair Market Value Was Determined:

Not applicable.

(j) A Complete Description of any Recent Past (Within the Prior Two Years) or Anticipated Future Transactions that May Appear To Be Related to the Present Transaction:

There are no recent past or anticipated future transactions anticipated by PG&E that are related to the present transactions.

(k) Sufficient Information and Documentation (Including Environmental Information) to Show that All of Eligibility Criteria Set Forth in Rule 3 of General Order 173 are Satisfied:

PG&E has provided information in this Advice Letter to satisfy the eligibility criteria under General Order 173 in that:

- The activity proposed in the transaction will not require environmental review by the CPUC as a Lead Agency;
- The transaction will not have an adverse effect on the public interest or on the ability of PG&E to provide safe and reliable service to its customers at reasonable rates;
- The transaction will not materially impact the rate base of PG&E; and
- The transaction does not warrant a more comprehensive review that would be provided through a formal Section 851 application.

(l) Additional Information to Assist in the Review of the Advice Letter:

No information is readily available other than what has already been included within this advice letter submittal.

(m) Environmental Information

Pursuant to General Order 173, the Advice Letter program applies to proposed transactions that will not require environmental review by the CPUC as a lead agency under the California Environmental Quality Act ("CEQA") either because: (a) a statutory or categorical exemption applies (the applicant must provide a Notice of Exemption from the Lead Agency or explain why an exemption applies), or (b) because the transaction is not a project under CEQA (the applicant must explain the reasons why it believes that the transaction is not a project), or (c) because another public agency, acting as the Lead Agency under CEQA, has completed environmental review of the project, and the Commission is required to perform environmental review of the project only as a Responsible Agency under CEQA.

The proposed relocation of the Overhead Facilities from the Easements to the franchise area is part of the Hawthorne Utility Undergrounding Project, which includes installation of conduit and substructures to replace the existing overhead electric, telephone, and cable facilities with underground facilities in the Tiburon.

The project was assessed pursuant to CEQA in a Mitigated Negative Declaration (Attachment 3) and the Tiburon, as lead agency, issued a Notice of Determination (Attachment 4) on February 8, 2018 (State Clearinghouse No. 2017082022).

c. Another public agency, acting as the Lead Agency

If another public agency, acting as the Lead Agency under CEQA, has completed an environmental review of the project and has approved the final CEQA documents, and the Commission is a Responsible Agency under CEQA, the applicant shall provide the following:

- a. The name, address, and phone number of the Lead Agency, the type of CEQA document that was prepared (Environmental Impact Report, Negative Declaration, Mitigated Negative Declaration), the date on which the Lead Agency approved the CEQA document, the date on which a Notice of Determination was filed.

Lead Agency	Town of Tiburon 1505 Tiburon Boulevard Tiburon, CA 94920 Patrick Barnes – Director of Public Works and Town Engineer pbarnes@townoftiburon.org 415-435-7388
Type of CEQA Document Prepared	Mitigated Negative Declaration Issued 02/08/2018 SCH NO. 2017082022 Attachment 3
Dates Project Approved	Project approved by 2 Town of Tiburon Council Resolutions: 1/4/2017 (2017-1, Attachment 7) and 11/29/2017 (2017-35, Attachment 8)
Mitigation Monitoring Program Dated 08/09/2017	Mitigation Monitoring Program, Including Consent Agreement for Mitigation Measures, signed 08/09/2017 Attachment 5

Date Notice of Determination Filed	Notice of Determination was filed by Town of Tiburon on 02/08/2018 Attachment 4
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- b. A copy of all CEQA documents prepared by or for the Lead Agency regarding the project and the Lead Agency’s resolution or other document approving the CEQA documents.

- Attachment 3 – Mitigated Negative Declaration
- Attachment 4 – Notice of Determination
- Attachment 5 – Mitigation Monitoring Program
- Attachment 6 – State Clearinghouse
- Attachment 7 – Town Council Resolution 2017-01
- Attachment 8 – Town Council Resolution 2017-35

- c. A list of section and page numbers for the environmental impacts, mitigation measures, and findings in the prior CEQA documents that relate to the approval sought from the Commission.

A discussion of the environmental impacts associated with the approved project are included in the Mitigation Monitoring Program (see Attachment 5). As detailed in Attachment 5, the project is required to implement measures related to air quality, biological resources, cultural resources, noise, and tribal cultural resources. These required measures would reduce potentially-significant impacts of the project to less than significant.

- d. An explanation of any aspect of the project or its environmental setting which has changed since the issuance of the prior CEQA document.

The environmental setting is described in the Initial Study/Mitigated Negative Declaration. The environmental setting has not substantially changed since the issuance of the Notice of Determination in February 2018.

- e. A statement of whether the project will require approval by additional public agencies other than the Commission and the Lead Agency, and, if so, the name and address of each agency and the type of approval required.

The Tiburon is the lead agency for the project. The Mitigated Negative Declaration was submitted to the State Clearinghouse, which circulated the document to the following state agencies for comment: Resources Agency; Department of Fish and Wildlife,

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; Native American Heritage Commission; Public Utilities Commission; Department of Fish and Wildlife, Marine Region.

An encroachment permit is needed for work within Caltrans right-of-way. A Transportation Management Plan is also required for approval by Caltrans. Correspondence with the State Clearinghouse and the Caltrans comment letter are included as Attachment 6.

Protests

Anyone wishing to protest this submittal may do so by letter sent via U.S. mail, facsimile or E-mail, no later than January 20, 2020, which is 21 days³ after the date of this submittal. Protests must be submitted to:

CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: EDTariffUnit@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest shall also be sent to PG&E either via E-mail or U.S. mail (and by facsimile, if possible) at the address shown below on the same date it is mailed or delivered to the Commission:

Erik Jacobson
Director, Regulatory Relations
c/o Megan Lawson
Pacific Gas and Electric Company
77 Beale Street, Mail Code B13U
P.O. Box 770000
San Francisco, California 94177

³ The 20-day protest period concludes on a weekend, therefore, PG&E is moving this date to the following business day.

Facsimile: (415) 973-3582
E-mail: PGETariffs@pge.com

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter (General Order 96-B, Section 7.4). The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name, telephone number, postal address, and (where appropriate) e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division (General Order 96-B, Section 3.11).

Effective Date

Pursuant to the review process outlined in General Order 173, PG&E requests that this Tier 3 advice letter become effective upon Commission approval.

Notice

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and/or via U.S. mail to parties shown on the attached list. Address changes to the General Order 96-B service list should be directed to PG&E at email address PGETariffs@pge.com. For changes to any other service list, please contact the Commission's Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter submittal can also be accessed electronically at: <http://www.pge.com/tariffs>.

/S/

Erik Jacobson
Director, Regulatory Relations

Attachment 1 – PG&E Easement Documents
Attachment 2 – Hawthorne 851 Sketch
Attachment 3 – Mitigated Negative Declaration
Attachment 4 – Notice of Determination
Attachment 5 – Mitigation Monitoring Program
Attachment 6 – State Clearinghouse
Attachment 7 – Town Council Resolution 2017-01
Attachment 8 – Town Council Resolution 2017-35

******* SERVICE LIST for Advice 5730-E *****
APPENDIX A**

Jonathan Reiger
Legal Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 355-5596
jzr@cpuc.ca.gov

Mary Jo Borak
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-1333
bor@cpuc.ca.gov

Robert (Mark) Pocta
Division of Ratepayer Advocates
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703- 2871
robert.pocta@cpuc.ca.gov

Andrew Barnsdale
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-3221
bca@cpuc.ca.gov

*****3rd Parties*****

Town of Tiburon
Patrick Barnes, PE
Director of Public Works/Town Engineer
1505 Tiburon Boulevard
Tiburon, California 94920
Telephone: (415) 435-7388
Email: pbarnes@townoftiburon.org



ADVICE LETTER SUMMARY

ENERGY UTILITY



MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No.: Pacific Gas and Electric Company (ID U39 E)

Utility type:

- ELC GAS WATER
 PLC HEAT

Contact Person: Annie Ho

Phone #: (415) 973-8794

E-mail: PGETariffs@pge.com

E-mail Disposition Notice to: AMHP@pge.com

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas WATER = Water
 PLC = Pipeline HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 5730-E

Tier Designation: 3

Subject of AL: Relocating and Undergrounding Existing Overhead Line Covered By Easements Into Franchise At The Request Of The Town Of Tiburon - Request For Approval Under Public Utilities Code Section 851, Pursuant To General Order 173

Keywords (choose from CPUC listing): Agreements, Section 851

AL Type: Monthly Quarterly Annual One-Time Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #:

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL:

Confidential treatment requested? Yes No

If yes, specification of confidential information:

Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:

Resolution required? Yes No

Requested effective date:

No. of tariff sheets: N/A

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected:

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: N/A

¹Discuss in AL if more space is needed.

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102
Email: EDTariffUnit@cpuc.ca.gov

Name: Erik Jacobson, c/o Megan Lawson
Title: Director, Regulatory Relations
Utility Name: Pacific Gas and Electric Company
Address: 77 Beale Street, Mail Code B13U
City: San Francisco, CA 94177
State: California Zip: 94177
Telephone (xxx) xxx-xxxx: (415)973-2093
Facsimile (xxx) xxx-xxxx: (415)973-3582
Email: PGETariffs@pge.com

Name:
Title:
Utility Name:
Address:
City:
State: District of Columbia Zip:
Telephone (xxx) xxx-xxxx:
Facsimile (xxx) xxx-xxxx:
Email:

Attachment 1

PG&E Easement Documents

178-28,
2401-06-0121

This agreement (InDuplicate) made and entered into this sixth day of January A.D.1902 by and between Clotilde J. Reed, the party of the first part and the California Central Gas and Electric Company, a corporation, duly incorporated and existing under the laws of the State of California, the party of the second part, Witnesseth; That for and in consideration of the sum of Eighty Dollars gold coin of the United States paid by the party of the second part to the party of the first part, the receipt whereof is hereby acknowledged and the keeping and performing of the covenants and agreements by the party of the second part to be kept and performed, as hereinafter set forth, the party of the first part hereby grants to the party of the second part, its successors and assigns the privilege of erecting on the lands of the party of the first part a single line of poles, said poles to be at least One hundred and Twenty five (125) feet apart, and of placing on and fastening to said poles wires for the purpose of conducting and transmitting electricity, said line being more particularly described as follows, Commencing at a point on the westerly boundary line of the lands of the party of the first part situate in Marin County, designated by a stake marked "366" thence running South 39 degrees East Three Thousand Eight Hundred and Twenty nine (3829) feet to a stake in the County road marked "396" and as said line is delineated on the map hereunto annexed and made a part hereof; Together with the right of ingress and egress in, to and from the above described line for the purpose of erecting said place, placing on and fastening thereto wires, inspecting, maintaining repairing and replacing said poles and wires. And the said party of the second part, for and in consideration of the granting of said right and privilege agrees to indemnify the party of the first part or her tenants for all damage of every kind or nature that will or may be done by the party of the second part.

or its employees, agents, successors and assigns, to the growing crops on said land, to the roads, fences, outbuildings, houses, trees grass or cattle thereon in the work of constructing said electric pole line, or in the operation, inspection, repair or replacement of the whole or any part of the said electric pole line; and it shall be no defense, in an action by the party of the first part or a tenant or tenants of hers against the party of the second part, its successors or assigns, for damages caused to the party of the first part, or her tenant or tenants by said party of the second part, its successors or assigns in the construction, operation inspection repair or replacement of said electric pole line, that the latest and most approved methods of construction were used and the most extraordinary care, skill and caution were exercised in the construction, operation, inspection and repair of said lines, but the party of the second part, its successors and assigns agree to absolutely insure the party of the first part and her tenants against any and all damage that may be caused to the party of the first part or her tenants through the construction, operation inspection, repair or replacement of said electric pole line; The Sunset Telephone and Telegraph Company having agreed to and with the party of the second to remove the poles of the said Telephone Company from the land of the party of the first part, the party of the second part hereby consents to permit the said Telephone Company to fasten its wires and fixtures on the poles of the said party of the second part as soon as they are erected and to use its best efforts to secure the removal of said Telephone Company's poles from the lands of the party of the first part within a reasonable time after said electric poles have been erected, Nothing in this agreement contained shall be construed as in any wise granting or giving permission to the party of the second part, its successors and assigns, to lay down

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Third paragraph of faint, illegible text.

Fourth paragraph of faint, illegible text.

State of California,
COUNTY OF MARIN. } ss.

I, E. J. CONNELL, County Recorder in and for said County and State, hereby certify that the above and foregoing as hereunto annexed, is a full, true and correct copy of an Instrument of Record in my office, as the same appears recorded in Liber "82" of Books page 337 of Marin County Records, and that the copy has been compared by me with the original, and is a correct transcript therefrom and of the whole of said original.

Witness my Hand and Official Seal this 19 day of June
A. D. 1890

E. J. Connell
County Recorder.
By _____
Deputy Recorder.

San Francisco

Gate 711 - 20 ch.

