

**From:** [Rodoni, Dennis](#)  
**To:** [Cardoza, Sabrina](#); [Tejirian, Jeremy](#)  
**Cc:** [Washington, Brian](#); [Cordova, Lorenzo](#); [Kutter, Rhonda](#)  
**Subject:** FW: Notes for Meeting today  
**Date:** Wednesday, September 2, 2020 12:26:05 PM  
**Attachments:** [ATT00001.png](#)  
[Questions for Rodoni F.pdf](#)

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Sabrina, Jeremy, this is the list of questions I was given today by Laura. Hopefully you have seen these and have been able to address them in the process.

Brian , I would like to check in with you or your designee at some point before the end of September regarding the noticing and the CEQA issues before the appeal is heard.

Thanks, Dennis

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**From:** LAURA CHARITON <laurachariton@comcast.net>  
**Sent:** Wednesday, September 2, 2020 9:12 AM  
**To:** Rodoni, Dennis <DRodoni@marincounty.org>; Kutter, Rhonda <RKutter@marincounty.org>; Cordova, Lorenzo <LCordova@marincounty.org>  
**Subject:** Notes for Meeting today

Dear Supervisor,

We hope this day finds you safe from the fires and smoke.

Please find attached note and questions.

Thank you for hearing us today during this challenging time.

Sincerely,

**Laura Chariton**

[watermarin.org](http://watermarin.org) (501) C3  
446 Panoramic Hwy. Mill Valley, CA 94941



415 234-9007 cell 415 855-5630

## Questions for Rodoni

Dear Supervisor Rodoni,

Thank you for your time and the opportunity to speak with you today.

We are constituents that are represented by the Sierra Club, Friends of Muir Woods Park's 150 folks and Watershed Alliance of Marin who signed the petition to appeal the Planning Commission decision. Our community believes we have a unique responsibility to protect the environment we inhabit at the headwaters of Redwood Creek. This property is in an internationally recognized biodiversity hotspot where tens of millions of taxpayer dollars have been spent on environmental restoration.

Neighbors have a different factual version of the events during this process versus the version presented by the applicant. We wanted to make sure you are aware of the history of issues and are here to answer any questions you have.

We hope we will be heard. Though planning staff and representatives tell us to weigh in we and the Tam Design Review Board have been ignored.

The Tamalpais Community Plan, Federal and State Coho and Steelhead Redwood Creek Recovery plans and Zoning are ignored.

Environmental issues of our mutual watershed include State and National parks, the co-signed MOU with the County, protections and recovery plans for Northern Spotted Owl, steelhead and Coho salmon and other species, wildlife corridors and water quality. They are all relying on the Supervisor's good decisions about land use of a headwater jewel where development is one of the highest threats to salmonid and other listed species survival.

Sincerely,

Laura Chariton, Watershed Alliance of Marin, 28-year resident across the street from the project.

COUNTY PROCESS –NOTICE

[https://marin.granicus.com/player/clip/10165?view\\_id=3&redirect=true](https://marin.granicus.com/player/clip/10165?view_id=3&redirect=true)

## Questions for Rodoni

The Planning Commission process denied fairness and due process though a continuance was requested: Should this have gone forward under the circumstances and can this be remedied?

1. There was no site notice posted at the property regarding the public hearing as required by law. Notice – Failure of Posting on Public Hearing. 22.118.020B (e). The planner said site posting in 2018 and was sufficient. Video: 1:34
2. Failure of notice - including commenter groups such as the Sierra Club and Watershed Alliance of Marin. Video: 1:20
3. Commissioner Curran stated at the Public Hearing: video 1:03 And “[The project] going up the Board of Supervisors was the [Planning Commission] recommendation.” Why did we have to file an appeal if this was a known outcome?
4. Public Hearing meeting info was changed the last day and commenters couldn’t get through. Only the applicant was allowed reserved time to rebut comments made. Two supplemental memos were not submitted until Friday prior to the Public Hearing.

### TENTATIVE MAP

1. Zoning is ambiguous to PC and the Planner states the “zoning is up to interpretation.” The zoning appears to solely benefit the applicant rather than the specific environmental constraints or the Tam.
  - a. The Planning Commissioners were left baffled. (video 51:00) Property will need to be rezoned. A .89 acre substandard lot remains a concern.
2. A parcel of the applicant’s property adjacent to State Parks is being considered for acquisition to State Parks with the assistance of MOST? Does this affect a decision regarding the application?
3. The Tam Design Review Board’s stipulations of accepting the Dipsea Ranch project had deed restriction caveats. Request for Remand to Planning Commission to consider Tam Design Review board recommendations.
4. In his testimony before the PC the applicant referred to the delivery of sewer systems in the future, justifying his lot lines through the center of existing leach fields. In the past, without any notice from LAFCO, he had obtained approvals to bring sewers to his property and our community. What will the impacts to our community be?
5. We request a Planning Dept. review of Subdivision Map Act compliance regarding consistency with state law, and of paper road and easement disputes.

