

NOTICE OF MEETING

OPERATIONS COMMITTEE/BOARD OF DIRECTORS (OPERATIONS)

(Per paragraph 3 on page 10 under subsection *Committee Meetings* of the Board Handbook: The Board, as a practice, generally does not take final action on items during committee meetings, unless District staff determines the urgency of the item requires immediate action that cannot be delayed until a subsequent regular bi-monthly Board meeting.)

MEETING DATE: June 16, 2023

TIME: 9:30 a.m.

LOCATIONS: This meeting will be held remotely and in-person.
(Director Jed Smith will be participating remotely at another location.)

Open Session	Outside Location for Director Smith	Closed Session
Marin Water Board Room 220 Nellen Avenue Corte Madera, CA 94925	103 Herring Pond Road Plymouth, MA 02360	Marin Water Mt. Tam Conference Room 220 Nellen Avenue Corte Madera, CA 94925
Remotely		
URL: https://us06web.zoom.us/j/86822995553		
Webinar ID: 868 2299 5553 Phone Call: 1-669-444-9171		

EMAILED PUBLIC COMMENTS: Submit your comments in advance of the meeting to BoardComment@MarinWater.org. All emailed comments received by 7:30 a.m. on the day of the meeting will be provided to the Board of Directors prior to the meeting. Please do not include personal information in your comment that you do not want published on our website such as phone numbers and home addresses.

PARTICIPATION DURING THE MEETING:

In-person Attendee: Fill out a speaker card prior and place it next to the Board Secretary. List the number of the agenda item(s), for which you would like to provide a comment. Once you're called, proceed to the lectern to make your comment.

Remote Attendee: Click on the “raise hand” button on the bottom of the Zoom screen. If you are joining by phone and would like to comment, press *9 and staff will call on you by the last four digits of your phone number.

(Note: The board president may shorten the amount of time for public comment due to large numbers of both in-person and virtual attendees.)

AGENDA ITEMS	RECOMMENDATIONS
Call to Order and Roll Call*	
Adoption of Agenda	<i>Approve</i>
Public Comment - Items Not on the Agenda Members of the public may comment on any items not listed on the agenda during this time. Comments will be limited to three (3) minutes per speaker, and time limits may be reduced by the board president to accommodate the number of speakers and ensure that the meeting is conducted in an efficient manner.	
Calendar (9:40 a.m. – Time Approximate)	
1. Minutes of the Operations Committee Meeting/Special Meeting of the Board of Directors (Operations) of May 19, 2023 <i>(Approximate Time 1 Minute)</i>	<i>Approve</i>
2. Pipeline Extension Agreement – 3825 Paradise Drive, Tiburon – Alta Robles <i>(Approximate Time 20 Minutes)</i>	<i>Review and Refer for Board Approval</i>
3. Worn Spring Road Slide Repair Project <i>(Approximate Time 15 Minutes)</i>	<i>Review and Refer for Board Approval</i>
4. Phase II Spillway Condition Assessment Project <i>(Approximate Time 15 Minutes)</i>	<i>Review and Refer for Board Approval</i>

CLOSED SESSION

Public Comment – Only on Closed Session Item (Board Room)

Comments will be limited to three (3) minutes per speaker, and time limits may be reduced by the board president to accommodate the number of speakers and ensure that the meeting is conducted in an efficient manner.

Convene to Closed Session (Mt. Tam Conference Room) (Only the Board of Directors and Staff will participate)

***MARIN WATER BOARD OF DIRECTORS ORDER OF ROLL CALL:** RANJIV KHUSH, MATT SAMSON, JED SMITH, MONTY SCHMITT, AND LARRY RUSSELL

AGENDA ITEMS**RECOMMENDATIONS****Closed Session Item****5. Conference with Labor Negotiator**

(Government Code §54957.6)

Agency Designated Representative: Ben Horenstein, General Manager

Employee Organizations: Service Employees International Union, Local 1021;
Unrepresented Employees

Reconvene to Open Session (*Board Room*)**Closed Session Report Out****Adjournment (*11:31 a.m. – Time Approximate*)****ADA NOTICE AND HEARING IMPAIRED PROVISIONS:**

In accordance with the Americans with Disabilities Act (ADA) and California Law, it is Marin Water's policy to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are an individual with a disability and require a copy of a public hearing notice, an agenda, and/or agenda packet in an appropriate alternative format, or if you require other accommodations, please contact Board Secretary Terrie Gillen at 415.945.1448, at least two days in advance of the meeting. Advance notification will enable Marin Water to make reasonable arrangements to ensure accessibility.

INFORMATION AGENDAS ARE AVAILABLE FOR REVIEW AT THE CIVIC CENTER LIBRARY, CORTE MADERA LIBRARY, FAIRFAX LIBRARY, MILL VALLEY LIBRARY, MARIN WATER OFFICE, AND ON THE MARIN WATER WEBSITE (MARINWATER.ORG)

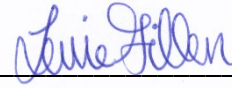
FUTURE BOARD AND COMMITTEE MEETINGS AND UPCOMING AGENDA ITEMS:

Dates	Meetings
Tuesday, June 20, 2023 6:30 p.m.	<ul style="list-style-type: none">• Board of Directors' Regular Bi-Monthly Meeting
Thursday, June 22, 2023 9:30 a.m.	<ul style="list-style-type: none">• Finance & Administration Committee Meeting/Special Meeting of the Board of Directors (Finance & Administration)
Tuesday, July 11, 2023 6:30 p.m.	<ul style="list-style-type: none">• Board of Directors' Regular Bi-Monthly Meeting

***MARIN WATER BOARD OF DIRECTORS ORDER OF ROLL CALL:** RANJIV KHUSH, MATT SAMSON, JED SMITH, MONTY SCHMITT, AND LARRY RUSSELL

Upcoming Key Items for future Operations Committee Meetings

- At July 21, 2023 Operations Committee Meeting
 - Dam Safety Update.



Board Secretary



Item Number: 01
Meeting Date: 06-16-2023
Meeting: Operations
Committee/Board of Directors
(Operations)

Approval Item

TITLE

Minutes of the Operations Committee Meeting/Special Meeting of the Board of Directors (Operations) of May 19, 2023

RECOMMENDATION

Approve the minutes

SUMMARY

The Operations Committee/Board of Directors (Operations) held its regularly scheduled monthly meeting on May 19, 2023. The minutes are attached.

DISCUSSION

None

FISCAL IMPACT

None

ATTACHMENT(S)

1. Minutes of the Operations Committee Meeting/Special Meeting of the Board of Directors (Operations) of May 19, 2023

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Communications & Public Affairs Department	 Terrie Gillen Board Secretary	 Ben Horenstein General Manager

**MARIN MUNICIPAL WATER DISTRICT
OPERATIONS COMMITTEE MEETING /SPECIAL MEETING OF THE
BOARD OF DIRECTORS (OPERATIONS)**

MINUTES

Friday, May 19, 2023

Held Remotely and at In-Person Locations

Marin Water, Board Room, 220 Nellen Avenue, Corte Madera, CA 94925; and
Venetian Hotel, 3355 Las Vegas Blvd., Room #31-100, Las Vegas, NV 89109

CALL TO ORDER AND ROLL CALL:

Vice Chair Ranjiv Khush called the meeting to order at 9:30 a.m.

Directors Present: Matt Samson, Jed Smith, Ranjiv Khush, and Larry Russell
(Vice Chair Khush arrived at 9:32 a.m.)

Directors Absent: Monty Schmitt

ADOPT AGENDA:

On motion made by Director Samson and seconded by Director Smith, the board adopted the agenda. The board took the following roll call vote:

Ayes: Directors Samson, Smith, and Russell
Noes: None
Absent: Directors Khush and Schmitt

There were no public comments on the adoption of the agenda.

PUBLIC COMMENT - ITEMS NOT ON THE AGENDA

Vice Chair Khush arrived at 9:32 a.m.

There were two (2) public comments.

CALENDAR ITEMS:

**Item 1 Minutes of the Operations Committee Meeting/Special Meeting of the Board of
Directors (Operations) of April 21, 2023**

On motion made by Director Smith and seconded by Vice Chair Khush, the directors adopted the minutes.

Ayes: Directors Samson, Smith, Khush, and Russell
Noes: None
Absent: Director Schmitt

There were no public comments.

Item 2 Potter Valley Project Update

Water Resources Director Paul Sellier provided a presentation on the history of the project and its current status. Much discussion between board and staff occurred throughout the presentation.

There was one (1) public comment.

This was an information item. The Board did not take any formal action.

Item 3 Letter of Support for Sonoma Water's U.S. Bureau of Reclamation Aquatic Ecosystem Restoration Grant Application for the Potter Valley Project Cape Horn Dam Fish Passage Design

Water Resources Director Sellier also presented this item. Discussion followed.

There were no public comments.

On motion made by Director Smith and seconded by Director Samson, the directors approved the letter of support.

Ayes: Directors Samson, Smith, Khush, and Russell
Noes: None
Absent: Director Schmitt

Item 4 Amendment No. 4 to Miscellaneous Agreement No. 5789 for On-Call Environmental Services Contract with ESA

Director of Engineering Crystal Yezman introduced this item, and Engineering Planning Manager Elysha Irish provided a presentation explaining the work performed under the On-call environmental services contract. Discussion occurred throughout the presentation.

There was one (1) public comment.

On motion made by Director Smith and seconded by Vice Chair Khush, they referred this item to the board for approval at a future board meeting.

Item 5 A Limited Purpose Facility Resolution for the Relocated and Extended Water Main at Hill Avenue in Woodacre

Director of Engineering Crystal Yezman introduced Engineering Support Services Manager Joseph Eischens, who presented this item.

There were neither board nor public comments.

On motion made by Director Smith and seconded by Director Samson, they referred this item to the board for approval at a future board meeting.

Item 6 Amendment No. 1 to Miscellaneous Agreement No. 6106, with Cinquini & Passarino, Inc., for On-Call Land Surveying Services

Director of Engineering Crystal Yezman introduced Assistant Engineer Matt Steiner of the Planning Engineering Department. He presented this item. Discussion ensued.

There were no public comments.

On motion made by Vice Chair Khush and seconded by Director Samson, they referred this item to the board for approval at a future board meeting.

Item 7 Memorandum of Understanding with the City of Petaluma

Water Resources Director Paul Sellier presented this item regarding working with the City of Petaluma to explore the feasibility of a brackish desalination plant in Petaluma and obtaining grant funding for this project. Discussion followed.

There were no public comments.

On motion made by Director Samson and seconded by Vice Chair Khush, they referred this item to the board for approval at a future board meeting.

ADJOURNMENT

There being no further business, the Operations Committee Meeting/Special Meeting of the Board of Directors (Operations) adjourned at 10:59 a.m.

Board Secretary



Item Number: 02
Meeting Date: 06-16-23
Meeting: Operations
Committee/Board of Directors
(Operations)

Review and Refer for Board Approval

TO: Operations Committee/Board of Directors (Operations)

FROM: Crystal Yezman, Director of Engineering

THROUGH: Ben Horenstein, General Manager

DIVISION NAME: Engineering

ITEM: Pipeline Extension Agreement – 3825 Paradise Drive, Tiburon – Alta Robles

SUMMARY

An extension of the District's existing facilities is needed to serve a new 14-lot residential development located in Tiburon. New water mains, services and hydrants are proposed to be installed for the development within a newly created private road accessed from Paradise Drive pursuant to an application for Pipeline Extension Agreement for the Alta Robles Residential Development Project.

DISCUSSION

On March 16, 2016, the Tiburon Town Council approved a Vesting Tentative Subdivision Map to subdivide 52.21 acres of land into fourteen residential lots. The subject property, 3825 Paradise Drive, extends from Hacienda Drive on the south, up to the Tiburon ridgeline then downward toward Paradise Drive on the north. The site is currently improved with a single-family home built in 1993.

Following the subdivision, the existing residence will remain on the largest lot. A single family home and detached Accessory Dwelling Unit (ADU) are proposed for each of the remaining thirteen lots. The average size of the new lots is approximately 1.4-acres while the new homes will range from 6,000 to 8,000-square-feet. The detached ADUs will be 500-square-feet. Private open space easements on each lot will be established as well as three dedicated common open space parcels. All told, approximately 77% of the site would be dedicated to open space.

The Tiburon Fire Protection District has set the fire flow requirement for the project at 1,000 gallons per minute (gpm) with 20 psi residual pressure. Water service and fire protection for the project will require the installation of approximately 3,400' of 8" pipe, 1,400' of 12" pipe, 7-6" hydrants, 14-1 1/2" services and 13-1" services. The purchase of 8.84 acre-feet of water entitlement for the residential units is also required.

ENVIRONMENTAL REVIEW

The District Board has discretionary authority to approve or deny the application for a Pipeline Extension Agreement (PEA) pursuant to District Code Chapter 11.36, and therefore the PEA constitutes a project under CEQA (Section 15378) subject to environmental review. The District is a “Responsible Agency” as defined in Section 15381 of the Guidelines for Implementation of the California Environmental Quality Act with respect to the proposed PEA for the 3825 Paradise Drive – Alta Robles project. The 3825 Paradise Drive – Alta Robles development project (Development Project) was reviewed by the Town of Tiburon pursuant to an Environmental Impact Report (EIR). Prior to reaching a decision on the PEA, the Board must consider the environmental effects of approving the PEA, as set forth and analyzed in the development project EIR, and make findings pursuant to CEQA Guidelines Section 15091. Staff recommends that the Operations Committee review this item and refer it to a future regular Board meeting for consideration of the PEA application, including the environmental effects thereof.

BACKGROUND:

The Town of Tiburon, as lead agency, commissioned preparation of an EIR for the then proposed project – a Precise Development Plan (PDP) for the Alta Robles Residential Development Project (Development Project). The Development Project involves the construction of 14 residential lots, one lot for the existing single-family home and 13 new lots for 13 new single-family homes at 3825 Paradise Drive in Tiburon. The EIR was supported by several technical studies and reports (i.e., traffic, noise, biological, geotechnical, air quality, cultural resources, hydrology, fire flow analysis, storm water control plan). On August 19, 2009, the Town of Tiburon circulated the Draft EIR on the Project. During the public review period from August 19, 2009, to October 5, 2009 comments on the Draft EIR were solicited from governmental agencies and the public. The Town of Tiburon Planning Commission conducted a public hearing on September 23, 2009, regarding the adequacy of the Draft EIR. The Town’s Planning Commission and Design Review Board held subsequent public hearings throughout 2011, with the Planning Commission adopting Resolution No. 2011-10 recommending the Town Council approve the Development Project. On February 12, 2012, the Tiburon Town Council certified the Development Project EIR and adopted Resolution #09-2012 approving the PDP and the Mitigation Monitoring and Reporting Program (MMRP). On February 15, 2012, the Tiburon Town Council approved the Development Project and the Paradise Homes – Planned Development District and a Notice of Determination (NOD) was filed on February 22, 2012. During the mandatory 30-day posting period, no challenges to the Development Project approval were filed.

The impact findings disclosed in the EIR are summarized here and described in more detail in the memorandum at Attachment 3, which sets forth a review and analysis of the EIR as pertains to the PEA application that was prepared by Environmental Science Associates (ESA) for the

District. Regarding water service, the EIR (Section 3.0 Description of the Proposed Project, p. 51) states that the Development Project would connect to existing District water service in Hacienda Drive with two water distribution pipelines within the project site. The District currently provides water service to the existing buildings on the project site. The evaluation under EIR Impact 5.7-7, Water Service Impacts, concluded that the proposed on-site water system would not be adequate to serve Lot 14 of the development. The EIR evaluation determined that the impact to water supply [under CEQA] would be less than significant if the on-site water supply system would be redesigned so that Lot 14 would be served by District's water line in Hacienda Drive, rather than the proposed on-site water system. Therefore, the PEA anticipates inclusion of both new water service lines as described in the EIR.

The Development Project EIR identified and analyzed 23 significant impacts and found that all but four would be reduced to a less-than-significant level with the adoption of mitigation measures. The Development Project was found to result in two project-specific significant unavoidable impacts and two potential significant and avoidable cumulative impacts, which include: construction noise, aesthetics/visual resources, regional roadways (cumulative), and wildlife habitat and connectivity (cumulative). To evaluate and determine the extent to which the District's action under CEQA (i.e., approval of the PEA that would allow the two water pipeline extensions for the benefit of the Development Project), would contribute to or exacerbate these impacts, District staff and the District's environmental consultant reviewed the Development Project's EIR and MMRP relative to the actions proposed by the PEA. The results of this review are summarized as follows and are described in greater detail in Attachment 3:

- Construction Noise – As a Responsible Agency under CEQA, the District may determine that additional or enhanced mitigation measure are necessary to address potential issues within the District's purview (i.e., installation of the water distribution lines) or bring the existing mitigation measure(s) into compliance with current applicable regulation and code. Staff proposes that the District consider, as part of its approval action for the Alta Roble PEA, amending EIR Mitigation Measure 5.3-1 [addressing construction noise] by adding mitigative actions that were not considered at the time the EIR was certified and the MMRP adopted, or were not part of the regulations and code in use at the time. Specifically, staff proposes to the following measures to assure that the actions permitted in the PEA, the extension and installation of two new District water mains, do not contribute to or exacerbate the noise impacts of the Development Project: (1) Clarify that any pipeline construction be performed only during the hours allowed pursuant to the Town Of Tiburon Municipal Code, (2) require that construction equipment be turned off when not in use, (3) require workers' radio noise to be limited so as not to leave the work site, (4) require the use of "quiet" equipment where feasible, (5) require the use of sound blankets and other noise dampening techniques, and (6) require notice to neighbors of construction work including estimated start and completion dates. The full text of the proposed amended Mitigation Measure 5.3-1 is

set forth in Attachment 3. With implementation of amended Mitigation Measure 5.3-1, impacts attributable to noise generated from installation of the water supply pipelines would be less than significant.

- **Aesthetics/Visual Resources** – Staff’s review of the analysis of aesthetics and visual resources in the Development Project EIR found that the District’s pipeline and associated construction activities would not be visible and, therefore, would have no impact.
- **Regional Roadways** – The EIR found there would be an off-site significant and unavoidable cumulative impact related to the Development Project’s contribution of vehicle trips to U.S. 101 and adversely affect to the level-of-service (LOS) at the U.S. Highway 101/Tiburon Boulevard interchange, which the *Tiburon General Plan 2020 EIR* identified as subject to significant and unavoidable cumulative impacts from regional growth. However, with enactment of Senate Bill (SB) 743, CEQA Guidelines Section 15064.3, subdivision (b) was adopted in December 2018 by the California Natural Resources Agency which shifted the assessment of transportation network impact from LOS to vehicle miles traveled (VMT). Taking the resulting statewide guidance provided in the *Technical Advisory on Evaluating Transportation Impacts* (State of California, Governor’s Office of Planning and Research, 2018) into account, construction of the new District water mains would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b). District construction-generated trips would be temporary and would result in fewer than 110 trips per day during the peak construction traffic period. Furthermore, no changes to existing operation and maintenance activities of District facilities in the area are anticipated. For these reasons, staff has found that VMT generated by approval of the PEA, would be less than significant and not be considered cumulative considerable.
- **Wildlife Habitat and Connectivity** – Construction of the water supply pipelines would disrupt passage in roadways on the Development Project site. However, this disruption would be temporary and not block passage across the entire project site at any one time. Also, once constructed, the new water pipelines would be below-ground and not impede passage through the site. Staff’s review has determined that the District’s pipeline and associated construction activities would not have a cumulative contribution to wildlife habitat and connectivity.

CEQA FINDINGS:

Section 15096(h) of the Guidelines provides that “[t]he Responsible Agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary.”