178-28

B. F. Lyford

Clotilda Josephine Reed
178-28

Carlotha Reed and John P. Reed
REEDS

Pole Line
539°00'E - 3829'

Trestle
Stake 366
Stake 379
567°05'E - 1845'

Stake 331-333
580°25'E
1354'

Richardson's Bay

2401-06-0121

Thos. B. Dettfebach
178-147D ?

Stake 307-335
559°55'E
337
336
310 Stake

B. F. Lyford

Coleman & Forbes
May H. Dettfebach
178-114
ALTO

Louise N. Wilkins

Rec. 8-15-03
Bk. 82 Deeds, Pg. 335

IF THE IMAGE IS LESS READABLE
THAN THIS TAG,
IT IS DUE TO THE QUALITY OF
THE ORIGINAL DOCUMENT.

No Not Record

178-234 A

FRED E. PALMER

2401-06-0300

Consideration or value of interest conveyed herein does not exceed \$100.00

hereinafter called first party, does hereby grant to PACIFIC GAS AND ELECTRIC COMPANY and THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, California corporations, hereinafter called Pacific Gas and Pacific Telephone, respectively, when referred to individually and second parties when referred to jointly, the right and privilege of erecting, inspecting, replacing, maintaining and using a single line of poles and such wires as second parties shall from time to time suspend therefrom and all necessary and proper guys, anchors, crossarms and braces and other fixtures, for transmitting and distributing by Pacific Gas of electric energy and for rendering by Pacific Telephone of telephone and telegraph service, respectively, together with a right of way therefor, over and across those certain premises situate in the.....

County of Marin....., State of California, which are described as follows, viz:

That certain parcel of land, situate in Rancho Corte de Madera del Presidio, bounded by a line which begins at a point in the northwesterly boundary line of that certain parcel of land conveyed by Time Pacific Company, a corporation to Wm. R. D. Guthbertson by deed dated May 15, 1957 and recorded in the office of the County Recorder of said Marin County in Book 1115 of Official Records at page 468, distant thereon 60.0 feet northeasterly from a 2 inch by 2 inch hub and tack, marking the intersection thereof with the northeasterly boundary line, marked by a fence now upon the ground, of the Northwestern Pacific Railroad Right of Way, and runs thence north 28°21' east 75.0 feet; thence south 50°00' east 22 feet, more or less, to a point in said northwesterly boundary line; thence southwesterly thereon 72 feet, more or less, to the point of beginning.

The route of said line of poles across said premises shall be as follows, viz:

Beginning at a point in said northwesterly boundary line distant thereon 101.0 feet northeasterly from said 2 inch by 2 inch hub and tack, and running thence north 28°21' east 16 feet, more or less, to a point in the second parties existing pole and wire electric distribution line.

First party also grants to second parties and each of them the right to trim any trees along said poles and wires whenever considered necessary for the complete enjoyment of the rights hereby granted.

The provisions hereof shall inure to the benefit of, and bind, the respective heirs, successors and assigns of the parties hereto.

IN WITNESS WHEREOF first party has executed these presents this 15th day of July, 1958.

Executed in the presence of:

Wm. J. Hamilton
Witness

62-4028 0-27 State of California,) ss.
County of Marin
On this 15 day of July, 1958
before me, Eugene B. Woods,
Notary Public in and for said Marin County, duly commissioned
and sworn, personally appeared Wm. J. Hamilton
known to me to be the same person whose name is subscribed to the
within instrument, as a witness thereto, who, being duly sworn, depoted
and said, that he resides in the Marin County of Marin
Marin, State of California, that he was present and saw
Fred E. Palmer
(personally known to him to be the person described in and who executed
the said instrument, as part of thereto), sign and execute the
same, and that, at his request, he, the said affiant, thereupon
subscribed his name as a witness thereto.
In Witness Whereof, I have hereunto set my hand and affixed my
official seal, at my office, in the said Marin County of
Marin, the day and year in this certificate first
above written.
Eugene B. Woods
Notary Public in and for the Marin County
of Marin, State of California

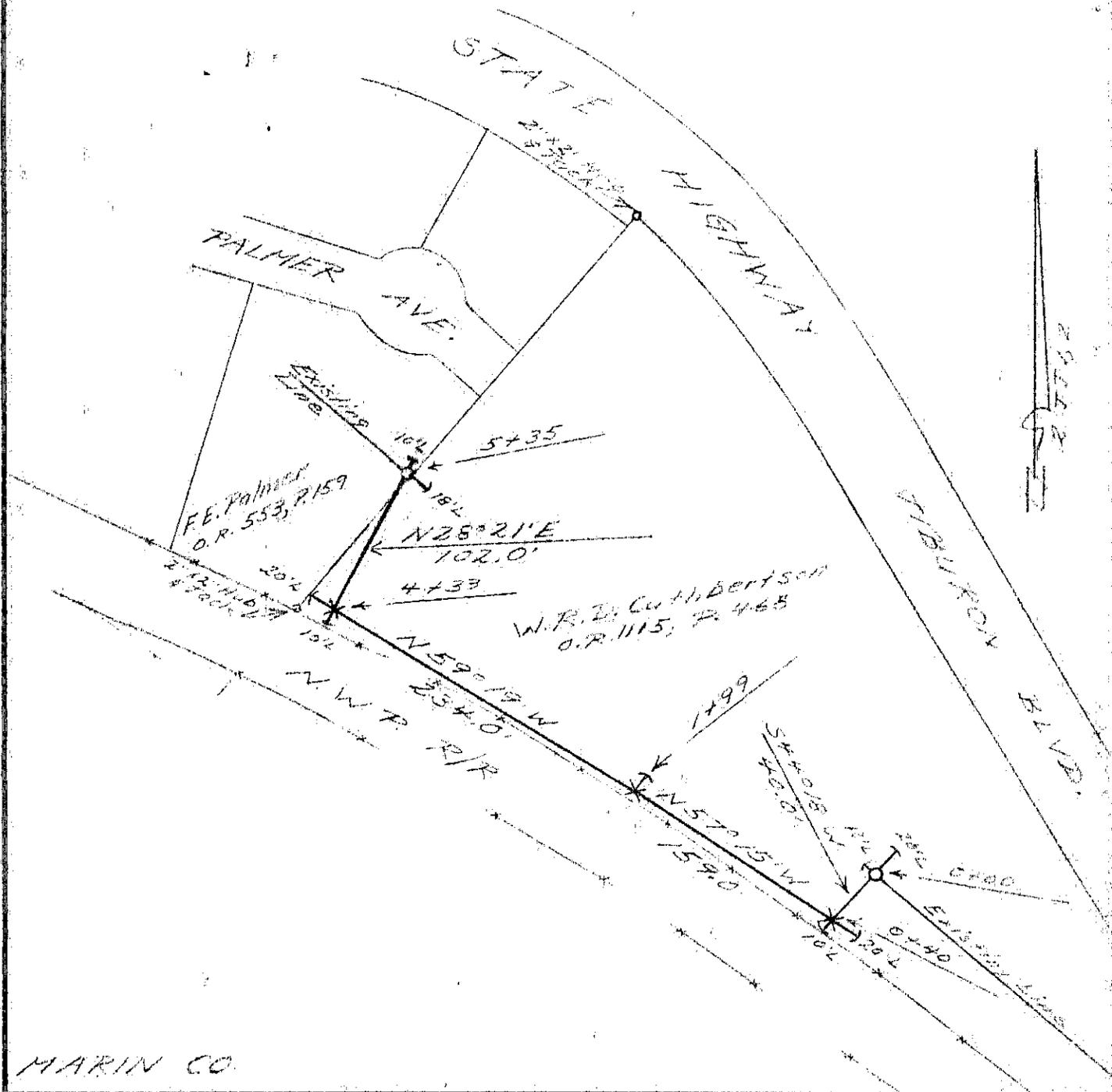
WO 5-1868-H
D&C 37970-G
Map #2JJ1,2
LN 2373
TLNR6W
M. D. B. & M.

FOR RECORDER'S USE ONLY

Prepared JUL - 18 '58
Checked W
Tracey
Checked

T. 1N, R. 6W, M.D.B.M.

RANCHO CORTE DE MADERA DEL PRESIDIO



MARIN CO.

CHG.	DATE	DESCRIPTION	APPRD.	CHG.	DATE	DESCRIPTION	APPRD.
APPROVED		North 2347	W.O. 5-1868-H		D&C 37970.8		
BY	P.M.						
DSGN.	J.C.						
DR.	J.V.						
CH.							
O.K.							
DATE	7-7-58						
SCALE	1" = 100'						
P/L Rec'd to Serve Belvedere Tennis Club 1 Mi. W/O Tiburon PACIFIC GAS AND ELECTRIC COMPANY SAN FRANCISCO, CAL.			SUPERSEDED BY SHEET NO. 1N-2373 DRAWING NUMBER CHANGE				

East Bay

100 Not Record 2401-06-0506 178-478

COPY SENT 12-28-48 10-27 (REV. 8-26) 3M P. L. & T. CO.

WM. R. D. CUTHBERTSON

FOR OTHER RIGHTS ON THIS 178-317 PROPERTY. SEE DOCUMENT

Consideration or value of interest conveyed herein does not exceed \$100.00

hereinafter called first party, does hereby grant to PACIFIC GAS AND ELECTRIC COMPANY and THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, California corporations, hereinafter called Pacific Gas and Pacific Telephone, respectively, when referred to individually and second parties when referred to jointly, the right and privilege of erecting, inspecting, replacing, maintaining and using a single line of poles and such wires as second parties shall from time to time suspend therefrom and all necessary and proper guys, anchors, crossarms and braces and other fixtures, for transmitting and distributing by Pacific Gas of electric energy and for rendering by Pacific Telephone of telephone and telegraph service, respectively, together with a right of way therefor, over and across those certain premises situate in the.....

County of Marin....., State of California, which are described as follows, viz:

That certain parcel of land, situate in Rancho Corte de Madera del Presidio, conveyed by Time Pacific Company, a corporation to Wm. R. D. Cuthbertson by deed dated May 15, 1957 and recorded in the office of the County Recorder of said Marin County in Book 1115 of Official Records at page 468.

The route of said line of poles across said premises shall be as follows, viz:

Beginning at a point in the northwesterly boundary line of said premises distant thereon 101.1 feet northeasterly from a 2 inch by 2 inch hub and tack, marking the intersection thereof with the northeasterly boundary line, marked by a fence now upon the ground, of the Northwestern Pacific Railroad Right of Way, and running thence south 28°21' west 86.0 feet; thence south 59°19' east 234.0 feet; thence south 57°15' east 159.0 feet; thence north 44°18' east 40 feet, more or less, to a point in the second parties existing pole and wire electric distribution line traversing said premises.

First parties also grants to second parties the right to install, replace, maintain, and use for supporting second parties pole line, an anchor and guy wires and cables of such types and materials as second parties shall from time to time determine within the strip of land described as follows, viz:

A strip of land of the uniform width of 3.0 feet, situate in said rancho, lying equally on each side of that certain line which begins at a point in said northwesterly boundary line distant thereon 118.0 feet northeasterly from said 2 inch by 2 inch hub and tack, and runs thence south 49°44' east 15.0 feet.

First party also grants to second parties and each of them the right to trim any trees along said poles and wires whenever considered necessary for the complete enjoyment of the rights hereby granted.

The provisions hereof shall inure to the benefit of, and bind, the respective heirs, successors and assigns of the parties hereto.

IN WITNESS WHEREOF first party has executed these presents this 11th day of July, 1958

Wm. R. D. Cuthbertson

Executed in the presence of:

Wm. J. Hamilton
Witness

Notary Public section: State of California, County of Marin, On this 15th day of July, 1958 before me, E. W. Adams Notary Public in and for said Marin County, duly commissioned and sworn, personally appeared Wm. R. D. Cuthbertson known to me to be the same person whose name is subscribed to the within instrument, as a witness thereto, who, being duly sworn, deposed and said, that he resides in the Marin County of Marin State of California, that he was present and saw Wm. R. D. Cuthbertson (personally known to him to be the person described in and who executed the said instrument, as party thereto), sign and execute the same, and that, at his request, he, the said affiant, thereupon subscribed his name as a witness thereto. In Witness Whereof, I have hereto set my hand and affixed my official seal, at my office, in the said Marin County of Marin the day and year in this certificate first above written. Eugene B. Woods Notary Public in and for the Marin County of Marin, State of California

WO 5-1868-H
D&C 37970-G
Map #2JJI,2
LN 2373
TLNR6W
M.D.B.&M.
Prepared JUL -8 '58
Checked W

FOR RECORDER'S USE ONLY

AFTER RECORDING
RETURN TO:

2401-06-1815

FOR RECORDER'S USE ONLY

PACIFIC GAS AND ELECTRIC COMPANY

Land Department
77 Beale Street
San Francisco, California 94106
Attn: Title Administration Unit

Location: City/Uninc. _____

Recording Fee _____

Documentary Transfer Tax \$ _____

Computed on Full Value of Property Conveyed, or

Computed on Full Value Less Liens & Encumbrances
Remaining at Time of Sale

Signature of declarant or agent determining tax

EASEMENT

BELVEDERE TENNIS CLUB, a non-profit corporation

first party, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation,

second party, the right from time to time to construct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within a strip or parcel of land or along a route as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands situate in the _____ County of Marin, State of California, described as follows:

The parcel of land, situate in Rancho Corte de Madera Del Presidio described in the deed from Wm. R. D. Cuthbertson and wife to Belvedere Tennis Club dated June 23, 1959 and recorded in Book 1292 of Official Records at page 15, Marin County Records.