### UNPERMITTED ROAD WORK

Illegal road grandfathered into project, impacts to watercourse mitigations

1. At the Planning Commission meeting, claims were made that the County asked the applicant to build this road. The Commissioner's approved the project on this falsehood. Will you please look into this?
2. Will you please contact the Fire Chief? In 2014 Fire Chief Jason Weber assured us that the County doesn't conduct business that way. They couldn't use the un-engineered road for their sized trucks.
3. We are requesting that the “fake fire road” be restored. Grandfathering of 1200 Cu. Yards of illegally dumped fill above a water course is now permitted to remain sets precedent.
4. For 3 weeks while the illegal road was being built, neighbors complained to multiple agencies including the County DPW, MCSTOPPP. The project was only stopped after a contingent of neighbors petitioned and came to Open Time for Public Comment at the BOS meeting March 25, 2014. [https://marin.granicus.com/player/clip/6987?view\\_id=33&redirect=true](https://marin.granicus.com/player/clip/6987?view_id=33&redirect=true) Hour 1:02:52 thru 1:08:55 Supervisors Kinsey and Sears comments 1:10 thru 1:11  
[Hydro Report](#) Page 7 of 72.

## MITIGATED NEGATIVE DECLARATION (MND) & IMPACTS TO THE ENVIRONMENT

## Questions for Rodoni

County preparation of an EIR is necessary due to hydrological (incorrect baseline data), landslide, hazards, traffic and biological (outdated science) and cumulative impacts;

1. We request further Planning Dept. review of hydrologic and cumulative impacts to downslope homes.
2. Streams were removed from mapping and downgraded from perennial to intermittent and intermittent to ephemeral and some were removed completely. Will you please look into this? Page 41 of the Initial Study shows the creek that was removed in the Hydrology Report Page 7 of 72. Will you please require an independent hydrogeologist and CDFW to re-examine the 1500 hundred feet of creeks and look into the map changes? Requests were made by the applicant in 2013 to change Redwood Creek stream categories, potentially lessening SCA and State protections. Creeks have changed recently on the County maps. These salmon streams warrant the highest level of accuracy and protection
3. MND failed to consider greater watershed and ecosystem health based policies and recovery plans: County (MOU and studies). Federal (NOAA NMFS, NPS and CDFW) specifically cite development in the Redwood Creek Watershed as some of the highest impacts to salmon survival. ESA listed Northern Spotted Owl data are out of date.
4. The IS/MND failed to assess development and cumulative impacts as well as post-construction and occupancy impacts. Those impacts could include pesticides, fertilizers, water quality, light, air and noise pollution, ecosystem, wildlife corridor disruption and would likely impact salmon and Northern Spotted Owl survival in the GGNRA, Muir Woods National Monument, CA State Park. CDFW requires a "take" permit.
5. Unpermitted trail and road clearing along the creek and road clearing that have exacerbated historic landslides affecting water quality without BMPs treatments. – This issue is specifically called out in the 2012 NOAA recovery plan for coho salmon.
6. The headwater property of a critical habitat watershed supports an evolutionarily significant unit of (ESU) coho salmon, now in single digits. Construction impacts requires a take permit. Does this seem sufficient?
7. There has been large increase in vehicular traffic and cyclists in our neighborhood since the Pandemic. Will you please help conduct a new traffic/accident study?
8. Hydrology Report rainfall totals used in calculation of the stormwater system are underestimated in the hydrology report by almost one-half affecting stormwater management, run-off and potential impacts to neighbors and wildlife. Can you require another independent study be performed?
9. The applicant's hydrology report does not contain information from multiple agencies and recent studies of the Redwood Creek Watershed including: the 2004 and recent update Redwood Creek Watershed Erosion Control Study by Pacific Watershed Associates, 2005 California Department of Fish and Wildlife, US Fish and Wildlife Service, 2012 National Marine Fisheries Service. NOAA NMFS, CDFW, GGNRA, NPS overlying recovery plans for Redwood Creek cannot be considered complete requiring further review.
10. Not all the septic systems existing and proposed were not included in the MND and that should have been addressed. We suggest that be a requirement of the project.