The District is a Responsible Agency as defined in the CEQA Guidelines with respect to the proposed PEA. The District has discretionary authority pursuant to District Code section

11.36.020 to approve or deny the PEA, and therefore consideration of the PEA constitutes a project under CEQA (CEQA Guidelines Section 15378) and subject to CEQA review. Prior to reaching a decision on the PEA, the District's Board must consider the environmental effects of the elements of the PEA request as explained and analyzed in the Development Project's EIR and determine whether the EIR and adopted mitigation adequately address any potentially significant environmental impacts of the PEA. In the case of the Alta Robles Residential Development Project, the elements subject to District jurisdiction include two water distribution pipelines extending from District's existing service in Hacienda Drive. Connection to the water line in Hacienda Drive would require the construction of water line in the gravel road extension of the Upper Road, south of Lots 4 and 5. In addition, approximately 1,400 feet of an existing eight-inch water line in Hacienda Drive would be replaced with a new 12-inch water line.

Considering the adopted mitigation measures and conditions of approval assigned to the Project by the Town of Tiburon as well as the enhanced requirements proposed for incorporation into Mitigation Measure 5.3-1, , there would be no significant impacts attributable to the PEA for pipeline extensions from the District's existing facilities in Hacienda Drive.

FISCAL IMPACT

None

ATTACHMENT(S)

1. Subdivision Overview
2. [Alta Robles Final Environmental Impact Report](#)
3. Memorandum, Review of CEQA Documentation for the Alta Robles Residential Development Project in Consideration of the Alta Robles Pipeline Extension Agreement
4. Vicinity Map
5. Site Map

ATTACHMENT NO.1

SUBDIVISION OVERVIEW:

APPLICANT: RABIN 2018 FAMILY TRUSTS - SODA LLC

TYPE OF DEVELOPMENT: 14-lot Subdivision – 13 SFD's and 13 detached ADU's

FIRE DEPARTMENT: Tiburon Fire Protection District

FIRE MARSHALL: Mike Lantier

FIRE FLOW REQUIRED: 1,000gpm

PIPING: 3,400' of 8", 1,400' of 12"

HYDRANTS: 7-6" **Calculated Flow:** 1,050+gpm **Residual:** 20 psi

SERVICES: 14-1 1/2" & 13-1"

SYSTEM: Mount Tiburon **Elevation:** 547'

ELEVATION OF PROPERTY: Min: 150' Max: 450'

PRESSURE: Max: 130psi Min: 55psi

ESTIMATED ANNUAL CONSUMPTION: $0.50\text{af} \times 13 \text{ SFD} + 0.18\text{af} \times 13 \text{ ADU} = \mathbf{9.34 \text{ AF}}$

EXISTING HISTORICAL ENTITLEMENT: 0.50

LEAD AGENCY: Town of Tiburon

TENTATIVE MAP APPROVED: March 16, 2016 , extended for 3 years in 2019 and for 18 months in 2022

CEQA: EIR and MMRP



1425 N. McDowell Boulevard
Suite 200
Petaluma, CA 94954
707.795.0900 **phone**
707.795.0902 **fax**

Item Number: 02
Attachment: 03

esassoc.com

Memorandum

date April 18, 2023

to Joseph Eischens, Marin Municipal Water District

from David D. Davis, AICP
Zachary Martin

subject Review of CEQA Documentation for the Alta Robles Residential Development Project in
Consideration of the Alta Robles Pipeline Extension Agreement

Attachments 1. Vicinity Map
2. MMRP
3. Precise Development Plan (PDP)

Introduction

This memorandum concerns the environmental documentation for the Alta Robles Residential Development Project in the Town of Tiburon's sphere of influence. The Rabin property is located within the incorporated area of the Town of Tiburon. The SODA property is located in unincorporated Marin County. Irving and Varda Rabin are moving forward with development of 14 residential lots, one lot for an existing single-family home and 13 new lots for 13 new single-family homes. They are seeking to secure a pipeline extension agreement (PEA) and water service from Marin Water (District). The Town of Tiburon certified the Environmental Impact Report (EIR) and Mitigation and Mitigation Monitoring and Reporting Program (MMRP) for the residential development project on February 12, 2012, and approved the overall project on February 15, 2012. Water service and fire protection for the development will require pipeline extensions from the District's existing facilities in Hacienda Drive, which will in turn require the District to consider approval of a PEA for the Alta Robles Residential Development.

On behalf of the District, ESA has reviewed the EIR and associated approval documents for the Alta Robles Residential Development Project (Development Project). This memorandum includes background information on the Development Project, a summary of compliance documentation prepared pursuant to the California Environmental Quality Act (CEQA), and approval actions for the Development Project, and review of CEQA and project approval documentation completed for the Development Project with a focus on the specific actions to be considered by the District under the PEA (i.e., provide potable water service).

The District is a Responsible Agency as defined in the CEQA Guidelines with respect to the proposed PEA. The District has discretionary authority to approve or deny the PEA, which constitutes a "project" under CEQA (CEQA Guidelines §15378) and is therefore subject to CEQA compliance. Prior to reaching a decision on the PEA, the District's Board must consider the environmental effects of the elements of the Development Project

subject to the PEA request [and under District jurisdiction] as shown in the Development Project's EIR documentation and determine whether the EIR and adopted mitigation adequately address any potentially significant environmental impacts of the PEA. In the case of the Alta Robles Residential Development Project, the elements subject to District jurisdiction include two water distribution pipelines extending from District's existing service in Hacienda Drive. Connection to the water line in Hacienda Drive would require the construction of water line in the gravel road extension of the Upper Road, south of Lots 4 and 5. In addition, approximately 1,400 feet of an existing eight-inch water line in Hacienda Drive would be replaced with a new 12-inch water line.

Assuming all adopted mitigation measures and conditions of approval assigned to the Development Project by the Town of Tiburon are implemented, there would be no significant impacts attributable to the Alta Robles Residential Development Project associated with the approval of a PEA for a pipeline extension from the District's existing facilities in Paradise Drive.

Attachment 1 presents a vicinity map for the Alta Robles Residential Development Project site.

Project History and CEQA Background

- Irving and Varda Rabin submitted an application to the Town of Tiburon requesting approval of a Precise Development Plan (PDP) for the Project site.
- Concurrently, as required by CEQA Guidelines, Town staff determined that the 3825 Paradise Drive proposal is defined as a "project," making it subject to environmental review. Pursuant to CEQA Guidelines §15063, an Environmental Impact Report (EIR) was prepared to determine the potential environmental impacts of the Project. The EIR was supported by several technical studies and reports (i.e., traffic, noise, biological, geotechnical, air quality, cultural resources, hydrology, fire flow analysis, storm water control plan). On August 19, 2009, the Town of Tiburon circulated the Draft EIR on the proposed Project. During the public review period from August 19, 2009 to October 5, 2009 comments on the Draft EIR were solicited from governmental agencies and the public. The Town of Tiburon Planning Commission conducted a public hearing on September 23, 2009, regarding the adequacy of the Draft EIR.
- On January 26 and April 13, 2011, the Planning Commission held duly noticed public hearings on the Precise Development Plan application. On April 27, 2011, the Planning Commission adopted Resolution No. 2011-10 recommending to the Town Council conditional approval of the project.
- On August 3, 2011, the Design Review Board held a public hearing on the proposed Project, accepting all oral and written public testimony and the written report provided by the Town's Department of Community Development.
- Consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) was prepared outlining the procedures/steps and requirements for implementing all mitigation measures identified in the EIR. The MMRP is attached hereto as **Attachment 2** and incorporated by reference.
- On February 12, 2012, the Tiburon Town Council held a public hearing on the proposed Project, accepting and considering all oral and written public testimony and the written report of the Town's Community Development Department and certified the EIR and adopted Resolution #09-2012 approving the PDP and MMRP.
- Subsequently, on February 15, 2012, the Tiburon Town Council approved the Project and the Paradise Homes – Planned Development District.

- On February 22, 2012, a Notice of Determination (NOD) was filed with the Marin County Clerk. The NOD was posted for a period of 30 days, ending on March 23, 2012. This posting concluded the Town's review of the Project under CEQA.
- On January 23, 2019, the Planning Commission of the Town of Tiburon passed and adopted a 3-year time extension for the Project Vesting Tentative Map, with the new expiration date being March 16, 2022.

Review of CEQA Documents Completed for the Development Project with respect to the Pipeline Extension Agreement

This section is based on review of the following documents:

- *Alta Robles Residential Development Project, 3825 Paradise Drive, Tiburon, CA, Assessor's Parcel Nos: 039-021-13 and 039-301-01, Environmental Impact Report*, Town of Tiburon, December 2010.
- *Notice of Determination for 3825 Paradise Drive* State Clearinghouse Number 2007072104. Town of Tiburon, February 12, 2012.
- *Alta Robles Residential Development Project, 3825 Paradise Drive, Tiburon, CA, Assessor's Parcel Nos: 039-021-13 and 039-301-01, Mitigation Monitoring and Reporting Program for Biological Resources*, Town of Tiburon, May 3, 2013.
- *Alta Robles Residential Development Project, 3825 Paradise Drive, Tiburon, CA, Assessor's Parcel Nos: 039-021-13 and 039-301-01, Town of Tiburon Staff Report*, Town of Tiburon, February 24, 2016.
- Resolution No. 2019-01 A Resolution of the Planning Commission of the Town of Tiburon Recommending Approval of a Time Extension for the Alta Robles Vesting Tentative Subdivision Map (PD#20), Assessor Parcel Nos. 039-021-13 and 039-301-01. Town of Tiburon, January 23, 2019.

Consistency of Alta Robles Residential Development Project with the Project Evaluated in the CEQA Documentation. Irving and Varda Rabin are moving forward with the Alta Robles Residential Development Project development and have filed a request for the PEA with MMWD. The Development Project involves the construction of 14 residential lots, one lot for the existing single-family home and 13 new lots for 13 new single-family homes at 3825 Paradise Drive in Tiburon.

Based on the review of the documents cited above, the Development Project is moving forward as currently planned with no substantive revisions or changes in design. The Development Project appears to reflect the residential development proposed on the site at 3825 Paradise Drive is consistent with that evaluated in the EIR adopted by the Town of Tiburon.

Water Service. Regarding water service, the EIR (Section 3.0 Description of the Proposed Project, p. 51) states that the Development Project would connect to existing District water service in the Hacienda Drive with two water distribution pipelines within the Development Project site. The District currently provides water service to the existing buildings on the Development Project site. According to the District, the two Mount Tiburon tanks would be adequate for both domestic and fire flow requirements for the 13 new lots. The Mount Tiburon tanks, however, would not provide adequate domestic service to any house built with the highest water use fixture under 200 feet elevation. The evaluation under EIR Impact 5.7-7, Water Service Impacts, concluded that the proposed on-site water system would not be adequate to serve Lot 14. The EIR evaluation determined that the impact to water supply [under CEQA] would be less than significant if the on-site water supply system is redesigned so that

Lot 14 would be served by District's water line in Hacienda Drive, rather than the proposed on-site water system. Thus, the PEA anticipates inclusion of both new water service lines as described in the EIR.

Significant Impacts/Recommendation. The physical environmental effects of the installation of the new eight-inch pipe and upsizing 1,400-feet of eight-inch pipe to 12-inch connecting to the existing MMWD water service in Hacienda Drive were not expressly addressed in the EIR evaluation. The on-site water supply system will be redesigned so that Lot 14 will be served by District's existing water line in Hacienda Drive. As noted above, this would be a reduction in the potential Water Service Impacts and can be considered within the scope of the evaluation and impact findings of the adopted EIR.

In order to assure that the PEA and associated work would not create or contribute to the creation of significant environmental impacts, the District should require that all appropriate mitigation measures in the approved MMRP be incorporated into the PEA, and implemented as part of the construction of the two water distribution pipelines.

As documented in the NOD filed for the Development Project, the Town of Tiburon Town Council determined that the Development Project in its approved form would have a significant effect on the environment, and that mitigation measures identified in the MMRP are a condition of approval for the Development Project. As noted above, the change in water service design is within the scope of the evaluation and impact findings presented in the adopted EIR. Accordingly, the mitigation measures included in the Development Project's MMRP would be sufficient to reduce any significant environmental impact resulting from the construction and provision of on-site water service to less-than-significant levels. The approved MMRP contains mitigation measures to reduce significant impacts below significance thresholds in the following topical areas: Preconstruction Measures, Construction Measures, Operational Measures, Control of Weedy Plants, Grassland Restoration, Maintenance and Monitoring, and Project Oversight, Funding, and Reporting.

Assuming all adopted mitigation measures and conditions of approval assigned to the Project by the Town of Tiburon are implemented as appropriate for the installation of on-site water service (i.e., two water distribution pipelines), there would be no significant impacts attributable to the Alta Robles Residential Townhome Development Project associated with issuance of a PEA for pipeline extensions from the District's existing facilities in Hacienda Drive.

There are 23 significant impacts identified and all but four would be reduced to a less-than-significant level. The Development Project would result with two Project-specific significant unavoidable impacts and two potential significant and avoidable cumulative impacts.

Project-Specific Significant and Unavoidable Impacts

Impact 5.3-1 Impact from Construction Noise would be an off-site significant and unavoidable cumulative impact related to substantial increases in noise at adjacent houses as a result of project construction and the likelihood that substantial noise increases would occur for more than one year even with mitigation measures. In essence, the analysis focused on construction noise from earthmoving operations and construction of foundations and buildings and found that the significance of the impact was tied to the lengthy (one year) duration of the construction activities considered. Assessment of temporary noise increases from construction activities should consider not only quantitative criteria but also the duration and intensity of any quantitative noise increases. As a general rule, if increased noise

levels persist on a daily basis for more than two weeks, the impact may be considered significant and mitigation is identified. Because construction work along roadways adjacent to a given residential receptor or other sensitive uses for pipeline installations is commonly necessary for public works projects, and because such work proceeds linearly at rates of 50 to 200 feet per day, temporary noise increases of two weeks or less for these types of construction efforts are considered to be a less-than-significant impact. For these reasons, temporary construction noise from pipeline installation for the “project” would be less than significant and not be considered cumulative considerable.

As a Responsible Agency under CEQA, the District may choose to amend an existing mitigation measure to address potential issues specific to the District’s purview (i.e., installation of the water distribution lines) and/or bring the mitigation measure(s) into compliance with existing regulation and code. Following is Mitigation Measure 5.3-1 from the 2012 certified EIR with *draft amendments suggested by ESA* specific to the District’s action *italicized and in bold*. Also, it is noted that Mitigation Measure 5.3-1 was significantly revised in the MMRP found in the Final EIR (see Final EIR, PDF page 240), when compared to as it appeared in the public review Draft EIR. Those revisions are noted in underline (added in the Final EIR) and ~~strikeout~~ (deleted from the Draft EIR).

Mitigation Measure 5.3-1: The applicant shall mitigate potable water line construction noise impacts by implementing the Construction Management Plan as set forth in the Precise Development Plan and as modified as follows:

- ~~Modifying the Construction Management Plan to limit construction hours, including hours for truck deliveries and arrival or departure of heavy equipment, to between 7:00 AM and 5:00 PM Monday through Friday and 9:30 AM to 4:00 PM on Saturday, Hours of construction shall be limited to those specified in per Chapter 13 of the Town of Tiburon Municipal Code.~~
- ~~Modify Construction Management Plan to~~ Include restriction on idling of construction equipment and trucks (also required by Mitigation Measure 5.2-1). ***Turn off construction equipment when not in use, where applicable.***
- ~~Modify Construction Management Plan to include limits for~~ Limit noise from construction workers radios, so as not to be audible off the site.
- At all times during excavation, grading, and construction, stationary noise-generating equipment shall be located as far as practical from sensitive receptors and placed so that emitted noise is directed away from residences.
- ***Utilize “quiet” equipment for air compressors and other stationary noise sources where technology exists. Require any impact equipment used for potable water line construction to be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, the use of an exhaust muffler on the compressed air exhaust is recommended to lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment should also be incorporated to achieve a further reduction of 5 dBA. In the event that external jackets on impact equipment are not feasible, other BMP techniques shall be employed to reduce noise by 5 dBA. Whenever feasible, require the use of quieter procedures.***

- ***When potable water line construction takes place within 100 feet of sensitive receptors, use specific techniques such as, but not limited to, use of sound blankets on construction equipment, and the use of temporary plywood walls and noise barriers to block and deflect noise.***
- Notify neighbors within 500 feet of the construction site of the potable water line construction schedule in writing, ***at least 10 days prior to start of construction. The notification shall provide the start date of water line construction, construction activities, the duration of construction activity (i.e., estimated construction completion date), and construction hours for the water line.***

Impact 5.8 1 View Looking North from Middle Ridge Open Space (Viewpoint No. 1) would be the only on-site and permanent significant unavoidable impact. The District's facilities would not be visible. The contribution to any cumulative impact would not be considerable, as the facilities would not be visible.

Cumulative Significant and Unavoidable Impacts

Impact 5.1-5 Impact on Regional Roadways would be an off-site significant and unavoidable cumulative impact related to the project contribution of vehicle trips to U.S. 101, which the *Tiburon General Plan 2020 EIR* identified as subject to significant and unavoidable cumulative impacts from regional growth. This impact finding was made based on the level-of-service evaluations for Tiburon Boulevard and U.S. 101. In accordance with Senate Bill (SB) 743, CEQA Guidelines Section 15064.3, subdivision (b) was adopted in December 2018 by the California Natural Resources Agency. These revisions to the CEQA Guidelines criteria for determining the significance of transportation impacts are primarily focused on projects within transit priority areas and shifts the focus from driver delay to a reduction of greenhouse gas emissions, creation of multimodal networks, and promotion of a mix of land uses. Vehicle miles traveled, or VMT, is a measure of the total number of miles driven to or from a development and is sometimes expressed as an average per trip or per person.

The District does not have its own adopted VMT screening criteria and thresholds and, therefore, the statewide guidance as documented in the *Technical Advisory on Evaluating Transportation Impacts* in CEQA (Technical Guidelines) would apply to the Project (State of California, Governor's Office of Planning and Research, 2018). According to the Technical Guidelines, absent substantial evidence indicating that a project would generate a potentially significant level of VMT or inconsistency with a Sustainable Communities Strategy or general plan, projects that generate fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.

Taking this into account, the Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b) during construction of the District's facilities. District construction-generated trips would be temporary and would result in fewer than 110 trips per day during the peak construction traffic period. Furthermore, no changes to existing operation and maintenance activities of District facilities in the area are anticipated. For these reasons, VMT generated by the District's "project" would be less than significant and not be considered cumulative considerable.

Impact 5.5-4 Wildlife Habitat and Connectivity impacts would be a significant and unavoidable cumulative impact. The District's facilities would not be above ground and not be a contributing impediment to wildlife movement and habitat connectivity. The contribution to any cumulative impact would not be considerable, as the facilities would be below ground.

Conclusion

Based on ESA's review of the Development Project's certified EIR, the construction and provision of potable water service to the Development Project by the District is within the scope of the certified EIR. The Development Project would result in two Development Project-specific significant unavoidable impacts and two potential significant avoidable cumulative impacts: construction noise, aesthetics/visual resources, regional roadways, and wildlife habitat and connectivity. Specific to the District's approval of the PEA and any impacts attributable to that approval (i.e., construction and provision of potable water service to the Development Project), impacts to aesthetics/visual resources, regional roadways, and wildlife habitat and connectivity are found to be less than significant.

To ensure that construction noise resulting from the potable water service installation does not create a significant environmental impact, ESA recommends that the District incorporate the amended language of Mitigation Measure 5.3-1 above into the conditions of approval of the PEA. Assuming that the MMRP and conditions of approval for the Development Project required by the Town of Tiburon are implemented as appropriate for the installation of potable water service, coupled with the short construction duration specific to this action and requirement to adhere to Mitigation Measure 5.3-1 as amended and incorporated as District conditions of approval, there would be no significant environmental impacts associated with the District's issuance of a PEA for pipeline extensions from the District's existing facilities in Hacienda Drive.