Said facilities shall consist of:

Such poles, aerial wires, cables, electrical conductors with associated crossarms, braces, transformers, anchors, guy wires and cables, fixtures, and appurtenances, as second party deems necessary located along the route which is delineated by the heavy dashed line shown upon the print of second party's Drawing No. LN 6214 attached hereto and made a part hereof.

JUL 12 1976

P.G. & E.CO.
COPY

Second party shall also have the right to trim _____
and clear away or otherwise control any trees or brush along said _____

_____ facilities whenever considered necessary for the complete enjoyment of the rights hereby granted.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF first party has executed these presents this 17 day
of August, 1976.

BELVEDERE TENNIS CLUB

By Peter C. Van Alyea
Its President Peter C. Van Alyea
And by Patricia H. Howe
Its Secretary Patricia H. Howe

Executed in the presence of:

Susan Traino
WITNESS
Susan Traino

Prepared FMW/sa

Checked [Signature]

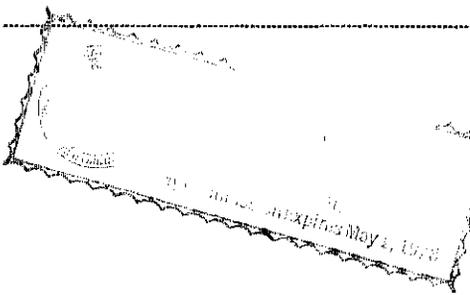
North Bay - WO 6-1483
Map VV-34-1 & 2 - LN 6214
Sec. 36 - SW 1/4 of NW 1/4
T1NR6W - MDB&M

62-4203 2-73 (Corporation)

STATE OF CALIFORNIA

County of Marin } ss.
On this 17th day of August, in the year 1976, before me, Mildred O. Phillips
a Notary Public in and for the said Marin County, duly commissioned and sworn, personally appeared
Peter C. Van Alyea

known to me to be the President



of the corporation that executed the within instrument, and to be the person who executed the said instrument on behalf of said corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the _____ County of Marin, the day and year in this certificate first above written.

Mildred O. Phillips

STATE OF CALIFORNIA }
COUNTY OF Marin } SS:

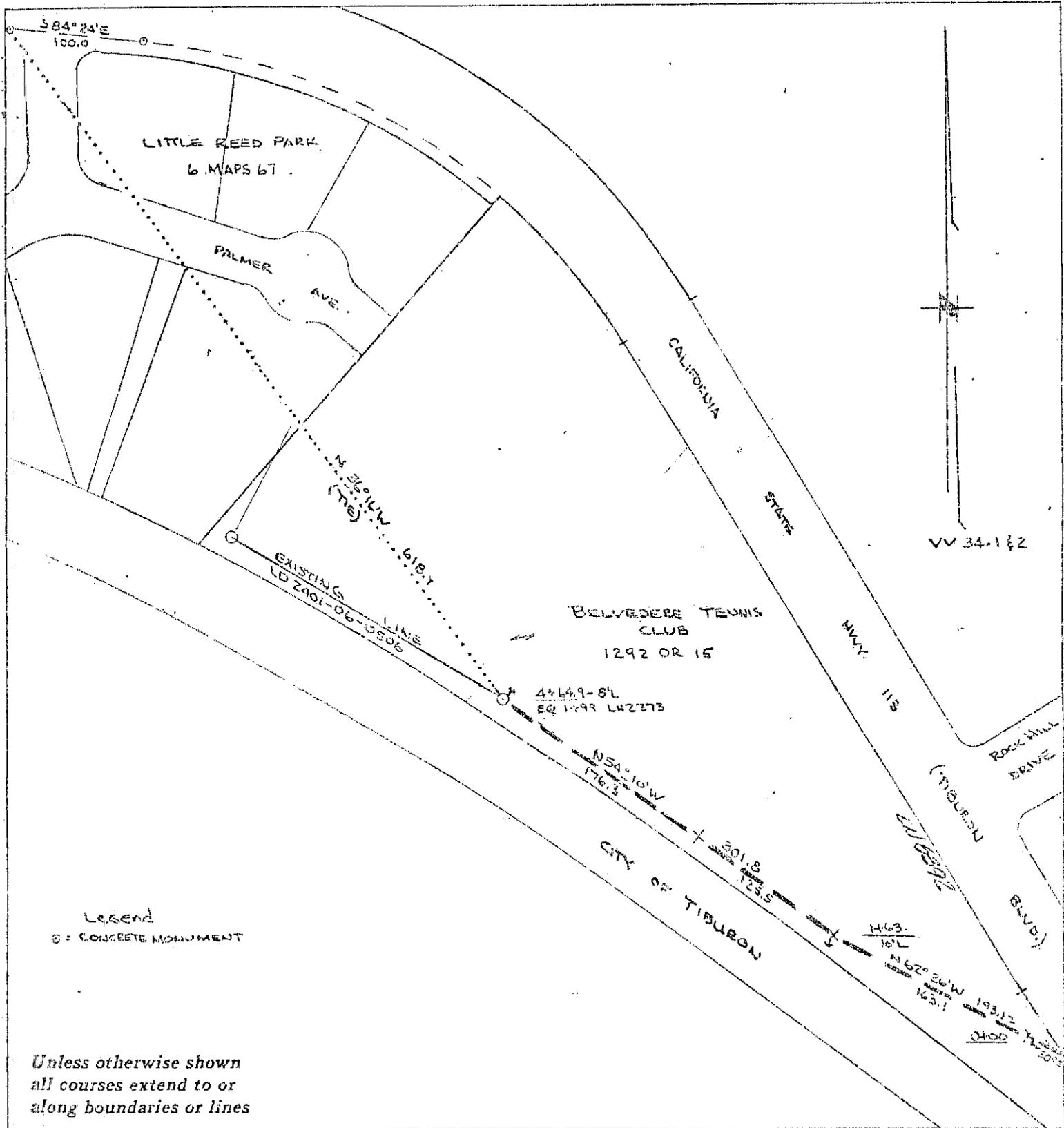
On August 31 1976 before me, the undersigned, a Notary Public
in and for said County and State, personally appeared Patricia N. Howe

known to me to be the person whose
name subscribed to the within instrument and acknowledged that she executed the
same.

WITNESS my hand and official seal.



Maureen M. Steiger
Notary Public in and for said County and State



Unless otherwise shown
all courses extend to or
along boundaries or lines

CITY, RANCHO, SUBDIVISION, ETC. CORTE DE MADERA DEL PRESIDIO
POLE LINE RELOCATION FOR BELVEDERE TENNIS CLUB, 1 MI. W/O TIBURON SW 1/4 OF NW 1/4

CALIFORNIA COORDINATES ZONE. E. N. U.S.G.S. QUAD	<p>LEGEND</p> <p>△ CALCULATED COORD.</p> <p>⊕ SCALED COORD.</p>	SCALE 1"=100'	SECTION 36	TOWNSHIP 1N	RANGE 6W	MERIDIAN M.D.
		DATE 8-23-78	COUNTY OF MARIN (55 20)		F.B.: J.W. DR. BY: J.V. CH. BY	
REFERENCES	PG&E	NORTH BAY DIVISION	6-1483 AUTHORIZATION	LN 6214 DRAWING NO.		

40734

AFTER RECORDING
RETURN TO:

PACIFIC GAS & ELECTRIC COMPANY NY
Land Dept.
P. O. Box 2669
San Rafael, California 94902

2401-06-1993

FOR RECORDER'S USE ONLY

40734

RECORDED AT REQUEST OF

P G & E

AT 25 MIN. PAST 11 A.M.

SEP 24 1980

Official Records of Marin County, Calif.

[Signature]

FEE \$ 500 RECORDER

Location: City/County 11001-01

Recording Fee 500

Documentary Transfer Tax \$ None

- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale

R. S. Maynardt.

Signature of declarant or agent determining tax

EASEMENT

RUSSELL S. BELL and JUDY L. BELL, husband and wife

BOOK 3756 PAGE 131

first party, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, and THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a California corporation,

second party, the right from time to time to construct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within a strip or parcel of land or along a route as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands situate in the City of Tiburon County of Marin, State of California, described as follows:

(APN 55-201-14)

The parcel of land described in the deed from Belvedere Tennis Club to Russell S. Bell and wife dated January 4, 1974 and recorded in Book 2755 of Official Records at page 290, Marin County Records.

Said facilities shall consist of:

Such overhanging wires, cables, crossarms, fixtures, and appurtenances, as second party deems necessary located along the route delineated by the heavy dashed line shown upon the print of second party's Drawing No. LN 8851 attached hereto and made a part hereof.

BOOK 3786 PAGE 131

P.G. & E.CO.
COPY

SEP 10 1980

Second party shall also have the right to trim _____
and clear away or otherwise control any trees or brush along said _____

_____ facilities whenever considered necessary for the complete enjoyment of the rights hereby granted.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF first party has executed these presents this 11th day
of September, 19 80.

[Signature]
Russell S. Bell

[Signature]
Judy L. Bell

Executed in the presence of:

North Bay - GM 4229514
D&C 25055-F - Auth. EE-3955-B
Map VV-34-1 - LN 8851
Sec. 36 - SW 1/4 of NW 1/4
T1N6W - MDB&M

WITNESS

Prepared AR/sa

Checked RAH [Signature] [Signature]

62-4202 (Individual) Rev. 7/78

STATE OF CALIFORNIA }
County of MARIN } ss.

On this 11th day of SEPTEMBER, in the year 1980, before me, _____
a Notary Public in and for said State, duly commissioned and sworn, personally appeared _____

RUSSELL S. BELL AND

JUDY L. BELL

known to me to be the person(s) whose name(s) ARE subscribed to the within instrument and acknowledged that They executed the same.