Attachment 1

Vicinity Map



SOURCE: ESA, 2023; Google Earth, 2023

3825 Paradise Dr CEQA Review

Figure 1
Vicinity Map

Attachment 2

MMRP

MITIGATION MONITORING PROGRAM ALTA ROBLES RESIDENTIAL DEVELOPMENT

INTRODUCTION

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

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

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

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

LOCATION AND CUSTODIAN OF DOCUMENTS

Consistent with the California Environmental Quality Act, an EIR was prepared to address the impacts of the proposed Alta Robles Residential Development. This document, entitled *Alta Robles Residential Development EIR* consists of two volumes (Draft EIR dated August 2009, and Response to Comments to the Draft Environmental Impact Report dated December, 2010), and is on file with the Town of Tiburon Community Development Department, along with all the other documents which constitute the record of proceedings.

PURPOSE AND USE OF THE MONITORING PROGRAM

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

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

- 1) The required mitigation measures are listed in the first column, corresponding to the list of measures provided in the Final EIR.
- 2) The second column lists the agency or entity responsible for implementing the mitigation measure.
- 3) The third column lists the timing as to when the mitigation measure is to be implemented.
- 4) The fourth column provides guidance on monitoring to ensure that implementation procedures are followed.
- 5) The fifth column provides a location for Town staff to verify that the mitigation has been implemented and the date of the verification.

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

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

MITIGATION MONITORING PROGRAM - Alta Robles Residential Development

<i>Mitigation Measure</i>	<i>Implemented By</i>	<i>When Implemented</i>	<i>Monitored By</i>	<i>Verified By Date</i>
TRANSPORTATION				
<p><i>Mitigation Measure 5.1-2 Cumulative-plus-Project Impact on Signalized Intersections.</i></p> <p>Installation of a second through lane in the eastbound direction at the Tiburon Boulevard / Trestle Glen Boulevard intersection (in addition to the planned lane in the westbound direction).</p>	Town of Tiburon and Caltrans.	Town of Tiburon to study feasibility. Timing based on feasibility and when funding available.	Town of Tiburon shall monitor operation of intersection. Mitigation would be successful if intersection operates at LOS C or better at projected buildout of the Peninsula.	
<p><i>Mitigation Measure 5.1-5 Impact on Regional Roadways</i></p> <p>Same as Mitigation Measure 4.2-4 in the <i>Tiburon General Plan 2020 EIR</i>. Maintain an active role in the Transportation Authority of Marin and / or U.S. 101 Corridor planning program with the purpose of ensuring that improvements enhance inter-city movement. Corridor improvements could include additional travel lanes in some segments, operational improvements at interchanges, and measures to reduce vehicle trips (such as regional transit improvements). Ultimately, implementation of such measures is outside the jurisdiction of the Town of Tiburon.</p>	Town of Tiburon responsible for continued collaboration with regional agencies / Caltrans and TAM responsible for funding improvements.	Ongoing.	Caltrans, TAM, Town of Tiburon.	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p><i>Mitigation Measure 5.1-7 Project Impact on Bicycle Facilities and/or Safety</i></p> <p>Provide a consistent-width road section (11-foot travel lane, four-foot wide paved shoulder and two-foot wide dirt shoulder) on the project frontage along the south side of Paradise Drive (directly abutting the project site), beginning at least 200 feet west of the proposed project entrance road and extending east to the existing driveway that serves the Rabin property (a distance of approximately 1,700 feet, or one-third of a mile). Advisory signage shall be installed approximately 500 feet in advance of the proposed project driveway to alert motorists to potential cyclists around blind curves on Paradise Road.</p> <p>Minor deviations from this road section may be permitted in the discretion of the Town Engineer in order to reduce the amount of hillside grading, to preserve existing trees, and to avoid the construction of retaining walls, the need for additional storm drain pipe plus the necessity of relocating utility poles.</p>	Town of Tiburon and Marin County.	Prior to occupancy of first house.	Marin County and the Town of Tiburon.	
AIR QUALITY				
<p><i>Mitigation Measure 5.2-1 Construction-Period Air Pollutant Emissions</i></p> <p>Mitigate construction air quality impacts by implementing the Construction Management Plan as set forth in the Precise Development Plan and as modified as follows:</p> <ul style="list-style-type: none"> Require use of off-road construction equipment that was manufactured during or after 1996 meeting the California Tier I emissions standard or is equipped with diesel particulate filters or uses alternative fuels (e.g., biodiesel) that result in particulate matter emissions that are at least 20 percent lower than the statewide fleet average reported by the California Air Resources Board. Prohibit the use of “dirty” equipment. Emissions from all 	Project Applicant and individual lot owners.	Prior to issuance of grading plan and/or building permits.	Town Building Official and Town Engineer.	

<i>Mitigation Measure</i>	<i>Implemented By</i>	<i>When Implemented</i>	<i>Monitored By</i>	<i>Verified By Date</i>
<p>construction diesel-powered equipment used on the project site shall not exceed 40-percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40-percent opacity (or Ringelmann 2.0) shall be repaired immediately. In essence, any piece of equipment that emits dark smoke for more than three minutes would be in violation of this mitigation measure.</p> <ul style="list-style-type: none"> • Require that diesel equipment standing idle for more than five minutes shall be turned off (including waiting to deliver or receive loads). Rotating drum concrete trucks can keep their engines running continuously as long as they were on-site. • Prevent visible tracking of mud or dirt on to public roadways or immediately sweep dirt or mud tracked on to roadways. 				
<i>NOISE</i>				
<p><i>Mitigation Measure 5.3-1 Construction Noise</i></p> <p>The applicant shall mitigate construction noise impacts by implementing the Construction Management Plan as set forth in the Precise Development Plan and as modified as follows:</p> <ul style="list-style-type: none"> • Hours of construction shall be limited to those specified in Chapter 13 of the Town of Tiburon Municipal Code. • Include restrictions on idling of construction equipment and trucks (also required by Mitigation Measure 5.2-1). • Limit noise from construction workers radios, so as not to be audible off the site. • At all times during grading and construction, stationary noise-generating equipment shall be located as far as practical from sensitive receptors and placed so that emitted noise is directed away from residences. 	Project Applicant and individual lot owners.	Prior to issuance of grading plan and/or building permits	Community Development Director; Town Building Official; Disturbance Coordinator.	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
Notify neighbors within 500 feet of the construction site of the construction schedule in writing.				
HYDROLOGY AND WATER QUALITY				
<p><i>Mitigation Measure 5.4-2 Alteration of Existing Drainage Patterns on Erosion and Downstream Sedimentation</i></p> <ul style="list-style-type: none"> Conduct a supplemental analysis of cistern performance for the two-year design rainstorm to determine whether the preliminary cistern outlet design would be sufficient to mitigate any increases in the lot-based, post-project two-year peak flow. If the analysis shows that the outlet was too large to maintain pre-development peak flow rates for this rainstorm, the applicant shall reconfigure the proposed outlet design to successfully mitigate increases in this recurrence interval storm, as well as the 100-year rainstorm. Prepare a field inspection and geomorphic assessment of the two receiving drainageways noted in <i>Impact 5.4-2</i> (within Lot 7 and Parcel A). If channel instabilities exist or were projected to occur due to the delivery of more concentrated site runoff, suitable channel stabilization measures shall be designed and submitted to the Town Engineer for review. <ul style="list-style-type: none"> Biotechnical techniques based on appropriate hydraulic and fluvial geomorphic analysis shall be employed, to the extent practicable. Any channel stabilization work shall be designed and overseen by a civil engineer or hydrologist familiar with fluvial geomorphic processes and stream restoration technologies. Prior to the construction of any stabilization measures within a defined drainageway, i.e. a channel with defined bed and banks: Obtain permits from appropriate regulatory and resource agencies (San Francisco Bay Regional Water Quality Control Board (RWQCB), the U.S. Army Corps of Engineers (Corps), the 	Project Applicant; individual lot owners.	Prior to issuance of grading plan and/or building permits.	Town Engineer. San Francisco Bay Regional Water Quality Control Board (RWQCB), the U.S. Army Corps of Engineers (Corps), the California Department of Fish and Game (CDFG), the Town of Tiburon, and potentially the Marin County Department of Public Works.	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p>California Department of Fish and Game (CDFG), the Town of Tiburon, and potentially the Marin County Department of Public Works).</p> <ul style="list-style-type: none"> Revise the depicted outlet position of Culvert 7 such that it crosses onto the Town's right-of-way along Paradise Drive and provides for an acceptable discharge to the culvert inlet sump. This will require coordination with the Town Engineer and, ultimately, the Town's approval of the extension and outlet configuration. Lot cisterns shall be located within the buildable area/grading area designated for each lot in the Precise Development Plan. If a particular lot cistern had to be constructed outside the currently proposed lot grading boundary to facilitate gravity flow to or from the cistern, the applicant shall amend the current project Erosion Control Plan as necessary to mitigate the added potential for erosion and downstream sedimentation. 				
<p><i>Mitigation Measure 5.4-3 Impact on Groundwater Levels and Groundwater Recharge</i></p> <p>Implementation of Mitigation Measures discussed in Section 5.5 Biological Resources, including on-site replacement of freshwater wetland and seep habitats, would reduce the secondary impacts of grading and subsurface drainage control on affected biotic resources to a less-than-significant level.</p>	Project Applicant's Consultant Biologist.	See Mitigation Measures for Biological Impacts below.		
<p><i>Mitigation Measure 5.4-4 Impacts on Water Quality</i></p> <p>In addition to implementing Mitigation Measure 5.4-2 (above) and the erosion control and urban runoff pollution prevention measures cited in the Preliminary Erosion Control Plan, the applicant shall incorporate the following additional site-appropriate BMPs or their equivalents, in the project SWPPP for short- and long-term implementation by the applicant and individual lot owners, in order to comply with the requirements of the NPDES General Permit and</p>	Project Applicant, individual lot owners and the Home Owner Association.	Prior to issuance of grading plan and/or building permits; and before filing final subdivision map	The State Water Resources Control Board responsible for reviewing the NOI and the NPDES permit application,	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p>provisions of the Town of Tiburon Municipal Code (Stormwater Management and Discharge Control Program”, Chapter 20A, Ordinance 407NS):</p> <ul style="list-style-type: none"> • The Home Owners Association (HOA) shall privately contract with Mill Valley Refuse Service (MVRS) or its equivalent to undertake street sweeping twice a month. • The HOA shall provide each homeowner with pamphlets or other informative documentation regarding the use of less toxic pest management procedures, including integrated pest management. Information related to this requirement can be obtained from MCSTOPP and the TMDL study on pesticides in urban creeks in the San Francisco Bay Region. <p>The following low impact development (LID) measures shall be integrated into the project drainage design to treat project site stormwater quality to the maximum extent practicable level (MEP) per the NPDES Phase II guidelines:</p> <ul style="list-style-type: none"> • Install in-line water quality filters at roadway storm drain inlets, or incorporate other modes of bioretention facilities (e.g. rain gardens, bioswales, infiltration trenches) designed to remove stormwater contaminants from site runoff. Bioretention measures shall be designed in accordance with MCSTOPPP’s <i>Guidance for Applicants: Stormwater Quality Manual for Development Projects in Marin County - A Low Impact Development Approach</i> (Vers. 6, Feb. 2008). For the in-line filtration option, the installed filtration devices shall be those produced by Filterra Bioretention Systems, or an equivalent possessing contaminant removal rates similar to those shown in Exhibit 5.4-7 of the Final EIR (see Section 9.4 Response to Comments - Comment B-13). These systems are an at-the-source treatment strategy designed for relatively high pollutant removal efficiency via the use of a plant / soil / microbe treatment media. 			<p>including the project SWPPP</p> <p>The Town Engineer would be responsible for review and approval of the in-line filters and appurtenant structures, the proposed HOA filter maintenance schedule and routine, and bioretention facility designs and siting. The Town Engineer would also be responsible for reviewing the submitted filtration device maintenance logs, and making recommendation when necessary for adjustments to the maintenance regime or</p>	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
Exhibit 5.4-7 provides the expected pollutant removal efficiency rates shown on the company website.			methods.	
BIOLOGICAL RESOURCES				
<p><i>Mitigation Measure 5.5-1(a) Special-Status Species</i></p> <p>Obtain all necessary permits from the CDFG, Corps, USFWS, and the RWQCB as required by federal and State law to avoid, minimize or offset impacts to any species listed under either the State or federal ESAs or protected under any other state or federal law. A qualified biologist shall conduct informal consultation with each of these agencies to determine likely permit requirements and the extent of modifications to the proposed project plans necessary to secure authorization. This may include: 1) conduct of a habitat assessment and protocol surveys for California red-legged frog to confirm absence; 2) restrictions on remedial grading and subdrain installation proposed to stabilize portions of the site; and 3) adjustments to proposed residential use areas and lot lines as necessary to protect essential habitat for special-status species.</p>	<p>Project Applicant's Consultant Biologist.</p> <p>Evidence of agency authorization / permit issuance shall be provided prior to issuance of grading, building or other construction permits.</p>	<p>Consultation conducted concurrent with Town review of Tentative Map.</p> <p>CDFG, Corps, USFWS and RWQCB authorization before grading and / or building permit issuance.</p>	Community Development Director and Town Engineer.	
<p><i>Mitigation Measure 5.5-1(b) Special-Status Species</i></p> <p>Revise the proposed Precise Development Plan (including the site plan, grading plan, and landscape plan) to avoid further disturbance to essential habitat for special-status plant species on the site. The revisions shall be prepared based on input received during informal and formal consultation called for in Mitigation Measure 5.5-1(a) (above). Revisions shall include the following project modifications:</p> <ul style="list-style-type: none"> Substantial avoidance of the occurrence of Marin western flax in the western portion of the site. The proposed lot lines shall be revised so that the entire occurrence is contained within Common Open Space (avoid entrusting the future management of this population to an individual private property owner). Future management shall be 	Project Applicant and Applicant's Qualified Consultant Biologist.	Before approval of Tentative Map.	Community Development Director and Town Engineer.	

<i>Mitigation Measure</i>	<i>Implemented By</i>	<i>When Implemented</i>	<i>Monitored By</i>	<i>Verified By Date</i>
<p>defined as called for in Mitigation Measure 5.5-1(c).</p> <ul style="list-style-type: none"> The proposed residential use area on Lot 13 shall be setback a minimum of 100 feet from the limits of Landslide N. This shall be accomplished through adjustments to the proposed lot lines to Lots 13 and 14, and possibly Lots 11 and 12. Substantial avoidance of the occurrences of Marin western flax and Tiburon buckwheat along the existing driveway off Paradise Drive through Parcel A and Lot 8. Develop alternative methods that minimize or avoid the use of proposed subdrains through this area installed by trenching and disturbance of the ground surface. Potential options (alternative methods) include: <ul style="list-style-type: none"> Use additional retaining wall structures installed at the edge of the existing driveway slope. Drilling of horizontal subdrains under the slope from the existing driveway. Complete removal of the driveway and use of the driveway footprint for stabilization and habitat restoration. Under this third option, pavement would be removed from the footprint of the driveway, which could then be used for retaining wall installation for slope stabilization with the remaining areas restored to natural grassland and woodland habitat. Improved protection of the population of north coast semaphore grass along the western edge of the site through adjustments of the proposed boundaries to Lot 1 so that the occurrence is contained within Common Open Space rather than the Private Open Space on Lot 1 and elimination of the proposed trail along the western boundary of the site. <p>Refine the revised Preliminary Planting Plan and Planting Guidelines to restrict all plantings, seeding and revegetation within Common</p>				

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
Open Space exclusively to native, indigenous species, and ensure that these plans have been reviewed and approved by the qualified biological consultant called for in Mitigation Measure 5.5-1(c). Eliminate any proposed shrub or tree plantings and revegetation that may compromise essential habitat for grassland dependent special-status plant species known from the site.				
<p>Mitigation Measure 5.5-1(c) Special-Status Species</p> <p>A qualified biological consultant shall be retained by the applicant to prepare a detailed Mitigation and Monitoring Program for Special-Status Species and other Sensitive Resources (Mitigation Program). The Mitigation Program shall be prepared in consultation with the CDFG and USFWS, and shall meet with the approval of the Town of Tiburon. The Mitigation Program shall contain defined measures which accomplish the following:</p> <p>Ensure protection of the populations;</p> <p>Salvage of any seed and / or individual plants within the limits of grading;</p> <p>Replanting of salvaged plant material in suitable protected habitat;</p> <p>Long-term protection and management requirements;</p> <p>Monitoring of the habitat avoidance and salvage efforts;</p> <p>Provisions for any compensatory off-site measures if required by regulatory agencies to address on-site losses;</p> <p>Appropriate measures to avoid possible presence of special-status animal species.</p> <p>Components of the Mitigation Program shall include the following:</p> <ul style="list-style-type: none"> Refine and expand on the initial mitigation framework outlined in the <i>Mitigation Recommendations</i> and subsequent <i>Management</i> 	<p>Project Applicant is responsible for retaining the qualified biological consultant.</p> <p>Applicant's biological consultant is responsible for preparing the Mitigation Program.</p>	<p>Qualified Biologist shall be obtained prior to tentative map approval;</p> <p>Town approval of Mitigation Program before tentative map approval.</p>	<p>Community Development Director and Town Engineer</p>	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p><i>Plan and Biological Assessment</i> prepared by the applicant's consulting biologists, address input received during informal and formal consultation called for in Mitigation Measure 5.5-1(a), and incorporate avoidance measures called for in Mitigation Measure 5.5-1(b).</p> <ul style="list-style-type: none"> Describe the inadvertent take measures for California red-legged frog called for in Mitigation Measure 5.5-1(d), as well as any development restrictions that may be required by the USFWS during the consultation called for in Mitigation Measure 5.5-1(a). Provide a detailed description of any plant salvage and reinstallation efforts where complete avoidance of the occurrences of special-status plant species is determined to be infeasible and adequate mitigation has been developed in consultation with regulatory agencies. Define the revegetation methods in restoring serpentine bunchgrass and other native grasslands disturbed during grading and installation of any subdrain systems through occurrences of special-status plant species. This shall include details on maintenance and monitoring methods, performance standards for plant re-establishment, and contingency measures if success criteria are not met. Maintenance and monitoring shall be provided for a minimum of ten years in locations where incursion into occurrences of special-status plant species is unavoidable, and a funding mechanism shall be identified. Describe the long-term vegetation management goals and methods to achieve them, with an emphasis on maintaining grassland and freshwater habitats that support the occurrences of special-status plant species on the site. This shall include routine removal of invasive species over the entire site, particularly French broom, and 				

<i>Mitigation Measure</i>	<i>Implemented By</i>	<i>When Implemented</i>	<i>Monitored By</i>	<i>Verified By Date</i>
<p>selective control of coyote brush and other native scrub species that may eventually replace much of the grassland cover unless properly managed. Performance standards shall be defined regarding vegetation treatment to eliminate any uncertainty in long-term management on the site. French broom removal shall occur on an annual basis until all mature shrubs and seedlings have been eliminated from the site.</p> <ul style="list-style-type: none"> Identify a mechanism that demonstrates the feasibility of long-term on-site management of proposed Common Open Space, public trail easement areas, and portions of private lots outside the residential use area that contain occurrences of special-status species and sensitive natural communities. This can include obligations defined as part of the Codes, Covenants & Restrictions of the homeowners association for the development. Appropriate development restrictions and vegetation management obligations shall be established over all Common Open Space areas and undeveloped portions of private lots containing essential habitat for special-status species or other sensitive resources. Develop effective interpretive measures to prevent inadvertent take of special-status species by persons utilizing the Common Open Space areas or maintaining undeveloped lands on private lots. Methods shall be described to permanently prevent vehicle access into the Common Open Space areas where they border the private roads and driveways, which shall include an effective barrier system (such as rustic split-rail fence, posts, or boulders). Permanent signage shall be placed at 50-foot intervals along the perimeter of the Common Open Space areas that border roadways adjacent to occurrences of special-status plants or where any public trails pass through the vicinity of occurrences of special-status plants that state: <p style="text-align: center;">Sensitive Natural Area No Vehicle or Pedestrian Access Please Do Not Pick Wildflowers</p>				

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<p><i>Mitigation Measure 5.5-1(d) Special-Status Species</i></p> <p>Adequate measures shall be taken to avoid any inadvertent take of California red-legged frog during construction; in the remote instance this species is present on the site. This shall include:</p> <p>minimizing disturbance to drainages and wetlands;</p> <p>implementation of preconstruction surveys to confirm the absence of this species on the site;</p> <p>and, adherence to rigid measures to prevent degradation of water quality in the drainages and wetlands as called for in the Stormwater Pollution Prevention Plan (SWPP).</p> <p>The preconstruction survey shall be conducted by a qualified biologist (as required in Mitigation Measure 5.5-1(c) prior to any grading or construction within 100 feet of on-site drainages and wetlands. Details of the preconstruction survey shall include the following:</p> <ul style="list-style-type: none"> • The qualified biologist(s) shall survey the construction zone two weeks before any construction activities are initiated. If California red-legged frogs, tadpoles, or eggs are found, the biologist shall contact the USFWS to determine if moving any of these lifestates is appropriate and any alternative measures that would be necessary to ensure avoidance of possible take. If authorized, only USFWS-approved biologists shall participate in activities associated with the capture, handling, or monitoring of California red-legged frogs. • Before any construction activities begin within 100 feet of the drainages or wetlands, the qualified biologist(s) shall conduct a training session for all construction personnel. At a minimum, the training shall include: (a) a description of the California red-legged frog and its protected status; (b) the general measures that are being implemented to conserve this species as they relate to the project; (c) 	<p>Project Applicant's Consultant Biologist (as specifically required), and Project Applicant, Individual Lot Owner, Construction Personnel.</p>	<p>Verification of ongoing implementation shall occur prior to issuance of grading permits.</p>	<p>Community Development Director and Town Engineer and;</p> <p>USFWS would assist in monitoring implementation if California red-legged frogs, tadpoles, or eggs are found during preconstruction surveys/at the project site.</p>	

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<p>the boundaries within which the project may be accomplished; and (d) procedure to follow if construction personnel encounter a frog suspected to be a California red-legged frog individual.</p> <ul style="list-style-type: none"> The qualified biologist(s) shall oversee installation of exclusionary fencing prior to grading or vegetation clearance to keep California red-legged frog out of construction areas. Silt fencing installed as part of the required Stormwater Pollution Prevention Plan may function as the exclusionary fencing assuming it is installed at the edge of proposed grading, is at least three feet in height with no breaks, and is routinely monitored and maintained during construction. During project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of properly. All fueling and maintenance of vehicles and other equipment, and construction staging areas shall be located at least 100 feet from the drainages and wetlands on the site. All construction personnel shall be informed of the importance of preventing spills and the appropriate measures to take should a spill occur, including containment, cleanup, and proper disposal. 				
<p><i>Mitigation Measure 5.5-1(e) Special-Status Species</i></p> <p>Any active raptor nests or other bird nests protected under the Migratory Bird Treaty Act in the vicinity of proposed grading and vegetation removal shall be avoided until young birds are able to leave the nest (i.e., fledged) and forage on their own. Avoidance may be accomplished either by scheduling initial grading and vegetation removal during the non-nesting period (i.e., September through February), or if this is not feasible, by conducting a pre-construction survey for bird nests. Provisions of the pre-construction survey and</p>	Project Applicant and Applicant's Consultant Wildlife Biologist.	Ongoing.	Community Development Director and; CDFG, As specified.	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p>nest avoidance, if necessary, shall include the following:</p> <ul style="list-style-type: none"> • If grading and / or vegetation removal is scheduled during the active nesting period (March through August), a qualified wildlife biologist shall conduct a pre-construction survey no more than 14 days prior to initiation of these activities to provide confirmation on presence or absence of active nests in the vicinity. This shall include both a daytime visual survey for raptors and other diurnal bird species, and a nighttime survey for nesting owls. • If active bird nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the CDFG and implemented to prevent abandonment of the active nest. At a minimum, grading or vegetation removal near the nest shall be deferred until the young birds have fledged. A nest-setback zone based on site conditions and proximity of the nest to existing and proposed development shall be established within which all construction-related disturbance shall be prohibited. The perimeter of the nest-setback zone shall be fenced or adequately demarcated, and construction personnel restricted from the area. • If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the nest-setback zone until a qualified biologist verifies that the birds have either (a) not begun egg-laying and incubation, or (b) that the juveniles from the nest are foraging independently and capable of independent survival at an earlier date. A survey report by the qualified biologist verifying that the young have fledged shall be submitted to the Town of Tiburon prior to initiation of grading in the nest-setback zone. 				
<p><i>Mitigation Measure 5.5-2 Sensitive Natural Communities</i></p> <p>The <i>Mitigation Program</i> called for in Mitigation Measure 5.5-1(c) shall include provisions that provide for the protection, replacement and enhancement of the native serpentine bunchgrass grasslands on</p>	Project Applicant and Applicant's Consultant Biologist.	Compliance with specific conditions and completion of <i>Mitigation Program</i> prior to issuance of	Community Development Director and Town Engineer.	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p>the site. Additional protection and enhancement measures shall include the following:</p> <ul style="list-style-type: none"> Minimize disturbance to the stands of native serpentine bunchgrass and enhance this sensitive natural community type through removal of non-native species and improved vegetation management on the site. Where temporary, limited incursions into the stands of native grassland are unavoidable, adequate measures shall be taken to provide for the revegetation and restoration of areas disturbed during construction. Adjust the proposed residential use areas and associated landscaping on the south side of the proposed residences on Lots 5 and 6 so that the footprint of new structures, outdoor hardscape areas, and non-native landscaping is setback a minimum of 30 feet from the nearby stand of serpentine grassland. This would allow for improved fire safety clearance around the perimeter of the buildings without adversely affecting the native grasslands as part of routine fuel reduction and maintenance. The area within this setback distance can be restored, enhanced and managed as native grassland habitat, but would most likely be subject to routine cutting of the grassland cover. Refine the revised Preliminary Planting Plan and Planting Guideline to emphasize the use of native plant species indigenous to the site and surrounding area. Of particular concern is the proposed use of non-native grassland species in the grassland zones adjacent to the stands of serpentine bunchgrass, which should be exclusively native in Common Open Space. Highly undesirable species in landscape improvements on the site that could spread into the adjacent grassland and woodland habitat shall not be utilized. These undesirable species include: gum eucalyptus (<i>Eucalyptus globulus</i>), acacia (<i>Acacia</i> spp.), pampas grass (<i>Cortaderia selloana</i>), broom (<i>Cytisus</i> spp. and <i>Genista</i> spp.), gorse (<i>Ulex europaeus</i>), bamboo (<i>Bambusa</i> spp.), giant reed (<i>Arundo donax</i>), English ivy (<i>Hedera</i> 		grading, building, or other construction permits.		

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p><i>helix</i>), German ivy (<i>Senecio milanioides</i>), Himalayan blackberry (<i>Rubus discolor</i>), cotoneaster (<i>Cotoneaster pannosus</i>), fennel (<i>Foeniculum vulgare</i>), yellow star thistle (<i>Centaurea solstitialis</i>), purple star thistle (<i>Centaurea calcitrapa</i>), and periwinkle (<i>Vinca</i> spp.).</p> <ul style="list-style-type: none"> • Restore any portions of the stands of serpentine bunchgrass disturbed during construction or proposed for enhancement through appropriate revegetation, maintenance and monitoring. Species used in the revegetation effort shall be native and indigenous to the site, utilizing plugs salvaged from the footprint of the construction zone, and seed collected from the vicinity. Salvaged material shall be properly maintained until ready for reinstallation in the fall season after completion of construction-related disturbance, and short-term irrigation may be required to ensure survival during re-establishment. • Expand the extent of existing serpentine bunchgrass grassland by removing the non-native trees and shrubs within the footprint of the stands of native grasslands on the site. All slash from vegetation removed shall be disposed of properly. As part of this enhancement effort, consideration shall also be given to limited removal of invasive stands of native coyote bush, as called for in Mitigation Measure 5.5-1(c). The area within the driplines of the removed trees and shrubs shall be restored to a cover of native grassland, with supplemental seeding of locally collected seed provided to ensure successful re-establishment of native grassland cover. • Provide long-term maintenance and monitoring of the serpentine bunchgrass grasslands, as called for in Mitigation Measure 5.5-1(c). 				
<p>Mitigation Measure 5.5-3 Wetlands and Drainages</p> <p>(a) The <i>Mitigation Program</i> called for in Mitigation Measure 5.5-1(c) shall include provisions that provide for the protection, replacement and enhancement of the jurisdictional wetland and other waters on the</p>	Project Applicant's Consultant Biologist.	Conditions of approval for the project. Compliance with	Community Development Director and Town Engineer.	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p>site. Avoidance, protection and enhancement measures shall include the following:</p> <ul style="list-style-type: none"> • Refine the applicant's <i>Mitigation Recommendations</i> and implement appropriate measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, including restrictions on the limits of grading and installation of effective sedimentation and erosion controls. All wetland features to be protected shall be flagged by a qualified biologist prior to any grading, and initial construction activities shall be overseen by the qualified biologist, including installation of temporary protective fencing, silt fencing, and trenching of subdrain systems. • Provide adequate mitigation for any direct or indirect impacts on jurisdictional waters as coordinated with the CDFG, Corps, and RWQCB where complete avoidance is infeasible. Replacement wetlands shall be replaced at a minimum 2:1 replacement ratio and shall be established in suitable locations within the proposed Common Open Space. The wetland replacement component of the <i>Mitigation Program</i> shall emphasize establishment of native freshwater marsh habitat to enhance existing habitat values, and shall preferably be consolidated with other existing wetlands to be retained as part of the project. • The wetland replacement component of the <i>Mitigation Program</i> shall specify performance criteria that meets the minimum 2:1 replacement ratio and defines the maintenance and long-term management responsibilities, monitoring requirements, and contingency measures. Monitoring shall be conducted by the qualified wetland specialist for a minimum of five years and continue until the success criteria are met. <p>(b) As discussed in <i>Section 5.4 Hydrology and Water Quality</i> a SWPPP will be prepared and implemented using Best Management Practices to control both construction-related erosion and</p>		<p>specific restrictions and completion of <i>Mitigation Program</i> prior to issuance of grading, building or other construction permits.</p> <p>Authorization from jurisdictional agencies provided prior to issuance of grading, building or other construction permits.</p>		

<i>Mitigation Measure</i>	<i>Implemented By</i>	<i>When Implemented</i>	<i>Monitored By</i>	<i>Verified By Date</i>
<p>sedimentation and project-related nonpoint discharge into waters on the site. The SWPPP shall contain detailed measures to control erosion of exposed soil, provide for revegetation of graded slopes before the start of the first rainy season following grading, address nonpoint source pollutants to protect wetlands and water quality in the drainages, and specify procedures for monitoring of the effectiveness of the measures.</p> <p>(c) Appropriate authorizations shall be obtained from the CDFG, Corps, USFWS, and RWQCB for all activities affecting jurisdictional waters, and all conditions required as part of any required agency authorization shall be implemented and adhered to as part of the project. Evidence that agency authorization has been secured shall be provided to the Town of Tiburon prior to issuance of grading, building or other construction permits for the project. The project contractor shall have copies of all agency authorizations available on-site, and shall comply with all conditions required by jurisdictional agencies.</p>				
<p><i>Mitigation Measure 5.5-4 Wildlife Habitat and Connectivity</i></p> <p>Measures recommended in Mitigation Measures 5.5-1, 5.5-2, and 5.5-3 would serve to avoid and minimize the loss of the sensitive habitats associated with the wetlands and native grasslands on the site, would prevent habitat degradation through further spread of invasive exotic plant species and landscape plantings, and would control access into the sensitive habitat areas. The following additional provisions shall be implemented to further protect wildlife habitat resources:</p> <ul style="list-style-type: none"> Fencing shall be restricted to the Residential Use Areas on private lots, with provisions made to allow for continued wildlife movement between clusters of new residences on the site. Proposed deer fencing indicated in the Preliminary Planting Plan shall be revised to maintain opportunities for movement by larger terrestrial wildlife across the site, including deer. The location of deer fencing 	Project Applicant.	<p>Project approval conditioned to incorporate MM 5.5-4.</p> <p>Compliance with specific restrictions confirmed prior to issuance of grading, building, and construction permits.</p>	Community Development Director and Town Engineer.	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p>shall be carefully sited to provide unobstructed corridors of at least 100 feet in width at key locations. These include the separations between Lots 12 and 13, Lots 10 and 11, Lots 1 and 2, and Lots 7 and 8. Enclosures may be utilized to protect selected plantings within these unobstructed corridors, but continuous fencing that would prevent or obstruct wildlife movement shall be prohibited. Easement restrictions on construction of deer fencing or other fencing that obstructs wildlife movement shall be recorded on the deed to the Common Open Space, individual private lots where wildlife corridors are provided, and the undeveloped portions of private lots outside the Residential Use Area.</p> <ul style="list-style-type: none"> • Lighting shall be carefully designed and controlled to prevent unnecessary illumination of the open space areas on the site. Lighting shall be restricted to the minimum level necessary to illuminate pathways, parking areas, and other outdoor areas around residences. Lighting shall generally be kept low to the ground, directed downward, and shielded to prevent illumination into adjacent natural areas. • All garbage, recycling, and composting shall be kept in closed containers and latched or locked to prevent wildlife from using the waste as a food source. • Pets shall be controlled by leash at all times in the Common Open Space areas on Parcels A and B, private roads, and undeveloped portions of private lots outside the proposed Residential Use Areas. 				
<p><i>Mitigation Measure 5.5-5 Conflicts with Tiburon Tree Ordinance and Wetland Policies</i></p> <p>(a) Mitigation Measures 5.5-1 through 5.5-4 would generally serve to provide conformance with the applicable local goals, objectives, and policies.</p> <p>(b) Comply with the Tiburon Tree Ordinance (Title IV, Chapter 15A</p>	<p>Project Applicant - refining proposed project plans.</p> <p>Project</p>	<p>Evidence of compliance provided to Town during processing of tentative map.</p>	<p>Community Development Director.</p>	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p>of the Tiburon Municipal Code). The <i>Mitigation Program</i> called for in Mitigation Measure 5.5-1(c) shall include provisions that provide for the protection and replacement of “protected trees” affected by proposed development. Details of the <i>Mitigation Program</i> shall include the following:</p> <ul style="list-style-type: none"> • Comply with the Tiburon Tree Ordinance. Section 15A-7 calls for a replacement ratio of up to 3:1 for trees removed. Flexibility with this standard shall preferably be considered by the Town of Tiburon for this project given the importance of protecting grassland resources on the site and the high density of indigenous and planted trees on the site, the majority of which would be preserved as part of the project. In achieving an adequate replacement ratio to mitigate the anticipated loss of protected trees, consideration shall be given to allowing the applicant to pay a partial in-lieu fee or provide a program for partial off-site mitigation if installing all of the replacement tree plantings on-site would compromise the remaining stands of native grasslands to be protected. • Adhere to the Tree Preservation Guidelines specified in the <i>2005 Tree Survey</i>. Any provisions for replacement of “protected trees” must be balanced with the importance of maintaining the remaining grassland habitat on the site, which also provides important habitat for wildlife. • Refine the Grading Plan to clearly show the location of all trees to be protected, trees at the limits of grading that shall be preserved if determined feasible during site grading and landslide remediation according to the Tree Preservation Guidelines, and those trees recommended for removal. The tree replacement program shall address all trees designated or considered to possibly require removal as a result of site development and landslide remediation. • Refine the revised Preliminary Planting Plan to clearly indicate the location of replacement tree plantings on the site. Replacement 	<p>Biologist and landscape architect for refining avoidance and mitigation measures, and development of tree provisions.</p>			

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tree plantings shall emphasize the use of native tree species and shall be designed to complement the existing oak woodland habitat without compromising the important native grasslands on the site.				
GEOLOGY AND SOILS				
<p><i>Mitigation Measure 5.6-1 Seismic Ground Shaking</i></p> <p>Future site development shall comply with all applicable seismic design provisions of the most currently accepted Building Code in effect at the time the applicant or individual lot owner applies for a building permit from the Town.</p>	Project Applicant; Architect; and individual lot owners.	<p>Plan compliance verified prior to Building Permit issuance.</p> <p>Field compliance verified during permit inspection, prior to occupancy.</p>	Town of Tiburon Building Inspector.	
<p><i>Mitigation Measure 5.6-2 Seismic-Related Ground Failure</i></p> <p>The applicant's geotechnical consultant shall analyze Risk Level A landslides to determine the calculated factor of safety using appropriate pseudo-static values. The consultant shall provide recommendations for repairing or improving unstable slopes and landslides that are categorized as Risk Level A to have a calculated factor of safety greater than 1.0 for seismic conditions</p>	Project Applicant's Geotechnical Consultant.	Prior to grading permit issuance.	Town Engineer and / or independent Geotechnical Consultant.	
<p><i>Mitigation Measure 5.6-3 Landsliding</i></p> <ul style="list-style-type: none"> Detailed engineering geologic and geotechnical investigations shall be performed before development of roads and utilities and within proposed development areas of each individual lot. One comprehensive grading plan shall incorporate all roads, lots, and open space. A design-level landslide repair program shall be established and implemented by the applicant. Based on the design level analysis, all landslides shall be repaired, improved or avoided in accordance with the Town's 	Project Applicant's Geotechnical Consultant.	<p>Geologic and geotechnical investigations performed prior to grading and / or building permit issuance.</p> <p>All landslides repaired, improved, or avoided before offering lots for sale.</p>	Town Engineer and / or independent Geotechnical Consultant.	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
Landslide Mitigation Policy before offering lots for sale.				
<p><i>Mitigation Measure 5.6-4 Slope Stability</i></p> <p>In order to mitigate the impacts of low shear strength of some bedrock / fill materials and potential erosion / failure of some slopes.</p> <ul style="list-style-type: none"> • Cut slopes shall be examined during construction to determine whether they would be stable in the long-term. If the applicant's or lot owners' geotechnical consultant determines that the exposed bedrock materials are weaker than expected, this condition shall be mitigated by decreasing the proposed slope angle or by selectively using retaining walls. • Depending on the remolded shear strength of compacted fill materials used on the site, some of the proposed fill slopes shall be reinforced with mechanically stabilized embankments. This would allow for steeper slopes with enhanced long-term stability. • Design appropriate drainage facilities for all slopes with grades steeper than 5:1. Drainage facilities must be designed to be self-cleaning and allow for quick drainage. • Incorporate surficial stabilization methods into slope design to reduce erosion and surficial failures (see Mitigation Measure 5.6-7). 	Project Applicant; individual lot owners; and / or their Geotechnical Consultants.	Prior to grading permit issuance and during construction.	Town Engineer and / or independent geotechnical consultant.	
<p><i>Mitigation Measure 5.6-5 Grading</i></p> <p>Implement acceptable methods of grading and also, where possible, minimize the extent of grading and the potential resulting corridor of disturbance. Typical performance criteria shall include:</p> <ul style="list-style-type: none"> • Unsuitable materials (such as landslides, colluvium, residual soil and artificial fill) located in or adjacent to areas of proposed grading shall be removed and / or recompacted during landslide repair, grading operations for road and utility construction, or development of individual private lots under the observation of and testing by a 	Project Applicant; individual lot owners; geotechnical consultant.	Prior to grading permit issuance; during construction and before occupancy.	Town Engineer and independent geologist; Community Development Director.	