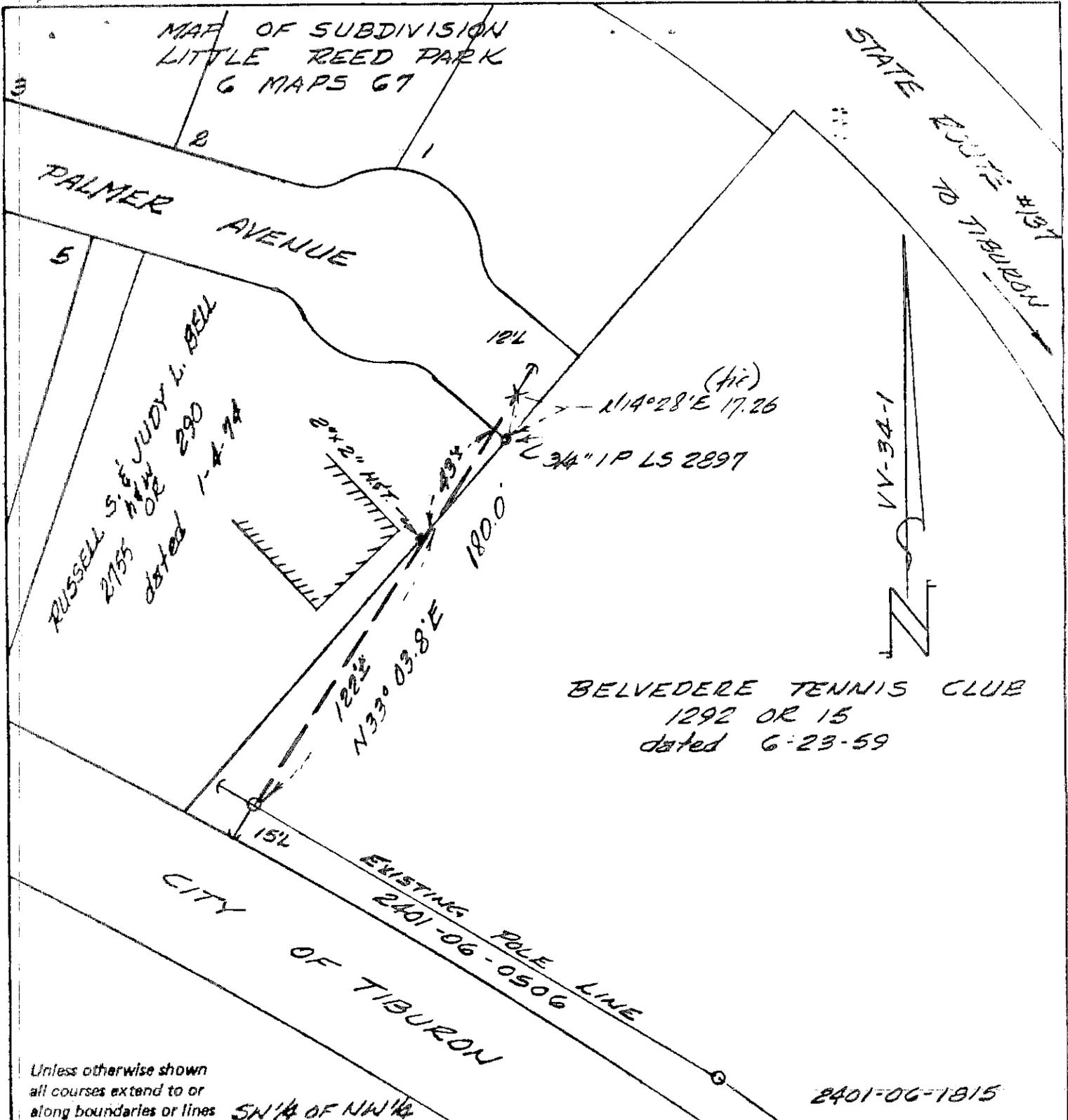
Official Seal



BOOK 3766 PAGE 132

Patricia Ann Cosgrove

Notary Public in and for the said State



CITY, RANCHO, SUBDIVISION, ETC. RANCHO CORTE DE MADERA DEL PRESIDIO				SCALE 1"=50'	DATE 12-4-79
POLE LINE RELOCATION - R.S. BELL - CITY OF TIBURON				SECTION 36	TOWNSHIP 1N
				RANGE 6W	MERIDIAN MD
COUNTY OF MARIEN (55-20)					
CHG.	DATE	DESCRIPTION	AUTH. BY	CH.	F.B.: J.V.
					DR. BY: W. CH. BY: P.M.
D/C 25055-F Auth EE-3955-B REFERENCES CM 4229514			PG and E		N. BAY DIVISION
			411338		LN 8851
			AUTHORIZATION		DRAWING NO. CHG.

AFTER RECORDING
RETURN TO:

2401-06-1995

FOR RECORDER'S USE ONLY

45303

PACIFIC GAS & ELECTRIC COMPANY (NY)
Land Dept.
P. O. Box 2669
San Rafael, California 94902

45303

BOOK 3777 PAGE 691

RECORDED AT REQUEST OF

Location: City/County Tiburon

Recording Fee 6.00

Documentary Transfer Tax \$ None

- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale

D. E. Marguardt
Signature of declarant or agent determining tax

P.G. & E.
AT 30 MIN. PAST 12 M.

OCT 17 1980

Official Records of Marin County, Calif.

William Sheffer

FEE \$ 7.00 RECORDER

EASEMENT

BELVEDERE TENNIS CLUB, a non-profit corporation

first party, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, and THE PACIFIC TELEPHONE AND TELEPHONE COMPANY, a California corporation,
second party, the right from time to time to construct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within a strip or parcel of land or along a route as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands situate in the City of Tiburon County of Marin, State of California, described as follows:

(APN 55-201-15 & 26)

The parcel of land described in the deed from Wm. R. D. Cuthbertson and wife to Belvedere Tennis Club dated June 23, 1959 and recorded in Book 1292 of Official Records at page 15, Marin County Records.

Said facilities shall consist of:

Such poles, aerial wires, cables, electrical conductors with associated crossarms, braces, transformers, anchors, guy wires and cables, fixtures, and appurtenances, as second party deems necessary located along the route which is delineated by the heavy dashed line shown upon the print of second party's Drawing No. LN 8851 attached hereto and made a part hereof.

BOOK 3777 PAGE 691

P.G. & E.CO.
COPY

SEP 10 1980

Second party shall also have the right to trim _____
and clear away or otherwise control any trees or brush along said _____

_____ facilities whenever considered necessary for the complete enjoyment of the rights hereby granted.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF first party has executed these presents this 10th day of September, 19 80.

BELVEDERE TENNIS CLUB

By *Theodore Harris*
Its President THEODORE HARRIS

And by *A. Curtis*
Its secretary A. CURTIS

Executed in the presence of:

Robert W. Figone
ROBERT W. FIGONE
WITNESS

North Bay - GM 4229514
D&C 25055-F - Auth. EE-3955-B
Map VV-34-1 - LN 8851
Sec. 36 - SW 1/4 of NW 1/4
T1NR6W - MDB&M

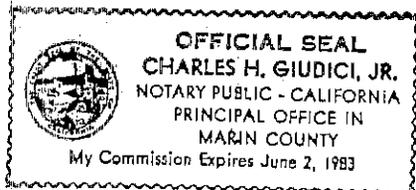
Prepared AR/sa
Checked RAH

62- 4244 (Witness-Corporation)

STATE OF CALIFORNIA } ss.
County of MARIN

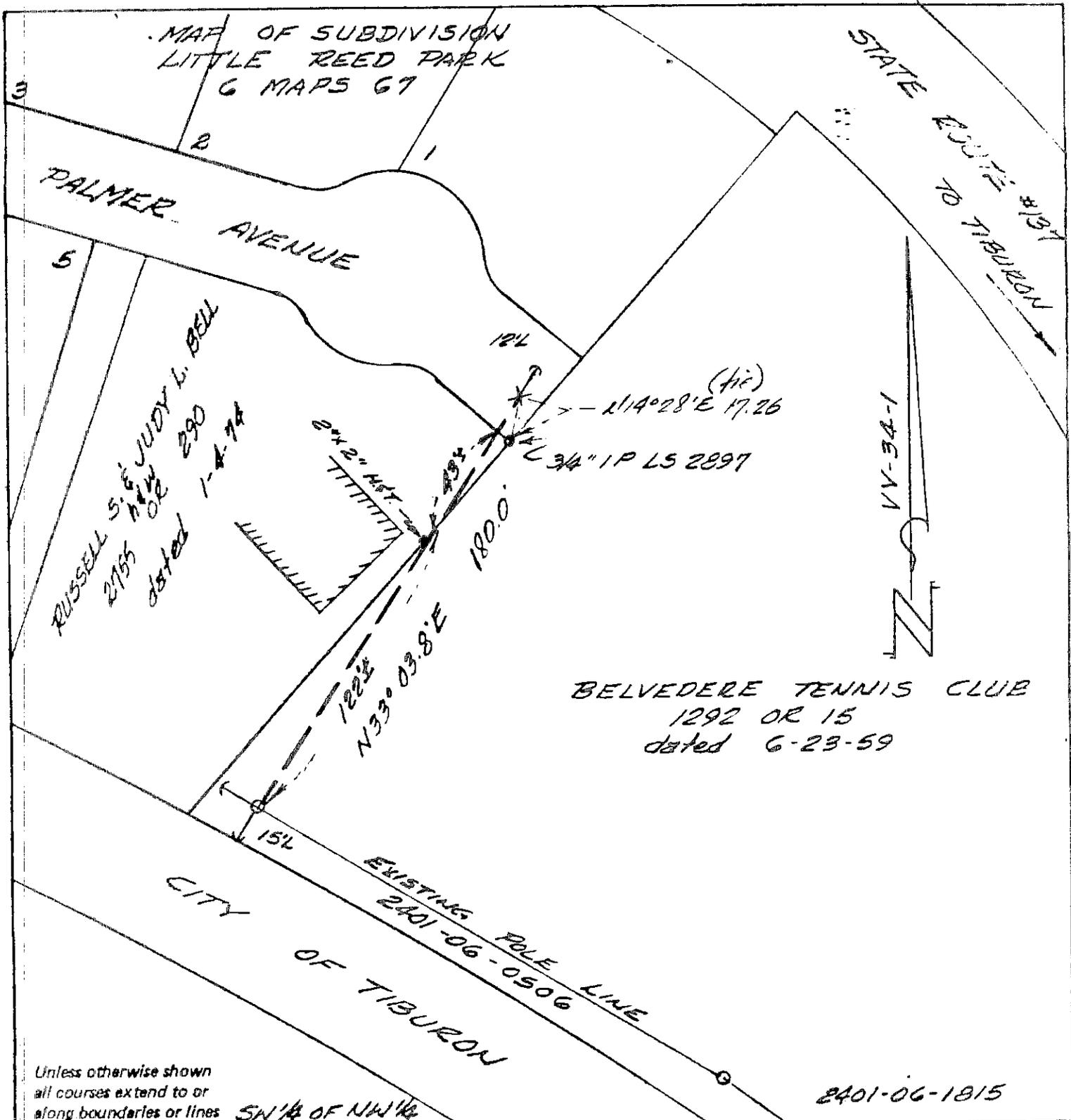
On this 22nd day of September, in the year 1980, before me, CHARLES H. GIUDICI, JR.
a Notary Public in and for said State, duly commissioned and sworn, personally appeared Robert W. Figone
known to me to be the same person whose name is subscribed to the within instrument, as a witness thereto, who, being duly sworn, deposed and said
that he/she resides in the County of Marin, State of California, that he/she was present and saw

Official Seal



THEODORE HARRIS and A. CURTIS
personally known to him/her to be the President and
secretary of the corporation that executed the within instrument,
and to be the person(s) who executed the said instrument on behalf of said corporation therein
named, and acknowledged to me that such corporation executed the within instrument pursuant
to its by-laws or a resolution of its board of directors, and that, at their request,
he/she, the said affiant, thereupon subscribed his/her name as a witness thereto.

Charles H. Giudici, Jr.



CITY, RANCHO, SUBDIVISION, ETC. RANCHO CORTE DE MADERA DEL PRESIDIO				SCALE	DATE
POLE LINE RELOCATION - R.S. BELL - CITY OF TIBURON				1" = 50'	12-4-79
SECTION	TOWNSHIP	RANGE	MERIDIAN		
36	1N	6W	MD		
COUNTY OF MARIAN (56-20)					
CHG.	DATE	DESCRIPTION	AUTH. BY	CH.	F.B.: J.V.
					DR. BY: W. CH. BY: P.M.
D/C 25055-F AUTH EE-3955.8 REFERENCES CM 4229514			PG&E		N. BAY DIVISION
		411338	LN8851		
		AUTHORIZATION	DRAWING NO.	CHG.	

Attachment 2

Hawthorne 851 Sketch

Attachment 3

Mitigated Negative Declaration

MITIGATED NEGATIVE DECLARATION

Town of Tiburon
Public Works Department

FILED

FEB 12 2018

RICHARD N. BENSON
MARIN COUNTY CLERK
BY: **C. SANCHEZ** Deputy

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk, Marin County

FROM: Town of Tiburon Community Development Department
1505 Tiburon Blvd.
Tiburon, CA 94920

Pursuant to Section 21000 et seq. of the Public Resources Code and Town of Tiburon Environmental Review Guidelines, a Mitigated Negative Declaration is hereby granted for the following project.

Project Title: Hawthorne Utility Undergrounding Project

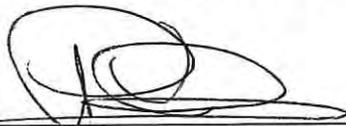
Proponent: Town of Tiburon

Project Location: Surrounding General Vicinity of 700 Tiburon Boulevard, Tiburon CA

Project Description: The Hawthorne Utility Undergrounding Project would install conduit and substructures to replace the existing overhead electric, telephone and cable facilities with underground facilities in a fully-developed neighborhood area of the Town of Tiburon, and restore the streets and sidewalks that would be disturbed during the work.

Finding: Based on the attached Initial Study, it has been determined that the proposed project, as modified by the incorporated mitigation measures, would not result in a significant, adverse environmental effect.

Signature: _____



Patrick Barnes
Director of Public Works & Town Engineer
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

2/8/2018
Date

POSTED 2/12/18 TO 3/14/18

Attachment 4

Notice of Determination

21-2018-021

Notice of Determination

TO: Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

County Clerk-Administration
County of Marin
3501 Civic Center Drive, Rm. 234
San Rafael, CA 94903

FROM: Town of Tiburon
1505 Tiburon Blvd.
Tiburon, CA 94920

Contact: Patrick Barnes
Town Engineer

Phone: (415) 435-7388

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number: 2017082022

Project Title: Hawthorne Utility Undergrounding Project

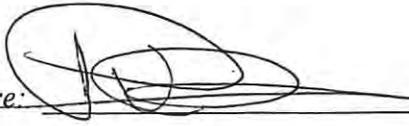
Project Location: Surrounding General Vicinity of 700 Tiburon Boulevard, Tiburon CA

Project Description: The Hawthorne Utility Undergrounding Project would install conduit and substructures to replace the existing overhead electric, telephone and cable facilities with underground facilities in a fully-developed neighborhood area of the Town of Tiburon, and restore the streets and sidewalks that would be disturbed during the work.