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<p>geotechnical engineer.</p> <ul style="list-style-type: none"> The geotechnical consultant shall observe and direct grading operations, evaluate the effects of bedding or shear orientations and / or soil shear strength on the gross stability of existing and proposed slopes, and make site-specific determinations. Natural and cut slopes shall be examined during grading to confirm their potential for long-term stability. If the geotechnical consultant determines that the exposed earth materials are weaker than expected, this condition shall be mitigated by recompaction as an earth buttress or stability fill or by the selected use of retaining walls or other acceptable methods. Cut and fill slopes shall be planted with ground cover or in order to prevent erosion, raveling, or development of rills, sloughs, and other failures which could reduce the effectiveness of stabilization methods. This is because roots of newly planted vegetation would enhance the stability of graded slopes by holding materials in place. All grading shall be performed in accordance with the Building Code and requirements of the Town. All fills shall be compacted to a minimum of 90 percent relative compaction in loose lifts of six inches and placed at or near optimum moisture content. Before receiving fills, excavated area shall be stripped of unsuitable materials (such as loose surficial soils, organic materials, and deleterious debris). All unsuitable materials shall be removed from the site. Geotechnical exploration shall be performed before grading in areas, which have not been thoroughly investigated in order to determine the depths and limits of removal and recompaction. 				
<p><i>Mitigation Measure 5.6-6 Secondary Effects of Grading</i></p> <p>Implementation of Mitigation Measures discussed in <i>Section 5.5</i></p>	See Mitigation Measures 5.5-1, 5.5-2, and 5.5-3 (Biological Resources).			

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<p>Biological Resources would reduce the secondary impacts of grading and subsurface drainage control on affected biotic resources to a less-than-significant level.</p> <p>Alternative slope stabilization measures should be considered that would reduce the secondary impacts to the biologic resources.</p> <p>Any alternative landslide stabilization plans shall be submitted to the Town of Tiburon and/or the Town's Geotechnical Consultant for review and conformation that the plans are in accordance with the Town's Landslide Mitigation Policy.</p>				
<p>Mitigation Measure 5.6-7 Expansive Soils</p> <p>Implement design criteria that would reduce the effects of shrinking and swelling soils on sloped, structures, roads and utilities to negligible level. The following measures shall be implemented:</p> <ul style="list-style-type: none"> The measures in Mitigation Measure 5.6-4 shall be followed during the design and construction of slopes that would be constructed with the onsite expansive soils. Plasticity index or expansion index testing shall be performed after grading to determine the specific shrink-swell potential for development sites as deemed appropriate by the respective geotechnical engineer(s). Site-specific mitigation shall be identified which accounts for conditions present at proposed development sites. Typical measures to mitigate expansive soils shall include the following (or their equivalent): <p>Pre-saturate fill soils and place wet fill soils (above optimum moisture content) to expand the soils, thereby reducing potential damage to concrete by allowing room for future shrink / swell movement of the soils.</p> <p>Place a non-expansive imported soil in the upper part of building</p>	<p>Project Applicant (roads, retaining walls, utilities); individual lot owners; and / geotechnical consultant.</p>	<p>Prior to grading permit issuance; during construction and before occupancy.</p>	<p>Town Engineer.</p>	

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<p>pads.</p> <p>Bury expansive soils deep in fills.</p> <p>Treat soil with lime.</p> <p>Mix expansive soils with less expansive soils.</p> <p>Use geogrid reinforcement of compacted fill slopes to increase surficial stability.</p> <p>Combine these techniques to provide the most effective mitigation.</p> <ul style="list-style-type: none"> Residential development on individual lots shall be designed to account for each site's expansive soil conditions. Measures typically incorporated in building design shall include the following: <ul style="list-style-type: none"> Design foundation systems to incorporate measured variations of soil swell with effective confinement (dead weight). Strengthen foundations (beams). <p>Use suspended wood floors, drilled piers and grade-beam foundations, floating slabs, or pre-stressed (post-tensions) slab-on-grade.</p>				
<i>PUBLIC SERVICES</i>				
<p><i>Mitigation Measure 5.7-1 Fire Service Impact</i></p> <p>Revise the PDP to reflect standards of the TFPD related to fire apparatus access. This could be accomplished by providing multiple access points to the proposed structures through the inclusions of permanent landscape stairs and paths to the remote portions of the homes.</p>	Project Applicant.	Incorporated into tentative map.	Town Engineer and the Tiburon Fire Protection District.	
<p><i>Mitigation Measure 5.7-7 Water Service Impacts</i></p> <p>Redesign the on-site water supply system so that Lot 14 would be served by MMWD's existing water line in Paradise Drive.</p>	Project Applicant.	Incorporated into tentative map.	Town Engineer and Marin Municipal Water District.	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
VISUAL QUALITY				
<p><i>Mitigation Measure 5.8-1 View Looking North from Middle Ridge Open Space (Viewpoint No. 1)</i></p> <ul style="list-style-type: none"> Reduce the visual exposure and perceived mass of proposed houses on Lots 3, 4, 5, and 6 and the visual exposure of houses on the other lots to the extent that project elements do not attract attention when viewed from the Middle Ridge open space and therefore meet the visual dominance characteristic definition of subordinate (see Exhibit 5.8-2 on page 322 of Draft EIR). Means to accomplish this include the following: <ul style="list-style-type: none"> For proposed houses on Lots 3, 4, 5, and 6: <ul style="list-style-type: none"> Limit building height to 16 feet, consistent with the proposed height for the house on Lot 5. Limit total floor area to a size considered appropriate by the Design Review Board and less than the maximum allowable FAR. For all proposed houses that are in view from the open space: <ul style="list-style-type: none"> Consistent with the mitigation measures in Section 5.5 Biological Resources revise the Preliminary Planting Plan to plant native trees where they would screen the buildings so as to limit the exposure of each visible building façade to no more than 30 percent of the total façade area that would otherwise be seen in the view from Viewpoint No. 1. <p>Use glass that has a Visible Light Reflectance / Reflection value of less than nine percent for all exterior glass.</p>	Project Applicant / Architect.	Prior to Design Review approval and before occupancy of homes.	Town of Tiburon Design Review Board and Community Development Director.	
<p><i>Mitigation Measure 5.8-4 Light Pollution</i></p> <p>Prepare a <i>Lighting Plan</i> to incorporate into the Precise Development Plan. The lighting plan shall require:</p>	Project Applicant / Architect.	Concurrent with Design Review.	Community Development Director.	

<i>Mitigation Measure</i>	<i>Implemented By</i>	<i>When Implemented</i>	<i>Monitored By</i>	<i>Verified By Date</i>
<ul style="list-style-type: none"> • All light sources shall be shielded from off-site view. • All lights shall be downcast. • Escape of light to the atmosphere shall be minimized. • Low intensity, indirect light sources shall be encouraged. • Motion-activated lighting systems shall be encouraged. • Security lighting of driveways, parking areas, and garages shall use low-level bollards with shielded light unless this poses a safety hazard (as determined by the Tiburon Police Department), in which case the area shall be lit using as few as possible, motion-activated shielded lights. • Lighting of outdoor use areas and walkways shall be mounted on low-level elevation bollards or posts. • Floodlighting shall be prohibited. • Lighting of outdoor recreation areas shall be prohibited. • Mercury, sodium vapor, and similar intense and bright lights shall not be permitted except where their need is specifically approved and their source of light is restricted. <p>Submittals for Site Plan and Architectural Review shall include information on the location, types, intensity, and design of exterior lighting consistent with the Lighting Plan.</p>				
<i>CULTURAL RESOURCES</i>				
<p><i>Mitigation Measure 5.9-1 Potential Subsurface Cultural Deposits</i></p> <ul style="list-style-type: none"> • Workers involved in ground disturbing activities shall be trained in the recognition of archaeological resources (e.g., historic and prehistoric artifacts typical of the general area), procedures to report such discoveries, and other appropriate protocols to ensure that 	Project Applicant and individual lot owners.	Before issuance of grading permits.	Community Development Director.	

Mitigation Measure	Implemented By	When Implemented	Monitored By	Verified By Date
<p>construction activities avoid or minimize impacts to potentially significant cultural resources;</p> <ul style="list-style-type: none"> • In the event that archaeological artifacts, features or other cultural deposits are encountered during future grading, excavation, or other land alteration efforts, all work in the immediate vicinity of the find must be terminated until the discovery can be evaluated by an archaeologist. These discoveries may include prehistoric and / or historic materials. Depending on the extent and cultural composition of the materials, it may be advisable for subsequent excavations to be monitored by an archaeologist who would be ready to record, recover, and / or protect significant cultural materials from further damage. In the case of prehistoric resources, consultation with interested Native American groups is advised; and • In the event that human skeletal remains are discovered anywhere on the site, work in the vicinity of the discovery must be discontinued and the Marin County Coroner must be contacted. If skeletal remains are found to be prehistoric Native American (not modern), the Coroner will call the Native American Heritage Commission in Sacramento within 24 hours; they in turn will identify the person(s) believed to be the "Most Likely Descendant" of the deceased Native American. The Most Likely Descendant would be responsible for recommending the disposition and treatment of the remains. The Most Likely Descendant may make recommendations to the landowner or the person responsible for the excavation work regarding the appropriate treatment and disposition of the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. 				

Attachment 3

Precise Development Plan (PDP)



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
February 24, 2016
Agenda Item: **2**

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: Alta Robles Residential Project (PD #20): Vesting Tentative Subdivision Map Application (File #TM2015001) for the creation of 14 lots on a 52.2 acre Parcel; 3825 Paradise Drive; SODA, LLC, Owner; IPA, Inc., Applicant; Assessor's Parcel Nos. 039-301-01 and 039-021-13

Reviewed By: _____

PROJECT DATA

Address:	3825 Paradise Drive
Assessor's Parcel Numbers:	039-301-01 and 039-021-13
File Number:	TM2015001
Lot Size:	52.2 acres
Zoning:	RPD (Residential Planned Development)
Precise Plan:	Alta Robles Precise Development Plan (PD #20) - 2012
General Plan:	PD-R-a (Rabin) and PD-R-i (S.O.D.A.); (Planned Development-Residential; maximum density 0.4 du/ac)
Current Use:	Undeveloped/Single-Family Residential
Owner/Applicant:	SODA, LLC
Flood Zone:	X (Outside 500 year flood area)

BACKGROUND

On February 15, 2012, the Town Council approved a precise development plan application (the Alta Robles Precise Development Plan; PD #20) for this property by adopting Resolution No. 09-2012 (**Exhibit 1**). The precise development plan approved the project density and the location, maximum height and floor areas of the 14 homes (one existing single-family dwelling and 13 new homes) that could be developed on this property. The applicants are now applying for the vesting tentative subdivision map approval that would establish the proposed lot lines for the subdivision. Future applications would include a final map, subdivision improvement drawings, site plan and architectural review applications, and building permits for each residence.

PROJECT DESCRIPTION

The proposal requests the subdivision of an approximately 52.2-acre parcel located at 3825 Paradise Drive, extending from Hacienda Drive on the south, up to the Tiburon Ridgeline, then downward to Paradise Drive on the north. Fourteen (14) residential lots would be created. A

single-family dwelling exists on one lot, and each of the remaining 13 lots would be developed with a single-family residence. The proposed lot/parcel sizes are as follows:

Lot 1:	15.16 acres
Lot 2:	1.67 acres
Lot 3:	1.44 acres
Lot 4:	1.03 acres
Lot 5:	1.15 acres
Lot 6:	1.34 acres
Lot 7:	1.50 acres
Lot 8:	1.51 acres
Lot 9:	1.50 acres
Lot 10:	1.51 acres
Lot 11:	1.51 acres
Lot 12:	1.51 acres
Lot 13:	1.50 acres
Lot 14:	<u>1.20 acres</u>
 SUBTOTAL	 33.53 acres
Private common open space:	<u>18.68 acres</u>
 TOTAL	 52.21 acres

Private open space easements would be established over portions of all 14 lots. Combined with three separate parcels of common open space, approximately 77% of the site would be dedicated to open space per the precise development plan approval. Access would be provided to the proposed lots from a private roadway connecting to Paradise Drive at the northeast corner of the property. The Tentative Map drawings are attached as **Exhibit 3**.

The Vesting Tentative Map application proposes no substantive changes to the project as approved in the Alta Robles Precise Development Plan. All conditions and specifications of the approved precise development plan would continue to be in effect.

ANALYSIS

The Vesting Tentative Map application stage of review in the Town of Tiburon is a secondary or “trailing permit” process for projects located in the RPD zone for which a Precise Development Plan (PDP) has been approved and CEQA review has been completed. The main thrust of review at the tentative map stage is to better delineate the “when,” “how,” and “by whom” of actual project implementation. Conditions of approval typically focus on project dedications, implementation of mitigation measures and PDP conditions of approval, requirements for preparation of subdivision improvement drawings, requirements for monetary security (bonding), and payment of development impact fees.

A recitation of consistency with various Town land use regulations is also required, although these issues were identified and resolved during the PDP stage of review.

General Plan Consistency and Zoning Compliance

The land areas of the 14 proposed lots are consistent with the established General Plan density for the site, and are consistent with the zoning for the property, as established in the adopted Alta Robles Precise Development Plan.

Tiburon Subdivision Ordinance

Section 14-3.6 of the Tiburon Municipal Code (Subdivisions) requires that the Planning Commission make the following findings before recommending approval to the Town Council of a tentative map application for a minor subdivision:

- a. Plan Consistency. As stated above, the proposed map is consistent with the Tiburon General Plan and the Alta Robles Precise Development Plan.
- b. Design or Improvement. The design of the proposed subdivision is consistent with the Tiburon General Plan and the Alta Robles Precise Development Plan.
- c. Type of Development. The proposed detached single family residential lots are consistent with the type of development suitable for the physical constraints of this property.
- d. Density of Development. Fourteen residences on the 52.2-acre site would yield a density of 0.27 units per acre. This would be 67.5% of the maximum density of 0.4 units/acre allowed under the General Plan and an appropriate density for this property.
- e. Fish or Wildlife. As documented in the certified EIR for the project, the design of the proposed subdivision and its improvements would not substantially injure fish or wildlife or their habitat.
- f. Public Health. The design of the proposed subdivision has no characteristics that would cause significant public health problems.
- g. Access. The private roadway providing access to the 14 proposed lots would not conflict with other access easements in the area. The project has adequate emergency access.
- h. Dedications. Open space easements are required over approximately 77% of the site per the precise development plan approval.
- i. Discharge of Waste. The proposed houses would connect into the Sanitary District No. 5 public sewer system, in conformance with the requirements of the Town of Tiburon, LAFCO and the Sanitary District.
- j. Regional Housing Needs. The subdivision of this property to allow the construction of 13 new single-family homes would be compatible with the identified regional need to construct additional housing within the Southern Marin

area. Substantial affordable housing in-lieu fees will be paid to meet the Town's inclusionary housing requirements.

PUBLIC COMMENTS

As of the date of this report, four letters have been received regarding this application, attached as **Exhibits 4-7**.

ENVIRONMENTAL STATUS

A Final Environmental Impact Report was certified by the Town Council in 2011 for this project. No changes to the project are proposed that would require additional environmental review. All adopted mitigation measures apply.

TIMELINE FOR DECISION

The Permit Streamlining Act (PSA) allows a relatively short window (only 50 days from the date of application completeness) for the Town to take final action on the Vesting Tentative Map application. The PSA deadline for this application is March 24, 2016. The item has been tentatively scheduled for the March 17, 2016 Town Council meeting.

CONCLUSION

Staff concludes that all of the required findings can be made for conditional approval of this Vesting Tentative Map application.

RECOMMENDATION

Staff recommends that the Planning Commission take any public testimony on this item and adopt the draft resolution (**Exhibit 2**) recommending approval of the Alta Robles Vesting Tentative Map application to the Town Council.

EXHIBITS

1. Town Council Resolution No. 09-2012
2. Draft Resolution
3. Application and supplemental materials
4. Letter from Sandra Swanson, dated September 27, 2015
5. Letter from Doug Dossey, dated September 27, 2015
6. Letter from John Kunzweiler, dated September 28, 2015
7. Letter from David Joyner, dated September 29, 2015
8. Alta Robles Vesting Tentative Map drawings (9 sheets)

Prepared By: Daniel M. Watrous, Planning Manager

\\shared\\planning\\pc\\staff reports\\2016\\February 24 meeting\\Alta Robles tentative map report.doc

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

RESOLUTION NO. 09-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
AMPLIFYING AND SUPPLEMENTING PROVISIONS OF TITLE IV, CHAPTER 16
SECTION 16-21.020 (F) OF THE TIBURON MUNICIPAL CODE (ZONING) WITH
RESPECT TO PLANNED DEVELOPMENT #20
BY APPROVING A PRECISE DEVELOPMENT PLAN (ALTA ROBLES PDP)
AND ADOPTING A MITIGATION MONITORING PROGRAM

ASSESSOR PARCEL NOS. 039-021-13 and 039-301-01

WHEREAS, the Town Council of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. The Town of Tiburon has designated 52.21-acres of land located between Paradise Drive and Hacienda Drive Road as Residential Planned Development (RPD) on the Zoning Map and in the zoning regulations of the Tiburon Municipal Code, Title IV, Chapter 16, at Section 16-14.020 (B), with a further zoning designation of Planned Development #20 on the Planned Development Map in the aforesaid Section. All future Tiburon Municipal Code Section references in this resolution and its attachments shall be to Title IV, Chapter 16 (Zoning) unless otherwise specified.
- B. Tiburon Municipal Code Section 16-21.030 (D[3]) provides zone regulations for the RPD zone, specifying the approval of a Precise Development Plan prior to subdivision, grading, or the making of improvements on property so designated. Basic zoning parameters such as density of development, floor area limits, height limits, and setbacks are to be specified in an approved Precise Development Plan for the property, based on site-specific characteristics to which an appropriate amount and layout of development may be tailored. The intent of the RPD zone is set forth as follows:

The Residential Planned Development (RPD) Zone is intended to protect and preserve open space land as a limited and valuable resource without depriving owners of a reasonable use of their property for residential purposes. The regulations of the zone are designed to insure, to the extent feasible, the conservation of natural resources and the retention of land in its natural or near

natural state in order to, among other things, assist in the containment of urban sprawl and protect the community from the hazards of fire, flood, seismic and other catastrophic activity, and to otherwise implement the goals and policies of the General Plan.

C. Tiburon Municipal Code Section 16-52.060 (B) establishes the Precise Development Plan purposes as follows:

1. To provide for review by the Town a detailed development proposal for a designated area with unique site characteristics or environmental conditions, in both written and graphic form, to ensure that new development in such areas is compatible with the existing land uses, development standards (including but not limited to, setbacks or building envelopes, coverage limits, and height limits) and identified constraints;
2. To demonstrate consistency of a development proposal with the goals and policies of the General Plan;
3. To preserve and conserve critically limited open space for the protection of the ecology and the environment, and to safeguard against the adverse impacts of fire, noise, water pollution, the destruction of scenic beauty and hazards related to geology, fire and flood, while at the same time providing a reasonable use of the land.

Section 16-52.060 (E) sets forth principles to be applied in the review of Precise Development Plan applications. Section 16-52.060 (D) declares approval of a Precise Development Plan by the Town Council to be a legislative act.

- D. The Town of Tiburon has received and considered an application filed by Irving & Varda Rabin for a Precise Development Plan (the Alta Robles Precise Development Plan) to augment and supplement provisions of Section 16-21.030(D[3]) of the Tiburon Municipal Code specific to Planned Development #20 by proposing the development of fourteen single family lots and appurtenant improvements, and three open space parcels, on an approximately 52.21-acres of land. The proposed Alta Robles Precise Development Plan would establish a maximum density of 0.27 dwelling units per acre (exclusive of any secondary dwelling units), and provide a basic layout and RPD zoning district parameters for the property, including but not limited to, permanent open spaces, building footprints, residential use areas, height limits, and floor area limits.
- E. The Alta Robles Precise Development Plan application consists of File #30701, on file with the Town of Tiburon Community Development Department. The official record for this project is hereby incorporated and made part of this Resolution. The record includes the staff reports, minutes, application materials, and all comments and materials received at the public hearings.

- F. The Planning Commission held duly noticed public hearings on the Precise Development Plan application on January 26 and April 13, 2011. On April 27, 2011, the Planning Commission adopted Resolution No. 2011-10 recommending to the Town Council conditional approval of the project with, among other modifications, the elimination of Lots 8, 9, 10 and 13.
- G. An Environmental Impact Report (EIR) analyzing the project was certified by the Town Council on August 3, 2011.
- H. The Town Council has previously and by separate resolution adopted Findings of Fact pursuant to the California Environmental Quality Act and has adopted findings of overriding considerations to approve the project despite remaining significant environmental effects.
- I. The Town Council held a duly noticed public hearing on the Precise Development Plan application on August 3, 2011, at which it heard and considered testimony from interested persons. The Town Council subsequently deliberated further on the application at public meetings held on August 31, 2011, November 16, 2011, and February 15, 2012. The Town Council finds, based upon application materials and analysis presented in the staff report and the certified Final EIR that the proposed project, as modified by conditions of approval, is on balance consistent with and furthers the goals and policies of the Tiburon General Plan and in conformance with provisions of the Tiburon Zoning Ordinance. The facts in support of this finding are set forth in the official record for this project.
- J. The Town Council finds that the specific design characteristics of the proposed homes, as presented by the applicant, are a critical factor in the Town's approval of the project. The applicant has publicly agreed, and it is mutually understood between the Town and the applicant, that the homes to be constructed on Lots 2 through 14 shall be closely based on, and in exterior appearance shall resemble as closely as possible, the homes as shown in the Alternative 6 drawings revised through January 25, 2012, as presented to the Town Council on February 15, 2012, as may be modified pursuant to Condition No. 2 of this Resolution.

Section 2. Conditional Approval of Precise Development Plan.

BE IT FURTHER RESOLVED that the Town Council hereby approves the Alta Robles Precise Development Plan (PD #20) subject to the following conditions and modifications:

1. **Contents.** The approved Alta Robles Precise Development Plan shall consist of the following:

Precise Development Plan for Alta Robles, Tiburon, California, including Architectural Design Guidelines prepared by IPA, Inc., dated March 1, 2007; plans prepared by CSW/Stuber-Sroeh Engineering Group, Inc.,

dated 05-08-07; and the Alta Robles Precise Development Plan (a.k.a. Alternative 6) prepared by Kao Design Group, January 25, 2012, and as amended and modified by mitigation measures and conditions of approval contained herein.

2. **Modifications to Precise Development Plan.** The following modifications shall be made to the Alta Robles Precise Development Plan application, as modified through Alternative 6, shall be modified as follows:
 - a. No major accessory buildings or structures (including but not limited to buildings, detached garages and pools) shall be permitted between the significant ridgeline and a line parallel to the building footprint closest to the ridgeline for Lots 8, 9, 10, 11 and 12.
 - b. No accessory buildings or structures (including buildings and detached garages) shall be permitted west of the significant ridgeline for Lot 12.

Within ninety (90) days following the effective date of this Resolution, the applicant shall submit a complete set of the drawings and documents referenced above incorporating all changes required by the conditions of approval and project modifications made in this Resolution to the Community Development Department for review and acceptance as being in substantial conformance with this approval. This update shall also include and required changes to the Landscape, Tree Removal and Vegetation Management Plans prepared by Jim Catlin, Landscape Architect, dated March 2006 (16 sheets).

3. **Lot 1 Parameters.** Lot 1 is currently developed with an 8,000+ square foot single family dwelling, tennis court, pool, pond, garden and landscaped areas and other ancillary improvements. Lot 1 is subject to the 8,000 square foot floor area guideline limit as set forth in the Tiburon Municipal Code. The height limit for the main building is 28 feet and the tennis court must be unlighted. Any additional floor area on Lot 1 must first secure a floor area exception as set forth in Section 16-52.020(I) of the Tiburon Municipal Code, or successor sections thereto. Additional improvements on Lot 1 shall be confined to the residential use area except as otherwise approved herein. The Rabin Private Zone portion of Lot 1 shall be subject to the provisions of Condition No. 11 below regarding establishment of open space, scenic and/or resource conservation easements. No additional buildings are allowed in the Rabin Private Zone beyond the existing storage shed located adjacent to Lot 5, which may be maintained in good repair but may not be enlarged or the use altered without prior approval by the Planning Commission.
4. **Maximum Density Established.** In furtherance of Section 16-21.040 (C[2]) of the Municipal Code, this Precise Development Plan approval establishes a

maximum density of 0.27 dwelling units per acre (14 primary dwellings, not including any Town-approved secondary dwelling units incidental to primary dwellings) on the 52.21 acre site and is intended to reflect the ultimate development of the property. No additional subdivision for the purpose of creating additional lots and/or building sites is permitted, and a note to that effect shall be placed on the final subdivision map.

5. **Floor Area and Height Maximums Established.** In furtherance of Section 16-52.020 (I[3]) of the Municipal Code, this Precise Development Plan approval establishes the limit of “floor area, gross”, as defined in Section 16-100.020 (F) therein (except that all basement area shall be counted as floor area), and “height”, as defined in Section 16-100.020 (H) therein, that may be constructed on each lot as set forth in attached **Exhibit A**, incorporated herein. If any discrepancy between the approved drawings and Exhibit A exists, the latter shall control. It is understood that the floor area for each lot as specified above is a maximum allowable square footage, and the Town may, in its reasonable discretion in reviewing Site Plan and Architectural Review applications for each lot, approve a lesser amount of square footage and/or height. Exhibit A also establishes a floor area allowance not to exceed five hundred (500) square feet for the construction or installation of detached accessory buildings. The allowance shall not be used for detached garages, carports, or secondary dwelling units, but may be used for a pool house, cabana, tool/garden shed, or similar structure, the use of which is clearly subordinate and incidental to the main building. Detached accessory buildings shall not exceed fifteen (15) feet in height above grade. No additional floor area shall be granted for a secondary dwelling unit, which may only be permitted as an attached structure within the footprint and allowable floor area of the single-family dwelling on a lot.
6. **Significant Ridgeline Setback.** No swimming pools, spas, or structures other than wood and wire fences, driveways, and retaining walls supporting driveways shall be allowed within fifteen (15) linear feet of significant ridgelines 5 and 6 as depicted on Sheets EXH 22 and 23 of the approved drawings.
7. **Accessory Buildings and Fences.** Accessory buildings or structures and other improvements, including patios, decks, pools, spas, fountains and water features, built-in barbeques, play structures, arbors, gazebos, tool sheds, fences, landscape walls, and parking areas shall be limited to the “residential use area” (RUA) of each lot as shown on the Sheets EXH 22 and 23 of the approved drawings. Fences shall not exceed six (6) feet in height and landscape walls shall not exceed four (4) feet in height. All such fences shall be a wood and wire design matching specifications approved herein.
8. **Tennis Courts.** Additional tennis courts (beyond the single existing court on Lot 1) are prohibited.

9. **Common private open space.** In furtherance of Section 16-21.040 (A) of the Municipal Code, this Precise Development Plan approval establishes a designation of "common private open space" for Lots A, B and C, and in furtherance of Section 16-21.030(D[3]) of the Municipal Code, said Lots A, B, and C shall be protected by open space, scenic, and/or resource conservation easements to be offered for acceptance to the Town of Tiburon by separate instrument as part of the final map application. Said easements (if accepted) shall be recorded in conjunction with the recordation of the final map and their official records reference shall be placed on the final map. Said easements shall acknowledge, as necessary, any existing improvements (such as the three 19 foot-high water storage tanks on Lot C), any required roadway, drainage and/or utility easements and any landscape installation (e.g. entry landscaping, retaining wall screening, and mitigation planting) and maintenance agreements that are required as part of this Precise Development Plan approval or permits issued in reliance thereon. All easement or dedication documents associated with this Precise Development Plan approval shall be reviewed and approved by the Town Attorney and Director of Community Development prior to acceptance for filing of any final map application.
10. **Improvements Outside of Residential Use Area.** In furtherance of Section 16-21.040 (A) of the Municipal Code, no improvements of any type, including fencing, shall be permitted on any lot outside of the approved RUA for each lot, with the exception of driveways, retaining walls necessary to support driveways, subdivision improvements and other improvements clearly contemplated by this Precise Development Plan approval, including the project's mitigation measures.
11. **Lot Areas Outside the RUA.** In furtherance of Section 16-21.030(D[3]) of the Municipal Code, all portions of private lots outside the RUA shall be protected by an open space easement or easements offered for acceptance to the Town of Tiburon by separate instrument as part of the final map application. Said open space easement or easements shall be recorded in conjunction with the recordation of the final map and their official records reference shall be placed on the final map. The open space easement limitations shall not apply to improvements clearly contemplated in this Precise Development Plan, such as, without limitation, the private roadways serving the subdivision; driveways, retaining walls necessary to support driveways; utilities; landslide repair devices and re-vegetation; drainage ditches; existing water tanks and other existing improvements, or other ancillary improvements necessary for installation of the subdivision improvements.
12. **Rabin Private Zone on Lot 1.** In furtherance of Section 16-21.030 (D[3]) of the Municipal Code, the area designated as Rabin Private Zone on Lot 1 shall be reserved for natural resource protection and scenic view preservation. A natural resource protection and scenic view preservation easement shall be offered for acceptance to the Town of Tiburon by separate instrument as part of the final map

application. Said easement shall be recorded in conjunction with the recordation of the final map and its official records reference shall be placed on the final map. Said easement shall acknowledge, if necessary, any existing improvements, any required roadway, drainage and/or utility easements and any landscape installation (e.g. mitigation planting) and maintenance agreements that are required or reasonably foreseeable in this Precise Development Plan approval.

13. **Design Guidelines.** All residential improvements constructed on the property shall substantially conform to the Alta Robles Architectural Design Guidelines dated 3/6/2007, as amended by this approval. Within ninety (90) days following the effective date of this Resolution, said Guidelines shall be updated and revised to reflect mitigation measures and conditions of approval herein to the satisfaction of the Director of Community Development. Said guidelines shall also be part of the draft CC&R's submitted for review and acceptance by the Town Attorney with the tentative subdivision map application and shall be recorded in conjunction with the final map.
14. **House Designs and House Footprints.** Individual house designs and house footprints submitted for Site Plan and Architectural Review approval for Lots 2 through 14 shall be closely based on, and in exterior appearance shall resemble as closely as possible, the homes as shown in the Alternative 6 drawings as approved herein. It is the express intent of the Town Council that future amendments to the adopted Precise Development Plan regarding exterior house design characteristics (including footprint) be avoided to the maximum extent feasible through strict adherence to the approved PDP drawings. In reviewing Site Plan and Architectural Review applications, Town staff and the Design Review Board are directed to disallow substantive exterior changes, except for a reduction in house size and/or height, to the drawings approved herein, as being inconsistent with this Precise Development Plan.
15. **Colors and Materials.** Colors and materials of homes and accessory buildings and structures shall be low-reflectivity, medium and/or dark hues that minimize contrast with surroundings and reduce visual impacts.
16. **Retaining Walls and Screening.** The appearance of any publicly-visible project retaining walls (including debris catchment fences or walls) shown on the subdivision improvement drawings in excess of forty-two (42) inches in height shall be subject to review and approval by the Design Review Board (DRB) prior to approval of said drawings. Where publicly visible, all subdivision improvement-related retaining walls and bridge piers shall have the appearance of rock, such as would be found native on the site, to provide a natural look, and shall be medium to dark in color to reduce contrast. Any DRB approval shall include appropriate landscape screening for such structures. Bonding or other monetary security for the irrigation, maintenance and replacement of retaining

wall landscaping for the lifetime of the retaining walls shall be secured by the Town prior to recordation of the final map. The amount of monetary security shall be acceptable to the Director of Public Works and the terms of the maintenance and replacement shall be acceptable to the Town Attorney.

17. **Landscaping.** Any disturbed open space areas shall be landscaped with native plants immediately following the landslide repair and/or subdivision improvement/home construction work. Additionally, all landslide repair areas shall be hydro-seeded with native grasses following grading for dust control and soil stability in accordance with geotechnical engineering recommendations. No new landscaping or vegetation shall be planted on any private open space area other than that approved as part of a detailed landscape plan and native plant palette to be submitted with the tentative subdivision map application and incorporated into the subdivision improvement drawings.
18. **Landscape Transition.** The Precise Development Plan landscape drawings for the private lots shall be revised to require a gradual transition of landscaping within the residential use areas from the suburban-type landscaping of the RUA to the more natural-appearing vegetation found in the private open space portions of lots and areas outside the residential use area.
19. **Detailed Landscape Plan.** A detailed landscape plan for the subdivision improvement phase of the project shall be prepared as part of the subdivision improvement drawing submittal and shall be reviewed and approved by the Design Review Board. This landscape plan shall include removal of any remaining invasive plant species; review of common area plantings, entry landscaping, retaining wall screening, and any landscaping required in adopted mitigation measures. Infrastructure and subdivision improvement-related landscaping must be supported by a functional, reliable, and appropriate irrigation system for which maintenance is guaranteed by the homeowner association. Mechanisms shall be instituted in the CC&R's and/or elsewhere as appropriate that provide the Town the right, but not the obligation, to compel maintenance of such landscaping at homeowner association expense if deemed necessary by the Town.
20. **Tree Plan.** A detailed Tree Protection and Replacement Plan shall be submitted with the subdivision improvement drawings to set forth protection measures for trees to be retained during project construction and to implement Mitigation Measure 5.5-5 and shall be reviewed and approved by the Director of Community Development and Director of Public Works. Said Plan shall be subject to third party review by a professional biologist of the Town's choosing at the applicant's sole expense.

21. **Private Open Space Bollards.** As described on p. 49 of the Alta Robles Draft EIR, three-foot high permanent bollards with plaques shall be installed at intervals of approximately 60 feet between the boundary of the residential use areas and the private open space areas of each lot. Said bollards shall be maintained in good condition at all times by the homeowner's association for the subdivision.
22. **Roadway Lighting.** If lighting is proposed for the project roadways, lighting details shall be reviewed by the Design Review Board prior to the approval of subdivision improvement drawings for the project. All roadway lighting shall be shielded downlights to the satisfaction of the Design Review Board.
23. **Restrictions and Agreements.** Draft CC&R's, deed restrictions, and/or joint maintenance agreements or other similar binding and recordable instruments for the subdivision shall be prepared and submitted for review and approval by the Town Attorney and Director of Community Development as part of the tentative subdivision map application ("CC&Rs"). Said CC&Rs acceptable to the Town Attorney shall contain provisions and limitations as set forth in this Precise Development Plan approval and the adopted Mitigation Monitoring Program to the satisfaction of the Town Attorney and Director of Community Development. These CC&Rs shall contain, without limitation, provisions for ongoing maintenance of the private roadway, common areas, ongoing maintenance of drainage structures and facilities, ongoing maintenance and replacement of open-space bollards, landslide mitigation structures, and ongoing removal of invasive plant species (French broom, pampas grass, etc.) from the property, and shall be recorded in conjunction with the final map. Said CC&Rs shall also include the house design limitations set forth in Condition No. 14 and shall establish, to the satisfaction of the Town Attorney, the property owner and/or homeowners association for the Alta Robles subdivision as the primary and principal enforcer(s) of said house design limitations, such that Precise Plan Amendment requests to the Town of Tiburon regarding house designs or other lot development parameters are limited to the maximum extent feasible

The CC&Rs shall grant to the Town of Tiburon the authority but not the obligation to ensure that the provisions of the Precise Development Plan are adhered to and implemented in an ongoing manner for the life of the subdivision. The Town of Tiburon will be a third-party beneficiary with independent rights of enforcement, as determined in the reasonable discretion of the Director of Community Development and Town Attorney. The CC&R provisions pertaining to the Precise Development Plan may not be amended without Town of Tiburon's prior consent, and shall contain a separate clause to that effect.

24. **Vehicular Access to Project.** All vehicular access shall be from the primary access road connecting to Paradise Drive near the northern edge of the property, except as otherwise allowed by Condition No. 26 below. There shall be no

vehicular access from Hacienda Drive except for emergency vehicle purposes.

25. **Traffic Study at Project Entry.** The certified EIR concluded that at present, traffic speeds near the proposed project entry are such that adequate sight distance would be achieved without additional mitigation. Applicant has agreed that this situation could change prior to installation of the subdivision improvements at some unknown future date, and that an updated study may reach a different conclusion than was reached in the EIR. Applicant has therefore agreed that, not more than ninety (90) days prior to submitting the final map application and subdivision improvement drawings, applicant will retain a qualified traffic consultant to perform a traffic study, at applicant's expense and to the Town Engineer's specifications. The traffic study will ascertain the average speed of vehicles near the proposed project entry. The Town Engineer will determine, in his sole discretion, whether the retaining wall and associated improvements set forth in Mitigation Measure 5.1-4 from the Draft EIR are required as mitigation at that time, in which event such improvements must be installed. Mitigation Measure 5.1-7 shall be applied in any event.
26. **Existing Project Entry.** Upon completion of the improvements for this subdivision, the existing access roadway leading from Paradise Drive to the residence at 3825 Paradise Drive, located at the farthest eastward edge of the property, shall be used for emergency vehicle and Lot 1 access only and shall be secured and gated for that purpose to the satisfaction of the Town Engineer and the Fire Marshal of the Tiburon Fire Protection District. This access point shall not be used for project construction.
27. **Public Recreational Trail.** Applicant shall survey, design, and install a traversable public access recreational trail within the easement immediately north of Hacienda Drive. Said trail shall be designed as part of the subdivision improvement drawings. The design shall include installation of six (6) foot-high solid fencing at the northwestern edge of the trail nearest 139 Hacienda Drive that will to the maximum extent feasible prevent trail users from approaching the shared property line of that property with the Alta Robles property and thus protect the privacy of occupants of 139 Hacienda Drive. Applicant-performed trail work shall be done as part of the subdivision improvement phase of the project. Alternatively, with Town Engineer consent, applicant may make a monetary contribution to cover fully the Town's estimated reasonable costs of designing, surveying and installing said path. If an in-lieu monetary contribution is proposed instead of applicant installation, then said payment shall occur prior to recordation of the final map. The amount of any monetary contribution shall be based on an estimate by the Town Engineer. Notwithstanding this condition, Town and applicant may agree to an earlier installation of the public path improvements by separate agreement that would satisfy this condition.

28. **Removal of Junk Materials.** As part of the installation of the subdivision improvements, applicant shall remove or replace dilapidated fencing and fence-posts, and shall remove litter, garbage, and other junk materials from the entire site.
29. **Debris catchment fences.** All proposed debris catchment fences and/or walls shall be shown on the subdivision improvement drawings. Where such fences or walls are proposed to be located in, or would require access through, sensitive resource areas, alternative solutions shall be explored that would avoid to the extent feasible impacts on sensitive resources.
30. **Fire Access Easements.** Fire apparatus access areas shown on Lot 1 shall be shown as easements for emergency vehicle use and offered for dedication as such on the final map to the satisfaction of the Town Engineer and Fire Marshal.
31. **Construction Management Plan.** The Construction Management Plan contained in the March 2007 Alta Robles project submittal is illustrative only. A detailed Construction Management Plan shall be prepared and submitted with the final map application and subdivision improvement drawings for review and approval by the Town Engineer and Director of Community Development. The Construction Management Plan shall, without limitation, outline the sequence and estimated timing of subdivision improvement installation; and shall comprehensively address construction staging areas, construction parking, materials storage, soil stockpiling, debris boxes, portable restrooms, and protective fencing for the subdivision improvement installation phase of the project. The Construction Management Plan shall specify an aggressive subdivision improvement installation schedule. In no event shall installation exceed a period of three (3) calendar years. No parking or staging of construction vehicles shall be permitted along or adjacent to Paradise Drive.
32. **Grading Period.** All grading involving the use of heavy construction equipment shall be limited to the period between April 15 and October 31. The Building Official may authorize limited extensions of time to this period in his reasonable discretion.
33. **Smoking.** No smoking shall be permitted on site by any person, contractor or employee during any phase of project construction. A water truck shall be present on the site during vegetation removal. These requirements shall be noted on the subdivision improvement drawings and shall be incorporated into the contract and the construction documents for the contractor(s) performing the work.
34. **Expiration.** This Precise Development Plan approval shall be valid for thirty-six (36) months following its effective date, and shall expire unless a time extension is granted or a tentative subdivision map has been approved in reliance on this

Precise Development Plan, in which instance the Precise Development Plan shall remain valid coterminous with the tentative map approval.