This is to advise that the Town of Tiburon Town Council, the Lead Agency has approved the above described project on February 7, 2018 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration and record of project approval is available to the General Public at the Office of the Town Engineer, Town of Tiburon, 1505 Tiburon Blvd., Tiburon, CA 94920.

Signature: 

Title: Director of Public Works/Town Engineer, Town of Tiburon

Date: February 8, 2018

Date Received for Filing:

FILED

FEB 12 2018

RICHARD N. STONE
MARIN COUNTY
BY: **C. SANCHEZ**

POSTED 2/12/18 TO 3/14/18

Attachment 5

Mitigation Monitoring Program

EXHIBIT 'A'

MITIGATION MONITORING PROGRAM HAWTHORNE UTILITY UNDERGROUNDING PROJECT VICINITY OF 700 TIBURON BOULEVARD

Air Quality

Mitigation Measure

Air Quality-1: To limit the project's construction-related dust and criteria pollutant emissions, the following BAAQMD-recommended Basic Construction Mitigation Measures shall be included in the contract specifications:

Mitigation Measure AQ-1, Implement BAAQMD Measures to Reduce Dust and Emissions During Construction. In accordance with the BAAQMD CEQA Guidelines, (BAAQMD 2012), the project will implement the following control measures during construction and ground-disturbing activities to minimize dust from escaping from the project area throughout construction activities.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) would be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site would be covered.
3. All visible mud or dirt track-out onto adjacent public roads would be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping would be prohibited.
4. All vehicle speeds on unpaved roads would be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved would be completed as soon as possible.
6. Building pads would be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times would be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure

Implementation Procedure:

The Town Engineer or his designee shall observe the site during all inspections for evidence of watering, fugitive dust and appropriate site and equipment maintenance.

Non-Compliance Sanction:

Failure to comply with site watering requirements or observation of fugitive dust will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Biological Resources

Mitigation Measure

Mitigation Measure BIO-1, Conduct Environmental Awareness Training Prior to Construction. Prior to construction, a qualified biologist will conduct environmental awareness training for all construction workers involved in ground-disturbing activities to educate workers on (1) special-status species that may occur in the work area, (2) procedures to follow in the event a species is observed, and (3) other environmental best management practices (BMPs). This will include preparing necessary educational materials, such as a power point presentation and handouts that can be used in the field.

Implementation Procedure:

The Town Engineer or his designee shall ensure that training is performed.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Mitigation Measure

Mitigation Measure BIO-2, Conduct Preconstruction Surveys for California Red Legged Frog. Within 48 hours of utility pole removal in the drainages, a qualified biologist will conduct preconstruction surveys for California red-legged frog (CRLF) within and adjacent to the drainages where the two utility poles will be removed. If CRLF are found, construction will be delayed until monitoring by a qualified biologist confirms that CRLF have left the area in which they could be impacted by construction activities.

Implementation Procedure:

The Town Engineer or his designee shall ensure that surveys are performed and inform the appropriate authorities in the event CRLF are found.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Mitigation Measure

Mitigation Measure BIO-3, Limit Construction near the Ditch and Drainages to the Dry Season, or Employ Protection Measures During the Rainy Season. The Town and/or their construction contractor will ensure that construction activities within 5 feet of the ditch and drainages in the project area (identified on Figure 4) will occur during the dry season (April 15 – November 15) and not the rainy season (November 15 – April 15). If construction must occur during the rainy season, the following protection measures will be employed: 1) Prior to the rainy season, a qualified biologist will be consulted to determine if construction during this time period results in any additional impacts to the ditch and drainages and what further mitigation measures may be needed to prevent these impacts (e.g., implement erosion control measures such as straw wattles, silt fence, mats or mulching); and 2) When feasible, during the rainy season, the construction contractor will implement a ‘weather triggered’ (i.e., 40 percent or greater chance of rain) action plan to inspect, repair, and/or upgrade BMPs as necessary during periods of inclement weather.

Implementation Procedure:

The Town Engineer or his designee shall limit work to the designated timeframes or insure appropriate erosion control measures are implemented.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Mitigation Measure

Mitigation Measure BIO-4, Limit Access Routes and Encroachment into the Ditch and Drainages. Prior to work in or near drainages or the ditch, a qualified biologist will identify and demarcate limits of required access routes and encroachment into the ditch and drainages which are sensitive habitat. These provisions will protect jurisdictional waters and wetlands while still allowing for necessary work.

Implementation Procedure:

The Town Engineer or his designee shall ensure that limits of access routes and encroachments into the ditch and drainages are identified and demarcated.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Mitigation Measure

Mitigation Measure BIO-5, Site Staging Areas Away from Sensitive Resources.

During construction, the construction contractor will avoid parking or servicing construction vehicles near drainages and the ditch to avoid spills/leaks of fluids into riparian areas and streams; these chemicals are toxic to wildlife and vegetation. Additionally, the construction contractor will restrict stockpiling materials including equipment, vehicles and supplies to designated construction staging areas, away from drainages. This measure will prevent erosion directly into sensitive habitat and waters, which can alter hydrology and harm plant and animal species by diminishing water quality.

Implementation Procedure:

The Town Engineer or his designee shall regulate locations for parking or servicing of construction vehicles and stockpiling materials.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Mitigation Measure

Mitigation Measure BIO-6, Employ Erosion Control near the Ditch and Drainages.

During construction, the construction contractor will implement erosion control measures for removal of utility poles in and adjacent to the ditch and drainages. Construction crews will implement BMPs during construction for protecting water quality, including avoidance of drainages and wetlands or minimizing impacts with the use of straw wattles, straw bales, and/or erosion control fabric. This measure will prevent erosion directly into jurisdictional waters and wetlands, which can alter hydrology and harm plant and animal species by diminishing water quality.

Implementation Procedure:

The Town Engineer or his designee shall implement appropriate erosion control measures.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Mitigation Measure

Mitigation Measure BIO-7, Avoid Disturbing Culverts during Undergrounding Construction Activities. During construction, the construction contractor will avoid disturbance of culverts that convey water under roads for the two drainages within the project area, including the drainage under Hawthorne Drive and the drainage under Tiburon Boulevard, while trenching. Utilities may be located above or below the culvert in project final design; however, the culverts will remain in place and will not be touched, replaced or changed in any way through project implementation.

Implementation Procedure:

The Town Engineer or his designee shall ensure culverts are avoided and not disturbed.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Mitigation Measure

Mitigation Measure BIO-8, Minimize Tree Trimming Within and Adjacent to the Ditch and Drainages. The Town or construction contractor will ensure that no trees in the riparian area will be removed during the removal of the six utility poles in and adjacent to the drainages and ditch. Furthermore, trimming of tree limbs will be minimized to the greatest extent possible so that trees are not significantly impacted through project implementation.

Implementation Procedure:

The Town Engineer or his designee shall direct contractors to avoid tree removal in riparian areas and minimize tree trimming.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Mitigation Measure

Mitigation Measure BIO-9, Avoid Construction Activity during Raptor Breeding Season, or Conduct Preconstruction Surveys and Observe Buffers around Raptor Nests throughout the Ditch and Drainages. The Town or construction contractor will ensure that construction activities will occur outside of the typical breeding season for raptors (September 16 to December 31). In the event that construction

activities will occur between January 1 and September 15, preconstruction surveys of the riparian vegetation in and adjacent to the drainages where the utility poles would be removed will be conducted by a qualified biologist in accordance with established CDFW raptor survey protocols. If nesting raptors are detected, a qualified biologist will establish buffers around nests that are sufficient to ensure that breeding is not likely to be disrupted or adversely impacted by construction. Buffers around active raptor nests will be 500 feet for non-listed raptors, unless a qualified biologist determines that smaller buffers would be sufficient to avoid impacts to nesting raptors. Factors to be considered for determining buffer size will include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers will be maintained until a qualified biologist has determined that young have fledged and are no longer reliant upon the nest or parental care for survival.

Implementation Procedure:

The Town Engineer or his designee shall limit work to the designated timeframes or preconstruction surveys are conducted and appropriate follow-up protocols are followed.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Mitigation Measure

Mitigation Measure BIO-10, Avoid Construction Activity During Migratory Bird Breeding Season, or Conduct Preconstruction Surveys and Observe Buffers Around Migratory Bird Nests throughout the Drainages. The Town or construction contractor will ensure that construction activities will occur outside the typical breeding season (February 1 to September 1) for migratory birds. In the event that construction activities must occur during the typical breeding season for migratory birds, preconstruction surveys of the riparian vegetation in and adjacent to the drainages where the utility poles will be removed will be conducted by a qualified biologist for nests of species covered under the Migratory Bird Treaty Act and Fish and Game Code sections 3503, 3503.5, and 3513. If nests are detected, a qualified biologist will establish buffers around nests that are sufficient to ensure that breeding is not likely to be disrupted or adversely impacted by construction. Buffers around active nests will be a minimum of 250 feet, unless a qualified biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. Factors to be considered for determining buffer size will include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers will be maintained until young have fledged or the nests become inactive.

Implementation Procedure:

The Town Engineer or his designee shall limit work to the designated timeframes or preconstruction surveys are conducted and appropriate follow-up protocols are followed.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Cultural Resources

Mitigation Measure

Mitigation Measure CR-1: Stop Work in the Event of Unexpected Occurrence of Cultural Resources during Construction. If cultural resources are identified during project construction, the construction crews will stop all work within 100 feet of the discovery until a qualified archaeologist assesses the previously unrecorded discovery and provides recommendations. Resources may include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials may include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).

Implementation Procedure:

The Town Engineer or his designee shall stop work and inform the appropriate authorities in the event cultural resources are found.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Mitigation Measure

Mitigation Measure CR-2: Stop Work in the Event of Unexpected Occurrence of Human Remains during Construction. If human remains and associated/or unassociated funerary objects are discovered during soil-disturbing activities, construction crews will stop work and immediately notify the Marin County Coroner and qualified archeologist, in accordance with applicable State laws. In the event the Coroner determines that the human remains are Native American, the Town will notify NAHC according to the requirements in PRC Section 5097.98.

NAHC will appoint a Most Likely Descendent (MLD). A qualified archaeologist, Town, and MLD will make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement will take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.

Implementation Procedure:

The Town Engineer or his designee shall stop work and inform the appropriate authorities in the event human remains and associated/or unassociated funerary objects are found.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Cultural Resources

Mitigation Measure

Mitigation Measure TCR-1. Monitor Ground Disturbance during Construction. Prior to the commencement of any ground disturbing activities for the project, the Town shall retain a qualified archaeologist, who has experience with historical archaeological sites and who meets the Secretary of the Interior's Professional Qualifications Standards as promulgated in 36 CFR 61, and a Native American monitor, who shall perform the following activities.

1. The archaeologist and the Native American monitor shall attend a pre-construction meeting with the grading contractor to explain the requirements of the monitoring program.
2. The archaeologist and the Native American monitor shall be present to monitor ground-disturbing activities, including brushing/grubbing, grading, and trenching. If cultural material is encountered, the archaeologist and the Native American monitor shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity while the cultural material is documented and assessed.
3. If cultural material is encountered, the archaeologist shall treat recovered items in accordance with current professional standards by properly provenancing, cleaning, analyzing, researching, reporting,

and curating them in a collection facility meeting the Secretary of the Interior's Standards, as promulgated in 36 CFR 79.

4. **Within sixty days after completion of the ground-disturbing activity, the archaeologist shall prepare and submit a final report to the Town for review and approval, which shall discuss the monitoring program and its results, and provide interpretations about the recovered materials, noting to the extent feasible each item's class, material, function, and origin.**

Implementation Procedure:

The Town Engineer or his designee shall ensure that a qualified archaeologist is retained to perform the required activities.

Non-Compliance Sanction:

Failure to comply with requirements will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Consent Agreement for Mitigation Measures

Project Title: Hawthorne Utility Undergrounding Project

Lead Agency Name and Address: Town of Tiburon, 1505 Tiburon Boulevard, Tiburon, CA 94920

Contact Person and Phone Number: Patrick Barnes, Director of Public Works/Town Engineer (415-435-7388)

Project Location: The vicinity of 700 Tiburon Boulevard, Town of Tiburon, Marin County, California

Project Sponsor's Name and Address: Town of Tiburon, 1505 Tiburon Boulevard, Tiburon, CA 94920

The Town of Tiburon, the project sponsor, hereby agrees to implement the mitigation measures described herein which are recommended for the proposed project based on the assessment of potential environmental impacts in the Initial Study and are incorporated into the preparation of the Mitigated Negative Declaration (pursuant to Section 21157.5 of the Public Resources Code and Article 6 of the State CEQA Guidelines) for the proposed project.

The mitigation measures required to reduce the potentially-significant impacts of the project to a less-than-significant level are as follows:

Air Quality

Mitigation Measure Air Quality-1: To limit the project's construction-related dust and criteria pollutant emissions, the following BAAQMD-recommended Basic Construction Mitigation Measures shall be included in the contract specifications:

Mitigation Measure AQ-1, Implement BAAQMD Measures to Reduce Dust and Emissions during Construction. In accordance with the BAAQMD CEQA Guidelines, (BAAQMD 2012), the project will implement the following control measures during construction and ground-disturbing activities to minimize dust from escaping from the project area throughout construction activities.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) would be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site would be covered.
3. All visible mud or dirt track-out onto adjacent public roads would be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping would be prohibited.
4. All vehicle speeds on unpaved roads would be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved would be completed as soon as possible.
6. Building pads would be laid as soon as possible after grading unless seeding or soil binders are used.

7. Idling times would be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure)

Biological Resources

Mitigation Measure BIO-1, Conduct Environmental Awareness Training Prior to Construction. Prior to construction, a qualified biologist will conduct environmental awareness training for all construction workers involved in ground-disturbing activities to educate workers on (1) special-status species that may occur in the work area, (2) procedures to follow in the event a species is observed, and (3) other environmental best management practices (BMPs). This will include preparing necessary educational materials, such as a power point presentation and handouts that can be used in the field.

Mitigation Measure BIO-2, Conduct Preconstruction Surveys for California Red Legged Frog. Within 48 hours of utility pole removal in the drainages, a qualified biologist will conduct preconstruction surveys for California red-legged frog (CRLF) within and adjacent to the drainages where the two utility poles will be removed. If CRLF are found, construction will be delayed until monitoring by a qualified biologist confirms that CRLF have left the area in which they could be impacted by construction activities.

Mitigation Measure BIO-3, Limit Construction near the Ditch and Drainages to the Dry Season, or Employ Protection Measures During the Rainy Season. The Town and/or their construction contractor will ensure that construction activities within 5 feet of the ditch and drainages in the project area (identified on **Figure 4**) will occur during the dry season (April 15 – November 15) and not the rainy season (November 15 – April 15). If construction must occur during the rainy season, the following protection measures will be employed: 1) Prior to the rainy season, a qualified biologist will be consulted to determine if construction during this time period results in any additional impacts to the ditch and drainages and what further mitigation measures may be needed to prevent these impacts (e.g., implement erosion control measures such as straw wattles, silt fence, mats or mulching); and 2) When feasible, during the rainy season, the construction contractor will implement a ‘weather triggered’ (i.e., 40 percent or greater chance of rain) action plan to inspect, repair, and/or upgrade BMPs as necessary during periods of inclement weather.

Mitigation Measure BIO-4, Limit Access Routes and Encroachment into the Ditch and Drainages. Prior to work in or near drainages or the ditch, a qualified biologist will identify and demarcate limits of required access routes and encroachment into the ditch and drainages which are sensitive habitat. These provisions will protect jurisdictional waters and wetlands while still allowing for necessary work.

Mitigation Measure BIO-5, Site Staging Areas Away from Sensitive Resources. During construction, the construction contractor will avoid parking or servicing construction vehicles near drainages and the ditch to avoid spills/leaks of fluids into riparian areas and streams; these chemicals are toxic to wildlife and vegetation. Additionally, the construction contractor will restrict stockpiling materials including equipment, vehicles and supplies to designated construction staging areas, away from drainages. This measure will prevent erosion directly into sensitive habitat and waters, which can alter hydrology and harm plant and animal species by diminishing water quality.

Mitigation Measure BIO-6, Employ Erosion Control near the Ditch and Drainages. During construction, the construction contractor will implement erosion control measures for removal of utility poles in and adjacent to the ditch and drainages. Construction crews will implement BMPs during construction for protecting water quality, including avoidance of drainages and wetlands or minimizing impacts with the

use of straw wattles, straw bales, and/or erosion control fabric. This measure will prevent erosion directly into jurisdictional waters and wetlands, which can alter hydrology and harm plant and animal species by diminishing water quality.

Mitigation Measure BIO-7, Avoid Disturbing Culverts during Undergrounding Construction Activities.

During construction, the construction contractor will avoid disturbance of culverts that convey water under roads for the two drainages within the project area, including the drainage under Hawthorne Drive and the drainage under Tiburon Boulevard, while trenching. Utilities may be located above or below the culvert in project final design; however, the culverts will remain in place and will not be touched, replaced or changed in any way through project implementation.

Mitigation Measure BIO-8, Minimize Tree Trimming Within and Adjacent to the Ditch and Drainages.

The Town or construction contractor will ensure that no trees in the riparian area will be removed during the removal of the six utility poles in and adjacent to the drainages and ditch. Furthermore, trimming of tree limbs will be minimized to the greatest extent possible so that trees are not significantly impacted through project implementation.

Mitigation Measure BIO-9, Avoid Construction Activity during Raptor Breeding Season, or Conduct Preconstruction Surveys and Observe Buffers around Raptor Nests throughout the Ditch and Drainages.

The Town or construction contractor will ensure that construction activities will occur outside of the typical breeding season for raptors (September 16 to December 31). In the event that construction activities will occur between January 1 and September 15, preconstruction surveys of the riparian vegetation in and adjacent to the drainages where the utility poles would be removed will be conducted by a qualified biologist in accordance with established CDFW raptor survey protocols. If nesting raptors are detected, a qualified biologist will establish buffers around nests that are sufficient to ensure that breeding is not likely to be disrupted or adversely impacted by construction. Buffers around active raptor nests will be 500 feet for non-listed raptors, unless a qualified biologist determines that smaller buffers would be sufficient to avoid impacts to nesting raptors. Factors to be considered for determining buffer size will include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers will be maintained until a qualified biologist has determined that young have fledged and are no longer reliant upon the nest or parental care for survival.

Mitigation Measure BIO-10, Avoid Construction Activity During Migratory Bird Breeding Season, or Conduct Preconstruction Surveys and Observe Buffers Around Migratory Bird Nests throughout the Drainages.

The Town or construction contractor will ensure that construction activities will occur outside the typical breeding season (February 1 to September 1) for migratory birds. In the event that construction activities must occur during the typical breeding season for migratory birds, preconstruction surveys of the riparian vegetation in and adjacent to the drainages where the utility poles will be removed will be conducted by a qualified biologist for nests of species covered under the Migratory Bird Treaty Act and Fish and Game Code sections 3503, 3503.5, and 3513. If nests are detected, a qualified biologist will establish buffers around nests that are sufficient to ensure that breeding is not likely to be disrupted or adversely impacted by construction. Buffers around active nests will be a minimum of 250 feet, unless a qualified biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. Factors to be considered for determining buffer size will include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers will be maintained until young have fledged or the nests become inactive.

Cultural Resources

Mitigation Measure CR-1: Stop Work in the Event of Unexpected Occurrence of Cultural Resources during Construction. If cultural resources are identified during project construction, the construction crews will stop all work within 100 feet of the discovery until a qualified archaeologist assesses the previously unrecorded discovery and provides recommendations. Resources may include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials may include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).

Mitigation Measure CR-2: Stop Work in the Event of Unexpected Occurrence of Human Remains during Construction. If human remains and associated/or unassociated funerary objects are discovered during soil-disturbing activities, construction crews will stop work and immediately notify the Marin County Coroner and qualified archeologist, in accordance with applicable State laws. In the event the Coroner determines that the human remains are Native American, the Town will notify NAHC according to the requirements in PRC Section 5097.98. NAHC will appoint a Most Likely Descendent (MLD). A qualified archaeologist, Town, and MLD will make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement will take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.

Noise

Mitigation Measure NOI-1. The following noise control measures would be implemented to minimize construction-related noise impacts on nearby sensitive receptors.

1. Stationary construction noise sources, will be located as far from nearby noise-sensitive receptors as possible.
2. Trucks will be prohibited from idling along streets serving the construction site where noise-sensitive residences are located.
3. Construction activities that could generate high noise levels at residences shall be scheduled during times that would have the least impact on receptor locations. This could include restricting construction activities in the areas of potential impact to middle hours of the work day, such as from 10:00 a.m. to 4:00 p.m. Monday to Friday, when residents would be least likely to be home.
4. Equipment and trucks used for project construction would be equipped, as feasible, with advanced noise control techniques (improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds).
5. A designated project liaison will be responsible for responding to noise complaints during construction. The name and phone number of the liaison will be included in all advanced notifications and on a sign easily visible at any active construction area. This person will take steps to resolve complaints, including, as necessary, conducting periodic noise monitoring, and coordinating with the contractor to modify any construction activities that generated excessive noise levels to the greatest extent feasible. In the event of noise

complaints, the contractor will provide information to the Town within 48 hours of being notified of the complaint.

Tribal Cultural Resources

Mitigation Measure TCR-1. Monitor Ground Disturbance during Construction. Prior to the commencement of any ground disturbing activities for the project, the Town shall retain a qualified archaeologist, who has experience with historical archaeological sites and who meets the Secretary of the Interior's Professional Qualifications Standards as promulgated in 36 CFR 61, and a Native American monitor, who shall perform the following activities.

1. The archaeologist and the Native American monitor shall attend a pre-construction meeting with the grading contractor to explain the requirements of the monitoring program.
2. The archaeologist and the Native American monitor shall be present to monitor ground-disturbing activities, including brushing/grubbing, grading, and trenching. If cultural material is encountered, the archaeologist and the Native American monitor shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity while the cultural material is documented and assessed.
3. If cultural material is encountered, the archaeologist shall treat recovered items in accordance with current professional standards by properly provenancing, cleaning, analyzing, researching, reporting, and curating them in a collection facility meeting the Secretary of the Interior's Standards, as promulgated in 36 CFR 79.
4. Within sixty days after completion of the ground-disturbing activity, the archaeologist shall prepare and submit a final report to the Town for review and approval, which shall discuss the monitoring program and its results, and provide interpretations about the recovered materials, noting to the extent feasible each item's class, material, function, and origin.

Applicant's Signature:



Greg Chanis, Tiburon Town Manager

Date:

August 9, 2017

Attachment 6

State Clearinghouse



EDMUND G. BROWN JR.
GOVERNOR

September 7, 2017

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



KEN ALEX
DIRECTOR

RECEIVED
SEP 11 2017

DIRECTOR OF PUBLIC WORKS
TOWN OF TIBURON

Patrick Barnes
City of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

Subject: Hawthorne Undergrounding District Project
SCH#: 2017082022

Dear Patrick Barnes:

The State Clearinghouse submitted the above named Mitigated Negative Declaration 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 September 6, 2017, 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.

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# 2017082022
Project Title Hawthorne Undergrounding District Project
Lead Agency Tiburon, City of

Type MND Mitigated Negative Declaration
Description The Town of Tiburon Public Works Department is proposing the Hawthorne Undergrounding Utility Project. The project includes relocating the PG&E Power, AT&T Telephone, and Comcast Communications aerial facilities to underground along Delmar Drive, Hawthorne Dr, Maravista Court, Palmer Court, Rock Hill Rd, Hilary Court, Hilary Dr and portions of Tiburon Blvd within the Town of Tiburon. This area is primarily single-family residential and includes the Belvedere Tennis Club, and local schools and churches. The purpose of the project is to improve system safety and reliability, as well as neighborhood aesthetics. The project would be located in the Town of Tiburon.

Lead Agency Contact

Name Patrick Barnes
Agency City of Tiburon
Phone (415) 435-7354
email
Address 1505 Tiburon Boulevard
City Tiburon
Fax
State CA **Zip** 94920

Project Location

County Marin
City Tiburon
Region
Lat / Long 37° 52' 24.7" N / 122° 27' 23.9" W
Cross Streets Tiburon Blvd, Rock Hill Rd
Parcel No.

Township	Range	Section	Base
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Proximity to:

Highways 101
Airports
Railways
Waterways Richardson Bay
Schools St. Hilary's, Del Mar MS
Land Use commercial, parks and rec, parks and open space, single family residential parks, vacant

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; 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

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, 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; Native American Heritage Commission; Public Utilities Commission; Department of Fish and Wildlife, Marine Region

Date Received 08/08/2017 **Start of Review** 08/08/2017 **End of Review** 09/06/2017

STATE OF TEXAS,
COUNTY OF _____

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
 P.O. BOX 23660
 OAKLAND, CA 94623-0660
 PHONE (510) 286-5528
 FAX (510) 286-5559
 TTY 711
 www.dot.ca.gov



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SEP 01 2017

STATE CLEARINGHOUSE

04-MRN-2017-00064
 SCH# 2017082022
 SON-131- PM2.6/2.7
 GTS ID 7367

August 31, 2017

Mr. Patrick Barnes
 Town Engineer & Director of Public Works
 Town of Tiburon
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Hawthorne Undergrounding District Project – Mitigated Negative Declaration (MND)

Dear Mr. Barnes:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans mission signals a modernization of our approach in evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the MND. Additional comments may be forthcoming pending final review.