Section 3. Adoption of Mitigation Monitoring Program.

BE IT FURTHER RESOLVED that the Town Council hereby adopts a Mitigation Monitoring Program (MMP) for the project, attached hereto as **Exhibit B** and incorporated herein. Applicant shall bear all costs associated with implementation of the MMP.

Section 4. Effective Date.

BE IT FURTHER RESOLVED that this Precise Development Plan approval shall become effective thirty (30) days after adoption of this Resolution, pursuant to Section 16-52.060 (D) of the Tiburon Municipal Code.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon held on February 15, 2012 by the following vote:

AYES: COUNCILMEMBERS: Collins, Doyle, Fraser, Fredericks, O'Donnell

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

JIM FRASER, MAYOR
Town of Tiburon

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

Attachments: Exhibit A (Table of Floor Areas and Heights)
Exhibit B (Mitigation Monitoring Program)

RESOLUTION NO. 2016-(Draft)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
RECOMMENDING APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP
FOR A 14-LOT SUBDIVISION AT 3825 PARADISE DRIVE
(PD #20, ALTA ROBLES PROJECT)**

ASSESSOR'S PARCEL NOS. 039-021-13 AND 039-301-01

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. An application for a Vesting Tentative Subdivision Map to subdivide 52.21 acres of land into fourteen (14) residential lots has been received from SODA, LLC. The subject property is located between Paradise Drive and Hacienda Drive and is identified as Assessor's Parcel Nos. 039-021-13 and 039-301-01.
- B. The application consists of the following:
 - 1. Land Development Application Form and supplemental application information received September 8, 2015.
 - 2. Vesting Tentative Map (9 sheets) entitled "Vesting Tentative Map, Rabin Subdivision," received December 22, 2015, prepared by CSW/Stuber-Stroeh Engineering Group, Inc.
 - 3. Draft Declaration of Covenants, Conditions and Restrictions of Alta Robles, received September 8, 2015.
 - 4. Mitigation Monitoring, and Reporting Program for Biological Resources, prepared by LSA Associates, Inc., dated May 3, 2013.
 - 5. Biological Assessment Alta Robles Residential Development, prepared by LSA Associates, Inc., received September 8, 2015.
 - 6. Biological Information to Support the Vesting Tentative Map Application, Alta Robles Project, prepared by LSA Associates, Inc., dated December 16, 2015.
- C. The Planning Commission finds that a Final Environmental Impact Report was certified by the Town Council in 2011 for this project in conformance with the requirements of the California Environmental Quality Act, and that no further environmental review is required.
- D. The Planning Division and the Town Engineer have reviewed the project in accordance with applicable regulations and have recommended conditional approval of the application, as set forth in the Staff Report dated February 24, 2016.

- E. The Planning Commission held a duly-noticed public hearing on February 24, 2016, and has heard and considered testimony from interested persons.
- F. The Planning Commission finds that the application, as conditioned, is consistent with the goals and policies of the Tiburon General Plan. The Commission further finds that the application is in conformance with the provisions of the Alta Robles Precise Development Plan and is consistent with the provisions of Chapter 14 of the Tiburon Municipal Code regulating the subdivision of land.

Section 2. Recommendation for Approval.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby recommend approval of the Alta Robles Vesting Tentative Map application (File #TM2015001) to the Town Council, subject to the following conditions:

Public Works & Engineering

1. All of the following requirements of the Town Engineer shall be met prior to the approval of the Final Map, including the ability to provide all essential utilities to the site. Two copies of a recent (within six weeks of submittal) preliminary title report, plus traverse calculations in electronic form, shall accompany the Final Map submittal. The Final Map shall be prepared in conformance with the standards of the Town of Tiburon and the standards of the State Subdivision Map Act.
2. All engineering requirements and standards, including but not limited to landslide repair, drainage, dust control, erosion control and winterization, soils stabilization, construction criteria, tree and other resource protection, roadway geometrics, and grading shall be subject to review and approval by the Town Engineer through the subdivision improvement process. Landslide repair shall be based upon the Preliminary Landslide Assessment dated February 28, 2007, prepared by Kleinfelder, Inc.; the Preliminary Geotechnical Investigation dated March 5, 2007 and the Response to Geotechnical Peer Review Comments dated January 28, 2008, prepared by Miller Pacific Engineering Group; the Geotechnical Peer Review dated April 16, 2007 and the Review of Response to Geotechnical Peer Review, prepared by Herzog Geotechnical; and the several prior geotechnical studies and letters referenced therein.
3. Prior to approval of the Final Map, project sponsor shall enter into a subdivision improvement agreement with the Town of Tiburon and post all required monetary securities. Said agreement shall be recorded with the Final Map.

4. Prior to approval of the Final Map, project sponsor shall submit detailed subdivision improvement drawings addressing without limitation all elements in Condition #2 above for review and approval by the Town Engineer, Director of Community Development, and other applicable agencies.
5. The Final Map shall include all easements shown in the title report dated December 3, 2015, on file with this application, including, but not limited to Items 5, 6, 9, 12, 25, 26, 28, 30, 34, and 36 in the title report, and shall include all elements shown on the approved Vesting Tentative Map and Precise Development Plan drawings.
6. The Final Map shall include a site reconnaissance statement in compliance with Section 14-3.4 (a) of the Tiburon Municipal Code.
7. Elevations on the Final Map shall reference current National Geodetic Survey data (NAVD 88), or as required by the Town Engineer.
8. As part of the subdivision improvement drawings submitted with the Final Map application, project sponsor shall incorporate storm water treatment Best Management Practices (BMPs) into the design of the project to the extent practicable and shall include all measures required by Mitigation Measure 5.4-4 of the adopted Mitigation Monitoring Program for the Alta Robles Precise Development Plan. Consideration of BMPs shall include, but not be limited to, the use of grassy swales, landscaped areas, grasscrete, and similar measures in accordance with NPDES and MCSTOPP. All storm drain inlets shall be imprinted with a sign indicating "no dumping, flows to creek."
9. All portions of private lots outside the residential use areas (RUAs) shall be protected by an open space easement or easements offered for acceptance to the Town of Tiburon or, with the approval of the Town, to other public or non-profit entities, by separate instrument as part of the Final Map application. This protection limitation does not apply to improvements and the maintenance thereof contemplated for installation in the Alta Robles Precise Development Plan, such as, without limitation, the private roadways serving the subdivision; driveways, retaining walls necessary to support driveways; utilities; landslide repair devices and re-vegetation; drainage ditches; existing water tanks and other existing improvements, or other ancillary improvements necessary for installation of the subdivision improvements contemplated in the Precise Development Plan or permits issued in reliance thereon, including the subdivision improvement drawings. Open space easement or dedication documents shall be reviewed and approved by the Town Attorney and Director of Community Development prior to acceptance for filing of the Final Map application. Said open space easement or easements (if accepted) shall be recorded in conjunction with the recordation of

the Final Map and their official records reference numbers shall be noted on the Final Map.

10. The area designated as Rabin Private Zone on Lot 1 shall be reserved for natural resource protection and scenic view preservation. A natural resource protection and scenic view preservation easement for the Rabin Private Zone shall be offered for acceptance to the Town of Tiburon by separate instrument as part of the Final Map application. Said easement shall be recorded in conjunction with the recordation of the Final Map and its official records reference shall be placed on the Final Map. Said easement shall acknowledge, if necessary, any existing improvements, any required roadway, drainage and/or utility easements and any landscape installation (e.g. mitigation planting) and maintenance agreements that are required or reasonably foreseeable in the Alta Robles Precise Development Plan approval.
11. As described on p. 49 of the Alta Robles Draft EIR, three-foot high permanent bollards with plaques shall be installed at intervals of approximately 60 feet between the boundary of the residential use areas and the private open space areas of each lot. Said bollards shall be maintained in good condition at all times by the homeowner's association for the subdivision. This demarcation shall initially occur as part of the subdivision improvements, and shall be restored as necessary prior to issuance of a certificate of occupancy for each completed residence. A suitable mechanism for this permanent demarcation shall be specified on the subdivision improvement drawings and recorded as a deed restriction or by other appropriate mechanism as determined by the Town.
12. As detailed in the Certified EIR for this project, each residential lot shall be provided with a cistern sufficient to store the additional stormwater runoff generated by the construction of lot impervious surfaces (such as roof surfaces, driveways, patios, etc.). The cisterns shall store sufficient runoff to enable the proposed project to maintain site peak flows at pre-project levels for the 100-year design rainstorm.
13. If lighting is required by the Town Engineer for the project roadways, lighting details shall be reviewed by the Design Review Board prior to the approval of subdivision improvement drawings for the project. All roadway lighting shall be shielded downlights to the satisfaction of the Design Review Board. Lighting proposed on the subdivision improvement drawings shall be limited to the minimum amount necessary to safely illuminate points of access, as determined by the Town Engineer. Street lighting maintenance and utility expense (if any) shall be included in the private roadway maintenance agreement.

14. Prior to issuance of a grading permit for the subdivision improvements, the project sponsor shall hold a preconstruction meeting with the Town, all other reviewing agencies associated with the project, and the subdivision improvement contractors. At that time, a final review of the implementation of the mitigation measures and determination of monitoring responsibilities shall be completed and agreed upon.
15. Not more than ninety (90) days prior to submitting the Final Map application and subdivision improvement drawings, the applicant shall retain a qualified traffic consultant to perform a traffic study, at applicant's expense and to the Town Engineer's specifications. The traffic study will ascertain the average speed of vehicles near the proposed project entry. The Town Engineer will determine, in his sole discretion, whether the retaining wall and associated improvements set forth in Mitigation Measure 5.1-4 from the Draft EIR are required as mitigation at that time, in which event such improvements must be installed. Mitigation Measure 5.1-7 shall be applied in any event.
16. Upon completion of the improvements for this subdivision, the existing access roadway leading from Paradise Drive to the residence at 3825 Paradise Drive, located at the farthest eastward edge of the property, shall be used for emergency vehicle and Lot 1 access only and shall be secured and gated for that purpose to the satisfaction of the Town Engineer and the Fire Marshal of the Tiburon Fire Protection District. This access point shall not be used for project construction.
17. Applicant shall survey, design, and install a traversable public access recreational trail within the easement immediately north of Hacienda Drive. Said trail shall be designed as part of the subdivision improvement drawings. The design shall include installation of six (6) foot-high solid fencing at the northwestern edge of the trail nearest 139 Hacienda Drive that will to the maximum extent feasible prevent trail users from approaching the shared property line of that property with the Alta Robles property and thus protect the privacy of occupants of 139 Hacienda Drive. Applicant-performed trail work shall be done as part of the subdivision improvement phase of the project. Alternatively, with Town Engineer consent, applicant may make a monetary contribution to cover fully the Town's estimated reasonable costs of designing, surveying and installing said path. If an in-lieu monetary contribution is proposed instead of applicant installation, then said payment shall occur prior to recordation of the Final Map. The amount of any monetary contribution shall be based on an estimate by the Town Engineer. Notwithstanding this condition, Town and applicant may agree to an earlier installation of the public path improvements by separate agreement that would satisfy this condition.

Affected Agencies & Utilities

18. All applicable requirements of the Tiburon Fire Protection District (TFPD) shall be met or set in place prior to approval of the Final Map. The project sponsor shall provide a letter from the TFPD to that effect. Fire apparatus access areas shown on Lot 1 shall be shown as easements for emergency vehicle use and offered for dedication as such on the Final Map to the satisfaction of the Town Engineer and Fire Marshal.
19. Domestic water shall be supplied by the Marin Municipal Water District. The project sponsor shall comply with all District rules and regulations. The project sponsor shall provide a will-serve letter from the District prior to approval of the Final Map.
20. Connection of all lots to Sanitary District No. 5 is required. All requirements of the District shall be met. The project sponsor shall provide a will-serve letter from the District prior to approval of the Final Map.
21. A will-serve letter from Pacific Gas & Electric Company shall be provided prior to approval of the Final Map.

Community Development Department

22. All mitigation measures contained within the adopted Mitigation Monitoring Program for the project shall be implemented prior to finalization of the project by the Town of Tiburon. Project sponsor shall submit with the application for Final Map and the Subdivision Improvement Drawings a detailed narrative describing how these mitigation measures are being complied with, or will be complied with, at the appropriate phase of project development.

The Final Map/Subdivision Improvement Drawing application materials shall include/address all adopted mitigation measures generally, and the following Mitigation Measures (MM) specifically, to the satisfaction of the Town Engineer and Director of Community Development: Mitigation Measures C.4, D.1(a); D.1(b); D.1(c); D.1(d); D.2(a); D.2(b); D.3; D.4; E.2; F.1; I.1; I.3; and I.4.

23. No smoking shall be permitted on site by any person, contractor or employee during any phase of project construction. A water truck shall be present on the site during vegetation removal. These requirements shall be noted on the subdivision improvement drawings and shall be incorporated into construction documents for the contractor(s) performing the work.

24. As part of the installation of the subdivision improvements, applicant shall remove dilapidated fencing and fence-posts, litter, garbage, and other junk materials from the entire site.
25. The appearance of any publicly-visible project retaining walls (including debris catchment fences or walls) shown on the subdivision improvement drawings in excess of forty-two (42) inches in height shall be subject to review and approval by the Design Review Board (DRB) prior to Town approval of said drawings. Where publicly visible, all subdivision improvement-related retaining walls and bridges shall have the appearance of rock to provide a natural look, and shall be medium to dark in color to reduce contrast. The DRB review and approval shall include appropriate landscaping screening for such walls. Where such fences or walls are proposed to be located in, or would require access through, sensitive resource areas, alternative solutions shall be explored that would avoid to the extent feasible impacts on sensitive resources.
26. A detailed landscape plan for the subdivision improvement phase of the project shall be prepared as part of the subdivision improvement drawing submittal and shall be reviewed and approved by the Design Review Board. This landscape plan shall include removal of any remaining invasive plant species; review of common area plantings, entry landscaping, retaining wall screening, and any landscaping required in adopted mitigation measures. Infrastructure and subdivision improvement-related landscaping must be supported by a functional, reliable, and appropriate irrigation system for which maintenance is guaranteed by the homeowners association. Mechanisms shall be instituted in the CC&R's and/or elsewhere as appropriate that provide the Town the right, but not the obligation, to compel maintenance of such landscaping at homeowner association expense if deemed necessary by the Town.
27. A detailed Tree Protection and Replacement Plan shall be submitted with the subdivision improvement drawings to set forth protection measures for trees to be retained during project construction and to implement Mitigation Measure 5.5-5 and shall be reviewed and approved by the Director of Community Development and Director of Public Works. Said Plan shall be subject to third party review by a professional biologist of the Town's choosing at the applicant's sole expense.
28. All grading involving the use of heavy construction equipment shall be limited to the period between April 15 and October 15. The Building Official may authorize limited extensions of time to this period in his reasonable discretion.
29. Inclusionary housing in-lieu fees, as required by Chapter 16 of the Tiburon Municipal Code, shall be paid prior to recordation of the Final Map.

30. Prior to issuance of a grading permit for the subdivision improvements, project sponsor shall obtain and implement provisions of a NPDES General Construction Permit. A Storm Water Pollution Prevention Plan (SWPPP) shall also be obtained and implemented.
31. A detailed Construction Management Plan shall be prepared and submitted with the Final Map application and subdivision improvement drawings for review and approval by the Town Engineer and Director of Community Development. The Construction Management Plan shall, without limitation, outline the sequence and estimated timing of subdivision improvement installation; and shall comprehensively address construction staging areas, construction parking, materials storage, soil stockpiling, debris boxes, portable restrooms, and protective fencing for the subdivision improvement installation phase of the project. The Construction Management Plan shall specify an aggressive subdivision improvement installation schedule. In no event shall installation exceed a period of three (3) calendar years. No parking or staging of construction vehicles shall be permitted along or adjacent to Paradise Drive.
32. Final CC&R's, deed restrictions, and/or joint maintenance agreements or other similar instruments for the subdivision shall be prepared and submitted for review and approval by the Town Attorney and Director of Community Development prior to approval of the Final Map, and shall be recorded in conjunction with the Final Map. Said CC&Rs or other instruments acceptable to the Town Attorney shall contain provisions and limitations as set forth in the Alta Robles Precise Development Plan and the certified Final Environmental Impact Report to the satisfaction of the Town Attorney and Director of Community Development. These instruments shall contain, without limitation, provisions for ongoing maintenance of the private roadway, common areas, ongoing maintenance of drainage structures and facilities, and ongoing removal of invasive plant species (French broom, pampas grass, etc.) from the property.
33. A mitigation monitoring consultant may, in the Town's discretion, be retained by the Town at the project sponsor's expense to provide monitoring of the project and its mitigation measures, as set forth in the approved Mitigation Monitoring Program. Prior to issuance of a grading permit for the subdivision improvements, the project sponsor shall enter into a written agreement with the Town and submit a deposit for the anticipated cost of retaining the mitigation monitoring consultant to perform said work. The agreement shall contain provisions for post-construction monitoring and vegetation replacement in addition to monitoring during project construction.
34. The Final Map shall contain a note indicating that this property cannot be further subdivided.