Project Description

The proposed Hawthorne Undergrounding Utility Project will relocate existing Pacific Gas & Electric (PG&E) Power, AT&T Telephone, and Comcast Communications aerial facilities to underground along Delmar Drive, Hawthorne Drive, Maravista Court, Palmer Court, Rock Hill Road, Hilary Court, Hilary Drive and portions of Tiburon Boulevard within the Town of Tiburon. This area is primarily zoned for single-family use residential and includes the Belvedere Tennis Club, and local schools and churches.

The Project will be implemented in three phases for approximately four to six months and service is expected to remain uninterrupted throughout project implementation. Phase one will install utility vaults underground. Phase two will install the utility conduits. Phase three will demolish and remove the existing utility poles. Once all of the conduits are installed for electric, cable and telephone, each utility company will install their conductors. PG&E would install first, then Comcast and AT&T. Once PG&E has installed their conductor and energized the underground system, they would begin the process of installing and transferring the services to the underground system. When all of the overhead services and streetlights are converted, PG&E will remove its overhead facilities. The process will be repeated for Comcast and AT&T.

Mr. Patrick Barnes, Town of Tiburon

August 31, 2017

Page 2

The proposed project will install the following:

- Mainline underground power, telephone and cable conduit, appurtenant manholes and pullboxes, and subsurface and surface-located transformers within the residential area of the proposed project;
 - Service conduit and appurtenances to property lines within the project area; and
 - New conductors within conduits and underground structures by the utility companies.
-

The existing overhead power, telephone and cable wires, utility poles, residential service drops and streetlights will be removed, and new streetlights will be installed. The purpose of the project is to improve system safety and reliability, as well as neighborhood aesthetics. Undergrounding the utilities improves the safety and reliability of the system, as storms and adverse environmental changes may result in broken lines, falling poles and degradation over time. New streetlights along Tiburon Boulevard would replace the existing older structures, maintaining safety to adjacent residences.

Cultural Resources

An encroachment permit is needed for work within Caltrans right-of-way (ROW), the mitigation measures in Section V. Cultural Resources need to include that, per California Environmental Quality Act (CEQA), Public Resources Code 5024, and the Caltrans Standard Environmental Reference Chapter 2 (<http://www.dot.ca.gov/ser/vol2/vol2.htm>), should ground-disturbing activities take place within ROW and there is an inadvertent archaeological or burial discovery, all construction within 60 feet of the find shall cease and the Caltrans District 4 Office of Cultural Resource Studies shall be immediately contacted at (510) 622-1673.

Transportation Management Plan

Please identify whether any construction staging adjacent to State Route (SR) 131 is anticipated. Where traffic restrictions and detours might be needed on or near SR 131, a Transportation Management Plan (TMP) is required from the applicant for approval by Caltrans prior to construction. Lane or shoulder closure charts for any work which interferes with operations of SR 131 shall be submitted to Caltrans for review and approval. TMPs must be prepared in accordance with the California *Manual on Uniform Traffic Control Devices*. Further information is available for download at the web address below. Please ensure that such plans are also prepared in accordance with the TMP requirements of the Town of Tiburon.

<http://www.dot.ca.gov/hq/traffops/engineering/mutcd/pdf/camutcd2014/Part6.pdf>

Multimodal Planning

Please submit traffic control plans that adheres to Caltrans Construction Procedure Directive (CPD) 11-1 ADA Requirements for Temporary Pedestrian Facilities. A temporary pedestrian route should be provided directly around the work areas to avoid requiring pedestrians to cross the highway and travel out of direction. Where a temporary pedestrian route is provided within the roadway, use a channelizing device such as cane-detectable barrier protection and barriers that separate vehicle and pedestrian traffic within the roadway. The channelizing device should be

Mr. Patrick Barnes, Town of Tiburon
August 31, 2017
Page 3

provided on a continuous basis. For guidance, see Pedestrian Considerations for Temporary Traffic Control Zones: <http://dot.ca.gov/hq/traffops/engineering/control-devices/pdf/PedBrochure.pdf>.

Where construction will result in temporary narrowing of the outside lane on SR 131 (Tiburon Blvd), sign R4-11 "Bikes May Use Full Lane" and sign W11-1 "Bicycle Warning Sign" should be placed ahead of the lane taper to notify motorists and bicyclists that bicyclists may use the full lane.

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on the STN requires a transportation permit that is issued by Caltrans. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to: Caltrans Transportation Permits Office, 1823 14th Street, Sacramento, CA 95811-7119. See the following website for more information: <http://www.dot.ca.gov/hq/traffops/permits>.

Encroachment Permit

The applicant will be required to apply for and obtain an encroachment permit for any work within Caltrans ROW prior to construction. As part of the encroachment permit process, the applicant must provide appropriate CEQA environmental approval, where applicable, for potential environmental impacts within the ROW. The applicant is responsible for quantifying the environmental impacts of the improvements within Caltrans ROW (project-level analysis) and completing appropriate avoidance, minimization and mitigation measures. Any improvements/mitigation measure affecting the operations of SR 131 requires Caltrans review and approval. The applicant can schedule an encroachment pre-application meeting with Arun Guduguntla at arun.guduguntla@dot.ca.gov.

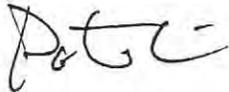
We are concerned with the proposed construction hours which may incur delay over 15 minutes along SR 131. Caltrans encourages the Town of Tiburon to develop traffic handling or detour plans that analyze potential impact on SR 131. The traffic handling or detour plans will help the reviewers at the Encroachment Permit stage. The Town should implement a robust Public Information Outreach (PIO) campaign that keeps the public abreast of construction activities and a fiscally sound budget for the PIO efforts.

To apply for an encroachment permit, please complete an encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW, and submit to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Mr. Patrick Barnes, Town of Tiburon
August 31, 2017
Page 4

Should you have any questions regarding this letter, please contact Stephen Conteh at (510) 286-5534 or stephen.conteh@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Attachment 7

Town Council Resolution 2017-01

RESOLUTION NO. 01-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON, CALIFORNIA, DECLARING ITS INTENTION TO TAKE PROCEEDINGS PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913 AND TO ISSUE BONDS PURSUANT TO THE IMPROVEMENT BOND ACT OF 1915 TO UNDERGROUND ALL EXISTING OVERHEAD UTILITY FACILITIES WITHIN THE BOUNDARIES OF THE PROPOSED TOWN OF TIBURON ASSESSMENT DISTRICT NO. 2017-1 (HAWTHORNE UNDERGROUNDING DISTRICT) AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH

WHEREAS, the Town Council of the Town of Tiburon (the "Town") has previously adopted Town Council Resolution No. 2996 supporting the undergrounding of overhead utility wires and poles and has adopted Policy and Procedures for the Formation of Utility Undergrounding Assessment Districts (the "Policies"); and

WHEREAS, in accordance with the Policies, the owners of certain parcels of land have submitted petitions (the "Petitions") to the Town requesting the formation of an assessment district in order to underground all of the overhead utility wires, poles and other facilities providing utility service to the area within the proposed assessment district; and

WHEREAS, the Town Clerk has reviewed the Petitions and in accordance with Streets and Highways Code Section 5896.7 has presented to the Town Council a certificate as to the sufficiency of the Petitions to the effect that petitions have been submitted by more than five owners of assessable land within the proposed assessment district, as shown on the last equalized assessment roll, who own lands constituting more than one-half of the area of all assessable lands within the proposed assessment district; and

WHEREAS, the Town Engineer and Director of Public Works (the "Town Engineer") has reviewed the Petitions and determined that the Petitions show support for the proposed assessment district by the owners of at least sixty percent (60%) of the parcels within the proposed assessment district; and

WHEREAS, the Town Council desires to adopt this resolution in accordance with the Policies and the provisions of Streets and Highways Code Section 10200, which is a part of the Municipal Improvement Act of 1913 (the "1913 Act"), declaring its intention to make acquisitions and improvements to underground all electric, telephone and cable facilities, remove poles, overhead wires, guys and anchors and complete appurtenant work thereto as further described in Section 3 hereof (the "Improvements") and to order the formation of an assessment district to pay the costs thereof under and pursuant to the provisions of the 1913 Act; and

WHEREAS, the proposed assessment district, if it is formed, is to be known and designated as the Town of Tiburon Assessment District No. 2017-1 (Hawthorne Undergrounding District) (the "Assessment District"); and

WHEREAS, the proposed boundaries of the Assessment District are shown on a map which indicates by a boundary line the extent of the territory proposed to be included in the Assessment District, which map has been prepared by Harris & Associates (the "Assessment Engineer") and designated "Town of Tiburon Hawthorne Undergrounding District Proposed Boundary Map" (the "Map"), which Map is on file in the office of the Town Clerk; and

WHEREAS, the Town Engineer, with the assistance of the Assessment Engineer, is competent to make and file with the Town Clerk the report with regard to the Improvements, which report is required by the 1913 Act to be made and filed; and

WHEREAS, the conversion of overhead electric utility distribution system facilities to underground, including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to undergrounding, is categorically exempt from the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA") and its implementing guidelines (14 California Code of Regulations Section 15000 *et seq.*) (the "Guidelines") pursuant to Section 15302(d) of the Guidelines; and

WHEREAS, in order to finance the cost of the Improvements the Town Council intends to consider issuing bonds secured by the assessments to be levied on property in the Assessment District pursuant to the Improvement Bond Act of 1915, being Division 10 (commencing with Section 8500) of the Streets and Highways Code (the "1915 Act"); and

WHEREAS, before issuing bonds, the Town Council is required, under the 1915 Act, to adopt a resolution declaring its intention to do so;

NOW, THEREFORE, The Town Council of the Town of Tiburon does hereby find, order and resolve as follows:

SECTION 1. The above recitals, and each of them, are true and correct.

SECTION 2. In accordance with the Policies, the Town Council hereby appoints Harris & Associates as the Assessment Engineer and the firm of Stradling Yocca Carlson & Rauth, a Professional Corporation and Samuel Sperry as bond counsel for the Assessment District.

SECTION 3. The Improvements generally include the undergrounding of existing electric, telephone and cable facilities, including the removal of poles, overhead wires, guys and anchors and the installation of new underground service connections and new streetlights and appurtenant work therewith within the area shown on the Map. The Map is hereby approved as the preliminary boundary Map for the Assessment District. The Improvements will be designed and constructed to the standards required by the Pacific Gas and Electric Company ("PG&E") and other utility providers. The Town will inspect the work to ensure conformance to Town standards and specifications where applicable. Once completed, the underground facilities will become the property and responsibility of PG&E and such other utility providers. Each owner of property located within the Assessment District will be responsible for arranging for and paying for work on his property necessary to connect facilities constructed by the public utilities in the public streets to the points of connection on the private property. Conversion of individual service connections on private property is not included in the work to be done by the Assessment District. Failure to convert individual service connections on private property may result in a recommendation to the Town Council that the public utilities be directed to discontinue service to that property or that other actions

be taken in accordance with applicable laws to convert such individual service connections. Overhead facilities cannot be removed until all overhead service has been discontinued.

SECTION 4. The Town Council hereby finds and declares that the public interest and necessity require the acquisition and construction of the Improvements, and any portion of the costs of the Improvements to be assessed against parcels within the Assessment District will be of direct and special benefit to such parcels. The Town Council hereby declares its intention to order the conversion of the existing overhead electric and communication facilities to underground locations, and the acquisition of the Improvements, to make the expenses thereof chargeable upon the area included within the Assessment District, and to form the Assessment District.

SECTION 5. The Town Council further declares its intention to levy a special assessment upon the land within the Assessment District in accordance with the respective special and direct benefit to be received by each parcel of land from the Improvements.

SECTION 6. The Town Council finds and determines that before ordering the acquisition of the Improvements it shall take proceedings pursuant to the 1913 Act and pursuant to Part 7.5 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, Streets and Highways Code Section 2960 *et seq.* (the "1931 Act").

SECTION 7. The Assessment Engineer is hereby authorized and directed to make and file with the Town Clerk a written report with regard to the 1913 Act (the "Report"), which Report shall comply with the requirements of Section 10204 and Section 2961 of the Streets and Highways Code and Article XIID of the California Constitution and shall contain the following:

- (a) Plans and specifications for the Improvements;
- (b) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the Improvements, if the works, appliances or property are to be acquired as part of the Improvements;
- (c) An estimate of the cost of the Improvements, and the cost of land, rights of ways, easements, and incidental expenses in connection with the Improvements, including the cost of registering bonds, and a determination of the portion of the costs that represent a general benefit and the portion of the costs that represent a direct and special benefit to each of the parcels within the Assessment District;
- (d) A diagram showing the exterior boundaries of the Assessment District, the boundaries of any zones within the Assessment District and the lines and dimensions of each parcel of land within the Assessment District as they existed at the time of passage of this resolution (each subdivision to be given a separate number on the diagram); and
- (e) A proposed assessment of the total amount of the cost and expenses of the proposed Improvements that confer a direct and special benefit upon the several subdivisions of land in the Assessment District in proportion to the estimated special benefits to be received by such subdivision, respectively, from the Improvements (the assessment shall refer to the subdivisions by their respective numbers assigned as provided in (d) above).