35. The Final Map shall contain a note or notes referencing the various limitations and restrictions contained within the Alta Robles Precise Development Plan, and shall include one or more Public Information Sheets showing building envelopes and describing other zoning limitations, as determined by and to the satisfaction of the Director of Community Development.
36. Traffic mitigation fees shall be paid prior to issuance of a building permit for each residence in accordance with the adopted fee schedule at that time, unless said building permits are issued within the one-year vested time period of this approval, in which case said fees shall be based on the fee schedule in effect on the date of approval of the Vesting Tentative Map.
37. All fees and deposits required by the Town or other agencies having jurisdiction shall be paid prior to the Town's approval of the Final Map or issuance of any grading permit, whichever comes first.
38. Violations of the permit or permit conditions shall be subject to stop-work orders, fines, penalties, and all other enforcement methods authorized by law.
38. This approval shall be valid for three years and shall expire and become null and void unless a Final Map is approved and recorded, or unless a time extension is granted.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon on February 24, 2016, by the following vote:

AYES: COMMISSIONERS:

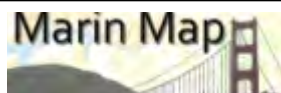
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

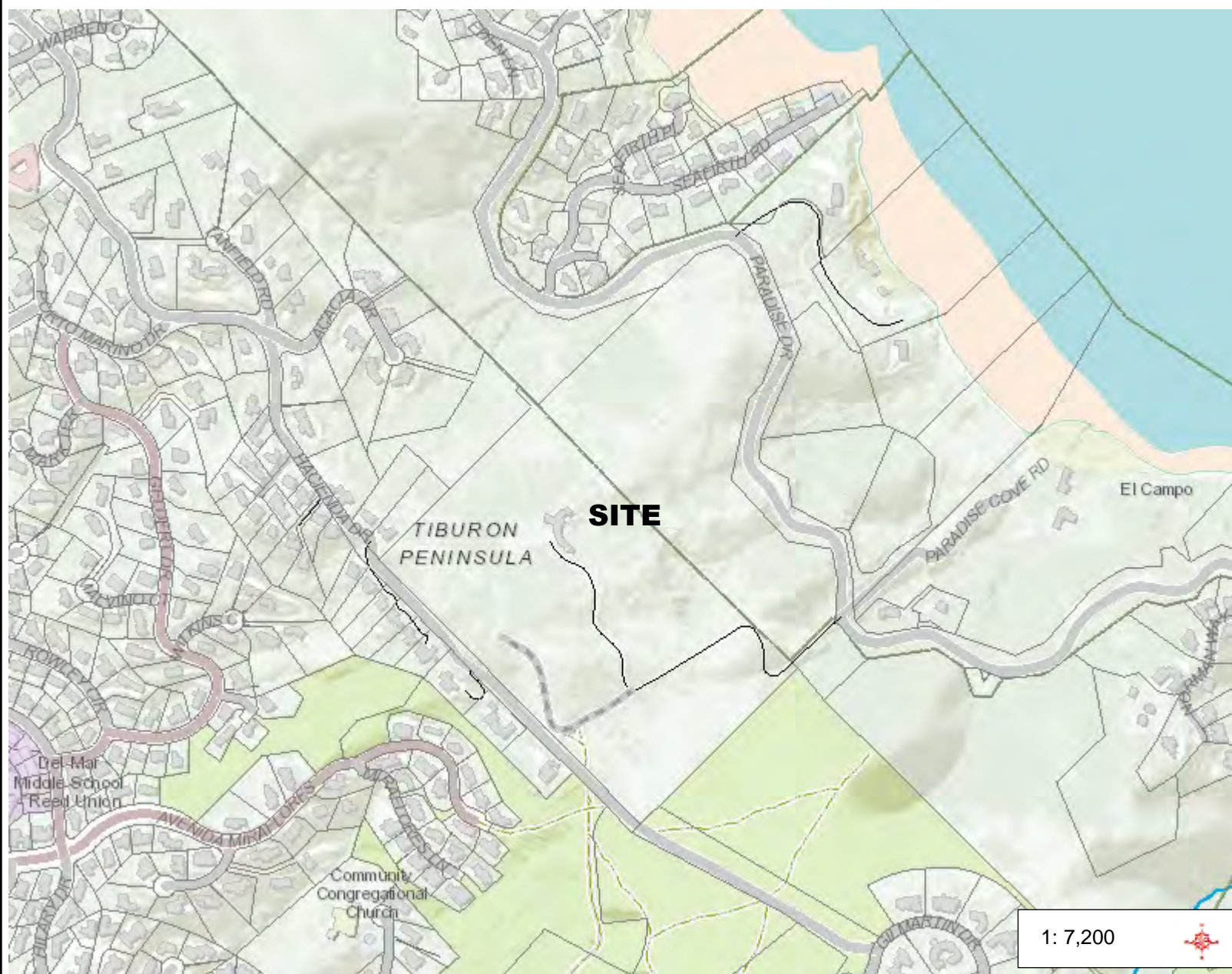
DAVID KULIK, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

DANIEL WATROUS, SECRETARY



Vicinity Map



Legend

- Parcel Note
- easement
 - centerline
 - Parcel
 - Condominium Common Area
 - Mobile Home Pad
 - Marin County Legal Boundary
 - Other Bay Area County

Notes

1,200.0 0 600.00 1,200.0 Feet

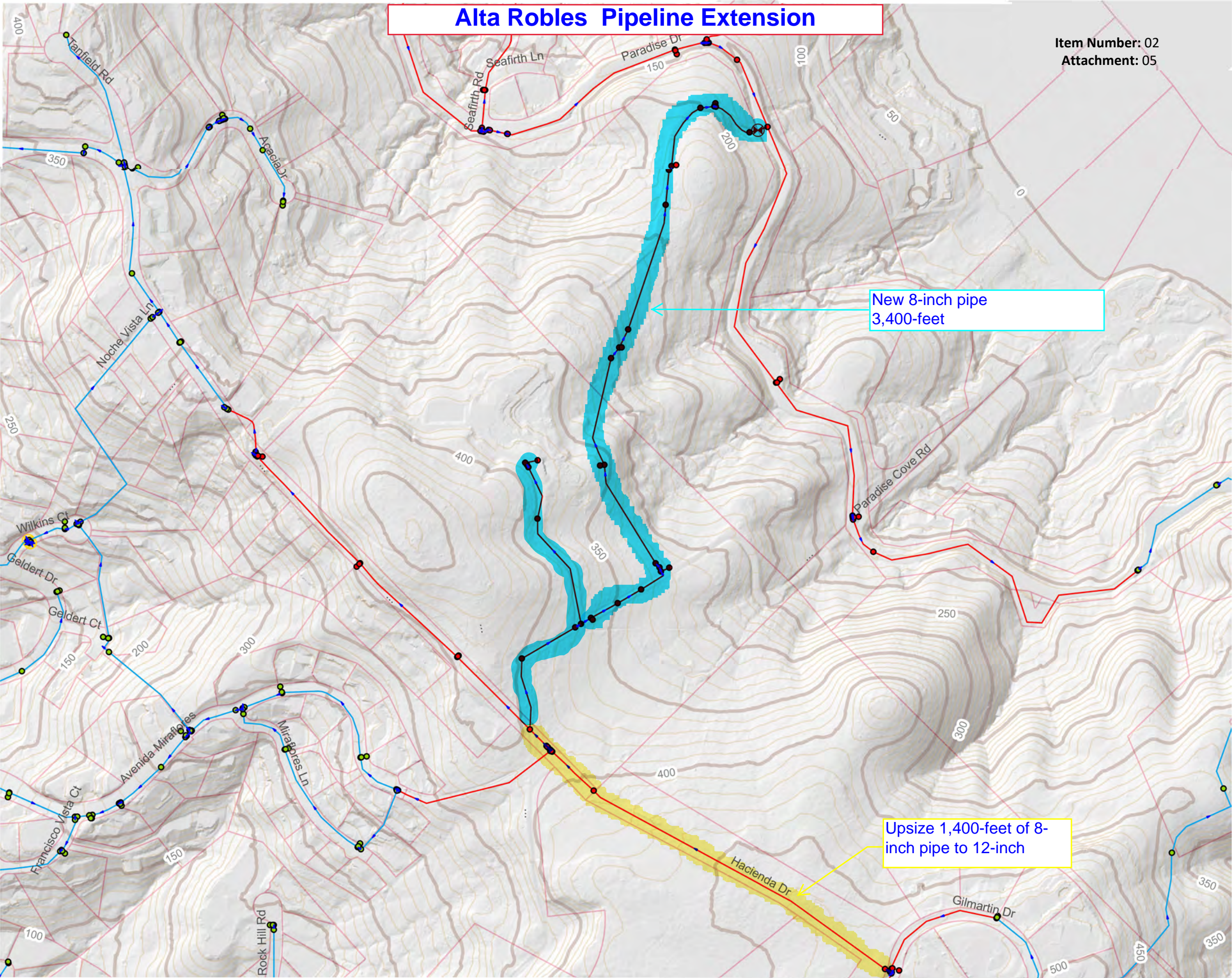
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Alta Robles Pipeline Extension

Item Number: 02
Attachment: 05





Item Number: 03
Meeting Date: 06-16-2023
Meeting: Operations
Committee/Board of Directors
(Operations)

Review and Refer for Board Approval

TO: Operations Committee/Board of Directors (Operations)

FROM: Crystal Yezman, Director of Engineering

THROUGH: Ben Horenstein, General Manager

DIVISION NAME: Engineering

ITEM: Worn Spring Road Slide Repair Project (D23017)

SUMMARY

The Worn Spring Road Slide Repair Project will install a new 60-foot soldier pile retaining wall to stabilize Worn Spring Road which partially failed following storm events in January 2023. Worn Spring Road is the primary access route to Ross Reservoir and the existing 18-inch welded steel water transmission main that supplies water to Ross Reservoir is also located within this road. On June 27th, 2023, the District will open construction bids for the Project. District staff will make a recommendation for contract award at a future regularly scheduled Board meeting.

DISCUSSION

A winter storm on January 11th, 2023, caused a land slide on the outboard side of Worn Spring Road approximately 400 feet from Phoenix Lake. An 18-inch welded steel pipe transmission main is located on the inboard side of Worn Spring Road. This transmission main is critical for the conveyance of treated water from the District's Bon Tempe Treatment Plant to Ross Reservoir and to the Ross Valley area. Ross Reservoir is the primary treated water storage facility for District customers in Ross Valley and maintaining the pipeline and equipment access to Ross Reservoir will ensure the District is able to provide a reliable source of water for District customers within this region. The Project will install the 60-foot soldier pile retaining wall with concrete lagging along with a guardrail in the location shown on the map provided in Attachment 1.

Summaries of the estimated Project costs and schedule are provided below.

Budget:

Engineer's Estimate:	\$225,000
15% Contingency:	\$34,000
Materials and Professional Fees:	\$20,000
District Labor/Inspection:	\$60,000
Total Budget:	\$339,000
Budget Category:	A1E05

Project Implementation:

Project Advertisement:	June 13, 2023
Bid Opening:	June 27, 2023
Project Award:	July 11, 2023
Estimated Completion Date:	October 19, 2023
Duration:	100 days

ENVIRONMENTAL REVIEW

Staff finds that the project is Categorically Exempt pursuant to the California Environment Quality Act (CEQA) Guidelines Section 15301(b). The project qualifies for exemption pursuant to Section 15301(b) of CEQA Guidelines inasmuch as the project is designed to repair and restore a publicly owned services facility necessary to maintain service essential to the public health, safety or welfare.

PUBLIC OUTREACH EFFORTS

Signs will be posted stating Worn Spring Road will be closed three weeks prior to commencement of work. Staff have been working closely with Watershed and Public Information staff and will continue coordination throughout the construction period, to determine and implement additional public notification efforts as necessary.

FISCAL IMPACT

The total cost to complete the Worn Spring Slide Repair Project is estimated at \$339,000 and funds are available within the capital improvement budget.

ATTACHMENT(S)

1. Site Map

N



WORN SPRING ROAD SLIDE REPAIR PROJECT MMWD WATERSHED

Item Number: 03
Attachment: 01

ROSS RESERVOIR

SLIDE REPAIR

WORN SPRING ROAD

Yolande Trail

Ross Creek

Ross Creek

PHOENIX LAKE ROAD

PHOENIX LAKE DAM

Phoenix Lake 33-003
Dam

PHOENIX LAKE

0 125 250 500 Feet



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Item Number: 04
Meeting Date: 06-16-2023
Meeting: Operations
Committee/ Board of Directors
(Operations)

Review and Refer for Board Approval

TO: Operations Committee / Board of Directors (Operations)

FROM: Crystal Yezman, Director of Engineering

THROUGH: Ben Horenstein, General Manager

DIVISION NAME: Engineering

ITEM: Phase II Spillway Condition Assessment Project

SUMMARY

The concrete spillway at Peters Dam (Kent Lake), Seeger Dam (Nicasio Reservoir) and Soulajule Dam were inspected in 2018-2019 and were found to have surface defects that were repaired as part of the Phase I of the Non-Structural Spillway Repair Project. The District is now ready to execute the Phase II Spillway Condition Assessment Project which will include further investigation of the dam spillways by using ground penetrating radar (GPR) to scan the dam spillway slabs and look for voids, conducting core drilling for small probe holes to video inspect the underside of the spillway slabs, and clean out spillway sub-drains and video inspect the sub-drains on all three of the above mentioned dams. District Staff will make a recommendation for contract award at a future regularly scheduled Board meeting.

DISCUSSION

The Phase II Spillway Condition Assessment Project (Project) is a component of the District's Capital Improvement Program. As a result of the 2017 Oroville Dam spillway failure, the Division of Safety of Dams (DSOD) has required dam owners to conduct condition assessments of concrete lined spillways similar to the Orville spillway of certain capacity reservoirs. In response to DSOD requirements, AECOM was contracted by the District to conduct a condition assessments on the spillways of Peter's, Seeger, and Soulajule Dams in 2019. In those condition assessments, many minor imperfections were identified requiring attention and were repaired in the Phase I of the Non-Structural Spillway Repair Project. The scope of this Phase II is to further investigate the spillways by using ground penetrating radar (GPR) to scan the spillway slabs, probe hole and core drilling through the slabs to inspect the underside of the spillway slab and conduct sub-drain cleaning and video surveys of the sub drains. All cores and probe holes done under this Phase II work shall be repaired so that no holes are left exposed on the spillway slabs.

Summaries of the estimated Project cost and schedule are provided below:

Budget

Engineer's Estimate:	\$ 250,000
Contingency 20%:	\$ 50,000
Professional Fees:	\$ 345,106
District Labor / Inspection 15%:	\$ 35,000
Total Budget:	\$ 680,106
Budget Category:	1A05

Project Implementation:

Project Advertisement:	June 13, 2023
Bid Opening:	July 11, 2023
Project Award:	July 18, 2023
Work Begins:	August 21, 2023
Estimated Completion Date:	November 15, 2023
Duration:	120 Days

ENVIRONMENTAL REVIEW

This project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines 15302(c), Replacement or Reconstruction. The project qualifies for exemption pursuant to Section 15302(c) inasmuch as the repair of existing spillways involves no expansion of capacity.

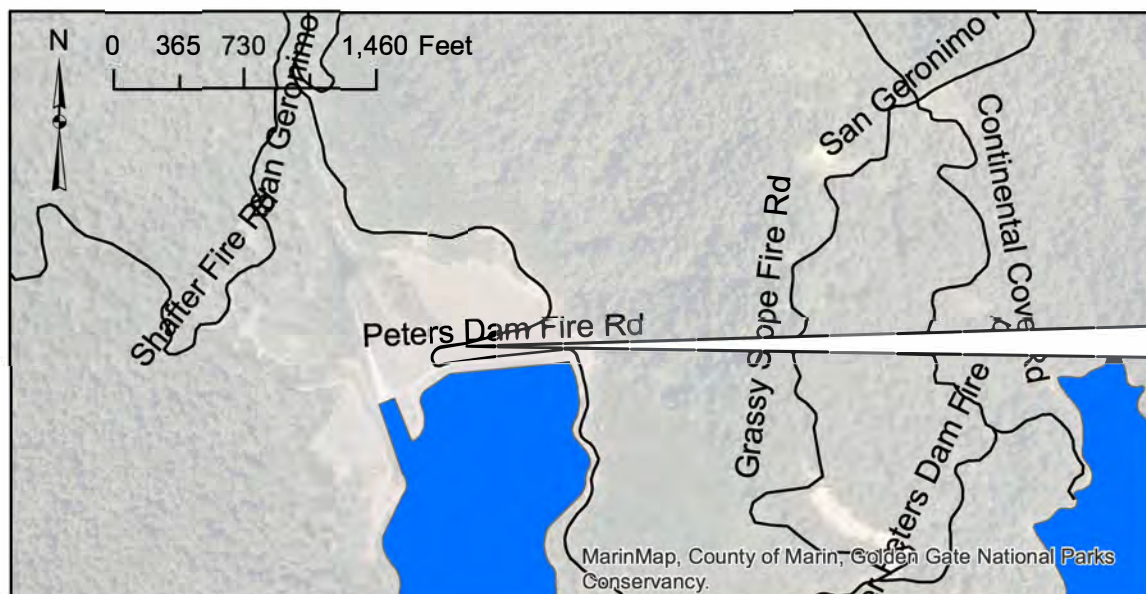
FISCAL IMPACT

The total cost to complete the Spillway Condition Assessment Phase II is estimated at \$680,106 and funding for the work is included in the Capital Improvement Program budget.

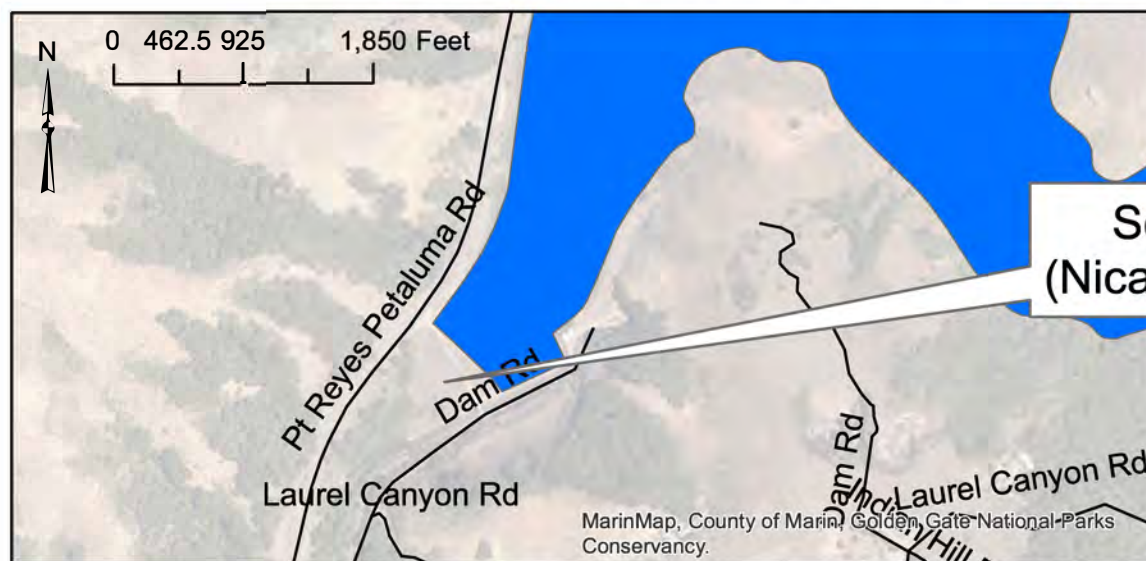
ATTACHMENT(S)

1. Site Map

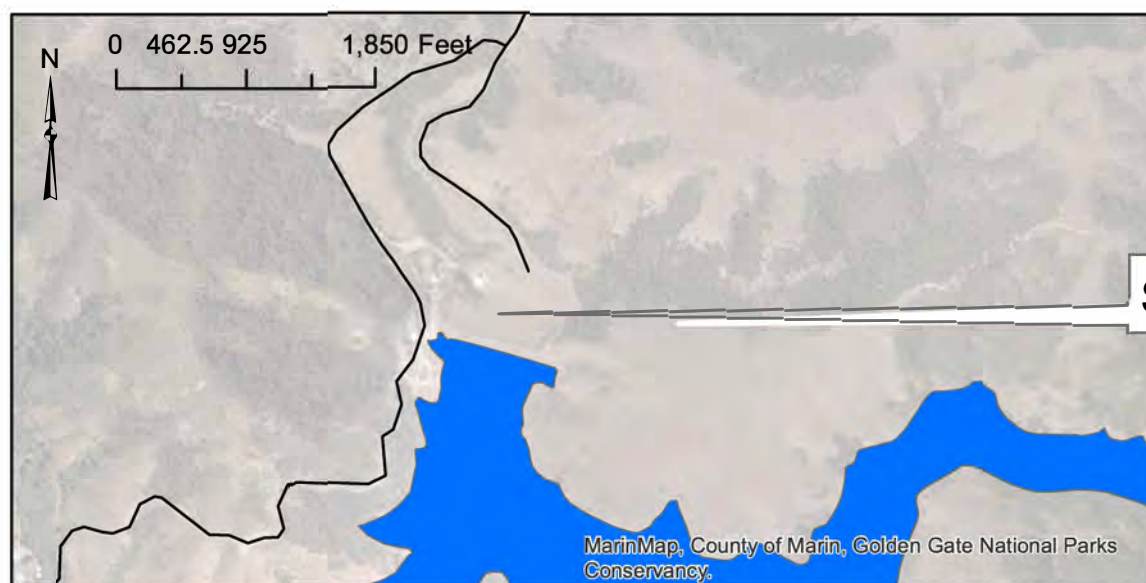
Spillway Condition Assessment Phase II Project Locations



Peters Dam
(Kent Lake)



Seeger Dam
(Nicasio Reservoir)



Soulaajule Dam