(f) A proposed maximum annual assessment upon each of the several subdivisions of land in the Assessment District to pay costs incurred by the Town and not otherwise reimbursed which result from the administration and collection of assessments or from the administration or registration of any associated bonds and reserve or other related funds.

In addition, the Report shall contain the information required by the 1931 Act as set forth in Streets and Highways Code Section 2961(b), including:

(a) The total amount, as near as may be determined, of the total principal sum of all unpaid special assessments and special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than the proposed assessments to be levied with respect to the Assessment District, which would require an investigation and report under the 1931 Act against the total area proposed to be assessed; and

(b) The total true value, as near as may be determined, of the parcels of land and improvements within the Assessment District which are proposed to be assessed. Total true value may be estimated as the full cash value of the parcels as shown upon the last equalized assessment roll of the county. Alternatively, total true value may be determined by other reasonable means, including, but not limited to, by adjusting the value shown on the last equalized assessment roll to correct for deviations from market value due to Article XIII A of the California Constitution.

SECTION 8. Notice is hereby given that serial or term bonds to represent unpaid assessments and to bear interest at a rate not to exceed 12 percent per annum will be issued in the manner provided in the 1915 Act to represent the unpaid assessments and the last installment of such bonds shall mature a maximum of 30 years from the second day of September next succeeding 12 months from their date. The principal amount of such bonds maturing or becoming subject to mandatory prior redemption each year shall not be an amount equal to an even annual proportion of the aggregate principal amount of the bonds, but rather (except as specifically otherwise provided by the Town Council in connection with the sale of such bonds), shall be an amount which, when added to the amount of interest payable in each year, will be a sum which is substantially equal in each year, except for the moneys falling due on the first maturity or mandatory prior redemption date of the bonds which shall be adjusted to reflect the amount of interest earned from the date when the bonds bear interest to the date when the first interest is payable on the bonds. Such bonds shall be serviced and collected by the Town Treasurer or by such registrar and/or paying agent(s) as this Town Council may from time to time designate.

SECTION 9. Following the acquisition of the Improvements and the payment of all incidental expenses in connection with the formation of the Assessment District and the issuance of bonds pursuant to the 1915 Act, any surplus remaining in the improvement fund established for the Assessment District shall be used as determined by the Town Council as provided in Section 10427 of the Streets and Highways Code.

SECTION 10. The provisions of Part 11.1 of the 1915 Act, providing an alternative procedure for the advance payment of assessments and the calling of bonds, shall apply.

SECTION 11. Except as specifically otherwise provided for herein, the Improvements shall be made and ordered pursuant to the provisions of the 1913 Act.

SECTION 12. The Town Council hereby determines that the Town will not obligate itself to advance available funds from its treasury to cure any deficiency which may occur in the bond redemption fund established for the Assessment District.

SECTION 13. The public interest will not be served by allowing the property owners to take any contract to be let for the construction of the Improvements, and no notice of award of contract shall be published.

SECTION 14. It is hereby determined that the bonds proposed to be issued in these proceedings may be refunded. Any adjustment to assessments resulting from such refunding shall be done on a pro rata basis as required pursuant to Section 8571.5 of the Streets and Highways Code. Any such refunding shall be pursuant to the provisions of Division 11.5 (commencing with Section 9500) of the Streets and Highways Code, except that, if, following the filing of the report specified in Section 9523 and any subsequent modifications of the report, the Town Council finds that all of the conditions specified in Section 9525 are satisfied and that the adjustments to assessments are on a pro rata basis, the Town Council may approve and confirm the report and any, without further proceedings, authorize, issue, and sell the refunding bonds pursuant to Chapter 3 (commencing with Section 9600) of Division 11.5 of the Streets and Highways Code. Any such refunding bonds shall bear interest at the rate of not to exceed twelve percent (12%) per annum, or such higher rate of interest as may be authorized by applicable law at the time of sale of such bonds; and the last installment of such bonds shall mature on such date as will be determined by the Town Council in the proceedings for such refunding.

SECTION 15. It is in the public interest and more economical to do certain work on private property to eliminate any disparity in level or size between the Improvements and private property and to add the actual cost of such work to the assessment of the property to which such work was done; provided that no work of this nature shall be performed until and unless the written consent of the owner of property is first obtained.

SECTION 16. Pursuant to Streets and Highways Code Section 10110, the Town intends to enter into agreements with PG&E and the other utility providers, and any agreement between the Town and PG&E, or any other public utility, for the ownership, management, or control of the underground electric, telephone and cable facilities to be installed in connection with the Improvements, would benefit any current or future residents of the Assessment District.

SECTION 17. Pursuant to Section 15302(d) of the Guidelines, the undergrounding of the Improvements will have no significant effect on the environment and is categorically exempt from CEQA. The Town Clerk is directed to cause a notice of exemption to be posted as required by law.

SECTION 18. The Town Council hereby waives the requirement in the Policies for the appointment at this time of an underwriter for the Assessment District (the "Underwriter") and determines that delaying the appointment of the Underwriter to a later date in the proceedings will not adversely affect the proceedings as the Town will be engaging a municipal advisor to assist it in estimating the costs of issuing the bonds for the Assessment District.

SECTION 19. All inquiries for any and all information relating to these proceedings, including information relating to protest procedures, should be directed to:

Greg Chanis
Town Manager
1505 Tiburon Boulevard
Tiburon, California 94920
(415) 435-7373

SECTION 20. This Resolution shall take effect immediately upon its passage.

SECTION 21. The Town Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED on January 4, 2017, by the following vote:

AYES: **COUNCILMEMBERS:** Doyle, Fraser, Fredericks, O'Donnell, Tollini

NOES: **COUNCILMEMBERS:** None



JIM FRASER, Mayor

ATTEST:



LEA STEFANI, Town Clerk

Attachment 8

Town Council Resolution 2017-35

RESOLUTION NO. 35-2017

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF TIBURON PRELIMINARILY APPROVING THE
ASSESSMENT ENGINEER'S REPORT AND FIXING THE
TIME AND PLACE OF THE PUBLIC HEARING FOR TOWN
OF TIBURON ASSESSMENT DISTRICT NO. 2017-1
(HAWTHORNE UNDERGROUNDING DISTRICT)**

WHEREAS, by Resolution No. 01-2017 (the "Resolution of Intention") in the proceedings for the formation of Town of Tiburon Assessment District No. 2017-1 (Hawthorne Undergrounding District) (the "Assessment District") this Town Council ordered a report (the "Report") prepared by Harris & Associates (the "Assessment Engineer") in accordance with the provisions of the Municipal Improvement Act of 1913 (the "1913 Act") to include the information required by Section 10204 of the Streets and Highways Code, and in accordance with Part 7.5 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, Streets and Highways Code Section 2960 *et seq.* (the "1931 Act") and to include the information required by Streets and Highways Code Section 2961; and

WHEREAS, the Assessment Engineer has prepared the Report which includes the information required under the 1913 Act and the 1931 Act and filed it with the Town Clerk, and the Report has been presented to this Town Council for consideration; and

NOW, THEREFORE, The Town Council of the Town of Tiburon does hereby find, order and resolve as follows:

SECTION 1. The above recitals, and each of them, are true and correct.

SECTION 2. The Report is preliminarily approved, and the Town Clerk is directed to endorse the fact and date of such approval on the Report and to file the Report in her office. The Report shall stand as the report for the purpose of Section 10204 of the Streets and Highways Code and for all subsequent proceedings under the 1913 Act and Article XIID of the California Constitution ("Article XIID"), except that it may be conformed, modified or corrected as provided in the 1913 Act and Article XIID.

SECTION 3. Pursuant to Section 2961 of the Streets and Highways Code and based on the information set forth in the Report, this Town Council finds that the total amount of the principal sum of all unpaid special assessments levied against the parcels proposed to be assessed, other than contemplated by the present proceedings, plus the principal amount of the special assessment proposed to be levied in the instant proceedings, do not exceed one-half of the total value of the parcels proposed to be assessed, as computed pursuant to paragraph (2) of subdivision (b) of Section 2961.

SECTION 4. A public hearing shall be held on February 7, 2018 at 6:00 p.m. at the regular meeting place of the Town Council at Town Hall Council Chambers, 1505 Tiburon Boulevard, Tiburon, California 94920 to hear and consider protests and objections to the proposed Assessment

District and the Report and to receive and count the ballots for and against the proposed Assessment District.

SECTION 5. At least 45 days prior to the public hearing referred to in Section 4 hereof, the Town Clerk shall cause a notice of the public hearing referred to in Section 4 hereof to be mailed, postage prepaid, to all persons owning real property proposed to be assessed and whose names and addresses appear on the last equalized County of Marin assessment roll or the State Board of Equalization assessment roll, as the case may be. Such notice shall conform in all respects to the provisions of Section 53753 of the California Government Code and Section 4 of Article XIID.

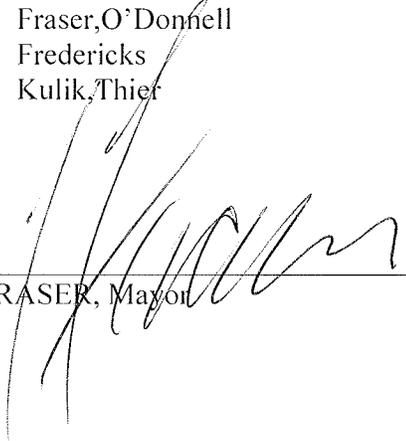
SECTION 6. Not later than fifteen (15) days following the adoption of this Resolution, the Town Clerk shall cause a copy of the map of the proposed boundaries of the Assessment District to be recorded in the Office of the County Recorder for the County of Marin in accordance with the requirements of Section 3111 of the Streets and Highways Code.

SECTION 7. This Resolution shall take effect immediately upon its passage.

SECTION 8. The Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED on this 29th day of November, 2017, by the following vote:

AYES:	COUNCILMEMBERS:	Fraser, O'Donnell
NAYS:	COUNCILMEMBERS:	Fredericks
DISQUALIFIED:	COUNCILMEMBERS:	Kulik, Thier



JIM FRASER, Mayor

ATTEST:



LEA STEFANI, Town Clerk

**PG&E Gas and Electric
Advice Submittal List
General Order 96-B, Section IV**

AT&T	Downey & Brand	Pioneer Community Energy
Albion Power Company	East Bay Community Energy	Praxair
Alcantar & Kahl LLP	Ellison Schneider & Harris LLP	
	Energy Management Service	
Alta Power Group, LLC	Engineers and Scientists of California	Redwood Coast Energy Authority
Anderson & Poole	Evaluation + Strategy for Social Innovation	Regulatory & Cogeneration Service, Inc.
	GenOn Energy, Inc.	SCD Energy Solutions
Atlas ReFuel	Goodin, MacBride, Squeri, Schlotz & Ritchie	
BART	Green Charge Networks	SCE
	Green Power Institute	SDG&E and SoCalGas
Barkovich & Yap, Inc.	Hanna & Morton	
P.C. CalCom Solar	ICF	SPURR
California Cotton Ginners & Growers Assn	International Power Technology	San Francisco Water Power and Sewer
California Energy Commission	Intestate Gas Services, Inc.	Seattle City Light
California Public Utilities Commission	Kelly Group	Sempra Utilities
California State Association of Counties	Ken Bohn Consulting	Southern California Edison Company
Calpine	Keyes & Fox LLP	Southern California Gas Company
	Leviton Manufacturing Co., Inc. Linde	Spark Energy
Cameron-Daniel, P.C.	Los Angeles County Integrated Waste Management Task Force	Sun Light & Power
Casner, Steve	Los Angeles Dept of Water & Power	Sunshine Design
Cenergy Power	MRW & Associates	Tecogen, Inc.
Center for Biological Diversity	Manatt Phelps Phillips	TerraVerde Renewable Partners
	Marin Energy Authority	Tiger Natural Gas, Inc.
Chevron Pipeline and Power City of Palo Alto	McKenzie & Associates	
	Modesto Irrigation District	TransCanada
City of San Jose	Morgan Stanley	Troutman Sanders LLP
Clean Power Research	NLine Energy, Inc.	Utility Cost Management
Coast Economic Consulting	NRG Solar	Utility Power Solutions
Commercial Energy		Utility Specialists
County of Tehama - Department of Public Works	Office of Ratepayer Advocates	
Crossborder Energy	OnGrid Solar	Verizon
Crown Road Energy, LLC	Pacific Gas and Electric Company	Water and Energy Consulting Wellhead Electric Company
Davis Wright Tremaine LLP	Peninsula Clean Energy	Western Manufactured Housing Communities Association (WMA)
Day Carter Murphy		Yep Energy
Dept of General Services		
Don Pickett & Associates, Inc.		
Douglass & Liddell		